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|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-----------------|
| <b>Meeting Name:</b>                        | Planning Committee (Major Applications) A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                         |                 |
| <b>Date:</b>                                | 8 October 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                         |                 |
| <b>Report title:</b>                        | <p><b>Development Management planning application:</b><br/>Application 23/AP/3487 for: Full Planning Application</p> <p><b>Address:</b> City Business Centre (St Olav's Court), Lower Road<br/>London, SE16 2XB</p> <p><b>Proposal:</b> Demolition of existing buildings and redevelopment to provide one mixed-use building of up to 17 storeys in height, with a single basement, comprising 216 purpose-built shared living units and communal amenity space (Sui Generis) and 1,517 square meters of commercial floorspace (Use Class E), and one mixed-use building of up to 10 storeys in height, with a single basement, comprising 24 homes and communal amenity space (Use Class C3) and 149.6 square meters of commercial floorspace (Use Class E); and public realm, including play space, as well as other associated works.</p> |                         |                 |
| <b>Ward(s) or groups affected:</b>          | Rotherhithe                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                         |                 |
| <b>Classification:</b>                      | Open                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                         |                 |
| <b>Reason for lateness (if applicable):</b> | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                         |                 |
| <b>From:</b>                                | Director of Planning and Growth                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                         |                 |
| <b>Application Start Date:</b>              | 1 February 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>PPA Expiry Date:</b> | 31 October 2024 |
| <b>Earliest Decision Date:</b>              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                         |                 |

## RECOMMENDATIONS

1. That planning permission is granted subject to conditions, the applicant entering into an appropriate legal agreement, and referral to the Mayor of London.
2. In the event that the requirements of paragraph 1 above are not met by 28 February 2025 the director of planning and growth, be authorised to refuse planning permission, if appropriate, for the reasons set out in paragraph 133.

## EXECUTIVE SUMMARY

| Use class    | Existing sqm | Proposed sqm | Change +/- |
|--------------|--------------|--------------|------------|
| Use Class C3 | 0            | 2,088        | +2,088     |

|                         |       |       |        |
|-------------------------|-------|-------|--------|
| Sui Generis (Co living) | 0     | 5,941 | +5,941 |
| Use Class E             | 2,197 | 1,667 | -530   |

| CO2 Savings beyond part L Bldg. Regs 2021 |                                            |
|-------------------------------------------|--------------------------------------------|
| Residential                               | Be Lean 4.8<br>Be Clean 0<br>Be Green 15.6 |
| Non-residential                           | Be Lean 1.2<br>Be Clean 0<br>Be Green 7.2  |

|                             | Existing  | Proposed | Change +/- |
|-----------------------------|-----------|----------|------------|
| Public realm                | 0         | 694sqm   | +694sqm    |
| Play space                  | 0         | 600sqm   | 600sqm     |
| Urban Greening Factor       | NA        | 0.42     | N/A        |
| Greenfield Run Off Rate     | 15.45l/s  | 0.86l/s  | -14.6l/s   |
| Green roof                  | TBC       |          |            |
| Trees                       | TBC       |          |            |
| Disabled car parking spaces | 0         | 1        | +1         |
| Cycle parking spaces        | Not known |          | 285        |

|                                       |                                                   |
|---------------------------------------|---------------------------------------------------|
| CIL (estimated)                       | TBC                                               |
| MCIL (estimated)                      | TBC                                               |
| CIL Social Housing Relief (estimated) | TBC                                               |
| Total (estimated)                     | TBC                                               |
| S106                                  | See table under Planning Obligations sub heading. |

## BACKGROUND INFORMATION

### Site location and description

- The site is located on the southeast corner of the Rotherhithe Tunnel roundabout, fronting the junctions of Lower Road and the Rotherhithe Tunnel. To the north of the site on the opposite side of the roundabout, there is a mix of residential homes and commercial uses and Kings Stairs Gardens, designated Metropolitan Open Land (MOL) and Site of Importance for Nature Conservation (SINC). To the west of the site across Lower Road is Southwark Park, designated MOL and SINC.
- Immediately to the east of the site is Albion Street are existing commercial

businesses that sit within the St Olav's Business Park allocated for re-development under Southwark Plan site allocation 'NSP79' but outside of the red line boundary for this planning application. Immediately to the south is Christopher Jones Square designated Other Open Space (OOS). The surrounding areas to the east and south include a mix of residential homes and commercial uses.



*Site boundary outlined in red*

5. The application site has a Public Transport Accessibility Level (PTAL) of 5/6, and is within walking distance from Canada Water tube station, Surrey Quays station, Rotherhithe station and Bermondsey tube station. Canada Water Major Town centre is located approximately 300 metres to the southeast of the site.
6. The existing building on site is a 3-storey business centre with deck access circulation running through the centre of the building. There is an existing gated surface level car park on the southern part of the site adjoining Christopher Jones Square. There are mature trees and shrubbery around the southern perimeter of the existing car park and fronting onto Lower Road.

### **Details of proposal**

7. Full planning permission is sought for the demolition of the existing building and construction of two new buildings that would deliver 216 purpose built shared living (co-living) rooms (Sui Generis) and 24 conventional affordable residential homes (Use Class C3). A new pedestrian street is proposed through the centre of the site including enhanced public realm and play space, in addition to space for one disabled car-parking bay dedicated to a residential home in the affordable housing building.
8. The co-living building would be located on the northern part of the site and would be 17 storeys tall (ground plus 16 floors) plus rooftop plant and screen adding an

additional storey height. The building would measure 61.8 metres AOD to the top of the plant screen and 64.3 metres AOD to the top of the life overrun. The building would step down to 9 storeys and then to 8 storeys towards the centre of the site.

9. The residential building would be located on the southern part of the site and would be 10 storeys tall (ground plus 9 floors) and measure 32.7 metres AOD to the top of the parapet. An access lobby to the roof top garden would be provided above the ninth floor, measuring 38 metres AOD to the top of the life overrun.



### *Proposal*

10. Replacement Class E employment floor space is proposed at ground floor of the residential building, and ground and first floor of the co-living building in addition to an area of dedicated co-working space associated with the co-living use.
11. Upgrades are proposed to the neighbouring Christopher Jones Square including the provision of a new play space, in addition to upgrades to the existing highway adjoining the eastern site boundary, to accommodate servicing and delivery requirements and urban greening. These works would need to be secured through a S106 legal agreement.

### **Planning history of the site, and adjoining or nearby sites.**

12. Relevant planning history for the application site includes:
  - **Application Ref: 05/AP/1461** 'Change of use from offices [within Use Class B1a] to use as a medical screening centre [within Use Class D1].'  
Approved 17.10.2005

- **Application Ref: 06/AP/1202** 'Change of use from Class B1 (offices/light industrial) to Class D1 (Medical Centre).' Approved 04.01.2007
- **Application Ref: 10/AP/2471** 'Partial change of use of ground floor from Class B1 (offices) to Class D1 purposes (adult education).' Approved 12.01.2011
- **Application Ref: 13/AP/4522** 'Change of use from Office (Use Class B1) to Dental Practice (Use Class D1)' Approved 23.04.2014

13. Any decisions that are significant to the consideration of the current application are referred to within the relevant sections of the report. A full history of decisions relating to this site and other nearby sites, is provided in Appendix 3 of this report.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

14. The main issues to be considered in respect of this application are:
- Principle of the proposed development in terms of land use;
  - Environmental impact assessment
  - Heritage;
  - Urban design;
  - Landscaping, urban greening and ecology;
  - Impact of proposed development on amenity of adjoining occupiers and surrounding area;
  - Transport and highways;
  - Archaeology;
  - Fire Safety;
  - Environmental matters;
  - Energy and sustainability;
  - Planning obligations (S.106 undertaking or agreement)
  - Mayoral and borough community infrastructure levy (CIL)
  - Consultation responses and community engagement
  - Community impact, equalities assessment and human rights
15. These matters are discussed in detail in the 'Assessment' section of this report.

### **Legal context**

16. 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.
17. There are also specific statutory duties in respect of the Public Sector Equalities Duty, which are highlighted in the relevant sections below and in the overall

assessment at the end of the report.

## **Planning policy**

18. The statutory development plan for the Borough comprise the London Plan 2021 and the Southwark Plan 2022. The National Planning Policy Framework 2023 and emerging policy documents constitute material considerations but are not part of the statutory development plan. The NPPF states that by law, applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise.
19. The NPPF places 'a presumption in favour of sustainable development' at the heart of the framework, and sets out a number of key principles to support economic growth, delivery homes the met the needs of present and future generations, and protect our natural, built and historic environment. The relevant parts of the NPPF are considered throughout this report.
20. A list of policies relevant to this application are provided in Appendix 2 of this report. Any policies that are particularly relevant to the consideration of this application are highlighted below and within the Assessment section of this report.
21. The site is subject to the following planning policy designations:
  - Site Allocation NSP79 'St Olav's Business Park, Lower Road'
  - Area Vision for Rotherhithe;
  - Canada Water Area Action Core and Opportunity Area;
  - Canada Water Strategic Heating Area;
  - London View Management Framework Wider Setting Consultation Area for Greenwich Park Wolfe statue to Tower Bridge;
  - London Views Management Framework Extended background vista for Primrose Hill summit to St Paul's Cathedral;
  - Air Quality Management Area;
  - Hot food takeaway secondary school exclusion zone.
22. The site is within Flood Zone 3 as identified by the Environment Agency flood map, which indicates a high probability of flooding. The site benefits from protection by the Thames Barrier.
23. The site is not listed or in a conservation area however, St Olav's Kirke (Norwegian church), The Finnish church, Southwark Park Registered Park and Garden, the Edward III's Rotherhithe Conservation Area (CA) and associated listed buildings and the St Mary's Rotherhithe CA and associated listed buildings.





