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Item No. 6.1	Classification: Open	Date: 30 October 2019	Meeting Name: Planning Committee
Report title:	Development Management planning application: Application 18/AP/0657 for: Full Planning Application Address: LAND AT 19, 21 AND 23 HARPER ROAD, 325 BOROUGH HIGH STREET AND 1-5 AND 7-11 NEWINGTON CAUSEWAY, LONDON SE1 6AW Proposal: Demolition of existing buildings and redevelopment to provide construction of a part 5, part 7, part 8 and part 13 building a mixed-use development comprising 328 hotel rooms (Class C1) 20 no. residential dwellings (Class C3), offices, workspace and workshops (Class B1), multifunctional community events space (Class B1/D1), retail use (Class A1/A2/A3), 4 no. car parking spaces together with access, cycle parking, hard and soft landscaping and other associated works incidental to the development.		
Ward(s) or groups affected:	Chaucer		
From:	Director of Planning		
Application Start Date 23/02/2018		Application Expiry Date 30/01/2020	

RECOMMENDATION

1. a) That planning permission be granted, subject to conditions and the applicant entering into an appropriate legal agreement by no later than 30/01/2020, and subject to referral to the Mayor of London.
2. b) In the event that the requirements of (a) are not met by 30/01/2020, that the Director of Planning be authorised to refuse planning permission, if appropriate, for the reasons set out at paragraph 208 of this report.

EXECUTIVE SUMMARY

3. The proposal is for the redevelopment of the existing buildings within the site to provide a part 5, part 7, part 8 and part 13 storey building for a mixed-use development comprising 328 hotel rooms (Class C1) 20 no. residential dwellings (Class C3) (6 x one-bed, 7 x two-bed, 4 x three-bed and 3 x four-bed units), offices, workspace and workshops (Class B1), multifunctional community events space (Class B1/D1) and retail use (Class A1/A2/A3).
4. The proposed development is considered acceptable in principle as it would provide an uplift in commercial space as well as an increase in housing on site, of which 50% would be affordable. The hotel is on balance also considered acceptable as it would not result in an overprovision of hotels in this area and would provide valuable employment. The proposal also would have retail uses to the ground floors to activate

the frontages. The proposal would also introduce an uplift in commercial floorspace as well as provide a community hub which is considered appropriate.

5. The overall scale of the development, whilst taller than immediately adjacent buildings is considered acceptable within this location and the quality of the design of the buildings are considered of a high quality. Whilst there would be some harm on the Trinity Church Square conservation area, this harm would be less than substantial and when balanced against the public benefit of the development, this is considered acceptable.
6. The proposal would not result in any significant daylight, sunlight, outlook or overlooking impacts on the surrounding residential properties.
7. The quality of the residential accommodation is considered to be of a good quality and the proposal would provide affordable housing which equates to 50% of the residential provided which is considered a significant public benefit.
8. Overall the proposal is considered acceptable and it is thus recommended to be granted planning permission subject to conditions and a S106 agreement.

BACKGROUND INFORMATION

Site location and description

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

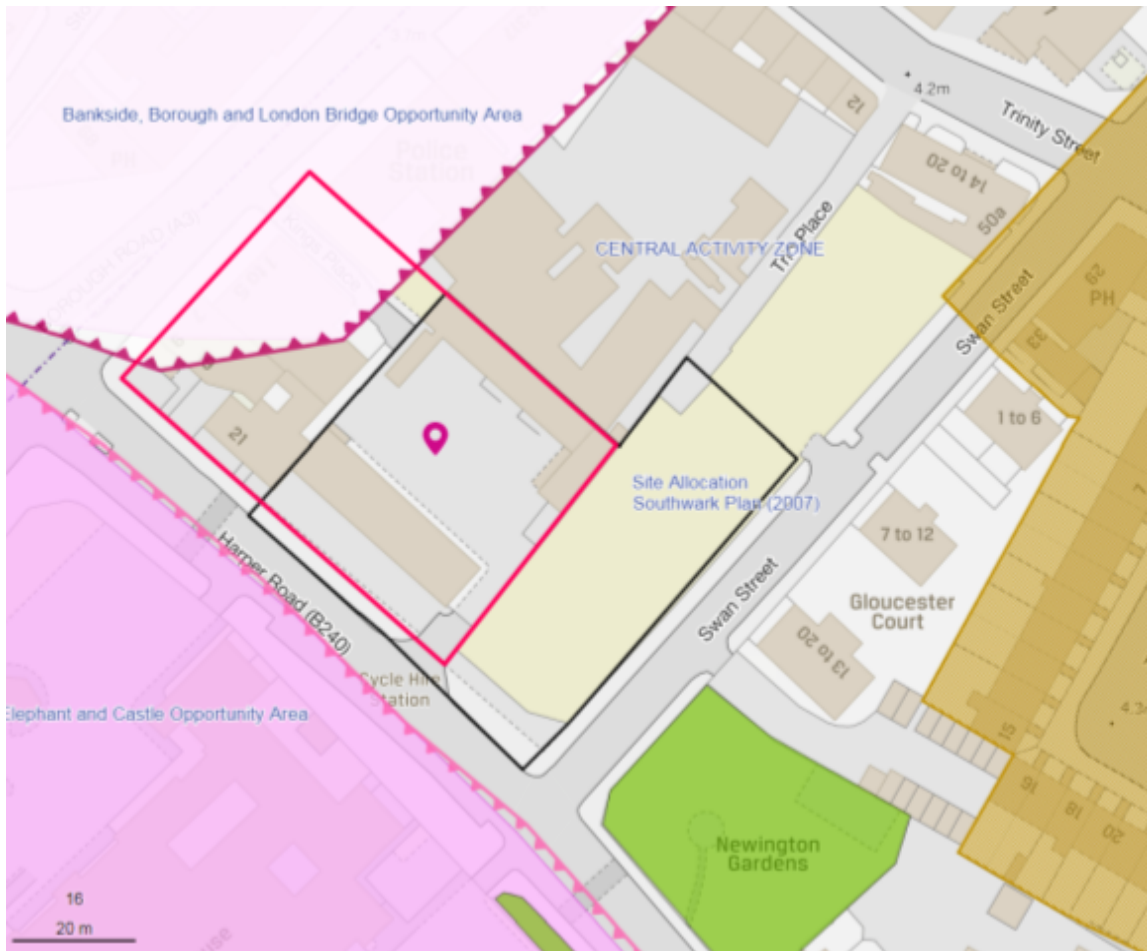


Fig 1. Policies Map

The surrounding area

11. With regard to the surrounding buildings, Southwark Police Station adjoins the site to the north-east, a new residential development (Trinity House) which is under construction adjoins to the south-east, the Inner London Crown Court is to the south-west on the opposite side of Harper Road, and there is student accommodation (David Bomberg House) and a public house (The Ship) to the north-west of the site on the opposite side of Borough High Street.
12. Trinity Church Square Conservation Area is to the east of the site which contains grade II listed buildings. The Inner London Crown Court is also grade II listed.

Details of proposal

13. Southwark Homes Ltd. has applied for full planning permission for demolition of all of the existing buildings on the site and redevelopment to provide construction of a part 5, part 7, part 8 and part 13 storey building a mixed-use development comprising 328 hotel rooms (Class C1) 20 no. residential dwellings (Class C3) (6 x one-bed, 7 x two-bed, 4 x three-bed and 3 x four-bed units), offices, workspace and workshops (Class B1), multifunctional community events space (Class B1/D1), retail use (Class A1/A2/A3), 4 no. car parking spaces together with access, cycle parking, hard and soft landscaping and other associated works incidental to the development
14. The existing and proposed land uses are set out below:

Table 1.

Land use	Existing GIA sqm	Proposed GIA Sqm	Net difference GIA sqm
A1/A3 (retail, financial and professional, restaurant / café)	A1=94 A3=207	754 (A1/A3)	+453
B1 (business)	1,695	2,019	+314
C1 (hotel)	0	11,976	+11,976
C3 (residential)	331	2,638	+2,307
D1 (non-residential institutions)	433	-433	- 433
Flexible B1/D1 (business / community / non-residential institutions)	0	500	+500

15. The proposed building would be in the form of a perimeter block set around a 22m x 14m (308sqm) publically accessible courtyard in the centre of the site, with routes to it from Borough High Street and Harper Road. The tallest element of the building, the 13-storey tower, would be located at the junction of these two streets, with the building heights stepping down either side of it. The commercial uses and hotel lobby would be located at ground floor level fronting Harper Road, with a commercial entrance for the A1/A3 unit on the corner with Borough High Street, a shared B1 and D1 incubator entrance would be located from Borough High Street with the residential entrances from Harper Road. Further restaurant, retail and the flexible space would be provided at basement level, together with additional facilities for the hotel, cycle and refuse storage and plant space. Materials for the proposed development would comprise brick, pre-cast stone, aluminium and glass.
16. Vehicular access to the development would be off Harper Road, leading to a servicing yard with turning area and four accessible parking spaces.
17. **Initial Amendments** - A number of amendments have been made to the proposal during the course of the application, initially comprising:
- A reduction in the number of hotel rooms from 427 to 362 and an increase in the number of residential units from 6 to 15;
 - A reduction in the height of the tallest part of the building from 14 stories to 13 storeys;
 - Provision of separate entrances to the residential units to make them fully self-contained with their own core (they were previously shown as being accessed from the hotel corridor).
 - Alterations to the residential units to increase the size of their living spaces;
 - Revised elevational treatment along Harper Road to distinguish the residential part of the building from the hotel.

Further amendments:

Subsequently, further alterations have been undertaken comprising:

- Increase to 20 residential units, including 10 units of affordable housing (8 social

rented, 2 intermediate) amounting to 50% by habitable room count;

- Reduction in Hotel rooms (Class C1) from 362 to 328 rooms.
- Introduction of additional Workspace (Class B1).
- Introduction of Employment and Community Generator space at ground floor, mezzanine basement and basement levels including:
 - Multi-functional community events space (Class B1/D1).
 - Affordable workspace and workshops for artists and small businesses (Class B1).
- Additional Retail/restaurant space at ground floor and mezzanine basement level (Class A1/A2/A3).

Planning history

18. 16/AP/3174 - Demolition of existing buildings and redevelopment to provide a residential-led, mixed-use development comprising erection of part 4, part 6, part 7 and part 13 storey building with basement providing 106 residential units (Class C3), office use (Class B1), retail use (Class A1-A3) and flexible use (Class B1/D1), 8 no. car parking spaces together with access, hard and soft landscaping and other associated works incidental to the development.

This application has stalled and is being held in abeyance, as it was not possible to agree on the proposed level of affordable housing.

19. 16/AP/1561 Application type: Screening Opinion (EIA) (SCR)
EIA Screening opinion for demolition of existing buildings and redevelopment of the site for residential-led, mixed-use scheme including retail/workspace at basement, ground and first floor levels'. Decision date 04/05/2016 Decision: Screening Opinion - EIA Regs (SCR)
20. 15/EQ/0258 Application type: Pre-Application Enquiry (ENQ)
Proposal is to comprehensively redevelop the site for a residential-led mixed use scheme. Decision date 25/07/2016 Decision: Pre-application enquiry closed (EQC).
21. 325 Borough High Street
13-AP-0145 - Demolition of existing 3 storey (plus basement) building and the erection of a 6 storey (plus basement) mixed use development comprising: - Commercial [A1,A2 and B1] space at basement and ground level - 5 no. two bedroom residential apartment units on the floors above]. Planning Permission was GRANTED in March 2013 (this application relates to a small part of the application site which adjoins the police station).
22. 13-AP-3052 - Material minor amendment of planning permission dated 20/03/2013 [application no. 13/AP/0145 for the demolition of existing 3 storey (plus basement) building and the erection of a 6 storey (plus basement) mixed use development comprising: - Commercial [A1,A2 and B1] space at basement and ground level - 5 no. two bedroom residential apartment units on the floors above] to improve refuse and recycling arrangements; to allow for a continuous brick vertical and to provide detailing and relief – application WITHDRAWN.
23. 13/AP/3098 - Variation of the wording of condition 11 parts 3 and 4 to remove the requirement for their details to be submitted to the Council, prior to commencement of the development of planning permission dated 20/03/2013 [application no. 13/AP/0145 for the demolition of existing 3 storey (plus basement) building and the erection of a 6 storey (plus basement) mixed use development comprising: - Commercial [A1,A2 and B1] space at basement and ground level - 5 no. two bedroom residential apartment

units on the floors above]. Planning permission was GRANTED in October 2014.

24. **Planning history of adjoining sites**

25-29 Harper Road

15-AP-3886 - Demolition of the existing former Sorting Office and Former Court building and redevelopment to provide 64 residential units (2 studios, 20 x 1b2p, 29 x 2b4p, 8 x 3b5p, 4 x 4b5p, 1 x 4b6p) in three blocks of 4, 5 and 7-storeys in height plus lower ground floor; 299sqm of B1 floorspace together with associated amenity space, landscaping and related ancillary works. Planning permission was GRANTED on 31st March 2016 following the completion of a s106 agreement. This is the Trinity House scheme which is currently under construction to the east of the site.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

25. 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;
 - Tenure mix, affordable housing and viability ;
 - Dwelling mix including wheelchair housing;
 - Density;
 - Quality of residential accommodation;
 - Design, layout, heritage assets and impact on Borough and London views;
 - Landscaping and trees;
 - Outdoor amenity space, children's play space and public open space;
 - Impact of proposed development on amenity of adjoining occupiers and surrounding area;
 - Transport and highways;
 - Noise and vibration;
 - Energy and sustainability;
 - Ecology and biodiversity;
 - Air quality;
 - Ground conditions and contamination;
 - Water resources and flood risk;
 - Archaeology;
 - Wind microclimate;
 - Health impact assessment;
 - Socio-economic impacts;
 - Planning obligations (S.106 undertaking or agreement);
 - Mayoral and borough community infrastructure levy (CIL);
 - Community involvement and engagement;
 - Consultation responses, and how the application addresses the concerns raised;
 - Community impact and equalities assessment;
 - Human rights, and;
 - Other matters
26. These matters are discussed in detail in the 'Assessment' section of this report.

