

185 Park Street**in the London Borough of Southwark****planning application no. 14/AP/3842****Strategic planning application stage II referral**

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Demolition of existing buildings and redevelopment to provide a mixed-use development comprising three new buildings with basement, lower ground and ground floor plus part 9, 14 and 18 storeys containing 163 residential units (Class C3), office floorspace (Class B1), retail floorspace (Class A1/A3/A4), cultural floorspace (Class D1/A1/A3/A4); provision of parking, servicing and plant areas, hard and soft landscaping.

The applicant

The applicant is **DV4 Properties Park Street Co Ltd** and the architect is **Squire and Partners**.

Strategic issues

The strategic issues in this case relate to the **CAZ**, the **Opportunity Area**, **affordable housing**, **urban design**, **climate change** and **transport**.

The Council's decision

In this instance Southwark Council has resolved to grant permission.

Recommendation

That Southwark Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

Context

1 On 12 November 2014 the Mayor of London received documents from the Southwark Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Categories 1A and 1B of the Schedule to the Order 2008:

Category 1A: "Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats".

Category 1C(c): “Development which comprises or includes the erection of a building(s) more than 30 metres high outside the City of London.”

2 On 18 December 2014 the Mayor considered planning report D&P/01987b/01, and subsequently advised Southwark Council that the application broadly complies with the London Plan but issues on affordable housing, inclusive access, energy and transport should be addressed before the scheme is referred back to the Mayor.

3 On 26 May 2015 the Mayor received amended plans for the application and on 3 July 2015 the Mayor considered planning report D&P0198b/01 (v2), and subsequently advised Southwark Council that design, massing and height are supported, matters of inclusive access are acceptable subject to conditions but issues on affordable housing, energy and transport should be addressed before the scheme is referred back to the Mayor.

4 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. On 14 July 2015 Southwark Council decided that it was minded to grant planning, and on 1 December 2015 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct the Southwark Council under Article 6 to refuse the application or issue a direction to the Southwark Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 14 December 2015 to notify the Council of his decision and to issue any direction.

5 The decision on this case, and the reasons will be made available on the GLA’s website www.london.gov.uk.

Update

Affordable housing

6 At the consultation stage the applicant submitted a viability assessment which concluded that it is not viable or practical to provide any affordable housing on-site and proposed that affordable housing could be provided on an off-site donor site or a payment in-lieu of on-site provision could be made. Southwark Council was advised that before off-site options are explored the applicant needs to demonstrate why on-site provision is not possible, and any additionally through an off-site solution fully evidenced. The viability appraisal needs to be independently verified by the Council or their consultant and both appraisals need to be provided to the GLA.

7 Since then the applicant has confirmed the affordable housing offer to be a blend of off-site provision and a top-up in-lieu payment. The off-site provision will be in the form of a fully affordable Extra Care housing facility for the elderly at 96-114 Southwark Park Road (57 units or 202 habitable rooms). The site is being sold to the applicant by the Council and an application for the scheme has been submitted to the Council. GLA officers are therefore confident that this site will come forward. In addition a cash in-lieu payment of £6.5 million will be made to the Council to deliver additional affordable housing units as part of the Council’s Direct Delivery programme. The draft S106 agreement also includes a financial review mechanism which comes in to effect if no start has been made within 2 years of grant of planning permission.

8 The Council’s committee report confirms the applicant’s development values and assessments and concludes that more affordable housing can be delivered through off-site (and through the top up in-lieu payment) than would be possible on-site. As such the proposal secures the maximum reasonable amount of affordable housing in accordance with London Plan policy 3.12.

Energy

9 At the consultations stage the Council was advised that the proposals fell short of the target in London Plan Policy 5.2 and that the proposal had been presented under Part L 2010 rather than the current Part L 2013. The applicant was asked to resubmit the energy strategy and advised that if, after considering additional measures to maximise savings on site, the proposals still fall short of the target, a cash in lieu contribution for the shortfall would have to be agreed with the borough, but this should only be used once the other measures have been fully considered.

10 Since then the applicant has provided supporting Part L compliance sheets showing a 'slight' risk of overheating based on the proposed ventilation strategy. The applicant has also undertaken a dynamic overheating assessment using the CIBSE TM52 methodology with the London Design Year weather file, this is welcomed. The applicant has included mixed mode ventilation with the assumption that the mechanical cooling will be switched on at 27 degrees Celsius by the occupant. The results of the analysis shows that all of the test units will meet the CIBSE requirements under these conditions. As the design progresses the applicant should continue to review the strategy against the CIBSE criteria without including mechanical cooling in the assessment i.e. to develop a strategy that as far as possible, will meet the CIBSE requirements without reliance on comfort cooling.