Heritage context

## ASSESSMENT

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

24. The principle of re-developing this site is supported by Southwark Plan site allocation NSP79. The following section assesses the acceptability of the various proposed land uses against relevant planning policy and the site allocation requirements, which are set out below.
25. The allocation sets out that redevelopment of the site must provide at least the amount of employment floorspace (E(g)) currently on site, increase permeability across the site and deliver high quality public realm at the centre and at the confluence of three routes:
  1. from Christopher Jones Square open space to the south; and
  2. the crossing to Southwark Park; and
  3. the retail frontage on Albion Street
26. The allocation also sets out that redevelopment of the site should provide new homes (C3) and active frontages at ground floor level. The allocation sets an indicative residential capacity of 125 homes across the entire site.
27. The intention of the allocation was for the site to be comprehensively developed, as set out in the site allocation 'Design and accessibility guidance.' However, this planning application covers just less than half of the site allocation area. On this basis, we would expect a minimum of half of the site allocation requirements to be delivered as part of this planning application. The applicant has undertaken a wider masterplan exercise to demonstrate that the remaining allocation could come forward for redevelopment and deliver additional employment floorspace and improved connectivity and permeability, which is a key requirement of the allocation.

### Class E(g) employment floorspace

28. Chapter 6 of the NPPF states that planning decisions should help to create conditions in which businesses can invest, expand and adapt. It states that significant weight should be placed on the need to support economic growth and

productivity, taking into account both local business needs and wider opportunities for development.

29. Southwark Plan Strategic Policy SP4 sets a target of delivering 460,000sqm of new office floorspace between 2019 and 2036 (equating to c.35, 500 jobs) The application site is within the Canada Water Opportunity area, which is targeted to 20,000 of these new jobs over the plan period. London Plan Strategic Policy GG5 states that development must promote the strength and potential of the wider city region, seek to ensure that London's economy diversifies and that the benefits of economic success are shared more equitably across London, and plan for sufficient employment space in the right locations to support economic development and regeneration.
30. The site allocation NSP79 requires redevelopment of the site to provide at least the amount of employment floorspace (E(g)) currently on site. Southwark Plan Policy P30 protects against the loss of existing employment floor space in opportunity areas and site allocations, promoting the provision of a range of employment uses alongside other uses including housing. London Plan Policy E1 supports improvements to the quality, flexibility and adaptability of office space through new office provision, refurbishment and mixed-use development. Therefore, the principle of delivering Class E(g) floorspace as part of this planning application is supported.
31. The proposal would result in an overall reduction Class E(g) floorspace compared to the existing provision, contrary to NSP79 and Policy P30. This is due to the delivery of other uses on the site for residential and purpose built shared living purposes. The overall reduction in employment floor area would be 530.4 sqm (GIA), reducing from 2197sqm (GIA) existing to 1666.6 sqm (GIA) proposed.
32. A financial contribution would be sought towards training and jobs for local people, to mitigate the loss of employment floor area, in accordance with part 3 of Policy P30.

#### Affordable workspace

33. The commercial element within block A which houses the shared living element will be dedicated to be affordable workspace; a total of 166sqm will be required to be provided at a 25% discount to market rents for a period of 30 years.

#### Class C3 residential homes

34. Chapter 5 of the NPPF states that the overall aim of delivering a sufficient supply of homes should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community, including affordable homes.
35. Southwark Plan Strategic Policy SP1 sets a target of delivering at least 40,035 homes over the plan period and places an emphasis on the delivery of affordable homes and family homes that maintain a high quality of accommodation and sustainable design. London Plan Strategic Policy GG5

supports the creation of mixed and inclusive communities, with good quality homes that meet high standards of design and provide for identified needs, and the delivery of genuinely affordable new homes.

36. The allocation supports the delivery of C3 residential homes as part of the site's redevelopment. London Plan Policy H1 supports the delivery of housing on all suitable and available brownfield sites, including those that are highly accessible; which this application site is. Therefore, the principle of delivering C3 residential homes as part of this planning application is supported.
37. The application proposes to deliver 24 new homes that would be 100% affordable, including a mix of social rent and intermediate tenures in accordance with Southwark Plan Policy P1. This is discussed in more detail below under the affordable housing subheading.
38. The application proposes a policy compliant mix of unit sizes in accordance with Southwark Plan Policy P2. The application does not propose any 1 bed or studio unit therefore, 100% of the homes would have 2 or more bedrooms, including a mix of 3 person and 4 person 2 bedroom homes. The application proposes 16 homes with 3 or more bedrooms (family homes) which exceeds the minimum requirement of 20% set out by Policy P2. All of these homes have access to a private balcony in accordance with the policy. The proposed unit mix is summarised in the table below. The residential quality in terms of unit size and design is discussed later in this report under the 'quality of residential accommodation' heading.

| Type                    | SL Type A  | SL Type B  | SL Type C Oversized | SL Type D Mobility 1 | SL Type E Mobility 2 | 2B 4P      | 2B 3P Mobility | 3B 4P     | 4B 6P     | 336 |
|-------------------------|------------|------------|---------------------|----------------------|----------------------|------------|----------------|-----------|-----------|-----|
| Hab Rooms               | 1          | 1          | 1                   | 1                    | 1                    | 4          | 4              | 5         | 6         |     |
| Total Units             | 12         | 150        | 30                  | 12                   | 12                   | 5          | 3              | 8         | 8         |     |
| <b>Total Hab Rooms</b>  | <b>12</b>  | <b>150</b> | <b>30</b>           | <b>12</b>            | <b>12</b>            | <b>20</b>  | <b>12</b>      | <b>40</b> | <b>48</b> |     |
| <b>Total by tenure</b>  | <b>216</b> |            |                     |                      |                      | <b>120</b> |                |           |           |     |
| Percentage of Hab Rooms | 64.3%      |            |                     |                      |                      | 35.7%      |                |           |           |     |

#### Sui Generis Purpose build shared living (co-living)

39. The proposal for 216 co-living units (Sui Generis) would be in addition to the site allocation requirements. The principle of this use is supported by London Plan Policy H16, which recognises that this type of development can provide a housing option for single person households, as an alternative to self-contained homes or houses of multiple occupancy. The Policy sets out that co-living development is not intended for a particular group or to meet a specific need and can be defined as non-self-contained market housing (Sui Generis). The expectation is for tenancies to be secured for a minimum of three months to prevent the development operating as a hostel. This would be secured through a S106 legal agreement.
40. This planning application has satisfied the site allocation requirements in terms of land use; delivering employment floorspace and conventional residential housing. Therefore, the proposal to deliver co-living rooms is supported in principle, and this site is considered a suitable location for this alternative type

of housing. An assessment of the quality of the co-living element in meeting the minimum design and accessibility standards, as required by London Plan Policy H16 and the adopted Large-scale purpose-built shared living (LSPBSL) London Plan Guidance (LPG), is below.

### Affordable Housing

41. London Plan Policy H16 recognises the need for purpose built shared living development to contribute towards affordable housing provision through a financial contribution, based on a 50 per cent discount to market value of 35 per cent of the units. Southwark Plan Policy P6 requires purpose built shared living development to provide the maximum amount (with a minimum of 35%) conventional affordable housing by habitable room subject to viability, in accordance with Southwark Plan Policy P4. This requires a minimum of 15% social rent affordable homes and a minimum of 20% affordable rent capped at London Living Rent equivalent.
42. To meet this requirement, the applicant is proposing to deliver the 24 conventional residential homes on site as affordable, equivalent to 35% of the co-living development based on habitable room count. In addition, they are proposing a payment in lieu of £1.4 million, based on £100,000 per habitable room and would the overall contribution equivalent to 40% affordable housing. The council's viability consultant has advised that this is the maximum reasonable contribution from the proposal.