Legal Context

27. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the London Plan 2016, the Core Strategy 2011, and the Saved Southwark Plan 2007.
28. 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

29. National Planning Policy Framework (the Framework) 2019
 - Section 2 – Achieving sustainable development
 - Section 5 – Delivering a sufficient supply of homes
 - Section 6 – Building a strong and competitive economy
 - Section 7 – Ensuring the vitality of town centres
 - Section 8 – Promoting healthy and safe communities
 - Section 9 – Promoting sustainable transport
 - Section 11 – Making efficient use of land
 - Section 12 – Achieving well designed places
 - Section 14 – Meeting the challenge of climate change, flooding and coastal change
 - Section 15 – Conserving and enhancing the natural environment
 - Section 16 – Conserving and enhancing the historic environment

National Planning Practice Guidance
30. London Plan 2016
 - Policy 2.9 – Inner London
 - Policy 2.10 - Central Activities Zone – Strategic Priorities
 - Policy 2.11 - Central Activities Zone – Strategic Functions
 - Policy 2.12 - Central Activities Zone – Predominantly Local Activities
 - Policy 2.13 - Opportunity areas and intensification areas
 - Policy 2.15 - Town Centres
 - Policy 3.1 - Ensuring Equal Life Chances For All
 - Policy 3.3 - Increasing housing supply
 - Policy 3.5 - Quality and design of housing developments
 - Policy 3.6 - Children and young people's play and informal recreation facilities
 - Policy 3.8 - Housing choice
 - Policy 3.9 - Mixed and balanced communities
 - Policy 3.10 - Definition of affordable housing
 - Policy 3.11 - Affordable housing targets
 - Policy 3.12 - Negotiating affordable housing on individual private residential and mixed use schemes
 - Policy 3.16 - Protection and enhancement of social infrastructure
 - Policy 4.2 - Offices
 - Policy 4.3 - Mixed use development and offices
 - Policy 4.5 – London’s visitor infrastructure
 - Policy 4.6 - Support for and enhancement of arts, culture, sport and entertainment Provision

Policy 4.7 - Retail and Town Centre Development
 Policy 4.8 - Supporting a Successful and Diverse Retail Sector
 Policy 4.9 – Small shops
 Policy 4.12 - Improving Opportunities for All
 Policy 5.1 - Climate Change Mitigation
 Policy 5.2 - Minimising Carbon Dioxide Emissions
 Policy 5.3 - Sustainable Design and Construction
 Policy 5.5 - Decentralised Energy Networks
 Policy 5.6 - Decentralised Energy in Development Proposals
 Policy 5.7 - Renewable energy
 Policy 5.8 - Innovative energy technologies
 Policy 5.9 - Overheating and Cooling
 Policy 5.10 - Urban Greening
 Policy 5.11 - Green roofs and development site environs
 Policy 5.12 - Flood risk management
 Policy 5.13 - Sustainable drainage
 Policy 5.14 - Water Quality and Wastewater Infrastructure
 Policy 5.15 - Water Use and Supplies
 Policy 5.21 - Contaminated land
 Policy 6.9 - Cycling
 Policy 6.10 - Walking
 Policy 6.13 - Parking
 Policy 7.1 - Building London's Neighbourhoods and Communities
 Policy 7.2 - An inclusive environment
 Policy 7.3 - Designing out crime
 Policy 7.4 - Local character
 Policy 7.5 - Public Realm
 Policy 7.6 - Architecture
 Policy 7.7 - Location and design of tall and large buildings
 Policy 7.8 - Heritage assets and archaeology
 Policy 7.14 - Improving Air Quality
 Policy 7.15 – Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
 Policy 7.19 - Biodiversity and Access to Nature
 Policy 7.21 - Trees and woodlands
 Policy 8.2 - Planning obligations
 Policy 8.3 - Community infrastructure levy

31. Core Strategy 2011

Strategic Policy 1 – Sustainable development
 Strategic Policy 2 – Sustainable transport
 Strategic Policy 3 – Shopping, leisure and entertainment
 Strategic Policy 4 – Places for learning, enjoyment and healthy lifestyles
 Strategic Policy 5 – Providing new homes
 Strategic Policy 6 – Homes for people on different incomes
 Strategic Policy 7 – Family homes
 Strategic Policy 10 – Jobs and businesses
 Strategic Policy 11 – Open spaces and wildlife
 Strategic Policy 12 – Design and conservation
 Strategic Policy 13 – High environmental standards

32. Southwark Plan 2007 (July) - saved policies

- 1.1 - Access to employment opportunities
- 1.4 – Employment sites outside preferred office locations and preferred industrial locations
- 1.5 - Small businesses
- 1.2 – Hotels and visitor accommodation
- 2.1 – Enhancement of community facilities
- 2.2 - Provision of new community facilities
- 2.5 - Planning obligations
- 3.2 - Protection of amenity
- 3.3 - Sustainability assessment
- 3.4 - Energy efficiency
- 3.6 - Air quality
- 3.7 - Waste reduction
- 3.9 - Water
- 3.11 - Efficient use of land
- 3.12 - Quality in design
- 3.13 - Urban design
- 3.14 - Designing out crime
- 3.15 - Conservation of the historic environment
- 3.16 - Conservation areas
- 3.18 - Setting of listed buildings, conservation areas and world heritage sites
- 3.19 – Archaeology
- 3.20 – Tall buildings
- 3.28 - Biodiversity
- 4.2 - Quality of residential accommodation
- 4.3 - Mix of dwellings
- 4.4 - Affordable housing
- 4.5 - Wheelchair affordable housing
- 5.2 - Transport impacts
- 5.3 - Walking and cycling
- 5.6 - Car parking
- 5.7 - Parking standards for disabled people and the mobility impaired

33. Supplementary planning documents

- Sustainable design and construction SPD (2009)
- Sustainability assessments SPD (2009)
- Sustainable Transport SPD (2010)
- Residential Design Standards SPD Technical Update (2015)
- Affordable housing SPD (2008 - Adopted and 2011 - Draft)
- Section 106 planning obligations and community infrastructure levy (CIL) SPD (2015)
- Development Viability SPD (2016)

34. Draft New Southwark Plan (NSP)

For the last 5 years the council has been preparing the New Southwark Plan (NSP) which will replace the saved policies of the 2007 Southwark Plan and the 2011 Core Strategy. The Council concluded consultation on the Proposed Submission version (Regulation 19) on 27 February 2018. It is anticipated that the plan will be adopted in 2020 following an Examination in Public (EIP). As the New Southwark Plan is not yet an adopted plan, it has limited weight. Nevertheless paragraph 48 of the NPPF states

that decision makers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the policy and the degree of consistency with the Framework.

The site is designated proposal site NSP09 in the draft NSP, which extends from the Borough High Street frontage all the way to the boundary with the Trinity House development. It therefore covers all of the site subject to this application. The site vision in the draft NSP advises that redevelopment of the site must:

- Re-provide at least the amount of employment floor space (B class) currently on the site or provide at least 50% of the development as employment floor space, whichever is greater;
- Provide new homes (C3);
- Provide active frontages with ground floor town centre uses (A1, A2, A3, A4, B1, D1 and D2).

The design and accessibility guidance in the draft NSP advises that the site could include taller buildings, subject to impacts on existing character, heritage and townscape.

The draft NSP advises that redevelopment of the site should contribute towards enhanced green walking routes to Elephant and Castle and Borough and proposed cycle route improvements to Swan Street. The proximity to nearby heritage assets including important archaeology and the need to protect them is highlighted.

35. Draft New London Plan

The draft New London Plan was published on 30 November 2017 and the first and only stage of consultation closed on 2 March 2018. Minor suggested changes to the plan were published on 13 August 2018 and an Examination in Public (EIP) has taken place in 2019. Given that the plan has not yet been adopted it can only be attributed limited weight at present.

Consultation responses from members of the public

36. Summarised below are the material planning considerations raised by members of the public. The initial round of consultation resulted in 46 responses, 43 in objection, 2 in support and one neutral response. The latest round of re-consultation has resulted in 8 responses to the development, all in objection. The themes throughout the objections are all along similar lines and are summarised as follows:

37. Principle of development and proposed land uses:

- The site is in a residential area and placing a commercial building at the site would be detrimental to the immediate neighbourhood;
- New housing is required, not hotels, and other hotels are under construction locally;
- A hotel in this location would be contrary to the London Plan and strategic policy 10 of the Core Strategy;
- The site is not in the Bankside, Borough and London Bridge Town Centre or the opportunity area. It is only partly within the town centre and planning policies should be applied accordingly;
- Dwellings being built at 25-29 Harper Road should not all be counted towards the unit estimated capacity for proposal site designation 10P, because that

adjoining site included land outside of 10P;

- There would be no new dwellings, only replacements, and they would not be low cost, unlike those which they would replace;
- Lack of affordable housing;
- The proposal would be contrary to the NSP site designation which gives an estimated capacity of 77 homes;
- The proposal would be contrary to the proposal site 10P because a hotel is proposed;
- The proposal should be treated as a major development outside a major town centre and opportunity area;
- Co-working space is not an acceptable replacement for the type of units in Hotel Elephant or the probation office and may not be let;
- Question the long term sustainability of retail, restaurant and bar spaces on this site;
- The hotel could be converted to student accommodation if a hotel is not successful;
- The proposed D class floor space would not be suitable for a doctors' surgery;
- The flexible B/D class floor space must be secured for D class use and set aside for the local community and must not be allowed to change to B class;
- Has been no consultation with the existing pharmacy which has provided services to the local community for approximately 20 years and serves vulnerable residents;
- Job losses arising from loss of the pharmacy;

38. Affordable housing and viability:

- Approval of the application may come down to viability, but the local community and the remainder of the borough should not take the penalty of developers paying too much for sites
-

39. Design quality and site layout:

- The proposed building would be too high;
- Harm to the Trinity Church Square Conservation Area and listed buildings;
- The proposed building has no architectural merit;
- The site is not located at a point of landmark significance;
- The site is predominantly within a Borough Landmark Viewing Corridor (view 3 in the NSP) and within the wider consultation area for this view;
- It would start a precedent for a cluster of tall buildings in this location;
- Contrary to the Elephant and Castle SPD which seeks to cluster tall buildings, with heights dropping along Newington Causeway;
- Would obscure important local views of the City and the Shard - (officer response – These views are not protected.

40. Neighbour amenity impacts:

- Noise and disturbance from servicing the hotel from the service yard would impact the amenity of new flats being constructed at 25-29 Harper Road;
- Noise and anti-social behaviour arising from the roof top bar;
- Overlooking from the proposed roof top bar;
- Air pollution from increased dust, leading to health problems;
- Overshadowing;

41. Transport, parking, highways, deliveries and servicing matters:
- The proposed hotel use would be increase traffic in the area;
 - The site is not at a transport hub where hotels are generally located;
 - A detailed construction management plan must be conditioned if the application is approved, in consultation with the local community and councillors;
 - Refuse collection must be carefully considered and must not adversely impact upon neighbouring residents;
42. Other matters:
- Impact upon local services
- Existing doctors' surgeries are already overprescribed and the proposal would put further pressure on them;
- The doctors' surgery, pharmacy and police station are needed more than a hotel and should remain as they are;

ASSESSMENT

Principle of the proposed development in terms of land use

43. The entire site sits within the central activities zone (CAZ), the strategic priorities and functions for which are set out in policies 2.10 and 2.11 of the London Plan; this includes enhancing and promoting the roles of the CAZ based on a rich mix of local and strategic uses.



Fig 2. Proposed Ground Floor Plan

44. The western part of the site fronting Borough High Street also forms part of the London Bridge, Bankside and Borough Opportunity area, with the boundary transecting the site diagonally as shown on Fig 1. (paragraph 10) of this report. The London Plan considers opportunity areas to be “the capital’s major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other developments linked to existing or potential improvements to public transport accessibility. Typically they can accommodate at least 5,000 jobs or 2,500 new homes or a combination of the two, along with other supporting facilities and infrastructure” (paragraph 2.58). Accordingly, policy 2.13 of the London Plan states that opportunity areas should seek

to optimise residential and non-residential out-put and densities, provide necessary social and other infrastructure to sustain growth, and where appropriate, contain a mix of uses. Annex 1 of the London Plan gives an indicative employment capacity for this opportunity area of 25,000 jobs and a minimum of 1,900 new homes.

45. Southwark's Core Strategy reinforces the London Plan aspirations for development in the CAZ to support London as a world class city. The CAZ and opportunity areas are targeted as growth areas in the borough where development will be prioritised. The Council will allow more intense development for a mix of uses in the growth areas and will make sure that development makes the most of a site's potential and protects open space (Strategic Policy 1).

46. The Core Strategy vision for the Bankside, Borough and London Bridge Opportunity Area is that it will continue to be home to a mix of uses, providing high quality office accommodation alongside world class retail, tourism, culture and entertainment facilities and public spaces. Local people will be supported to find jobs by local employment and training schemes, and the Council is working with the local community and landowners to deliver large scale development and improvements, providing over 1,900 new homes, 665 affordable housing units and around 25,000 new jobs by 2026.