11 The applicant has stated that ASHP is not proposed and that the heat demand of the site is being met from a site wide heating network served from a CHP unit and gas-fired boilers. The applicant has stated that the size of the energy centre will be 130sq.m. A drawing showing the location of the energy centre has been provided. The applicant has undertaken an economic feasibility study for the CHP. The analysis shows that the CHP will make savings over a gas boiler solution with a simple payback of 6 years. The applicant has also stated that the electricity sales strategy and CHP management arrangements will be considered in further detail and developed in the next design phases. The applicant is encouraged to investigate the management arrangements for the CHP at the earliest opportunity. The applicant has also confirmed that emissions from the proposal meets the emissions savings targets set out in policy 5.2. As such the proposal complies with the London Plan policies on energy.

Transport for London

12 At the consultation stage TfL asked that various London Plan policy matters be addressed, in addition to seeking various S106 obligations. The agreed conditions and S106 obligations include a requirement for a Travel Plan, Car Park Management Plan, Service Management Plan, and car club provision. Various pre commencement conditions relating to construction management have also been agreed. The level of cycle parking proposed complies with London Plan standards and is secured as part of the planning decision. There is a pedestrian route proposed through the site, which is supported by TfL. Whilst TfL is disappointed that a car free development has not transpired from this proposal, an appropriate level of blue badge parking is proposed, car park spaces will be equipped with electric vehicle charge points to accord with London Plan standards, and there will be controlled parking zone exemptions. The S106 Heads of Terms provides overall funding of £1,083,673 all to be [ultimately] paid to TfL. This comprises: £200,000 for a cycle hire docking station and £883,404 for a Crossrail contribution. The S106 Heads of Terms also secured a further £69,000 all to be paid to the borough for bus stop improvements and Legible London wayfinding signage. TfL's request for a financial contribution towards improvements at Bankside Pier (River bus) is refused on the basis that the contributions were not fully justified and were not considered directly relating to the development. On the basis of the above comments, TfL is satisfied that the application scheme could be considered to be in general accordance with the transport policies of the London Plan.

Representations

Neighbourhood consultation

13 Southwark Council received 20 letters of objection and 4 of support. The objections relate to

- Harm to the views to and from St Paul's Cathedral
- Impact on the surrounding Conservation Area, Tate Modern and the Globe
- Lack of on-site affordable housing
- Quantum of commercial use
- The height, mass and bulk of the proposal
- Lack of community infrastructure
- Impact on parking and congestion, quantum of car parking spaces
- Closure of Park Street, closure of route through from Sumner Street
- Creation of a wind tunnel, adverse impact on sunlight, daylight and privacy
- Loss of trees, replacement trees are too small
- Lack of community involvement

Statutory consultation

14 The Trustees of the Tate Gallery are generally supportive of the proposal but are concerned by the lack of on-site affordable housing. It would like to be consulted on potential occupiers of the retail units and cultural space. It objects to the loss of light to the neighbouring properties. It requested the Bankside Urban Forest initiative and Bankside and London Bridge logistics group are considered by the applicant. It asks the applicant to ensure the Tate extension has been factored into the wind and microclimate modelling for the Environmental Statement.

15 Historic England object on the basis the development will have an adverse impact on the view of St Paul's Cathedral from Alexandra Place. The amended height of the building still exceeds the 52.1 limit set in the London View Management Framework.

16 Natural England considers the application is unlikely to result in significant impacts on statutory designated sites and landscapes.

17 The Port of London has no objection but would like to see more robust targets for river use.

18 Thames Water raise no objection subject to the imposition of conditions to secure details of piling, water supply and drainage.

Response to representations

19 Matters relating to uses, design, strategic views, parking and transport have been addressed in this and the previous stage I reports (D&P/0198b/01 & D&P0198b/01v.2).

20 In this instance matters relating to the microclimate, loss of light and privacy, trees and community consultation are not strategic planning issues and have been dealt with in Southwark Council's committee report.

Article 7: Direction that the Mayor is to be the local planning authority

21 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at stage 1, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

22 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

23 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

24 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

25 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

Conclusion

26 Having regard to the details of the application, the matters set out in the Southwark Council's committee report, consultation responses, the draft conditions and draft S106 agreement, the scheme is acceptable in strategic planning terms.

for further information, contact GLA Planning Unit (Developments and Projects Team):

Colin Wilson, Senior Manager – Development & Projects

020 7983 4783 email colin.wilson@london.gov.uk

Justin Carr, Strategic Planning Manager (Development Decisions)

020 7983 4895 email justin.carr@london.gov.uk

Kim Tagliarini, Principal Strategic Planner (Case Officer)

020 7983 6589 email kim.tagliarini@london.gov.uk