### **Environmental impact assessment**

43. The development does meet any of the criteria for an EIA scheme under Schedules 1 and 2 of the regulations.

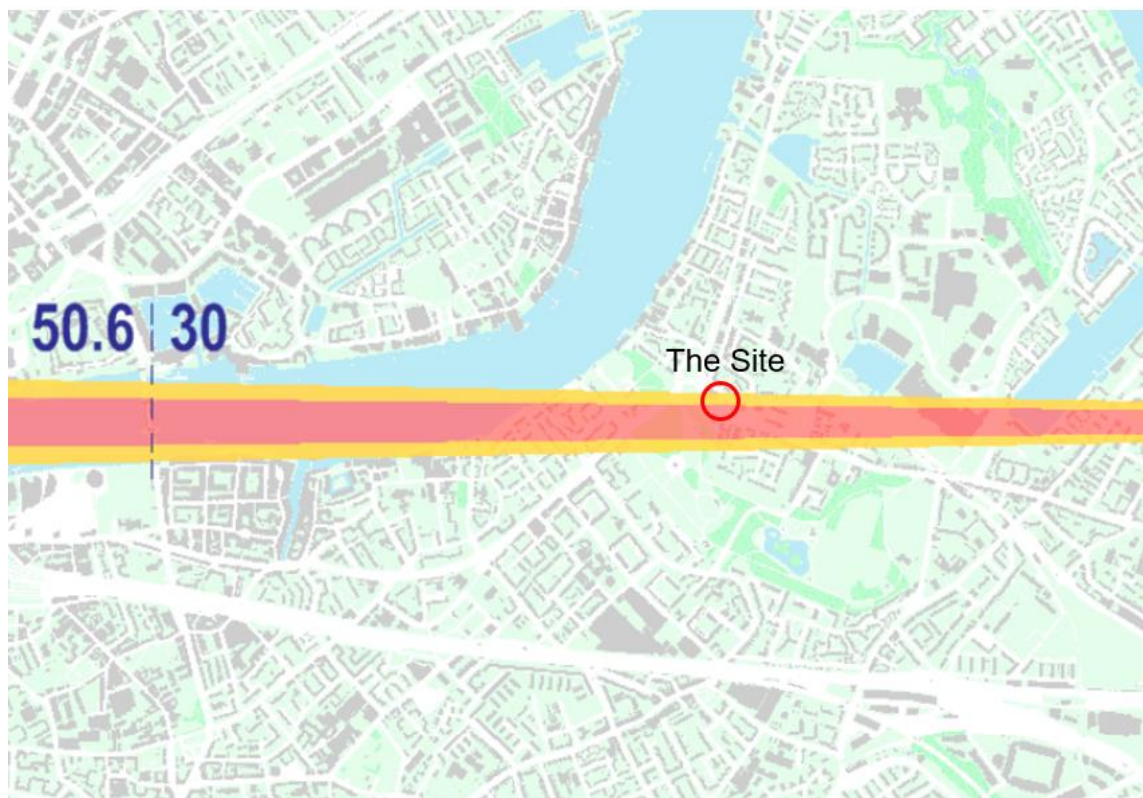
### **Heritage**

44. The legislation governing listed buildings and conservation areas is the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act'). Section 66 (2) of the Act requires decision makers, with respect to any listed building or their setting, to have special regard to the desirability of preserving the building or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act requires decision makers, with respect to any buildings or other land in a conservation area, to pay 'special attention[...] to the desirability of preserving or enhancing the character or appearance of that area'
45. Paragraphs within chapter 16 of the NPPF 2023 'Conserving and enhancing the historic environment' are of material consideration. In particular, para. 205 requires "great weight" to be given to the assets conservation irrespective of any harm. Para 206 requires any harm or loss should require clear and convincing justification. Para 208 advises that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."
46. Southwark Plan Policies P19 and P20 require proposals to sustain and enhance the significance of listed buildings and conservation areas and both of their

settings. Policy P26 requires development to take into account locally listed buildings and structures that positively contribute to local character and amenity, with regard to design issues.

#### Impact on heritage assets

47. The property is not statutory listed and not located in a conservation area. The existing building is not locally listed and is not considered an undesignated heritage asset. Its demolition would not be resisted for a high-quality replacement development.  
The site is located within the Protected Vista of LVMF View 5A.2 from Greenwich Park which extends across part of the site at 30m AOD and close to a number of merit
48. The site is close to a number of heritage assets including the statutory listed St Olav's Church on Albion Street and the Rotherhithe Tunnel entrance (Grade II) as well as the Grade II registered Southwark Park. In addition, there are two nearby conservation areas: the King Edward III's and St Mary's Rotherhithe Conservation Areas. Due to its height and siting, the development is likely to affect the settings of these designated heritage assets. The site is also located within the Protected Vista of LVMF View 5A.2 from Greenwich Park which extends across part of the site at 30m AOD.
49. The Heritage TVIA submitted with the application includes a number of views that demonstrate how the new development will interact with these sensitive heritage receptors. In addition, the heritage protections in the London Plan affecting this site relate mainly to the LVMF View 5A.2. Taking each heritage impact in turn and working from the furthest viewpoints:
50. The northern end of the site is outside the Wider Setting Consultation Area of the Protected Vista and this is where the tallest element of the development is located. The Heritage TVIA demonstrates that the development will be largely obscured by the taller buildings in the Canada Water Masterplan which are in the foreground and also located outside the Protected Vista. There is no impact on this protected LVMF View.



51. In the wider area, the Heritage TVIA demonstrates in Views 14, 15, 17, 19, 20 from St Mary's Rotherhithe that there is likely to be some visibility from St Mary's Rotherhithe but that this will be incidental and appear mainly in the middle background. These incidental incursions do not give rise to any harm to the significance of the conservation area and its setting and will appear as glimpses of the city beyond the mature landscaped setting of the conservation area.
52. Views 12 from Jamaica Road and 13 from King Stairs Gardens which take in the King Edward II Conservation Area similarly demonstrate that the taller building is likely to be visible from the within the conservation area in the middle background. These views do not affect any appreciation of the significant features of the Conservation Area – centred on the King Edward II's Manor House and the River frontage – and demonstrate that the viewer will get glimpses of the taller element. These glimpses of the scheme do not give rise to any harm to the significance of the conservation area or its setting
53. When we consider the impact of the proposal on Southwark Park the Heritage TVIA views 11 (from the main entrance) View 10 (from the Bandstand) and View 18 (from the China Hall Gate) demonstrate that, whilst the scheme will be in full view from the pavement, the mature tree-filled landscape of the park will mean that the development disappears from view as soon as one enters the park and is invisible at the locations of highest significance. Accordingly it is considered that there is no harm arising to the setting of the Grade II registered Southwark Park.
54. The Heritage TVIA rightly focusses on the effect of the development on its nearest designated heritage assets: the St Olav's Kirke on Albion Street and the Rotherhithe Tunnel entrance. A full appreciation of the scheme in the round is

presented in views 4 and 5 in the approach along Albion Street where the flank of the church is seen together with the development:



55. In this view the way that the tower has been set-back from the edge of the site ensures that there is separation between the church and the tower. The broad flank and repeated fenestration of the building is only broken by the further set-back at the top floor. The view demonstrates that there is a low level of Less than Substantial Harm arising to the setting of the church. This is mainly due to the sheer scale and unrelenting character of the design in this view and tempered only by the fact that this is an incidental flank / rear view of the church and not one where the view is able to appreciate the full significance of the building.
56. View 16 which includes the dep trench of the Rotherhithe Tunnel Approach in the foreground and the flank of the church gives rise to a very low level of Less Than Substantial Harm. This is similarly tempered by the tree-lined foreground and the mixed character of the view.



57. Finally a series of views taken from various locations on the Jamaica Road / Lower Road roundabout including View 21 and modelled Views 22, 23, 24, 25 and 26 show the development in its most stark relationship with the church.



58. This series of views include the more distant towers in the Canada Water Area located around the Basin. In these views the tower presents a strong counterpoint to the diminutive church with its spire. It is a characterful view of the church and one which gives the viewer a strong appreciation of the church (as well as its recently enhanced front garden) and its setting.



59. The setting of the church has changed significantly over time and most recently when the roundabout was installed in the 1980s. In the view the development appears to echo the form of the church with a broad base and an articulated 'spire'. Whilst the setting is substantially altered by the development the separation between the development and the church as well as the set-back top, and chamfered profile of the tower ensure that it appears more slender echoing the proportions of the church spire.
60. In these views there is a medium level of Less than Substantial Harm arising to the setting of the St Olav's Kirke. This harm is tempered by the mixed character of the setting which is dominated at the moment by the traffic-dominated roundabout which separates the viewer from the church and the fact that the tower remains separate from the church at all times. A further consideration on the level of the harm is based on the quality of the design and the efforts of the architects to ensure that the development appears more slender with vertical proportions that match those of the church spire.

#### Heritage Conclusion

61. As noted above, some heritage harm is considered to arise due to this development. In accordance with the NPPF decision-makers are directed to take account of the desirability sustaining and enhancing the significance of heritage assets and their settings and avoid any harm. When considering any harm LPAs are required by para 205 to assess the magnitude of that harm. In this case it is considered to be low-medium Less than Substantial Harm to the setting of St Olav's Kirke arising due to the proximity of the tower in closer views and main approaches to the church. The harm is tempered to a degree by the design of the tower which is highly articulated in some views.
62. In para 208 of the NPPF decision-makers are directed to avoid harm and, where this has been identified, to consider it in the balance against any public benefits arising. The NPPF is clear that harm should be exceptional and should be justified convincingly by truly public benefits. In this case the public benefits that could be considered in the balance include the public realm improvements around the site and the new route across the site being delivered by the development, the affordable housing and affordable workspace, as well as enhancements to the nearby public spaces.

#### Urban design and architectural design

63. As a tall building the development would need to conform with the council's adopted tall buildings policy including principally, whether it is appropriately located, the public realm and landscape provided, the exemplary quality of the design and its contribution to the London skyline. Taking each of these in turn:
64. The site is located at the confluence of a number of key routes and a major river crossing. Its axial relationship with Jamaica Road and Lower Road which converge on this location as well as the nearby Underground Station and the Rotherhithe Tunnel ensure that this is a local destination where a tall building is appropriate. This was envisaged in the site allocation which recognises its suitability for a tall building or a local landmark. In these cases and whilst a tall building may be appropriate it is a matter of whether the order of height is appropriate. In this case 12 to 14 storeys were considered appropriate at pre-app and whilst this proposal exceeds this height the design has demonstrated that, in order to optimise the site the height has been explored to the maximum acceptable level within broad tolerances.
65. The development is arranged in two parts, influenced by the combination of the LVMF plane (which sets a cap of 30mAOD across the majority of the site) and the guidance in the site allocation (which requires the creation of a new route

across the site). This results in a highly articulated development that naturally divides into a self-contained co-living block and a separate affordable housing block. The design therefore sits naturally in this context significantly enhancing access to the main pedestrian crossing and giving a more formal setting to the spur of Lower Road that extends from Albion Street.