47. The western part of the site (the same part which falls within the opportunity area) also sits within the London Bridge District Town Centre. Strategic policy 3 of the Core Strategy advises that the provision of new shopping space in Bankside, Borough and London Bridge will be supported, which should include food and non-food space to meet the needs of local residents, visitors and businesses. The western part of the site is designated in the Saved Southwark Plan as proposal site 10P which encompasses the part of the site occupied by Hotel Elephant, together with part of the Trinity House development. It is designated for housing with no other uses permitted, and an estimated capacity for 60 residential units is given. The site designation does not include 21 Harper Road or the rear parts of the properties fronting Borough High Street, and these buildings do not sit within the opportunity area or town centre either. As stated, part of the Southwark Plan proposal site already has planning permission for a predominantly residential development at 25-29 Harper Road and this is under construction and known as the Trinity House scheme which was for 64 residential units.

48. Provision of retail floor space (use classes A1 and A3)

There is currently 301sqm of retail floor space on the site comprising 94sqm of A1 floor space (the pharmacy) and 207sqm of A3/A5 space made up of the sandwich shop, a vacant takeaway fronting Borough High Street and a vacant takeaway / restaurant at the rear of the site accessed from Harper Road. The proposal would include 754sqm of floor space within use classes A1 and A3, an uplift of 443sqm. This would be consistent with strategic policy 3 of the Core Strategy which supports the provision of new shopping space in the area, and the space would front Borough High Street creating an active frontage to this street, with further café space incorporated within the commercial unit and accessed separately within the courtyard. Concerns have been raised during public consultation on the application that the commercial spaces within the courtyard are unlikely to be successful owing to their limited visibility. However, wide routes would be created into the courtyard and this type of arrangement would not in itself be particularly unusual.

49. The retail units would span the basement and ground floor levels as well as a publically accessible rooftop bar also proposed at 12th floor level. Policy 4.9 of the London Plan 'Small shops' advises that in considering proposals for large retail developments the

Mayor will and boroughs should, consider imposing conditions or seeking contributions through planning obligations where appropriate, feasible and viable, to provide or support affordable shop units suitable for small or intermediate retailers and service outlets and / or to strengthen and promote the retail offer, attractiveness and competitiveness of centres; the Mayor's Town Centre SPG defines small shops as those with a gross floor area typically up to 80sqm.

50. Other than within the Elephant and Castle Opportunity Area, the Council does not have a policy which sets a minimum requirement for affordable retail units. The proposal has been revised and now proposes larger retail units that would not easily lend themselves to subdivision to create smaller units. This is considered acceptable given the relatively low amount of retail floor space proposed.
51. Concerns have been raised by the retail occupiers currently at the site that they have not had any discussions with the applicant about the proposals, and are therefore uncertain about their future. The applicant has subsequently advised that discussions have taken place with the pharmacy, but these are confidential at this stage. The applicant has however, agreed to market an area of retail space at least equivalent in size to that occupied by the pharmacy exclusively for a pharmacy use for a six month period provided that (a) the existing pharmacy does not itself choose to return to the development or to relocate locally or (b) another licensed pharmacy does not set up within circa 500m radius of the site, and (c) the relevant licensing authority is willing to grant a pharmacy license to a suitable pharmacy operator in the new development. It is recommended that this is included as a s106 obligation within the legal agreement.
52. The applicant has also advised that the Sandwich Box is a sub-leasee of the pharmacy, and that it would not be appropriate for the applicant to approach the sub-leasee without consent from the pharmacy owner. The sub-tenancy would be dealt with in accordance with the terms of their sub-lease and the provisions of the Landlord and Tenant Act which fall outside of the planning remit.
53. Emerging policy P38 of the draft NSP 'Business Relocation' requires that where existing small or independent businesses or small shops are displaced by a development, a business relocation strategy, in written consultation with affected businesses, must be provided. This must include details of existing levels of non-residential floor space, a schedule of the affected businesses including use, employees and lease terms, proposed levels of non-residential floor space, details of engagement with the affected businesses and details of engagement with workspace providers to secure occupiers for new employment space. Given that the plan is in draft stage, it is considered that this policy can only be afforded limited weight and given the abovementioned considerations for re-provision of the pharmacy within the legal agreement, this is considered an appropriate level of mitigation. Re-location of the existing doctors surgery is considered further, later within the report.
54. With regard to the existing residential occupiers, the applicant has advised that there are seven individual flat owners, six of which are buy-to-let investors and one owner / occupier. The applicant's agent has been in dialogue with the flat owners for the past two years and negotiations are currently underway with all parties with regard to acquiring these properties if planning permission is granted.
55. Provision of office space (use class B1)
Strategic policy 10 of the Core Strategy seeks to protect existing business floor space in certain locations including the CAZ, town centres and action area cores. Saved policy 1.4 of the Southwark Plan also affords protection to existing business space in

certain locations, including town centres and where the site fronts a classified road, but it also allows business space to be replaced with A class or other town centre uses where sites are located in a town centre.

- 56. There is currently 1,695sqm of B1 floor space on the site, 766.5sqm of which is afforded protection under the saved Southwark Plan because some of it (above the doctors' surgery) is located in the town centre, and some of it (at 21 Harper Road) fronts a classified road. The remaining B1 space on the part of the site which is designated for housing and as such is not protected.
- 57. The proposed development would include 2,019sqm of B1 floor space, which would be located at basement, mezzanine basement and ground floor accessed from Borough High Street and within the proposed courtyard. This would be in the form of office workspace at ground floor and mezzanine basement with affordable workspace at basement level. There would therefore be an uplift of 324sqm of B class floor space as well as 446sqm of flexible B1/D1 space at basement level which is proposed which would be made available for hire free of charge to registered local community. This would be separate from the workspace but included as this is part of the wider community hub. However, a clause is recommended to be included within the legal agreement requiring the applicants to submit a community investment plan which will outline the details of when this would be used for community based D1 uses.



Fig 3. Proposed Basement Plan

- 58. The B1 floor space would be laid out as co-working space which would be managed by The Collective; it would be available to the local community and hotel guests. Although not a policy requirement, 1094sqm of floor space would be offered as affordable workspace with a rent of 75% of the market value and this would be secured in the s106 agreement.
- 59. In addition to this, the applicants have outlined that, in partnership between The Collective, The Collective Foundation and our local champions, an Accelerator Programme will be run on site at Kings Place to nurture local talent, generate ideas and keep employment within the Borough. As part of this process, the following financial

contributions are proposed in addition to the above:

- Up to 5 financial grants per annum of £10,000 to seed new businesses within the accelerator programme over the next 15 years.
- Up to 3 financial grants per annum of £5,500 for local Rockingham & Tabard estate students to attend London South Bank University for the next 15 years.

These additional contributions would also be secured as part of the s106 agreement.

60. C1 floor space (hotel)

Policy 4.5 of the London Plan sets a target of 40,000 net additional hotel bedrooms by 2036, of which at least 10% should be wheelchair accessible. It advises that new visitor accommodation should be in appropriate locations including in the CAZ, where strategically important hotel provision should be focussed within opportunity areas and smaller scale provision in CAZ fringe locations with good public transport. It advises that further intensification of hotel provision in areas of existing concentration should be resisted, except where it would not compromise local amenity or the balance of local land uses. The GLA has confirmed in its stage 1 response that a hotel-led scheme on the site is supported in land use terms under the London Plan.

61. At borough level strategic policy 10 of the Core Strategy advises that hotels will be permitted in town centres, the strategic cultural areas and places with good access to public transport services, provided they do not harm the local character. Saved policy 1.12 of the Southwark Plan advises that hotels and other visitor accommodation will be encouraged in areas with high public transport accessibility; hotels and visitor accommodation will not be permitted where they would result in a loss of existing residential accommodation, or an over dominance of visitor accommodation in the locality.
62. The hotel would be operated and managed by The Collective Ltd which launched its first fully operational hotel in Long Island City, New York in April 2019, comprising 229 rooms. The Collective has another hotel and co-living scheme recently completed in Canary Wharf which has 706 rooms. The proposed hotel would be aimed at those wishing to stay for more than one or two nights such as for holidays and work trips. The hotel would target a 3 star rating and a hotel study submitted by the applicant advises that a significantly lower proportion of Southwark's hotel stock is of 3 star rating (4%) compared to 13% in Westminster, 19% in Kensington and Chelsea, and 27% in Camden.
63. There are currently 70 full time jobs which equates to 85 people employed at the site. The hotel part of the scheme would result in around 235 jobs in total, including 185 full-time equivalent jobs in addition to the other commercial uses and the s106 agreement would secure employment both during construction and within the completed development. This would include 54 jobs within the completed development, 33 of which would be from the proposed hotel. The applicant has also committed to working with local education partners to deliver a pre-employment hospitality and catering course to connect local residents with employment opportunities, targeting long-term unemployed local residents.
64. Areas of the hotel which would be open to the public would be the hotel lobby / lounge, with the rooftop bar and terrace, and workspace being offered as separate uses. The applicant has also agreed to offer and operate a multi-functional event space in the development for community use and this would be secured through a community

investment plan secured as part of the s106 agreement.

65. The entire site is located in the CAZ, has excellent access to public transport, and the part of the site fronting Borough High Street is in the opportunity area therefore a hotel would be acceptable in land use terms. The exception to this is the part of the site which is designated for housing. Policy 3.4 of the London Plan requires developments to optimise housing output for different types of locations within various density ranges which are set out in the policy (density is considered separately below). By building a hotel on part of a housing site arguably the site would not optimise housing potential.
66. However, the proposal would contain 20 residential units which would be located on the housing part of the site. The saved Southwark Plan gives an estimated capacity of 60 residential units on the entire housing site which incorporates the Trinity House development. This neighbouring development is providing 64 new dwellings, 45 of which are on the remaining part of the allocated housing site. Adding to this to the 20 dwellings proposed under the current application, a total of 65 dwellings would be delivered across within the housing site which would align with the estimated capacity given in the Southwark Plan. This would not optimise housing delivery on the housing site as required by the London Plan because more housing and less hotel rooms could be provided. However, on balance, given the employment benefits associated with the proposed hotel and given that the amount of housing the Southwark Plan estimated for the site would be delivered, this is considered to be acceptable in this instance.
67. As to whether there would be a concentration of hotels in the area, the applicant's hotel study considers existing and consented hotels within a half mile radius of the site, which spans from Borough Market in the north to New Kent Road in the south. There are currently 19 hotels in this area, most of which are located to the north and which provide a total of 1,530 rooms. The London City Hotel and St Christopher's Village are closest to the site, approximately 350m to the north or around a five minute walk away. There are a further five hotels in the pipeline which would add another 752 rooms to the existing provision. The closest to the site would be a new 140 room Premier Inn at 87 Newington Causeway, approximately 220m from the site. Given that there would be a reasonable distance between the site and the nearest existing and planned hotels, there is not considered to be an over-concentration of hotels in this particular area of the borough.
68. D1 class floor space
There is currently 433sqm of D1 floor space on the site which is in use as a doctors' surgery. Policy 3.16 of the London Plan seeks to protect and enhance social infrastructure, and advises that proposals which would result in the loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted; it requires the suitability of the space for other forms of social infrastructure to be considered. This is reinforced through saved policy 2.1 of the Southwark Plan.
69. The proposed development would include 433sqm of flexible floor space which could either be used for B1 or D1 purposes. The applicant has submitted a letter from the existing GP Practice which advises that they do not wish to stay at the site, and intend to merge with another nearby practice. In planning terms there would be nothing to prevent a different practice from occupying some of the space within the development should they wish. It could also be occupied by another type of social infrastructure and the London Plan policy requires this to be considered. The proposal is to offer a area of the incubator hub as a flexible D1 and B1 floor space that will be open for local residents to use the space for community based functions which is considered a

positive re-provision of the social infrastructure floor space. It is recommended that there is a clause within the legal agreement requiring the submission of a community investment and use plan in order to ensure that this space is genuinely available for the wider benefit of the community.

70. Land use conclusion

When combined with the adjoining Trinity House development the proposal would deliver 60 residential units which is the estimated capacity given in the Southwark Plan for the housing site. A hotel would be acceptable in land use terms given that the entire site is located in the CAZ and part of the site is located in an opportunity area. Although hotel floor space would be provided on part of the housing site, on balance this is considered to be acceptable given that the estimated number of units given in the Southwark Plan would be delivered. Whilst more housing could be provided on the site in lieu of hotel rooms, this should be weighed in the balance with the benefits arising from the proposed hotel including job creation, an additional yearly spend of £155k in the local area, and the proposed business and community incubator hub and event space within the proposed development. Furthermore, the immediate area would not result in an over-provision of hotel bed spaces. The A1-A3 uses would help to enliven this part of the street, and a condition is recommended requiring the flexible space to be marketed for D1 use in the first instance and a proportion of the retail space to be marketed for a pharmacy use. Overall the principle of the mixed use development is thus considered acceptable.

Equality implications

71. Legal context

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender reassignment, pregnancy and maternity, race, religion, or beliefs and sex and sexual orientation. Section 149 of the Equality Act 2010 places the Local Planning Authority under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and Members must be mindful of this duty, inter alia, when determining all planning applications. In particular Members must pay due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

72. This section of the report examines the impact of the proposal on those with protected characteristics and with a particular focus on the Council's legal duties under s.149 of the Equality Act 2010.

73. No equalities impact assessment has been submitted with the application, but the proposal could impact upon people sharing the characteristics of age and disability owing to the potential loss of the pharmacy and doctors' surgery. The loss of these facilities could mean that people would have to travel slightly further to access these facilities, which older and disabled people may be less able to do than the wider population.

74. However, as stated, the applicant has submitted a letter from the existing doctors'

surgery which advises that the two GPs at the practice intend to co-locate to another local NHS GP practice, to ensure the long term sustainability of both practices. The letter advises that the clinical commissioning group would be given 6 months' notice before the practice vacates the site, and that it is not either practice's intention or desire to return to the site in the completed development.

75. The applicant has also submitted details of the effect of the proposal on local GP provision. It advises that Southwark Clinical Commissioning Group (SCCG) is the NHS body responsible for ensuring the quality of care provision to patients in Southwark, and manages 38 practices in total. GP provision within one mile has been considered, that being a typical walking distance, and there are 15 GP practices within a one mile radius of the site, all but one of which is accepting new patients. Across the 15 surgeries there is an average patient list size of 2, 511 registered patients per full time GP which is significantly above the NHS recommendation of 1, 800 per GP, suggesting that GP provision in the local area is constrained. However, as the two GPs intend to relocate to another practice locally, the proposal would not significantly add to the existing constraints given that only 20 residential units are proposed. A condition is recommended requiring the submission of a community use strategy to ensure the D1 community activities are provided on site.
76. With regard to the pharmacy use, the applicant has agreed to market an equivalent amount of floor space as currently occupied by the pharmacy for pharmacy use for a period of 6 months. In spite of this there is no guarantee that a pharmacy would be re-provided on the site and Members must weigh this in the balance when considering the proposal. The nearest alternative pharmacy appears to be at 18 Harper Road, approximately 200m to the east of the site which is considered to be an adequate distance from the site to mitigate the potential loss of the pharmacy on this site. After this the closest pharmacies are at Elephant and Castle, approximately 400m to the south therefore those living close to the site could have to travel further to a pharmacy than is currently the case.
77. It is not known whether the existing business owners or people who live at the site shared in any protected characteristics, and both the pharmacy and the Sandwich Box are long standing businesses which have been at the site for around 18 and 32 years respectively. The proposal would however, increase the amount of retail space and dwellings on the site and would include 50% affordable housing which would have positive equality impacts; at present there are seven dwellings on the site which are all in the private sector.
78. The proposal would also have a number of other positive equality impacts. The proposed hotel would result in a significant increase in jobs on the site, both during construction and within the completed development which could benefit those sharing protected characteristics. Level access would be provided at ground floor level within the development, and lifts would be provided internally which would benefit older and less-abled people.
79. The proposed development would result in a significant change at the site. The public sector equality duty does not prevent change, but it is important that the Council considers the acceptability of the change with a careful eye on the equality implications of that change given its duty under s.149 of the Equality Act 2010. The Council's duty is to have due regard to the objectives identified above when making its decision. In the present context, this means focussing carefully on how the proposed change would affect those with protected characteristics, and ensuring that their interests are protected and equality objectives promoted as far as possible.

80. It is considered that there could be adverse equality implications in relation to age and disability owing to the loss of the doctors' surgery and pharmacy. Although the doctors' surgery plans to relocate locally, patients living close to the site would have to travel further to access GP services than at present. These impacts must be weighed in the balance with the benefits arising from the proposal, including a significant increase in jobs at the site, new social rented units, and new retail and office floor space within a high quality development. Officers consider that the benefits of the proposal would outweigh any adverse equality implications in this instance.

Environmental impact assessment

81. The Council issued a negative screening opinion in May 2016 confirming that an Environmental Impact Assessment would not be required for a proposal to redevelop the site for a residential-led (circa 106 units), mixed-use scheme including 3,020sqm of office and retail floor space in a new building up to 13-storeys high (reference: 16/AP/1561). The current proposal before Members is similar to this earlier proposal in terms of its height, scale, massing and layout, with the main change being that the predominant use at the site would be a hotel rather than residential.
82. The proposed hotel would be more intensive than residential, with large numbers of people coming and going and increased servicing requirements. However, given the location of the site in a densely built up urban area where there are already large numbers of people and high levels of activity, it is not considered that the proposal would have significant environmental effects that would require the submission of an Environmental Statement; regard has been had to the screening criteria in Schedule 3 of the EIA Regulations in reaching this view. As set out later in the report, noise and transport impacts arising from the proposal would not be significant.

Tenure mix, affordable housing and viability

83. The proposed scheme would deliver 20 units, of which 10 would be offered as affordable housing units with the following mix:

84.

Unit size	No. of Social rent	No. of intermediate (shared ownership)	No. of Market units	Total
1-bedroom	2	0	4	6 (30%)
2-bedroom	4	2	1	7 (35%)
3-bedroom	0	0	4	4 (20%)
4-bedroom	2	0	1	3 (15%)
All units	8 (40%)	2 (10%)	10 (50%)	20 (100%)

85. The proposed tenure mix would exceed the required affordable housing levels as it would provide 50% affordable housing which is considered a significant positive from the proposed development. Of the affordable provision, this would equate to 80% social rented housing and 20% Intermediate housing which is would accord with Core

Strategy Policy 6 which requires that 35% of all housing is affordable within developments. The applicants have demonstrated through a viability appraisal that the current development would be deliverable with a developer return level of 15.1%. This profit level sits at the lower end of the normally accepted levels of profits as outlined within Southwark's Development Viability SPD (15-20%). This demonstrates that the proposed scheme would be deliverable.

Dwelling mix including wheelchair housing

86. Policy 3.8 of the London Plan 'Housing choice' requires new developments to offer a range of housing choices in terms of the mix, housing sizes and types, taking account of the housing requirements of different groups and the changing roles of different sectors in meeting these. Strategic policy 7 of the Core Strategy 'Family homes' requires developments of 10 or more units to provide at least 60% of the units with two or more bedrooms, at least 20% of the units with three or more bedrooms, and no more than 5% studio units which can only be for private housing. As noted above, 35% of the units proposed would be of three or more bedroom family dwellings and 70% of all units would be of two or more bedrooms.
87. Four units have been proposed as wheelchair housing units, 1 x 2 bed 3 person unit Market Housing unit, 2 x 2 Bed 3 Person units as Social rented units and 1 x 2 bed 3 person intermediate housing unit.
88. Overall the dwelling mix would accord with the required policies as it would exceed the required levels of family housing and number of units of 2 or more bedrooms. Furthermore there would be a significant overprovision of wheelchair accessible units providing 20% which is considered to be another significant public benefit of the proposed development.

Density

89. Based on the Southwark Plan methodology for mixed-use developments, the density of the proposed development would equate to 2,302 habitable rooms per hectare (hrh). Neighbouring residents have raised concerns that the scale and massing of the development is excessive for the site and as such this leads to an overdevelopment of the site.
90. With regard to Southwark policy, strategic policy 5 of the Core Strategy expects residential developments in the central activities zone to fall within the range of 650-1,100 habitable rooms per hectare. The Southwark Plan sets out the methodology for calculating the density of mixed use schemes, and requires areas of non-residential space to be divided by 27.5 to create an equivalent number of habitable rooms per hectare.
91. The Council's Residential Design Standards SPD requires accommodation to be of an exemplary standard where density ranges would be exceeded. The proposal would result in an excellent standard of accommodation, although not all aspects of the housing could be described as 'exemplary' – this is assessed further later in the report in the 'Quality of accommodation' section. The height of the proposed development and its public realm contribution are considered to be acceptable and the quality of detailed design is considered to be of a very high standard, as noted later in the report. Although there would be some impacts upon daylight and sunlight to neighbouring properties, it is not considered that this would be significant. There are also other significant contributions as a result of the proposed development including the

significant uplift in employment from the site, and in particular, the proposed community/employment hub and the 50% affordable housing. Given these factors, it is not considered that exceeding the density threshold would warrant withholding permission in this instance.

Quality of residential accommodation

92. The residential element of the proposed scheme would be located to the south eastern end of the site along Harper Road which is considered the more residential part of the site with the adjoining new residential block. Two separate residential cores are provided, with one for access to the affordable units and one for the market units for management purposes and this arrangement is considered acceptable.

93.

Schedule of accommodation for dwelling type			
Dwelling	Area (sq. m)	Minimum area requirement (sq. m)	Complies (YES/NO)?
1B2P units	50.4sqm – 57.9sqm	50	Yes
2B3P units	70.3sqm - 78.1sqm	61	Yes
2B4P units	75.6sqm – 77sqm	70	Yes
3B5P units	91.7sqm - 96.4sqm	86	Yes
4B5P units	96.4sqm	90	Yes

94. In terms of individual room sizes within each of the units, all living/kitchen/dining rooms would exceed the required 24sqm, 27sqm and 30sqm requirements for the one, two and three or more bedrooms as outlined within the 2015 Technical Update to the Residential Design Standards. All double bedrooms would exceed the required 12sqm minimum size with all single bedrooms meeting or exceeding the required 7sqm standard. All bathrooms would exceed the required 3.5sqm and all units would have access to internal bulk storage.

95. As noted above, all of the unit and room sizes are compliant with the required standards as outlined within the 2015 Technical Update to the Residential Design Standards. 14 out of the 20 units are dual aspect with the remaining being east facing single aspect units with a number of windows and as such have very good access to outlook, daylight and sunlight. Whilst some of the layouts of the flats are a little awkward with some bedrooms accessed directly from living spaces, the applicants have provided details from a fire safety officer who has outlined that they meet the requirements of the Fire Regulations. Despite the layout, the proposal would provide high quality internal spaces which allow for a modern open-plan living arrangement for the future occupiers of the site.

96. In terms of outdoor amenity space, all units would have access to private amenity space with a minimum of 3.6sqm being provided with all 3-bed units having a minimum of 10sqm which is considered an acceptable provision for each of the residential units. In terms of communal amenity space, the application has been amended in order to include an increased and improved area for communal amenity space. However, as a result of this, the level of children’s play space has been reduced to 46sqm in order to cater for this. The 46sqm Children’s play space would be fully compliant for ages 0-5

years and it is proposed for the remaining 80sqm would be offered as a payment in lieu. Officers consider that this strikes an appropriate balance between outdoor amenity space and children’s play space, particularly given the constrained area at first floor level would not easily cater for older Children’s play space and would be better use for communal outdoor amenity space and could be used by all future occupiers of the development.

Design, layout, heritage assets and impact on Borough and London views

Design including building heights and impacts on views

97. The proposal is for a comprehensive redevelopment of the site comprising a new building of up to 13-storeys high set around a new courtyard. The tallest part of the building would be located at the corner of Borough High Street and Harper Road. The development would be arranged with commercial uses along the street frontages and courtyard, with the hotel lobby and a residential entrance along Harper Road.



Fig 4. Proposed Borough High Street Elevation

98. Section 12 of the NPPF ‘Achieving well-designed places’ advises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development which creates better places in which to live and work. Policy 7.4 of the London Plan requires development to have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area’s visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area. Policies 7.4 and 7.5 are also relevant which require developments to provide high quality public realm and architecture, and policy which 7.7 relates to the location and design of tall and large buildings.
99. Strategic policy 12 of the Southwark Core Strategy (2011) states that all development in the borough will be expected to “achieve the highest possible standards of design for buildings and public spaces to help create attractive and distinctive places which are safe, easy to get around and a pleasure to be in.” Saved policy 3.12 ‘Quality in design’ of the Southwark Plan asserts that developments should achieve a high quality of both architectural and urban design, enhancing the quality of the built environment in order to create attractive, high amenity environments people will choose to live in, work in and visit. When we consider the quality of a design we look broadly at the fabric, geometry and function of the proposal as they are bound together in the overall concept for the design. Saved policy 3.13 of the Southwark Plan asserts that the principles of good urban design must be taken into account in all developments. This

includes height, scale and massing of buildings, consideration of the local context, its character and townscape as well as the local views and resultant streetscape

100. Objections have been received relating to the height of the proposed development including lack of justification for a tall building on the site, impact upon the local character, and impact upon surrounding conservation areas and listed buildings. The proposal involves the redevelopment of the site which currently contains buildings of 2-4-storeys high which are Victorian and of 1960s/70s origin. Borough High Street is mixed in character, with a range of commercial uses at ground floor level and residential and office space above, with building heights ranging from 3-7 storeys close to the site and the buildings along Harper Road heights range from 2-5 storeys near to the site and are generally more spread out.

101. Site layout

The proposed building would front Borough High Street / Newington Causeway and Harper Road, with a generous 4.8m wide route leading from each street into a central courtyard within. Whilst the proposed site layout would essentially internalise the public realm the proposed arrangement picks up on a local features of townscape character, with the courtyard reminiscent of some of the yards which are part of the character of this area, particularly further north along Borough High Street. An s106 obligation requiring the courtyard to remain open throughout the night and day is recommended. The site is located at a prominent junction approximately midway between Elephant and Castle to the south and London Bridge to the north, and owing to a large area of concrete next to the existing buildings on Borough High Street the corner currently appears rather weak and poorly defined. Lining the edges of the site with a new building, with the tallest element on the corner, would help to reinforce this prominent corner and repair this part of the streetscene.

102. The Harper Road frontage would predominantly stand forward of the footprint of the consented Trinity House scheme and balconies would project over the pavement, although this is not unusual. Whilst it would have been preferable for this part of the building to align with the neighbouring development, it is considered that the Harper Road element would be sufficiently set back relative to its height, and would allow for new street planting.

103. Height, scale and massing

The proposed building would be 13-storeys at the highest point and as such would appear markedly taller than its immediate surroundings. It is noted however, that tall buildings are currently under construction further south along Newington Causeway.