66. Around the base the both buildings are designed like modern brick-built warehouses, drawing from the industrial heritage of Rotherhithe with its substantial warehouses that line the River nearby. A series of projecting balconies are applied to key elevations to enhance the design, offer private amenity to occupiers and reinforce the industrial aesthetic. The tower extrudes vertically at the northern end of the site outside the LVMF view in the form of a chamfered triangular wedge. Its base is defined by a double-height colonnade and at its top a deep set-back on the northern edge, coupled with a elongated upper floor gives the tower a fitting top.
67. The design is highly articulate, with detailed brick coursing, window surrounds and features like balconies and colonnades. The quality of the design will rely to a great degree on the quality of the detailing and the choice of cladding materials. Therefore a mock-up of the tower, sample panels of the cladding materials to base middle and top of the buildings, as well as the architectural detailing should be reserved by condition.
68. The tall buildings policy places great weight on the public space and landscape provided by a development, inscribing the need for a public benefit arising from the private gain of a tall building. In this case the new public route and the enhanced landscape around the perimeter of the site are welcomed aspects of the design and contribute positively to the development. The quality of this design of these public spaces should be reserved by condition and S273 Agreement conditioned for the enhancements to the stopped up portion of Lower Road.
69. Finally, in the views the development will appear as a local landmark. Its main frontal views are enhanced by the chamfered profile of the tower and its highly articulated form. In many views it will be seen in conjunction with the substantially taller towers in the Canada Water Masterplan and as such it will appear as a 'foothill' building to its taller neighbours.

#### Design Conclusion

70. The design is a well-mannered and articulated architectural composition in a highly sensitive location. Its height is at the maximum acceptable level for the site and the design is handled deftly by a skilled architect. When considered in the round together with the associated facilities that future occupiers will need to ensure a high quality design the proposal presents an acceptable architectural solution to this complex site.

#### Design Review Panel

71. The scheme was reviewed by the DRP in September 2023 at the pre-app stage. The Panel generally enjoyed the architectural expression and encouraged the ongoing involvement of the architect on this design. At the time they raised substantial concerns over the height massing and arrangement of

the development. They also questioned the provision communal facilities for the affordable housing within the red-line and raised concerns over the outlook and privacy of residents in the affordable housing block.

72. Following on from the review the design was updated to include further articulation to the base blocks and the tower, enhancements to the new route and the landscaping of the Lower Road spur as well as wider benefits to optimise the delivery of affordable housing on the site.

### Archaeology

73. The site is located in an area of prehistoric archaeological potential with some geo archaeological interest. The applicants have submitted a desk-based assessment that adequately summarises this potential of the site. This includes a useful deposit model. Planning conditions for an archaeological evaluation and subsequent mitigation works including the submission of an archaeological report are required to ensure compliance with local and national planning policy.

### Quality of residential accommodation

74. The affordable homes proposed are all 2, 3 or 4 bed homes, of which 66% will have 3 bedrooms or more. This is well in excess of the 30% requirement in the suburban zone. 10% of the homes would be wheelchair accessible.

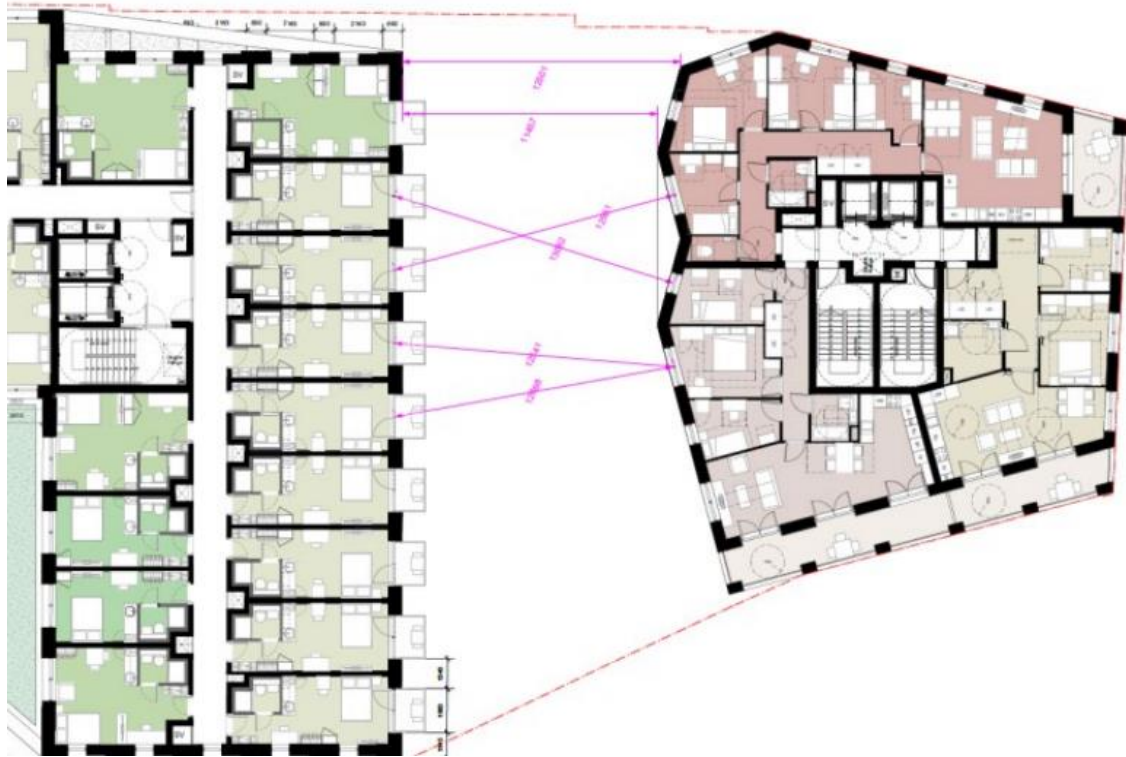
- 75.



76. Of the three homes on each floor, two would be dual aspect while the third would be triple aspect, providing for a high quality of outlook. All dwellings and rooms would comply with the council's size standards and would have outdoor amenity space in excess of the minimum 10sqm requirement.
77. The distance between the proposed dwellings and existing residential properties would all accord with those stated in the guidelines. The distance between the affordable block and the shared living block is 12m which is the distance needed to manage overlooking over a highway, without mitigation. The area between the two blocks, while not being a highway, represent a through route for cyclists and pedestrians.



78. The applicant has nonetheless amended the proposal to include splayed windows of the affordable block to reduce possible overlooking as shown on the image below.



#### Internal daylight levels

79. All of the living/kitchen/diners in the affordable block would meet 200 Lux target in the BRE guidance, as they do for the sunlight target of receiving 1.5 hours of sunlight on 21 March. The only rooms that do not meet the targets are bedrooms where the expectation for daylight and sunlight is naturally lower than in living areas.

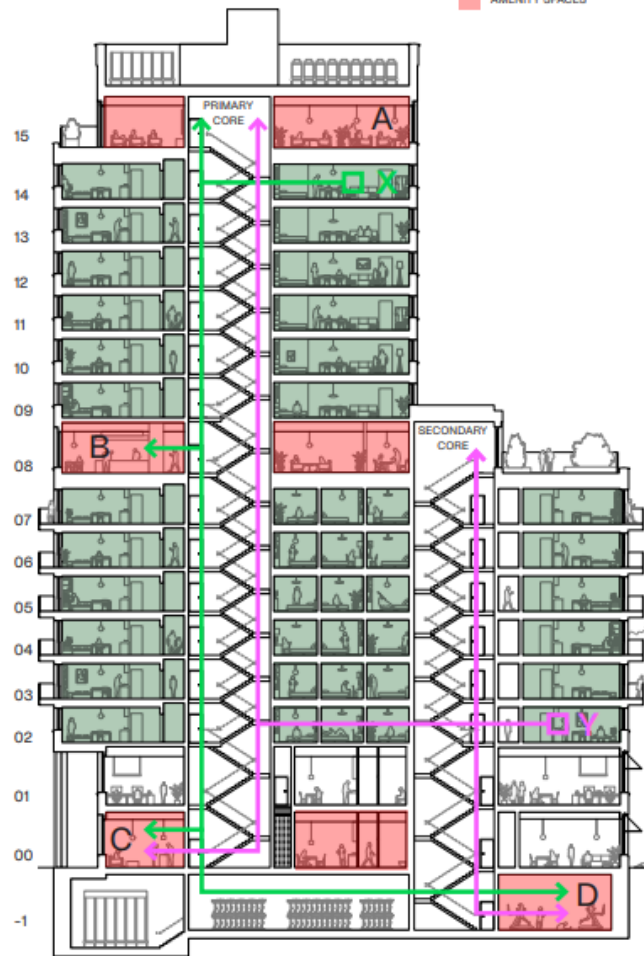
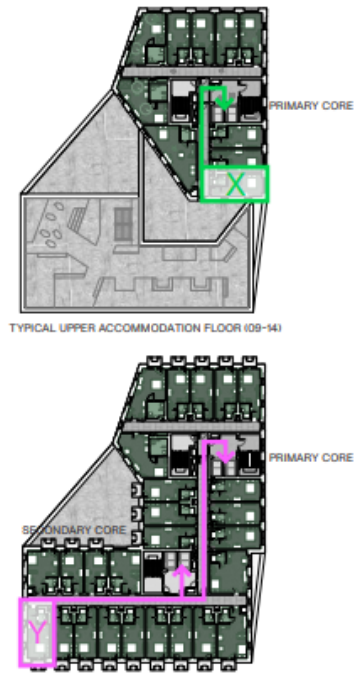
#### Shared living

80. The London Plan identifies a number of areas where shared living can be designed to be of high quality. Most of the rooms would be more than 21sqm in size. Communal kitchens, dining areas and socialising space are consolidated into three main areas on the ground, eighth and 16<sup>th</sup> floor. These communal facilities combine to a total of 925sqm and about 4.3sqm for each resident.
81. Each room in the shared living block would have a double bed, wardrobe and kitchenette with en-suite facilities with some on the lower levels benefiting from balconies

### Journey time

|        |   |                                                                                                        |
|--------|---|--------------------------------------------------------------------------------------------------------|
| Room X | → | Amenity A = 87 seconds<br>Amenity B = 97 seconds<br>Amenity C = 115 seconds<br>Amenity D = 137 seconds |
| Room Y | → | Amenity A = 145 seconds<br>Amenity B = 70 seconds<br>Amenity C = 123 seconds<br>Amenity D = 66 seconds |

KEY  
■ ACCOMMODATION / ROOMS  
■ AMENITY SPACES



Section showing the shared living and amenity spaces therein.