Fig 5. Proposed West Elevation and Section

104. In policy terms, tall buildings are defined as those which are over 30m in height. Saved policy 3.20 of the Southwark plan states that any building over 30 metres tall (or 25 metres in the Thames Policy Area) should ensure that it:

- i. Makes a positive contribution to the landscape; and
- ii. Is located at a point of landmark significance; and
- iii. Is of the highest architectural standard; and
- iv. Relates well to its surroundings, particularly at street level; and
- v. Contributes positively to the London skyline as a whole consolidating a cluster within that skyline or providing key focus within views.

105. Taking each of these in turn:

Makes a positive contribution to the landscape;

The main contribution the proposal would make to the public realm would be the courtyard which would be enclosed by the four wings of the building. Given the scale of the surrounding buildings it would have an intimate feel that would reflect the character of some of the 'yard' spaces that are a characteristic feature of historic development in the area. Generous and prominent passages into this space would allow routes into and through it. The retail workspace, restaurant and hotel lobby would help to draw people into the site to explore the courtyard, which would be a worthwhile addition to the public realm. It is noted that gates would be provided across the entrances to the courtyard which are required for management purposes. However, a planning obligation is recommended requiring the routes to remain open at all times.

106. Is located at a point of landmark significance;

The site is at a point of convergence of a number of primary routes. It also marks the point of transition or gateway between cluster of very tall buildings which is emerging at Elephant and Castle and the lower area of Borough/ Bankside. At 13 storeys the tower would be sufficiently tall to form a local landmark which would mark this transition and to mark this particular point within the street system. A landmark building of the scale proposed is therefore considered to be appropriate in this location.

107. There would also be a raised terrace above the courtyard. Its raised position is such that it would be a destination rather than piece of public realm that can be enjoyed by anyone wandering through the space, which would somewhat reduce its effectiveness

as a public space. The same applies to the proposed rooftop bar on top of the tower, although it is welcomed nevertheless. Policy 7.7 of the London Plan states that tall and large buildings should incorporate publically accessible areas on the upper floors, where appropriate. A planning obligation is therefore recommended to allow members of the public to be able to access the bar and its terrace without having to be a guest at the hotel.

108. Is of the highest architectural standard

The proposal is for townscape buildings which would define the street edges, although they would be considerably bigger than other buildings within the present townscape. Hotel buildings comprising many identical rooms need to be carefully designed in order to avoid appearing monotonous. In this instance the different parts of the building would be treated with subtly different materials and detailing so as to form an assemblage of buildings rather than a single mass. In addition, the architectural concept follows the classical architectural precept of dividing the buildings that make up the site into a base (containing active retail and hotel frontages), a middle (containing most of the rooms) and variety of architectural treatments for the top. The facades would feature sophisticated setbacks and layering, together with immaculate detailing. The material to be used would mainly be brick, enlivened with a rich pallet of secondary materials for windows, shutters, balconies etc.

109. The proposed tower would appear a little bulky, but would incorporate architectural features to emphasis its corner on Borough High Street and to make it appear more elegant. Overall the richness of detailing and choice of style would give the development overtones of Art deco, but in a controlled modern manner. The quality of the architecture is considered to be very high, and would meet the policy requirement of being of the architectural standard.

110. Relates well to its surroundings, particularly at street level

The proposal would repair the rather fragmented and incoherent townscape that constitutes the site at present, and replace this with coherent, well-designed, active street frontages. The proposed building would be set back from the ownership boundary along Borough High Street, increasing the existing pavement width from 2.46m to 5.2m at its narrowest level, which is welcomed and would create an appropriate response to the street frontage. The choice of façade materials has also been selected to respond sensitively to the character of the area. The main façade material of brick would incorporate contrasting brick tones intended to highlight some of the different 'buildings' which would make up the development. Active frontages would be provided onto both street frontages which does help the building relate sympathetically at street level. Overall the building is considered to meet this requirement.

111. Contributes positively to the London skyline as a whole consolidating a cluster within that skyline or providing key focus within views.

The tall building at the corner of the site would provide an appropriate focal point in local views. It would be visible along Borough High Street, Borough Road and Newington Causeway, and would frame the route north to Borough and to Elephant and Castle in the south. As a medium height tall building it would have an appropriate place in the hierarchy of tall buildings as they build up from this gateway site towards the centre of the Elephant and Castle area.

112. The eastern most part of the Southwark Plan proposal site which is being built out as the Trinity House scheme sits within the background assessment area of strategic view 1A.2 (Alexandra Palace viewing terrace to St Paul's Cathedral). However, the part of

the site on which the new buildings are proposed does not sit within this strategic viewing corridor. The proposal would however, sit within a proposed viewing corridor which is being developed as part of the draft NSP.

113. The draft NSP proposes a new borough view, view 3 from Camberwell Green to St Paul's Cathedral. Concerns have been raised during public consultation on the application that the submission does not contain information relating to this proposed new view.
114. In order to address this concern additional information has subsequently been provided and the height of the tower reduced by one storey to ensure that the proposed view would be protected. The reduction in height by 4.875m is such that the proposed tower, including any lift over-runs or other plant would sit below the proposed view threshold and this has been demonstrated through an addendum to the applicant's Built Heritage, Townscape and Visual Impact Assessment.
115. To conclude, the proposal is considered to be of a high quality of design which would successfully repair the fragmented street frontage in this location. The tall building would comply with the policy tests set out in the saved Southwark Plan, and would protect the proposed borough view from Camberwell Green to St Paul's Cathedral.
116. Comments of the Design Review Panel (DRP)
An earlier iteration of the scheme was presented to the DRP in March 2016, albeit for a residential-led scheme as opposed to a hotel. The layout of the proposed building set around a central courtyard was broadly the same as now proposed and the tallest part of the building was also 13-storeys, but it was higher than the building now proposed. The Panel were optimistic about the proposal and considered that there were many aspects of the design that they could support, including the tall building. However, they were concerned about the nature and aspect of the courtyard including two narrow access routes into it, the urban setting of the tower relative to its historic context, as well as the singular architectural expression of the block. The scheme has subsequently been amended to lower the height of the proposed tower, to increase the width of the route into the courtyard from Harper Road, to reduce the size and change the position of a lightwell within the courtyard, and to better distinguish the different parts of the building through its architectural design.
117. Heritage Assets
The site does not include any listed buildings and is not in a conservation area. However, the site is within the setting of the Trinity Church Square Conservation Area which is to the east and contains grade II listed buildings. The Inner London Crown Court is also grade II listed and is to the south of the site, on the opposite side of Harper Road.
118. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes the duty on local planning authorities to have special regard to the desirability of preserving or enhancing a listed building and its setting or any features of special architectural or historic interest which it possesses. Further, special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. This is also reflected in the NPPF and supporting National Planning Practice Guidance which requires all development to conserve or enhance heritage assets and their setting and avoid causing harm. Designated heritage assets include Statutory listed buildings and designated conservation areas.
119. The Council's policies echo the requirements of the NPPF in respect of heritage

Assets, and require all development to conserve or enhance the significance and settings of all heritage assets and avoid causing harm. Where there is harm to a heritage asset the NPPF requires the Council to ascertain the scale and degree of the harm caused, and to balance that against the public benefits arising as a consequence of the proposal.

120. Concerns have been made by neighbouring residents that the proposal would result in a detrimental impact on the setting of the nearby Trinity Church Square conservation area. Historic England has expressed disappointment that they felt that the proposed building would be higher than under the previous application (reference 16/AP/3174), and that their objection to the previous application on the basis that the proposed tower would cause unjustified harm to the roofline of Trinity Church Square is maintained. It is noted however, that the tower would have been 0.53m lower than for the earlier application and has been lowered again to sit below the threshold for the proposed borough view, although it would still be visible above the roofs of the Trinity Church Square houses.
121. Trinity Church Square is a formal square of listed Georgian townhouses enclosing the listed Holy Trinity Church (now the Henry Wood Hall). It is part of the Trinity Square Conservation Area and forms an unspoiled Georgian 'set piece' of listed buildings. Key aspects of the square are the uniformity of the architecture, the single focal point of the church and its tower at its centre, and the fact that the surrounding townscape (historic and modern) does not impinge to any great extent in views within the Square.
122. A Heritage, Townscape and Visual Impact Assessment (HTVIA) has been submitted in support of the application and seven views are considered within this document, two of which (views 2 and 7) are taken from within Trinity Church Square. View 2 is an oblique view across the square where the top of the tower of the scheme can be seen rising above roof tops. It is partly obscured by trees within the square from this viewpoint. View 7 is towards the corner of the square from its opposite corner. The top two storeys of the tower can be seen rising above the terrace of the corner as a squat but quite broad feature. It should be noted that both views were selected as 'worst case scenarios' from the extreme corners of the square and that the tower of the scheme would gradually disappear from view behind the buildings of the square as one walks towards the scheme and towards the centre of the square.
123. A Heritage Statement submitted with the application states that the observer is aware of existing tall developments outside the square including the Shard and the cluster of tall buildings into foreground, to the north. There are also tall buildings at Elephant and Castle buildings to the south, although given its closer proximity to the square, the proposed tower would appear more obvious than the more distant tall buildings, particularly in relation to view 2.



Fig 6. View from Trinity Church Square

124. In summary, by rising above the rooftops of the set piece of the listed Trinity Church Square and being visible from within the square, the tower will cause some harm to its setting.
125. The NPPF requires the Local Planning Authority to consider whether harm is 'substantial' or 'less than substantial'. Case law has shown for harm to be substantial almost all of the significance of the heritage asset in question (in this case Trinity Church Square) has to have been lost. This is clearly not the case here. In addition the harm is further reduced in that views of the tower from within the square will be relatively fleeting and will in at least one of the views be largely obscured by mature trees, even in winter. In addition, other tall buildings will also impinge upon the setting of the square. The harm to the setting of the square caused by this scheme is therefore very obviously 'less than substantial'.
126. Paragraph 196 of the NPPF requires heritage harm to be balanced against the public benefits arising from the development. However, case law has established the primacy of Section 66 of the Planning (Listed Buildings and Conservation Areas) which states that *special* regard shall be given to the desirability of preserving a listed building or its setting. It follows from this that the public benefit to be delivered by proposed development must be reasonably significant if it is to justify the less than substantial but still obvious harm to the listed buildings and conservation area.
127. The public benefits of the proposal are considered to be the provision of additional housing on the site including 50% affordable housing, the new public realm on the site, an increase in retail floor space, the repairing the fragmented street frontage, and a significant increase in the number of jobs at the site. There are currently a number of small businesses on the site including the pharmacy, sandwich shop and the doctors'

surgery, and these support approximately 85 jobs. The proposed development would result in 260 additional jobs at the site including 225 from the proposed hotel. In this instance it is considered that these benefits would help contribute to outweighing the less than substantial harm caused to the setting of the listed buildings and conservation area.

Landscaping and trees

128. Policy 7.5 of the London Plan 'Public realm' advises that London's public spaces should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces.
129. An Arboricultural Impact Assessment report has been submitted with the application. There is one tree on the site (T4, a category C Norway Maple) and a street tree outside the site on Harper Road (T2, a category C London Plane). T2 would be retained and protected during construction (the plans have been amended to reflect this), and T4 would be removed. Five new trees would be planted on the site, along the boundary of the servicing yard with Trinity House. No new trees would be planted along the Harper Road frontage and it is considered that there would be insufficient space to do so, which on balance is considered acceptable.
130. The overall layout of the site has the potential to provide attractive landscaped areas of the site for future residents as well as providing a publically accessible courtyard which are all considered positive. However, no significant details have been provided as to how these areas would be detailed throughout the site.
131. As such a condition requiring details of a landscaping plan and green / brown roofs including the courtyard and the various terraces within the proposed development has been included in the draft recommendation.

Outdoor amenity space, children's play space and public open space

132. The proposal would provide 20 residential units which would all have access to private outdoor amenity space with a minimum of 3.6sqm, with a large communal area of 93sqm proposed at first floor level. An area of children's play space has also been proposed at first floor level which would be 46sqm in order to cater for under 5 children's play provision. It was originally proposed that the majority of the first floor amenity area would be for children's play space, however this was subsequently revised as it was felt that a greater balance would be to provide a more generous and useable communal amenity space for the overall residents in order to ensure that a greater balance for the overall end occupiers would be met. Play provision for older children (6-17) would be provided by way of a payment in lieu towards improving a nearby facility. Given the locality and site constraints of the play space at first floor level and surrounded by residential units, it is considered that this is an appropriate mix for the amenity space.
133. A publically accessible square would also be created as part of the development which would provide an area for seating with alfresco café seating opening out into the square. It is proposed to enter a clause into the agreement to ensure that the public square is accessible for 24 hours a day to local residents and for further landscaping features of this area to be provided by condition.

Transport issues

134. The site has a public transport accessibility level (PTAL) of 6B (excellent) and is located approximately 300m to the south of Borough High Street Underground Station. Four wheelchair accessible parking spaces would be provided, all of which would be accessed from Harper Road.
135. Strategic policy 2 of the Core Strategy 'Sustainable transport' advises that the Council will encourage walking, cycling and the use of public transport rather than travel by car. Saved policy 5.1 of the Southwark Plan seeks to ensure that development is located near transport nodes, and saved policy 5.2 of the Southwark Plan seeks to ensure that developments do not result in adverse highway conditions; saved policy 5.3 requires that the needs of pedestrians and cyclists to be considered and saved policy 5.6 establishes maximum parking standards.
136. This proposed development is in an area with excellent (6 – high) public transport accessibility level, within short walking distances of Borough tube station/Elephant & Castle train/tube station and lies next to the busy bus routes on Borough High Street.
137. Vehicular Movements
Concerning the vehicle movements ensuing from this development proposal, the applicant's consultants have estimated that it would generate some 10 two-way vehicle movements in the morning or evening peak hours. Officers have assessed this against comparable sites' travel surveys within TRICS travel database has revealed that the hotel aspect of this development would generate 46 and 33 two-way vehicle movements in the morning and evening peak hours respectively, while its residential/office/shop/café/medical segments would create 17 and 18 two-way vehicle movements in the morning and evening peak hours, correspondingly. Overall, this development would produce 63 and 51 two-way vehicle movements in the morning or evening peak hours. It is also projected that the existing business use of this site would have generated 23 and 21 two-way vehicle movements in the morning and evening peak hours in that same order, meaning that this development proposal would create 40 and 30 additional two-way vehicle movements in the morning and evening peak hours, separately.
138. Although our net forecasted supplementary two-way vehicle movements for the morning and evening peak hour are higher than those predicted by the applicant's consultants, we have considered that these levels of vehicle movements would not have any noticeable adverse impact on the prevailing vehicle traffic on the adjoining roads. In any event, the applicant has proposed travel plan initiatives encompassing provision of public transport information plus monitoring.
139. The applicant's consultants have also estimated that this proposed development would create some additional 209 and 196 two-way public transport trips in the morning and evening peaks hours correspondingly and 50 two-way service vehicle trips per day, figures which are deemed reasonable. We have also predicted that the hotel aspect of this development would generate some 87 two-way taxi movements per day of which a maximum of 9 two-way taxi movements at its peak demand hours from 13:00hrs to 14:00hrs. This is considered acceptable as there is sufficient capacity with a dedicated servicing bay and two dedicated taxi bays to the front of the hotel along Harper Road.
140. Access and servicing arrangements
Servicing for the proposed development would take place in a servicing access at the rear of the site which would be accessed from Harper Road. There is currently a

vehicular access onto the site from Harper Road, located at the boundary with the Trinity House development, and this would be turned back into footway and a new access would be provided approximately 5m closer to Borough High Street. Servicing would be from light goods (3.5 tonnes) and medium goods (7.5 tonnes) vehicles. A refuse bin store would also be provided next to this vehicle access and the highway on Harper Road. The applicant's consultants have carried out vehicle swept path analysis which confirms that the car parking/servicing areas of this site would have ample vehicle manoeuvring space that would ensure that vehicles accessing and exiting this site including refuse/similar size servicing vehicles would do so in a forward gear. A Transport Assessment (TA) submitted with the application advises that servicing vehicles would also be able to load and unload within parking bays for a maximum of 20 minutes and from single yellow lines for a maximum of 40 minutes if required as a result of the servicing bay being in use. This is considered an acceptable fall back option in this scenario.

141. A Service Yard Manager would oversee servicing to the site and suppliers would be given a two hour delivery window. This servicing arrangement is considered acceptable, however further details are required and a condition for a delivery and servicing management plan is recommended, which should also stipulate that no vehicles larger than 7.5 tonnes would be permitted to service the site.

142. Pedestrian and Cycle Movements

The footways adjoining this site on Harper Road and Borough High Street are wide and connect northerly and southerly to Borough tube and Elephant & Castle train/tube stations respectively. These footways also lead northerly to the riverside walk near London Bridge and southerly to the pedestrian routes running through the neighbouring Newington Gardens and Dickens Square Park. This footway also links with the bus stops on the adjacent Borough High Street. There are signalised crossings beside this site on the four arms of the adjacent Borough High Street/Harper Road junction, plus a few sets of speed humps on the stretch of Harper Road next to this site, one of which could be converted into raised pedestrian crossings to perform a dual purpose of slowing vehicles down and at the same time assisting pedestrians in crossing this road safely.

143. There are bus lanes on both sides of this section of Borough High Street which cyclists can use and the 20mph on Harper Road would assist pedestrians and cyclists. The applicant has proposed gated pedestrian/cyclist accesses on Harper Road and Borough High Street connecting to each other via a this site's courtyard and, the creation of a new vehicle access which would be positioned at a spot immediately north of the existing one on Harper Road, leading to the car parking/loading bay/vehicle turning areas and a lift access to the basement level on the ground floor. A refuse bin store would also be provided next to this vehicle access and the highway on Harper Road.

144. However, the Harper Road/Borough High Street junction has limited facility for cyclists. In order to improve highway safety for cyclists, it is recommended that the applicant contributes to modification of Harper Road/Borough High Street junction to include advance stopping line (ASL) and improved cycle route on Borough High Street for cyclists. This is recommended to be included within the legal agreement.

145. Car Parking

Newington CPZ provides adequate parking control in this vicinity weekdays from 0830hrs to 1830hrs. The applicant has proposed 4 disabled car parking spaces as shown on Plan No. 17027_07_100/P3, and this is deemed satisfactory. All other

occupiers would be exempt from applying for parking permits, other than Blue badge disabled users.

146. Cycle Parking

There is a cycle docking station opposite this site on Harper Road plus on-street cycle racks on the pedestrian environment facing it on Borough High Street. The applicant has proposed 148 cycle parking spaces with 48 in the basement and 35 cycle racks containing 70 cycle parking spaces on the ground floor for visitors. This cycle parking level is significantly higher than the required 96 cycle parking spaces, as stated in the London plan which is considered to be a positive element to the scheme.

147. Construction Management

The applicants have submitted a construction management plan, however this would need to be revised to include the following:

- Agreeing crane installation method with the Council,
- Siting noisy equipment away from residential boundaries,
- Restricting deliveries during the school arrival/departure times (0800hrs-0900hrs and 1500hrs-1600hrs),
- An undertaking to sweep the adjoining highway daily,
- A map highlighting routeing of construction vehicles,
- Penalties relating to turning away delivery vehicles not complying with scheduled delivery times and banning construction vehicles not adhering to the agreed routing of vehicles,
- Consolidation of deliveries,
- Vehicle swept path analysis,
- Confirmation of whether or not any of the adjacent parking bays would be suspended at any stage of the relevant building works
- Site layout plans for each phase of the development showing loading area, operators' parking spaces, and location of wheel washing facilities, vehicle entrance arrangement and on-site routeing of traffic.

It is considered sufficient to require the submission of this through a pre-commencement condition.

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

Daylight

148. A daylight and sunlight report based on the BRE guidance has been provided, and the following tests have been undertaken:

149. Vertical Sky Component (VSC) is the amount of skylight reaching a window expressed as a percentage. The guidance recommends that the windows of neighbouring properties achieve a VSC of at least 27%, and notes that if the VSC is reduced to no less than 0.8 times its former value (i.e. 20% reduction) following the construction of a development, then the reduction will not be noticeable.

150. No-Sky Line (NSL) is the area of a room at desk height that can see the sky. The guidance suggests that the NSL should not be reduced to less than 0.8 times its former value (i.e. no more than a 20% reduction). This is also known as daylight distribution, and where windows do not pass the VSC test the NSL test can be used.

151. Average Daylight Factor measures the average amount of daylight received within a internal room when compared to an unobstructed level of light outside a building.

152. The Ship Public House - 68 Borough High Street: - The VSC results shows that for the 6 windows assessed, the ratio reduction values of these windows would range between 0.64 to 0.69, which would be below the BRE guidelines. However, when one looks at light within the affected rooms, these windows serve two large, open plan rooms which would adhere to the BRE guidelines daylight distribution criteria, at 0.83 and 0.8 times their former value. As such no noticeable impact would be experienced on this property.
153. David Bomberg House (282 to 304 Borough High Street): - This building contains student accommodation for part of the ground floor and then fully at first floor level and above. The remainder of the ground floor which is not student accommodation, is commercial. The VSC results show that 99 windows were assessed from the ground up to the sixth floor. Out of the 99 windows assessed, 72 windows adhere to the BRE guidelines, either achieving over 27% VSC or having a reduction to no less than 0.8 times their former values. The remaining windows have factor of former values ranging between 0.59 and 0.79 and as such these windows would fail to meet the light levels as required by the VSC test. However, notwithstanding this, the actual VSC values would actually still retain relatively high levels of light as no room would receive less than 17% VSC which in a dense urban environment such as this, is actually a good level of access to daylight.
154. The applicants have also undertaken a daylight distribution analysis to look at the impacts on the level of light received within each individual room which notes that of the 99 rooms were assessed, 83 rooms adhere to the BRE guidelines. The remaining rooms have former factor values ranging between 0.42 and 0.78. Of the windows affected, they would all relate to bedroom areas which are rooms predominantly used for sleeping. Whilst it is noted that these are student rooms and as such would have an element of study area, as noted above the actual values of light received within these rooms are still relatively high, particularly for a central London location such as this and as such the impacts on these properties is considered acceptable.
155. 2 –20 Trinity Street:
2–20 Trinity Street are terraced properties located to the north-east of the site, separated from the site by Southwark Police Station. All of the windows and rooms tested will meet or exceed the BRE guidelines for both the VSC and daylight distribution tests and as such there would not be any noticeable impacts on any of these properties.
156. Trinity House:
Trinity House is a consented residential development to the east of the site, currently under construction and as such none of these units are yet occupied. The applicants have undertaken a VSC analysis of these properties, however as the dwellings are not yet completed or occupied, they have also completed an Average Daylight Factor test in conjunction with the developers of the adjacent site.
157. The VSC analysis does demonstrate that there would be a significant impact on the windows of the adjacent development which directly face the application site. The results show that 44 of 118 windows tested would not meet the requirements of the BRE standards, however as the floor plan layouts are known and that the internal finishes are known they have assessed the new dwellings against the required Average Daylight Factors of the adjacent rooms within new developments.
158. In total, 43 rooms were tested at Trinity House for ADF, of which 37 rooms adhere to

the BRE guidelines. The remaining six rooms consist of one bedroom (0.8% ADF) two living rooms, (1.48% and 1.4% ADF) and three LKDs (0.89%, 1.07% and 1.26% ADF) The two living rooms that fall just below the 1.5% ADF target and the three LKDs are located below balconies, such that they are hampered by their own design.

159. The BRE guidelines suggest in situations where neighbouring properties are affected by their own balconies, that it may be appropriate to test both with and without balconies scenario, so that the impacts of the proposed development are properly understood. With this in mind, we removed the balconies for the three LKDs which fell below the BRE guidelines. When we did this, two out of the three LKDs exceed the 2% target with ADF levels with 2.05% and 2.3%. The remaining LKD has an ADF of 1.8% which exceeds the 1.5% target for living rooms showing the living area would receive good daylighting if it were not for the overhanging balcony. On balance, whilst this room does fall below the ADF requirement for LKD's it is considered acceptable.
160. The assessment results for the planning application now show that 86% of the Trinity House rooms adhere to the BRE guidelines in terms of ADF results and as such it is considered that the impacts would not be significant enough to warrant refusal of the application.
161. 7-20 Gloucester Court:
These properties are located to the west of the development site and again all of the windows would pass the VSC and daylight distributions tests and as such it is not considered that there would be a noticeable impact on daylight on these properties.
162. 4-6 Borough Square:
These properties are located to the east of the development site. All of the windows and rooms tested at 4 and 5 Borough Square meet the BRE guidelines for both the VSC and daylight distribution tests.
163. With regard to 6 borough Square, all of the windows tested meet the BRE guidelines for VSC, exceeding the 0.8 times factor of former value target. Out of the four rooms tested for daylight distribution, two meet the BRE guidelines, the remaining rooms have between 0.75 and 0.79 factors of former value which only moderately fall below the BRE guidance requirements. However, given that the individual windows would meet the required VSC levels, it is not considered that there would be a noticeable impact on daylight within this property.
164. Sunlight:
This is measured by the Annual Probable Sunlight Hours (APSH) test. This should be considered for all windows facing within 90 degrees of due south (windows outside of this orientation do not receive direct sunlight in the UK). The guidance advises that windows should receive at least 25% APSH, with 5% of this total being enjoyed during the winter months. If a window receives less than 25% of the APSH or less than 5% of the APSH during winter, and is reduced to less than 0.8 times its former value during either period and has a reduction in sunlight received over the whole year of greater than 4%, then sunlight to the building may be adversely affected.
165. The Ship Public House - 68 Borough High Street:
All of the windows tested for sunlight adhere to the BRE guidelines for annual sunlight and sunlight in winter months.
166. David Bomberg House (282 to 304 Borough High Street):
All of the windows tested for sunlight adhere to the BRE guidelines for annual sunlight

and sunlight in winter months.

167. 2 – 20 Trinity Street
All of the windows tested for sunlight adhere to the BRE guidelines for annual sunlight and sunlight in winter months.
168. 4-6 Borough Square
All of the windows tested for sunlight adhere to the BRE guidelines for annual sunlight and sunlight in winter months.

Overlooking

169. The residential windows facing south across Harper Road would have views towards the Crown Court, with a separation distance of 21m. This would be sufficient to maintain privacy based on the council's residential design standards SPD, which recommends 12m where buildings face each other, including across a highway. The proposed residential units which would face onto the courtyard would be 19m from hotel windows on the opposite side of the courtyard and 18m from windows at the rear of new dwellings being developed on the Trinity House scheme. These distances would be below the 21m recommended in the Residential Design Standards SPD, but not significantly so and as the windows are staggered, this would generally avoid windows directly facing one another. As such, it is considered that an acceptable level of privacy would be provided.
170. The residential units facing onto Harper Road would have a close relationship with hotel bedrooms at the rear of the building. A condition is therefore recommended requiring the hotel rooms closest to these units to have obscure glazed windows up to a height of 1.8m within the room, and top opening only.
171. Impact of the proposed uses
There are currently retail, office and community uses on the site and the provision of these uses within the proposed development would not result in any loss of amenity, nor would the use of part of the building as flats. The main change compared to the existing situation is the provision of a large hotel on the site which would need to be well managed; this is considered below in the noise and vibration section of this report.