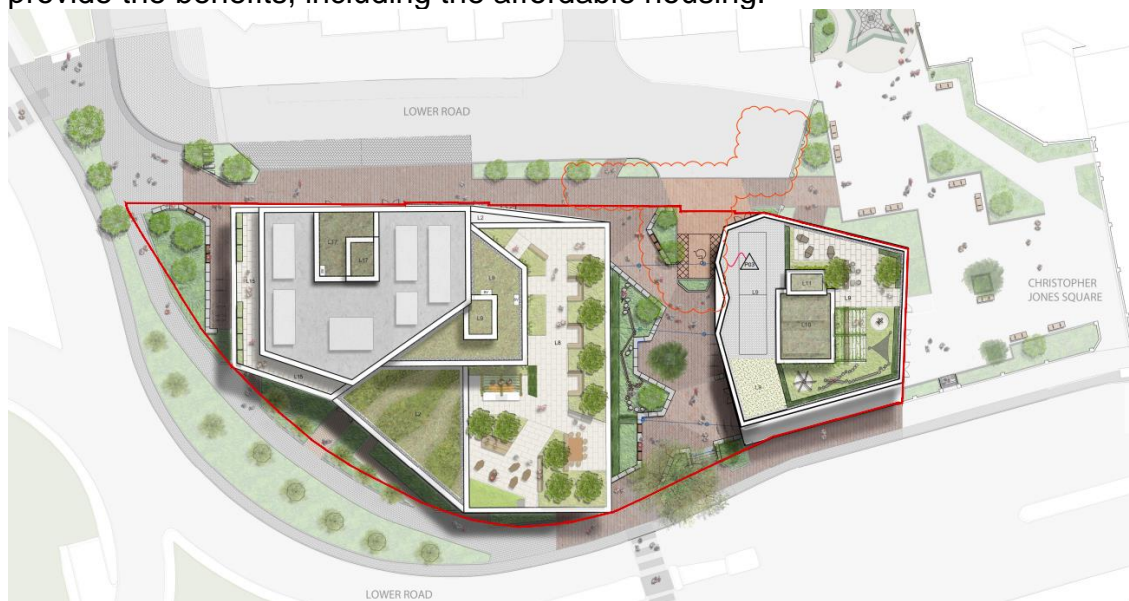
Typical lower floorplan for the shared living  
**Fire Safety**

82. The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 establishes that any relevant building is subject to Gateway 1 requirements. Relevant buildings are that which satisfy the 'height condition' and contain two or more dwellings or educational accommodation. The height condition is that (a) the building is 18 metres or more in height; or (b) the building contains 7 or more storeys. The Gateway 1 requirements outline that schemes which feature a relevant building must submit a fire safety statement form and the HSE must be consulted.
83. Policy D12 (B) of the London Plan (2021) requires that all major developments must submit a fire statement. The fire statement should demonstrate how the proposals respond to and contain information on the requirements of both parts A and B of the London Plan Policy D12 on Fire Safety. This must be completed by a third-party, independent, suitably qualified person.
84. Paragraph 3.12.9 of Policy D12 explains that Fire Statements should be produced by someone who is "third-party independent and suitably-qualified". The council considers this to be a qualified engineer with relevant experience in fire safety, such as a chartered engineer registered with the Engineering Council by the Institution of Fire Engineers, or a suitably qualified and competent professional with the demonstrable experience to address the complexity of the design being proposed. This should be evidenced in the fire statement. The council accepts Fire Statements in good faith on that basis. The duty to identify fire risks and hazards in premises and to take appropriate action lies solely with the developer.

85. The shared living block would be served by three residential stairs, two of which would be firefighting stairs; above level 9, there would be two stairs, one of which would be a firefighting stair. The affordable block would be served by two stairs, one of which would be a firefighting stair. The residential and commercial elements of both buildings would have separate stairs; all areas of the building would have sprinklers. The HSE have reviewed the proposal and fire statement provided; they comment that they are content with the fire safety design to the extent that it affects land use planning.

## Landscaping, urban greening and biodiversity

86. The development would require the removal of 11 trees on the site and two street trees. Of these 13 trees, two are grade A, four grade B and five grade C with the remaining two being grade U trees; in addition, vegetation clearance would also be required.
87. In mitigation for these losses, substantial planting is proposed, including semi mature trees as shown on the landscaping drawing below. The short term harm caused by the loss of trees is necessary to allow the development to take place and provide the benefits, including the affordable housing.



88. The Urban Greening Factor that the development has been improved from 0.38 when the application was made to 0.42 through an increase in the area that would be used for sustainable drainage on the route through the site. This is greater than the London Plan target of 0.4.
89. There would be significant greening on the route through the site, around the buildings and on the roofs.
90. A bat survey was undertaken to support the application which did not record any evidence of bats roosting or emerging from the site.
91. In England, Biodiversity Net Gain (BNG) is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The legislation requires all planning applications, which were received after 12 February 2024 to improve the BNG of a site by



10%. This application was received and validated prior to this date and therefore, is not required to deliver BNG in accordance with legislation. However, the development is still required to deliver increased biodiversity onsite, in accordance with Southwark Plan policy P60. There would be a 280% increase in biodiversity on the site.

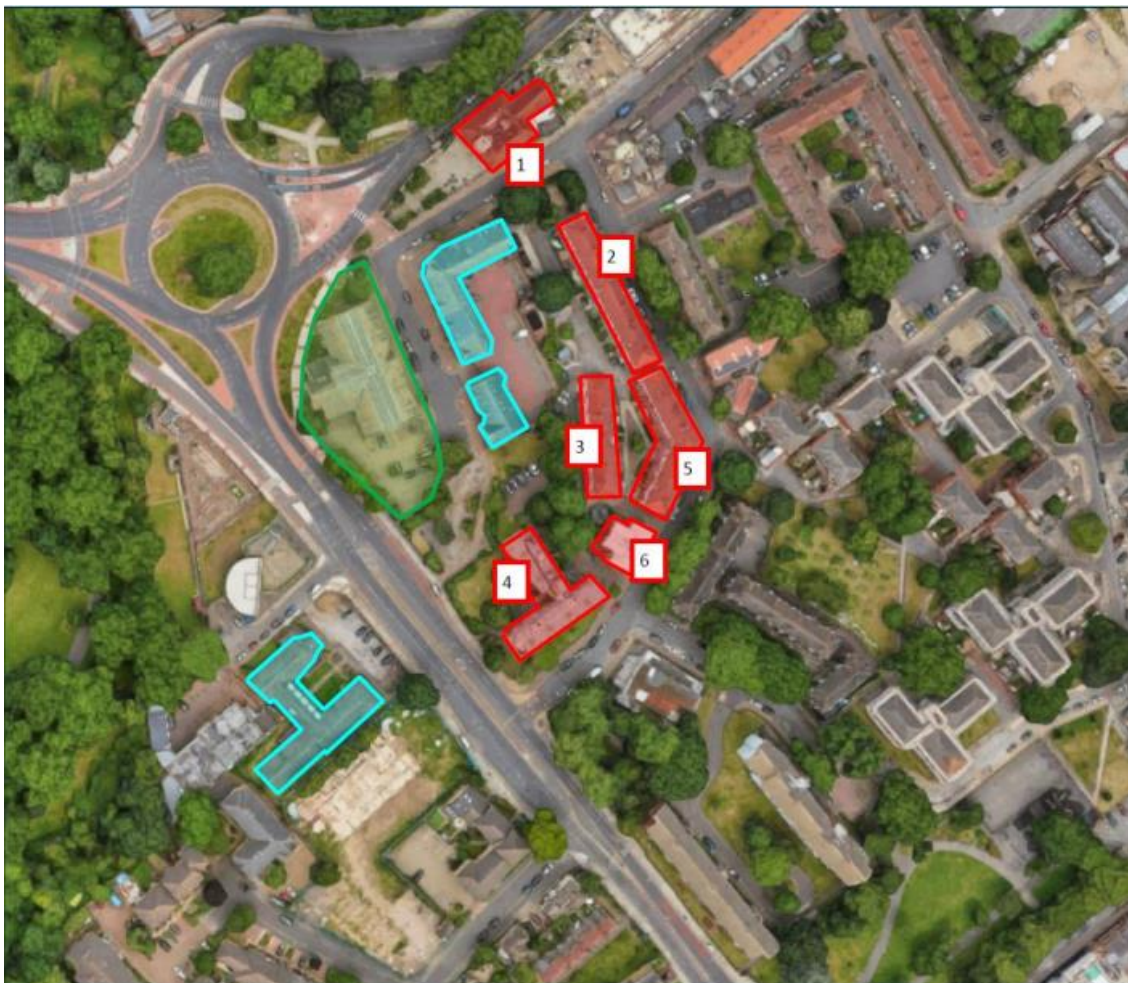
## **Impact of proposed development on amenity of adjoining occupiers and surrounding area**

### Outlook and sense of enclosure

92. The proposed development would meet the council's guidelines for distance to existing residents so there would not be a harmful impact with respect to outlook, privacy or from a sense of enclosure.

### Daylight and sunlight

93. A daylight and sunlight report has been submitted with the application to assess the impact of the proposed development on neighbouring occupiers. The assessment has carried out in accordance with the BRE guide 3rd Edition 2022.