Noise and vibration

172. A Noise Assessment has been submitted with the application which considers whether noise and vibration levels within the completed development would be suitable for the proposed uses, and whether noise and vibration arising from the proposed development would cause a loss of amenity to neighbouring occupiers.
173. Concerns have been raised by the developers for the Trinity House development that servicing activities associated with the proposed hotel would result noise and disturbance and an unacceptable loss of amenity to flats which are currently being constructed on this adjoining site. It is recommended that a servicing management plan is submitted which would set out timings for deliveries to be undertaken within and would thus ensure that any servicing would be undertaken at less sensitive hours. The Metropolitan Police has also objected in relation to the adjoining police station. The first objections received from the police requested s106 contributions which is no longer being pursued, but the police have subsequently requested that if permission is granted, an s106 agreement should prevent any noisy construction or demolition work from taking place at the site between up until April 2020. This is because of sensitive

uses which are taking place at the police station, the nature of which has not been disclosed for security reasons.

174. The Noise Assessment report sets out internal noise levels which would be achieved within the residential accommodation and hotel rooms, and the Council's Environmental Protection Team (EPT) has confirmed that these would be acceptable; a condition to secure these levels is recommended, together with a condition to limit plant noise from the proposed development. The report also confirms that vibration levels would fall within acceptable limits.

Energy and sustainability

175. Policy 5.2 of the London Plan requires major developments to provide an assessment of their energy demands and to demonstrate that they have taken steps to apply the Mayor's energy hierarchy. It states that where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere. Policies 5.5 and 5.6 require consideration of decentralised energy networks and policy 5.7 requires the use of onsite renewable technologies, where feasible. Of note is that residential buildings must now be carbon zero, and non-domestic buildings must comply with the Building Regulations in terms of their carbon dioxide emissions.
176. The applicant has submitted a sustainability and energy assessment in support of the application, based on the Mayor's energy hierarchy.
177. Be lean – The use of measures such as high performance glazing and insulation and high efficiency LED lighting would result for the residential dwellings the “Be Lean” measures result in approximately 1.23% improvement and for the hotel use would result in saving of 6.29% improvement when compared to the requirements of Building Regulations Approved Document Part L1A 2013.
178. Be clean – The development would be served by a communal heating system with combined heat and power technology for the hotel which would result in a 29.89% reduction in carbon dioxide emissions compared to a scheme compliant with the Building Regulations. The CHP would also provide a saving of 10.03% for the residential element.
179. Be green – Photovoltaic panels are proposed to provide electricity, which would result in a further reduction in carbon dioxide emissions compared to a scheme compliant with the Building Regulations of 28.87% for the residential element and 0.45% for the commercial element.
180. A combination of the above measures would deliver a 36.79% reduction in co2 emissions across the entire development. A 35% reduction is required for the commercial space (36.63% would be achieved), and carbon zero is required for the residential units (a 40.13% reduction would be achieved). The proposal would therefore fall short of the policy requirement in respect of the residential accommodation as it would not be carbon neutral. A contribution of £29,930 towards the Council's carbon off-set fund would therefore be required and terms to secure this have been included in the draft s106 agreement.
181. The GLA has reviewed the application including additional sustainability information requested by them, and is satisfied with the proposed energy strategy.

182. Strategic policy 13 of the Core Strategy 'High environmental standards' requires developments to meet the highest possible environmental standards, and sets the following targets relevant to the application
183. Community facilities should include at least BREEAM 'very good'; All other non-residential development should achieve at least BREEAM 'excellent'; Major development must achieve a reduction in carbon dioxide of 20% from using on-site or local low and zero carbon sources of energy.
184. The submission advises that a design stage BREEAM review showed the development achieving BREEAM 'very good', but that there is the potential to increase this to 'excellent' through the fit of the hotel. A condition requiring BREEAM 'very good' for the D class floor space and 'excellent' for the remainder of the commercial space has been included in the draft recommendation.
185. Overheating assessment
This has been undertaken to evaluate the risk of overheating during the summer months. The findings are contained in the energy strategy, and no overheating risk has been identified.
186. Sustainability Assessment
Saved policy 3.3 of the Southwark Plan advises that planning permission will not be granted for major development unless the applicant demonstrates that the economic, environmental and social impacts of the proposal have been addressed through a sustainability assessment. The Council's sustainability assessment checklist has been completed and forms part of the sustainability and energy assessment submitted with the application.
187. It is estimated that the completed development would create an increase of 260 jobs over the existing situation. The proposal would provide additional homes including new affordable housing units in the social rented tenure, and would incorporate sustainability measures including CHP and photovoltaic panels. As such officers are satisfied that the requirements of this policy are achieved through this application.

Ecology and biodiversity

188. Policy 7.19 of the London Plan 'Biodiversity and access to nature' requires development proposals to make a positive contribution to the protection, enhancement, creation and management of biodiversity wherever possible. Saved policy 3.28 of the Southwark Plan states that the Local Planning Authority will take biodiversity into account in its determination of all planning applications and will encourage the inclusion in developments of features which enhance biodiversity, and will require an ecological assessment where relevant. A preliminary ecological appraisal and bat roost inspection have been submitted in support of the application.
189. A habitat survey has been undertaken, together with an inspection of existing buildings and trees for bats and their potential to support roosting bats. The original assessments were carried out in 2016, and the application includes an update report dated February 2018 which concludes that the findings of the earlier surveys remain unchanged.
190. The site is not subject to any statutory or non-statutory designations related to biodiversity, and the site was not found to support any protected plant species. No evidence of bats were found in any of the trees or buildings surveyed.

191. The application has been reviewed by the Council's Ecology Officer who has advised that the surveys are acceptable, and no further survey work is required. Conditions are recommended to secure a biodiverse roof beneath the photovoltaic panels, and requiring house sparrow bricks to be incorporated into the development.

Air quality

192. The site sits within an air quality management area. Policy 7.14 of the London Plan 'Improving Air Quality' seeks to minimise the impact of development on air quality, and sets a number of requirements including minimising exposure to existing poor air quality, reducing emissions from the demolition and construction of buildings, being at least 'air quality neutral', and not leading to a deterioration in air quality. Objections have been received from neighbouring residents in relation to air pollution.
193. An Air Quality Assessment has been submitted with the application which advises that the site is suitable for the proposed uses in relation to air quality, and although there could be dust arising from demolition and construction activities, mitigation measures could be secured through a construction management plan. There would be no significant air quality impacts arising from the operation of the proposed development, including from transport emissions, and the development would be air quality neutral.
194. The Air Quality Assessment has been reviewed by EPT and is found to be acceptable, subject to conditions for a construction management plan and details of the operator, maintenance and management for the CHP plant which have been included in the draft recommendation.

Ground conditions and contamination

195. Policy 5.21 of the London Plan advises that appropriate measures should be taken to ensure that development on previously contaminated land does not activate or spread contamination. A land contamination assessment has been submitted with the application. It has been reviewed by EPT who outline that a single storey basement occupies the foot print of the land. In addition, the testing carried out did not identify any elevated concentration of substances that would require remediation. As such it is not considered that any significant contamination concerns are raised as a result. A condition will nonetheless be added outlining that if any contamination is found during construction then a remediation strategy would be required to be submitted and discharged.

Water resources and flood risk

196. Policy 5.13 of the London Plan advises that development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water runoff is managed as close to its source as possible. Strategic policy 13 of the Core Strategy sets a target that major development should reduce surface water run-off by more than 50%.
197. The site is located in flood zone 3 which is identified as having a high risk of flooding. Paragraph 100 of the NPPF advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. However, the council's Strategic Flood Risk Assessment acknowledges that

development within flood zone 3 is required, and is allowed with the application of the Exception Test set out the NPPF.

198. For the Exception Test to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, and that a site-specific flood risk assessment must demonstrate that no adverse impacts would occur.
199. The site is located on previously developed land and there are strong sustainability reasons why it should be redeveloped. It is noted that the site is a proposal site in the saved Southwark Plan and part of the site is in an opportunity area where significant new development is supported in principle. The development of brownfield sites such as this will be necessary if accommodation is to be provided to meet the needs of the area. The site has excellent access to public transport, and the proposed design is capable of providing good quality housing and a hotel, with less vulnerable commercial space at ground floor level and within a basement.
200. A Flood Risk Assessment (FRA) and Basement Impact Assessment have been submitted in support of the application. The Environment Agency (EA) initially objected to the application and requested a revised FRA which has subsequently been submitted. The EA no longer objects to the application on flood risk grounds and has recommended a number of conditions.
201. The Basement Impact Assessment has been reviewed by the Council's Flood and Drainage Team which has advised that conditions for a flood resilience measures and a sustainable drainage strategy should be submitted.

Archaeology

202. Policy 7.8 of the London Plan advises that new development should make provision for the protection of archaeological resources, landscapes and significant memorials. The physical assets should, where possible, be made available to the public on-site. Where the archaeological asset or memorial cannot be preserved or managed on-site, provision must be made for the investigation, understanding, recording, dissemination and archiving of that asset. Saved policy 3.19 of the Southwark Plan is also relevant, which sets out the council's approach to protecting and preserving archaeology within the borough.
203. The site is located within the Borough, Bermondsey and Rivers Archaeological Priority Area. The site has the potential to contain important archaeological deposits relating to prehistoric and Roman archaeology, including high status Roman burials and funerary deposits.
204. A Historic Environment Assessment report has been submitted in support of the application. Given that a Roman Sarcophagus was found on the adjoining Trinity House site excavation works on the application site have been carried out during the course of the application and additional information submitted. Having reviewed this additional information, a number of archaeological conditions have been included in the draft recommendation. An Archaeological monitoring fee is also recommended and this is recommended to be included within the legal agreement.

Wind microclimate

205. The application is accompanied by a wind microclimate report which provides a review

of the pedestrian level wind microclimate environment which would arise as a result of the proposed development.

206. The report advises that wind conditions on the ground would generally be suitable in terms of pedestrian comfort and safety, but identifies the potential for some adverse impacts near the base of the tower, on the façade which would front Borough High Street. The report therefore recommends mitigation measures around the building entrance at this corner, potentially in the form of a canopy or screening around the entrance, and a condition to secure this has been included in the draft recommendation.

Health impact assessment

207. The proposal would result in the loss of GP doctors facility on site, the existing facility has two GPs operating within it, however as noted previously within the report, the doctors currently employed within this site have outlined that prior to commencement of the redevelopment of the 'King's Place' site, the two GP's located at Borough Medical Centre intend to merge with and co-locate to another local NHS GP Practice at their nearby premises.
208. As such, the potential adverse impact on local residents that may have occurred if the medical centre had been lost from the local area therefore appears to have been negated by the fact that it will be relocating in order to co-locate with another local GP Practice.
209. In terms of wider impacts as a result of the proposed development, the scheme would promote sustainable transport modes helping to improve the cycle and walking facilities within the area. It would thus help reduce the reliance on vehicular traffic and promote healthy modes of transport. Overall it is not considered that there would be any significant impact

Planning obligations (S.106 undertaking or agreement)

210.

Planning obligation	Mitigation	Applicant's position
Local Economy and Workspace		
Local economy: Construction phase jobs/ contributions	This development would be expected to deliver 40 sustained jobs to unemployed Southwark residents, 40 short courses, and take on 10 construction industry apprentices during the construction phase, or meet the Employment and Training Contribution. The maximum Employment and Training Contribution is £193,000 (£172,000 against sustained jobs, £6,000 against short courses, and £15,000 against construction	Agreed

	industry apprenticeships).	
Local economy: Construction phase employment, skills and business support plan	<p>An employment, skills and business support plan should be included in the S106 obligations. LET would expect this plan to include:</p> <ol style="list-style-type: none"> 1. Methodology for delivering the following: <ol style="list-style-type: none"> 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; b. Pre-employment information advice and guidance; c. Skills development, pre and post-employment; d. Flexible financial support for training, personal protective equipment, travel costs etc; e. On-going support in the workplace; f. Facilitation of wider benefits, including schools engagement, work experience etc. 2. Targets for construction skills and employment outputs, including apprenticeships, that meet the expected obligations; 3. A mechanism for delivery of apprenticeships to be offered in the construction of the development; 4. Local supply chain activity - we would expect methodologies with KPIs agreed to: <ol style="list-style-type: none"> a. provide support to local SMEs to be fit to compete for supply chain opportunities; b. develop links between lead contractors, sub-contractors and local SMEs; c. work with lead contractors and sub-contractors to open up their supply chains, 	Agreed

	and exploration as to where contract packages can be broken up and promote suitable opportunities locally.	
End use of the development jobs / requirements	<p>The number of sustained jobs for unemployed Southwark residents expected to be delivered at the end phase, and the Employment in the End Use Shortfall Contribution, are dependent on the final mix of classes of the flexible use space.</p> <p>The expected number of sustained jobs at the end phase is between 54, if the flexible use space is 100% D1 Use Class, and 57 if the flexible use space is 100% B1 Use Class.</p> <p>Of the total number of sustained jobs expected to be delivered at the end phase, 33 sustained jobs would be expected to be provided at the proposed hotel. This is calculated using the density figure for 'upscale' hotels (C1) as per the employment density guide, based on the applicant's description of the proposed hotel as 'high quality' in the Design and Access statement. The remainder of sustained jobs would be expected to be delivered in the retail use of the development (Class A1-A3).</p> <p>The maximum Employment in the End Use Shortfall Contribution is between £232,200, if the flexible use space is 100% D1 Use Class, and £245,100 if the flexible use space is 100% B1 Use Class (based on £4,300 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.</p> <p>LET would expect this plan to include:</p>	Agreed