Site (green), Residential (Red), Commercial (Blue)

94. The following residential properties have been assessed in the daylight and

sunlight report, which correspond to the numerical labels on image above:

- 1) St Olav's Church (Religious building with residential accommodation on the upper floors).
- 2) 45-67 Irwell Estate (Block of residential flats).
- 3) 1-20 Irwell Estate (Block of residential flats).
- 4) Blick House (Block of residential flats).
- 5) 21 to 44 Irwell Estate (Block of residential flats).
- 6) 1 to 14 Myles Court (Block of residential flats).

95. The report applies the vertical skyline test (VSC) and the no skyline test (NSL) methodologies to assess the impact of the proposed development on daylight levels for neighbouring properties. The annual probable sunlight hours (APSH) test has also been applied to assess the impact on sunlight levels. VSC is the most readily adopted methodology for assessing daylight levels. The test calculates the total amount of skylight at the centre of each main window on the neighbouring properties excluding windows for bathrooms, toilets, storeroom, circulation areas and garages. The target daylight level is recommended to be 27%, which is good level of daylight. The BRE guide recommends that reductions below this level should be kept to a minimum. If daylight levels are less than 27%, and less the 0.8 times the former value prior to the new development, occupants of the existing building will notice a reduction for skylight with the new development in place.

96. Where room layouts are known, the NSL test can also be applied to assess daylight distribution in rooms of existing neighbouring buildings. This identifies areas in a room that can and cannot see the sky. Areas of a room where no skyline can be seen receive no direct daylight. The BRE guide recommends that if the area of a the room receiving direct daylight is reduced to less than 0.80 times its former value prior to the new development, occupants will notice a change in direct daylight and more of the room will appear poorly lit.

97. The daylight results are summarised in the tables below and explained in detail in the following paragraphs.

98.

| Address                | Total windows assessed | Meet BRE guide (No noticeable change) | Below BRE criteria         |                               |                        | Total windows affected |
|------------------------|------------------------|---------------------------------------|----------------------------|-------------------------------|------------------------|------------------------|
|                        |                        |                                       | 20-29.9% reduction (Minor) | 30-39.9% reduction (Moderate) | >40% reduction (Major) |                        |
| St Olavs Church        | 12                     | 12                                    | -                          | -                             | -                      | 0                      |
| 45 to 67 Irwell Estate | 35                     | 18                                    | 15                         | 2                             | 0                      | 17                     |
| 1 to 20 Irwell Estate  | 56                     | 56                                    | -                          | -                             | -                      | 0                      |
| Blick House            | 100                    | 92                                    | 6                          | 2                             | 0                      | 8                      |
| 21 to 44 Irwell Estate | 34                     | 34                                    | -                          | -                             | -                      | 0                      |
| 1 to 14                | 39                     | 34                                    | -                          | -                             | -                      | 0                      |

|             |  |  |  |  |  |  |
|-------------|--|--|--|--|--|--|
| Myles Court |  |  |  |  |  |  |
|-------------|--|--|--|--|--|--|

*Summary of Vertical Sky Component calculations for the reduction in daylight to windows resulting from the proposed development*

99.

| Address                | Total rooms assessed | Meet BRE guide | Below BRE criteria         |                               |                        | Total affected rooms |
|------------------------|----------------------|----------------|----------------------------|-------------------------------|------------------------|----------------------|
|                        |                      |                | 20-29.9% reduction (Minor) | 30-39.9% reduction (Moderate) | >40% reduction (Major) |                      |
| 45 to 67 Irwell Estate | 34                   | 17             | 15                         | 2                             | 0                      | 17                   |
| 1 to 20 Irwell Estate  | 50                   | 50             | -                          | -                             | -                      | 0                    |
| Blick House            | 50                   | 50             | -                          | -                             | -                      | 0                    |
| 21 to 44 Irwell Estate | 39                   | 39             | -                          | -                             | -                      | 0                    |
| 1 to 14 Myles Court    | 15                   | 14             | 2                          | -                             | -                      | 0                    |

*Summary of Daylight Distribution (No Sky Line) calculations for the reduction in daylight to rooms resulting from the proposed development.*

100. 45 to 67 Irwell Estate: Residential building.

The VSC and NSL assessment shows that with the new development in place, the following windows would experience a noticeable loss of daylight:

- Ground floor W25 and W26 - moderate reduction for both VSC and NSL.
- Ground floor W4, W9, W14, W15, W16 - moderate reduction for both VSC and NSL.
- First floor W1, W6, W7, W12, W17, W21, W22, W23, W32, W33 – minor reduction for both

Each room is only served by one window. Of those affected, none exceed a daylight level of more than 27% as existing, suggesting daylight levels are already low for these windows prior to the development being built. Overall, the proposed development would likely result in a noticeable reduction in daylight levels for these rooms. The rooms facing the site have deck access which limits daylight for the properties, the results without these overhangs, all rooms and windows would be compliant with the BRE guidelines. It is a similar case for sunlight- 14 of the 35 windows assessed would not meet the annual sunlight recommendation from the BRE with the number falling to four for winter, with the effect of the balconies removed, that number falls to three annually and for the winter.

1-20 Irwell Estate

101. All windows and rooms for these homes meet the BRE guidelines for daylight and sunlight, for there to be no noticeable impact.

Blick House

102. Eight windows would have their daylight reduced to a noticeable degree, but no rooms would have a reduction of more than 20% for the no sky line. With the effect of the deck access removed, all windows and rooms for these homes meet the BRE guidelines. All windows meet the recommendation for sunlight.

103. 21 to 44 Irwell Estate: Residential Building

All windows and rooms for these homes meet the BRE guidelines for daylight and sunlight, for there to be no noticeable impact.

St Olav's Church

104. There would be no noticeable impacts on daylight and sunlight to this building.

### Wind Microclimate

105. The modelling undertaken shows that there would be areas that would need mitigation around the development. It is recommended that this mitigation be designed so that the play areas A and B below are suitable for the standing threshold rather than the standing and walking threshold as present; mitigation is provided so that it is suitable for sitting and consideration given to improving comfort for the area marked in E. The area shown as C is Christopher Jones Square where improvements and much of the off-site play space mitigation is proposed this area would be comfortable for sitting.



|  | Description        | Wind Speed (m/s) | Exceedance |
|--|--------------------|------------------|------------|
|  | Frequent Sitting   | 2.5              | <5%        |
|  | Occasional Sitting | 4.0              | <5%        |
|  | Standing           | 6.0              | <5%        |
|  | Walking            | 8.0              | <5%        |
|  | Uncomfortable      | >8.0             | >5%        |

Table 1 The Lawson Criteria comfort categories for pedestrian wind comfort

## Transport and highways

106. The site would be serviced off Lower Road with the removal of four on street parking bays to allow a space of 30m for a loading bay. The scheme has also been amended to allow for an on site blue badge parking bay for a resident; the development would otherwise be car free.



## Trip Generation and Mode Split

107. The scheme would provide the amount of cycle parking required by the Southwark Plan for all used on the site:

| USE                           | LONG-STAY  | SHORT STAY | TOTAL (PER USE) |
|-------------------------------|------------|------------|-----------------|
| Co-living ('sui generis')     | 216        | 6          | 222             |
| Affordable Housing (Class C3) | 48         | 2          | 50              |
| Commercial – Office (Class E) | 20         | 3          | 23              |
| Commercial – Café (Class E)   | 2          | 7          | 9               |
| <b>TOTAL (WHOLE SCHEME)</b>   | <b>285</b> | <b>18</b>  |                 |

## Environmental matters

## Construction management

108. The site is some distance away from existing residents, so impacts are not expected to be great. Nonetheless, it is recommended that a Construction Environmental Management Plan be required through condition to ensure that hours of work and practices are controlled to avoid impacts through noise; traffic and dust.

## Noise and vibration

109. Sound levels at this location are dominated by road traffic noise as one would expect, although here is a contribution from aircraft. Windows with acoustically treated ventilation will be required to provide suitable internal resting and sleeping conditions for both the shared living and affordable blocks and a condition is recommended to that end. Noise from plant serving the residential and commercial elements will need to be controlled too and a separate condition is recommended for this.

## Waste management

110. Waste would be stored on the ground floor of both blocks and collected from Lower Road. There are separate areas for the residential and commercial waste. The capacity of the residential storage meets that required in Southwark guidance as does the drag distance to a refuse vehicle.

## Water resources and flood risk

111. The application site is located within Flood Zone 3, identified in the Environment Agency flood map, indicating a high probability of flooding.
112. Paragraphs 157 to 158 of the NPPF states that planning decisions must take into account the current and long-term implications for flood risk in order to minimise the vulnerability of communities and improve resilience. Where development is necessary in higher risk areas, development should be made safe for its lifetime without increasing flood risk elsewhere. Certain steps need to be followed when reaching a planning decision on development in higher risk areas, with risks managed through suitable adaptation measures. The Environment Agency and Southwark's Flood Risk team have been consulted and their advice taken into account.
113. The NPPF states that where a development proposal is in accordance with an allocation made in the Southwark Plan's Strategic Flood Risk Assessment (which set out the Sequential and Exception Tests), it is not necessary to repeat the Exception Test. This applies provided;
- the proposed development is consistent with the use for which it was allocated
  - there have been no significant changes to the known level of flood risk to the site, now or in the future which would have affected the outcome of the test.
114. The site was assessed as part of the Council's Strategic Flood Risk Assessment

(2017) and sequential test, ahead of being allocated for development in the Southwark Plan (2023). The proposed uses are consistent with the uses for which it was allocated, and there have been no known changes of significance to the known level of flood risk to the site, in accordance with the NPPF requirements set out above. Therefore, no further sequential test is required to support this application.

115. The NPPF paragraph 173 states development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
  - c) it incorporates sustainable drainage systems, unless there is evidence that this would be inappropriate;
  - d) any residual risk can be safely managed;
  - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
116. The applicant has submitted a revised Site-specific Flood Risk Assessment, in response to comments received from the council's Flood Risk Management Scheme.
117. The Environment Agency have been consulted on and have raised no objection to the proposed development subject to recommended planning condition to secure first floor finished floor levels to be set no lower than the following Above Ordnance Datum (m AOD):
- 7.000 m AOD for Block A
  - 6.675 m AOD for Block B
118. This is to reduce the risk of flooding to the proposed sleeping accommodation, located at first floor and above.

### Land contamination

119. The phase 1 desk based assessment has identified the site as having low to moderate risk; with the moderate risk being short term exposure to construction workers. A condition is recommended for a phase 2 intrusive investigation and remediation strategy if necessary to ensure that the site is safe for future users.

### Air quality

120. The development would be air quality neutral for both the construction and operational phases of the development. Concentrations of pollutants at the proposed receipt points are predicted to be below the target levels in 2026, the proposed date of completion. No mitigation is required, other than the construction management plan mentioned above.

### **Energy and sustainability**

## Whole life cycle and carbon capture and circular economy

121. The building itself is of poor quality and on a site that's identified for redevelopment. The building does not lend itself to reuse for the site allocation to be met, so its redevelopment is acceptable.
122. The circular economy statement identifies a number of interventions, including diverting 95% of all demolition material from landfill to re-use, recycling or recovery and for 20% of the building material to be from recycled content.
123. An Energy Strategy has been submitted setting out how the development proposal would reduce operational carbon emissions beyond Part L 2021 to be net carbon zero, in accordance with the London Plan Policy London Plan Policy SI 2 and Southwark Plan Policy P70. The London Plan Policy requires all major development to achieve a minimum on site reduction of 35% beyond Part L 2021 baseline. For non-residential development, 15% of this reduction should be achieved from energy efficient measures (Be Lean). Southwark Plan Policy P70 goes beyond this, requiring major residential development to achieve 100% on site saving and major non-residential development to achieve a minimum 40% on site savings, beyond the Part L baseline. Where developments are unable to meet the onsite savings, Policies SI 2 and P70 require any shortfall to be secured through a payment in lieu towards the council's carbon offset fund (green buildings fund).
124. Through the measures outlined in the following paragraphs in accordance with the energy hierarchy set out by Policies SI 2 and P70, this development is expected to reduce on site carbon emissions by 20.5 tonnes of carbon dioxide per annum for the residential element, and 8.4 tonnes of carbon dioxide per annum for the non-residential element. This equates to a 77% and 35% on-site reduction against the 2021 Part L baseline respectively. This meets the overall minimum on site reductions required by the London Plan but falls short of the Southwark Plan requirements for residential and non-residential development. Moreover, the development would only achieve 5% of the non-residential on site savings from energy efficient measures, which falls short of the London Plan requirement, as set out above.

### Be Lean (use less energy)

125. At the first stage of the energy hierarchy, development should reduce energy demand through passive design and energy efficient measures. The applicant's energy strategy sets out how this would be achieved through well performing insulation of the building, effective managing of thermal bridging and re-using excess heat from the building. These measures result in a carbon saving of 18% for the residential and 5% for the commercial elements.

### Be Clean (supply energy efficiently)

126. The applicant has looked into the possibility of connecting to an existing or future heat network and the infrastructure, but being over 600m distant, it is not something that can be included in the energy strategy for operation. Nonetheless, the applicant has designed a space in the plant room to connect to the network should it be extended in the future. No additional savings would be



met through this criterion.

#### Be Green (Use low or carbon zero energy)

127. Air source heat pumps are proposed along with PV panels on the roofs which would result in a carbon reduction of 59% in the residential and 30% in the commercial areas of the building

#### Total carbon savings

128. The total carbon savings for the residential element would be 77% and for the commercial, they would be 35% resulting in a saving of 20.5 and 8.4 tonnes of carbon per year respectively.
129. To achieve net carbon zero, the development would therefore be required to offset 6 tonnes of carbon dioxide per annum for the residential element and 15.5 tonnes of carbon dioxide per annum for the non-residential element. This would require a total offset payment of £61,257.00 payment to the council's green building fund, based on a charge of £95 per tonne of carbon dioxide to be offset over 30 years, in accordance with Southwark's S106 Planning Obligations and Community Infrastructure Levy (CIL) SPD (November 2020 Update). The offset contribution will be secured in the Section 106 (S106) Agreement with adjustment clauses to account for any improvements to the carbon emission reductions during the post-planning design development stages

#### Be Seen (Monitor and review)

130. In accordance with London Plan Policy S1 2, Southwark Plan Policy P70 and the London Plan Be Seen energy monitoring guidance, the proposed development's energy performance would be monitored, verified and reported on through to post construction using the GLA's Be Seen Monitoring platform. This monitoring would be secured through a planning obligation in the S106 Agreement.

### **Planning obligations (S.106 agreement)**

131. London Plan Policy DF1 and Southwark Plan Policy IP3 advise that planning obligations can be secured to overcome the negative impacts of a generally acceptable proposal. These policies are reinforced by the Section 106 Planning Obligations 2015 SPD, which sets out in detail the type of development that qualifies for planning obligations. 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
132. Following the adoption of Southwark's Community Infrastructure Levy (SCIL) on 1 April 2015, much of the historical toolkit obligations such as Education and Strategic Transport have been replaced by SCIL. Only defined site specific mitigation that meets the tests in Regulation 122 can be given weight.

| Planning obligation                                              | Mitigation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Applicant's position |
|------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| Local Economy and Workspace                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                      |
| <p>Local economy:<br/>Construction phase jobs/ contributions</p> | <p>32 sustained jobs to unemployment Southwark residents<br/>32 short courses and 8 construction industry apprentices during the construction phase, or meet any shortfall through the Employment and Training contribution.</p> <p>The maximum Employment and Training Contribution is £154,400 (£137,600 against sustained jobs, £4,800 against short courses, and £12,000 against construction industry apprenticeships).</p> <p>An employment, skills and business support plan to include:</p> <p>1. Methodology for delivering the following:</p> <ul style="list-style-type: none"> <li>a. Identified 'construction workplace coordinator' role(s) responsible for on-site job brokerage through the supply chain and coordination with local skills and employment agencies;</li> <li>b. Pre-employment information advice and guidance;</li> <li>c. Skills development, pre and post employment;</li> <li>d. Flexible financial support for training, personal protective equipment, travel costs etc;</li> <li>e. On-going support in the workplace;</li> <li>f. Facilitation of wider benefits, including schools engagement, work experience etc.</li> </ul> <p>2. Targets for construction skills and employment outputs, including apprenticeships, that meet the expected obligations;</p> | <p>Agreed</p>        |

|                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |               |
|-------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
|                                                                                           | <p>3. A mechanism for delivery of apprenticeships to be offered in the construction of the development;</p> <p>4. Local supply chain activity - we would expect methodologies with KPIs agreed to:</p> <ul style="list-style-type: none"> <li>a. provide support to local SMEs to be fit to compete for supply chain opportunities;</li> <li>b. develop links between lead contractors, sub-contractors and local SMEs;</li> <li>c. work with lead contractors and sub-contractors to open up their supply chains, and exploration as to where contract packages can be broken up and promote suitable opportunities locally.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                             |               |
| <p>Local economy:<br/>Construction phase employment, skills and business support plan</p> | <p>16 sustained jobs for unemployed Southwark Residents at the end phase, or meet any shortfall through the Employment in the End Use Shortfall Contribution.</p> <p>The maximum Employment in the End Use Shortfall Contribution is £68,800 (based on £4300 per job).</p> <p>No later than six months prior to first occupation of the development, we would expect the developer to provide a skills and employment plan to the Council. This plan should identify suitable sustainable employment opportunities and apprenticeships for unemployed borough residents in the end use of the development. The plan should include:</p> <p>1. a detailed mechanism through which the Sustainable Employment Opportunities and apprenticeships will be filled, including, but not limited to, the name of the lead organisation, details of its qualifications and experience in providing employment support and job brokerage for unemployed people, and the name of the point of contact who will co-ordinate implementation of the skills and</p> | <p>Agreed</p> |

|                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |        |
|--------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
|                                                        | <p>employment plan and liaise with the Council;</p> <p>2. key milestones to be achieved for filling the sustainable employment opportunities and apprenticeships;</p> <p>3. Identified skills and training gaps required to gain sustained Employment in the completed development, including the need for pre-employment training;</p> <p>4. Methods to encourage applications from suitable unemployed Borough residents by liaising with the local Jobcentre Plus and employment service providers.</p> |        |
| Affordable workspace provision                         | 10% affordable workspace secured on site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Agreed |
| Housing, Viability and Amenity Space                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |        |
| Affordable (social and intermediate) housing Provision | 24 affordable homes, 26% social rent, 9% intermediate. £1.4m payment in lieu for affordable housing to bring the total equivalent to 40%                                                                                                                                                                                                                                                                                                                                                                   | Agreed |
| Early viability review                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Agreed |
| Wheelchair housing provision                           | Three 2 bedroom, three person homes                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Agreed |
| Play space                                             | On site and off site through improvements on Christopher Jones Square and a cash payment.                                                                                                                                                                                                                                                                                                                                                                                                                  | Agreed |
| Outdoor amenity space                                  | Provision on the public realm and on roofs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Agreed |
| Public open space                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Agreed |
| Transport and Highways- to be confirmed.               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |        |
| Energy, Sustainability and the Environment             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |        |
| Connection to (or futureproofing for                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Agreed |

|                                   |                                                                                                              |        |
|-----------------------------------|--------------------------------------------------------------------------------------------------------------|--------|
| connection to)<br>district CHP    |                                                                                                              |        |
| Carbon offset<br>fund             | £61,416                                                                                                      | Agreed |
| Precautionary tree<br>loss offset | To be confirmed                                                                                              |        |
| Administration fee                | Payment to cover the costs of monitoring these necessary planning obligations calculated as 2% of total sum. | Agreed |

133. In the event that an agreement has not been completed by 28 February 2025 the committee is asked to authorise the director of planning to refuse permission, if appropriate, for the following reason:

In the absence of a signed S106 agreement, there is no mechanism in place to mitigation against the adverse impacts of the development through contributions. It would therefore be contrary to London Plan (2021) Policies DF1, T9, T9 and E3, Southwark Plan (2022) Policies P23, P28, P31, P45, P50, P51 P54, P70, IP3 and the Southwark Section 106 Planning Obligations and Community Infrastructure Levy SPD (2015), Paragraph 57 of the NPPF (2023).