	<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 employment plan and liaise with the Council;</p> <p>2. key milestones to be achieved and profiles 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	<p>Artists & Small Business Workshops (Class B1) at no more than 75% of local market rent – 143sqm at basement level.</p> <p>Flexible Co-Working & Shared Workspace (Class B1) at no more than 75% of local market rate – 532sqm (GIA) at basement level.</p> <p>SME Incubator Units at no more than 75% of local market rate (Class B1) – 522sqm (GIA) at basement mezzanine level.</p> <p>Multifunctional Community Events Space (Class B1/D1) (available for hire free of charge to registered local community groups) – 446sqm (GIA) at basement level.</p>	Agreed
Commercial units management plan	An Operational Management Plan to set out how the above spaces will be let and grants awarded.	Agreed
Housing, Viability and Amenity Space		
Affordable (social rent and intermediate)	Secure 10 x units as affordable housing as follows:	Agreed

housing Provision	Social Rented: units 01.01, 01.02, 01.03, 01.04, 02.01, 02.02, 02.03, 02.04. Intermediate: units 03.03, 03.04	
Wheelchair housing provision	Secure four wheelchair units 01.03, 02.03, 03.03, 04.03.	Agreed
Playspace	£12,125.30 provision for 6-18 year olds	Agreed
Public open space	Secure the public square as 24 hour access.	
Transport and Highways		
Highway works	<p>To secure the proposed square as publically accessible in perpetuity. Further details would be needed in relation to landscaping but this would be secured through condition.</p> <p>S278 agreement to complete the following works:</p> <p>The footways fronting the development on Borough High Street and Harper Road should be repaved with silver grey granite natural stone and 300mm wide silver grey granite kerbs as per SSDM requirements.</p> <p>The relocated vehicular access from Harper Road should be constructed to current SSDM standard for a frequently used commercial access.</p> <p>Reduce proposed 3 bay taxi rank to 2 bays and provide a car club bay. Submit a scheme to outline the location of these bays as they need to be moved towards Borough High Street as it currently encroaches into the visibility splay for the access into the development.</p> <p>All existing trees within the highway areas must have tree pit edging installed flush with the surrounding pavement.</p> <p>Promote a TRO to legalise the proposed taxi rank and revoke some existing parking bays will be required.</p> <p>Check with LBS Street Lighting to see if street lighting needs to be amended due to</p>	

	the highway layout changes. Re-configuration of Harper Road/Borough High Street junction to include advance stopping line (ASL) and extension of the existing cycle route on Harper Road and enlargement of the cycle route on Borough Road to join with new ASL.	
Car club scheme	3 years Car Club contribution.	Agreed
Restriction on the release of the wheelchair parking spaces	Provision of 4 spaces split equally between the private and affordable units	Agreed
Parking permit restriction	All permits with the exception of blue badge holders.	Agreed.
Energy, Sustainability and the Environment		
Connection to (or futureproofing for connection to) district CHP	Clause to be included to connect into the CHP network.	Agreed
Carbon offset fund	£29,930	Agreed
Precautionary tree loss offset	N/A.	
Archaeology monitoring/ supervision fund	£11,171 monitoring fee	Agreed
Administration fee	Payment to cover the costs of monitoring these necessary planning obligations calculated as 2% of total sum.	Agreed

211. However, if in the event that the legal agreement is not completed by 30/01/2020, that the Director of Planning be directed to refuse planning permission on the following grounds:

In the absence of a signed legal agreement, the proposal would fail to provide suitable mitigation in terms of planning gain, contrary to saved policies 2.5 (Planning Obligations) and 4.4 of the Southwark Plan, policies SP6 (Homes for people on

different incomes) and SP14 (Implementation and Delivery) of the LB Southwark Core Strategy 2011 policies 3.11 (Affordable Housing Targets) and 8.2 (Planning Obligations) of the London Plan 2016, and Sections 4. Decision-making and 5. Delivering a sufficient supply of homes of the NPPF 2019.

Mayoral and borough community infrastructure levy (CIL)

212. 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.
213. The Mayoral CIL is required to contribute towards strategic transport investments in London as a whole, primarily Crossrail, while Southwark's CIL will provide for infrastructure to support growth. The site is located with Southwark CIL Zone 2, and the estimated Southwark CIL is £2,250,262.17. The site is also within MCIL2 Central London Zone with higher rates for hotel, retail and office. The estimate of Mayoral CIL is £1,998,324.41. , This totals £4,248,586.58 in total CIL payments exclusive of CIL Social Housing Relief. These figures are based on the GIA data is from the Design Access Statement, and the Council have the right to amend the CIL charges when floor areas have been checked.

Community involvement and engagement

214. With regards to the initial submission, the applicants appointed Community Communications who held two public exhibitions took place on Thursday 25 January and Saturday 27 January 2018 on-site at 1-5 Newington Causeway. Letters and invitations were sent out to political and community stakeholders to inform them about the scheme and to invite them to meet. The exhibitions were attended by 39 members of the local community.
215. The scheme was, in the majority, well-received by the local community. Most of the residents and stakeholders were in favour of the scheme as well as the principle for development of the site. There was enthusiasm for it being a mixed-use scheme but less support for the hotel use compared to the residential units proposed in 2016. Some local residents expressed their concerns about the height of the building and impact on sunlight and views.
216. Following amendments to the application, the Applicant appointed Kanda Consulting, a specialist public affairs and consultation company, to undertake the community and stakeholder consultation as part of the application process for the redevelopment of land at King's Place. 1,774 letters sent to local residents and businesses as well as letters to ward councillors and community stakeholders, providing information on the proposed development and an invitation to a public consultation exhibition, Individual drop-in invitation letters to the stakeholders listed in the report and a drop-in event to discuss the business incubator and community space proposed within the scheme were all hard.
217. The responses to the consultation regarding the ground floor element of the proposals suggest that there is support for the inclusion of a community and business hub within the proposals, residents raised concerns about the height, comments received that there was a broad consensus on the need for more community space in the area and broad support for the incubator hub. People did identify needs for more children's play

spaces/childcare facilities; a more diverse retail offer; and a hub for adult workshops/classes.

Consultation responses from internal and divisional consultees

218. Summarised below are the material planning considerations raised by internal and divisional consultees, along with the officer's response.
219. Environmental Protection Team:
- The Environmental protection team have reviewed the submitted information and have raised no objections to the proposal. They have however suggested a number of conditions pertaining to construction management, contamination, internal noise level, plant noise levels, air quality, ventilation and odour.
220. Design and Conservation Team:
- These comments have been incorporated into the design section of the report.
221. Local Economy Team:
- Recommended a number of clauses required to be included within the legal agreement. These are reported within the Planning obligations section of the report.
222. Flood Risk Management Team:
- There are drinking establishments proposed on the basement and ground floors, however the team are satisfied that the proposals pass the Exception Test.
 - Recommend conditions in relation to flood resilience measures and details of a drainage strategy.
 -

Officer response to issue(s) raised: These conditions are included on the draft recommendation.

223. Ecologist:
- The Bat surveys are acceptable; no further surveys are required. The development should include a biodiverse roof under the PV array, and should incorporate 10 house sparrow bricks

Officer response to issue(s) raised: These elements are agreed to be included as conditions on the recommendation.

Consultation responses from external consultees

224. Summarised below are the material planning considerations raised by external consultees, along with the officer's response.
225. Greater London Authority (GLA):
The application was broadly supported however it does not fully comply with the London Plan and draft London Plan. The following strategic issues must be addressed for the application to fully accord with the London Plan and draft London Plan:
- **Principle of development:** The redevelopment of the site for a mixed-use hotel-led scheme is strongly supported. Further information is required to establish the current

demand and need for the existing health facility and other social infrastructure on site and in the area. The applicant must demonstrate the highest level of engagement with existing residential tenants.

- **Design:** The form and massing is supported and the design is considered to be of a high quality. The proposal would not harm the setting of neighbouring listed buildings, the Trinity Church Square Conservation area, or non-designated heritage assets. Further work on residential quality required.

- **Energy:** Further information required on cooling, overheating, proposed CHP and Photovoltaic panels. Once all opportunities for securing further feasible on-site savings have been exhausted, a carbon offset contribution should be secured to mitigate any residual shortfall.

- **Transport:** Further information required on drop off/pick up and cycle parking. Conditions and section 106 obligations are required to secure the following blue badge car parking; car parking management; electric vehicle charging points; public access to the courtyard; cycle parking; travel plan; delivery and servicing plan; and construction and logistics plan.

Officer response to issue(s) raised:

The application has significantly been altered since the initial submission of the application. With relation to the principle, the applicants have provided evidence that the existing health facility is to move as a result of a merger with another practice. The occupiers of the health centre have outlined that they do not intend to return to the site. Further engagement work has also been undertaken with the existing tenants who have lease agreements and the opportunity for the pharmacy to return to the site has been offered.

226. Environment Agency:

Consider that planning permission should only be granted to the proposed development as submitted if the conditions relating to contamination, a drainage scheme and details of piling.

Officer response to issue(s) raised: Officers have agreed to apply these conditions to the draft recommendation.

227. Thames Water:

- **Waste Comments**

Thames Water would advise that with regard to the combined water network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

- **Water Comments**

Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water request that the following condition be added to any planning permission. No properties shall be occupied until confirmation has been provided that either: - all water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

Officer response to issue(s) raised: Officers have agreed to include this as a condition.

228. Historic England:

- The development site contains no designated heritage assets but is located in close proximity to the Trinity Church Square Conservation Area. At the heart of the conservation area lies Trinity Church Square which comprises of the Grade II listed Holy Trinity Church which is surrounded on all four sides by Georgian terraced houses. The terraces possess a strong uniform character as expressed in part by their unbroken rooflines when experienced within the square. As set out in the submitted visual assessment, the 13 storey tower would break this important roofline in several views, such as "View 7: Trinity Church Square (South-East)". We acknowledge that the emerging developments around Elephant and Castle have already impacted on the setting of the square in some views. However, these are generally clustered together and more distant than this current proposal.
- Paragraph 132 of the National Planning Policy Framework states that the significance of a designated heritage asset can be harmed by development within its setting, and that any harm requires clear and convincing justification. In our view, the visual impact of the proposed 13 storey tower on the roofline of Trinity Church Square would cause unjustified harm to the significance of the conservation area. We therefore strongly advise that a reduction in height of the tower by several storeys is explored by the applicant in order to reduce this harm.

Officer response to issue(s) raised: The application has been reduced in height by one storey and additional information and justification has been provided which demonstrates that the impacts on Trinity Church Square would not be significant. The manager of the Design and Conservation team has reviewed the impacts of the proposed building and confirmed that on balance the building is acceptable in this regard.

229. Metropolitan Police:

- Security for this development must be heightened due to its neighbouring Southwark Police Station and its very close proximity to Inner London Crown Court. The police have issued an objection to this development because they do not want demolition work from taking place at the site up until April 2020. This is because of sensitive uses which are taking place at the police station, the nature of which has not been disclosed for security reasons. They also initially requested S106 funding from the scheme which has subsequently been withdrawn. A response has also been received on 15/10/19 which raised the issue of overlooking and security issues from the balconies and roof terraces.
- If this development is built despite police objection, then I believe that this development is suitable to achieve Secured by Design accreditation. It was recommended that a 'Secured by Design' condition for the whole development, attached to any permission that may be granted in connection with this application and that the wording is such that 'The development must adhere to the principles and physical security requirements of Secured by Design'. I would seek for this to be a two-part condition, pre-commencement of works and pre-occupation.

Officer response to issue(s) raised: The Met Police have withdrawn their comments requesting section 106 funding. In terms of the start date of any future scheme, a

significant amount of time has lapsed since the MET police's initial comments. As such the commencement of the scheme is unlikely to begin until after the date that they had initially requested. In terms of overlooking, officers are of the opinion that there are no sensitive windows within the police station that would be affected. In terms of security, a condition is proposed to require details of site boundaries and this is considered sufficient to ensure that measures are put in place to avoid security impacts.

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

Community impact and equalities assessment

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

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

233. 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.

234. 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

235. This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

236. This application has the legitimate aim of providing a comprehensive redevelopment of the site top provide a mixed use scheme consisting of commercial, retail, hotel and residential uses. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

Other matters

237. No other matters identified.

CONCLUSION

238. The proposed development is considered acceptable in principle as it would provide an uplift in commercial space as well as an increased in housing on site, of which 50% would be affordable. The hotel is on balance also considered acceptable as it would not result in an overprovision of hotels in this area and would provide valuable employment. The proposal also would have retail uses to the ground floors to activate the frontages. The proposal would also introduce an uplift in commercial floor space as well as provide a community hub which is considered appropriate.
239. The overall scale of the development, whilst taller than immediately adjacent buildings is considered acceptable within this location and the quality of the design of the buildings are considered of a high quality. Whilst there would be some harm on the Trinity Church Square conservation area, this harm would be less than substantial and when balanced against the public benefit of the development, this is considered acceptable.
240. The proposal would not result in any significant daylight, sunlight, outlook or overlooking impacts on the surrounding residential properties.
241. The quality of the residential accommodation is considered to be of a good quality and the proposal would provide affordable housing which equates to 50% of the residential provided which is considered a significant public benefit.
242. Overall the proposal is considered acceptable and it is thus recommended to be granted planning permission subject to conditions and a S106 agreement.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/1422-19 Application file: 18/AP/0657 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5513 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Human Rights Considerations

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Alex Cameron, Team Leader	
Version	Final	
Dated	16 October 2019	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team	18 October 2019	