#### Affordable Housing Monitoring

134. It is recommended that the Section 106 Agreement includes clauses to monitor the provision of affordable housing. This will ensure the provision of the affordable homes can be monitored and they remain in perpetuity, unless the proposed tenure allows for staircasing/purchase of the property.
135. The clauses will require the developer to provide drawings illustrating the location of the social rented and intermediate homes to ensure the exact location of these homes are identified and can be monitored by the council.
136. The developer will be required to notify the council at several stages throughout the development, this includes, at practical completion to ensure a trigger is received so the council can check that the occupation of the affordable homes is as approved. The developer is required to provide the council with as-built plans of the development identifying the address (as approved by the street naming and numbering service) and tenure of each unit. The developer is also required to give the council access to the development with reasonable notice to verify the submitted plans.
137. The developer is required to notify the council immediately of an event which causes the tenure of an Affordable Housing Unit, including, but not limited to a tenant Staircasing to 100% ownership pursuant to a shared ownership lease.
138. These requirements will ensure the Council is informed if the tenure of an affordable home is changed so this can be considered where appropriate and that our affordable housing data can be updated as soon as possible where

required.

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

139. 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 invests in London as a whole, primarily Crossrail. Southwark's CIL will provide for infrastructure that supports growth in Southwark.

## **Community involvement and engagement**

140. In accordance with Southwark's Development Consultation Charter the applicant is required to carry out their own consultation prior to the submission of this planning application; to engage with community and political stakeholders, residents, and neighbours from the area. Their approach to this is set out in their Statement of Community Involvement (SCI) document submitted with this application, and summarised below.

## **Consultation responses from members of the public and local groups**

141. 24 comments, 19 objections, 4 supports
142. Summarised below are the planning matters raised by members of the public with an officer response. Further detail on these matters are set out within the relevant sections in the report.
143. Summary of objections:
- Proposal would prejudice redevelopment of the remaining site allocation
  - Proposal is well above the site allocation capacity.
  - Over development of this site
  - Height and scale out of keeping with low rise urban context
  - Not an appropriate site for a tall building
  - Strain on existing local services such as GP surgeries
  - Poor quality design - bland
  - Heritage harm to heritage assets including grade II listed Norwegian Church and St Mary's Church, St Mary's Rotherhithe CA, King Edward III Rotherhithe CA, Kings Stairs Gardens, and the registered historic Southwark Park.
  - Insufficient public benefit to outweigh heritage harm
  - Unacceptable impact on identified views in the TVIA.
  - Poor quality of accommodation for co-living building
  - Inadequate provision of public realm improvements commensurate with the scale of the development proposal, and within redline boundary.
  - Poor air quality
  - Increased road traffic
  - Strain on local public transport infrastructure (in particular at rush hour)
  - Overlooking impacts for United and Pilgrim House residents
  - Security concerns and ASB from co-living block

- Uncertainty around deliverability of commercial floor area
- insufficient access to the site impacting business owners of adjacent City Business Centre
- 

Summary of supporters:

- Housing delivery
- CIL / S106 money (to be used within the ward for children and those with learning difficulties)
- Sensible height – does not overshadow too much
- New playground

## **Consultation responses from external and statutory consultees**

144. Summarised below are the planning matters raised by external and statutory consultees. Matters are addressed within the relevant sections in the Assessment section of this report.
145. Historic England:
- No advice offered. This should not be interpreted as comment on the merits of the application.
  - Suggestion that we seek the views of our specialist conservation and archaeological advisers.
  - Refer to Historic England's published advice.
  - This response related to designated heritage assets only.
  - Further consultation requested on material changes to the proposal.
146. Health and Safety Executive (HSE):
- Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description to the extent it affects land use planning considerations.
  - Advice given on means of escape (travel distance), cooking facilities on external roof terrace, photovoltaic (PV) panels, green roof and hydrants.
147. NATS Safeguarding:
- No safeguarding objection to the proposal, based on the information available at the time of the consultation.
148. London City Airport:
- No conflict with London City Airport's safeguarding criteria.
149. Heathrow Safeguarding:
- No safeguarding objections to the proposed development
150. National Grid Electricity:
- No National Grid Electricity Transmission assets affected in this area
  - This response is only in reference to National Grid Electricity Transmission assets only. National Grid Electricity Distribution (formerly WPD) and National Gas Transmission (formerly National Grid Gas)

should be consulted separately where required.

151. Transport of London Infrastructure Protection:

- No objection in principle to the proposal subject to planning conditions that would ensure that the development does not impact on the existing London Underground transport infrastructure, prior to commencement of development, prior to demolition works, Prior to substructure construction stage and prior to super structure construction stage.
- Request an informative is added to request that the applicant contact TfL Infrastructure Protection in advance of preparations of final design and associated method statements in particular with regard to demolition, drainage, excavation, construction methods, tall plant, scaffolding, security, boundary treatment, safety barriers, landscaping and lighting.

### **Consultation responses from internal consultees**

152. Summarised below are the planning matters raised by internal consultees. Matters are addressed within the relevant sections in the Assessment section of this report.

153. Local Economy Team:

- Supportive of application which matches the economic, job and growth plans as discussed in the planning statement.
- No loss of employment space.
- 10% affordable workspace to be delivered on site secured through the S106 legal agreement.
- Relocation and retention strategy to be secured via planning condition supported and a commitment to re-locate existing businesses on site or in alternative premises. The strategy is to be written in consultation with the affected businesses and must set out viable re-location options for small / independent businesses to be displaced by the development.
- Construction phase jobs / skill and employment requirements and end use of the development jobs / requirements to be secured through the S106 legal agreement.
- The applicant should allow local businesses to tender for the procurement of goods and services generated by the development during and after construction.

### **Community impact and equalities assessment**

154. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights

155. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.

156. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act:



1. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
2. The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
  - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
  - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
  - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
3. The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.

157. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.

### **Human rights implications**

158. 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.

159. This application has the legitimate aim of delivering a site allocation that includes market homes and affordable homes. 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.

### **Positive and proactive statement**

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

161. The council provides a pre-application advice service that is available to all applicants in order to assist applicants in formulating proposals that are in accordance with the development plan and core strategy and submissions that are in accordance with the application requirements.

## Positive and proactive engagement: summary table

|                                                                                                                                                  |     |
|--------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| Was the pre-application service used for this application?                                                                                       | YES |
| Was the application validated promptly?                                                                                                          | YES |
| If necessary/appropriate, did the case officer seek amendments to the scheme to improve its prospects of achieving approval?                     | YES |
| To help secure a timely decision, did the case officer submit their recommendation in advance of the agreed Planning Performance Agreement date? | YES |

## CONCLUSION

162. For the reasons set out in the Assessment section of this report, it is recommended that planning permission be granted, subject to conditions, the timely completion of a S106 Agreement and referral to the Mayor of London.

## BACKGROUND DOCUMENTS

| Background Papers                                                    | Held At                                                        | Contact                                                                                                                                                                                                    |
|----------------------------------------------------------------------|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Southwark Local Development Framework and Development Plan Documents | Resources Department<br>160 Tooley Street<br>London<br>SE1 2QH | Planning enquiries telephone:<br>020 7525 5403<br>Planning enquiries email:<br>planning.enquiries@southwark.gov.uk<br>Case officer telephone:<br>0207 525 0254<br>Council website:<br>www.southwark.gov.uk |

## APPENDICES

| No.        | Title                                  |
|------------|----------------------------------------|
| Appendix 1 | Recommendation (draft decision notice) |
| Appendix 2 | Relevant planning policy               |
| Appendix 3 | Consultation undertaken                |
| Appendix 4 | Consultation responses received.       |

## AUDIT TRAIL

|                                                                         |                                                     |                          |
|-------------------------------------------------------------------------|-----------------------------------------------------|--------------------------|
| <b>Lead Officer</b>                                                     | Stephen Platts, Director of Planning and Growth     |                          |
| <b>Report Author</b>                                                    | Dipesh Patel, Group Manager- Strategic Applications |                          |
| <b>Version</b>                                                          | Final                                               |                          |
| <b>Dated</b>                                                            | 29 September 2024                                   |                          |
| <b>Key Decision</b>                                                     | No                                                  |                          |
| <b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b> |                                                     |                          |
| <b>Officer Title</b>                                                    | <b>Comments Sought</b>                              | <b>Comments included</b> |
| Strategic Director, Resources                                           | No                                                  | No                       |
| Acting Strategic Director, Environment, Sustainability and Leisure      | No                                                  | No                       |
| Strategic Director, Housing                                             | No                                                  | No                       |
| <b>Date final report sent to Constitutional Team</b>                    |                                                     | 30 September 2024        |