

40-46 Weston Street, London Bridge**in the London Borough of Southwark****planning application no. 14/AP/4640****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 Capital House and erection of a 21 and 31 storey building (including 1 basement level) to a maximum height of 108.788m to provide 119 residential units (C3), retail/cafe uses (flexible A1 and A3 use) at ground floor, 261 cycle parking spaces, 2 disabled car parking spaces, associated refuse and recycling and an area of public realm.

The applicant

The applicant is **Bilford Limited** and the architects are **SPPARC Architecture**.

Strategic issues

The principle of a **residential-led** scheme is acceptable and the maximum reasonable amount of **affordable housing** has been secured.

Further information has been provided in relation to **world heritage impact, density, play space, tenure, energy, and transport impact**, and scheme is now generally in accordance with the London Plan.

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 6 January 2015 the Mayor of London received documents from 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 the following Categories of the Schedule to the Order 2008:

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

1C: Development which comprises or includes the erection of a building or one or more of the following descriptions...more than 30 metres high and outside the City of London.

2 On 4 February 2015 the Mayor considered planning report D&P/2404b/01, and subsequently advised Southwark Council that while the application was generally acceptable in strategic planning terms the application did not comply with the London Plan, with the reasons and remedies set out in paragraph 64 of the report.

3 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 8 September 2015, Southwark Council decided that it was minded to grant planning permission and on 27 October 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 Southwark Council under Article 6 to refuse the application or issue a direction to 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 9 November 2015 to notify the Council of his decision and to issue any direction.

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

Update

5 At the consultation stage Southwark Council was advised that the scheme was broadly acceptable in strategic planning terms, but that further information was required in relation to certain matters. Addressing each of the outstanding matters in turn:

Housing and affordable housing

6 At the consultation stage, it was noted that it still needed to be demonstrated through independent review on behalf of the Council that the affordable offer would be delivering the maximum reasonable amount of affordable housing. The characteristics of the scheme, in terms of location, values and core arrangements are such that the principle of an off-site solution has been accepted for this site. However, further information was sought regarding a proposed donor site or in-lieu payments towards affordable housing elsewhere in the borough.

7 Since then, the Council has commissioned an independent review of the applicant's financial viability appraisal, which has concluded that there would be a surplus available to provide affordable housing off-site on a donor site. Discussion has taken place between the Council and the applicant regarding this, and a total of 100 habitable rooms have been secured in the s106. This is the equivalent of 28% of the 355 habitable rooms on the application site. Some of this provision would be delivered on a Family Mosaic scheme under construction near Elephant and Castle – increasing the number of affordable units on that scheme by 18 units (8 affordable rent and 8 shared ownership). Another 46 habitable rooms (split 70:30) are secured in the s106 agreement, and if these cannot be located within a two year period, then the applicant will make a £4.6 million financial contribution to the Council's affordable housing fund.

8 Overall, the solution delivers more units than could be delivered on site and the applicant has satisfactorily demonstrated that it is delivering the maximum reasonable amount of affordable

housing with a tenure split that would meet Southwark policy requirements. There are no outstanding issues in relation to affordable housing.

9 Further information was also sought in relation to other aspects of the housing proposals. The density has been calculated as close to 4,000 habitable rooms per hectare. Whilst in excess of guidance, a building of this scale has already been approved, and given the location beside London Bridge, and is of exemplary design. In relation to amenity, some play space is accommodated at eighth floor level, and a contribution would be made towards playspace in the surrounding area to cover the shortfall. The applicant has also confirmed that finished floor to ceiling heights would be 2,500mm, in accordance with the Housing SPG. Regarding the housing mix, the scheme includes a range of units and the off-site provision would include family homes. There are no outstanding issues in relation to housing.

World Heritage Site

10 The principle of a tower of the height proposed had previously been agreed during consideration of the previously approved scheme. However, given the time that had passed since it had been approved, the applicant was asked to update its assessment of the impact upon the setting of the Tower of London, taking into account the Mayor's *WHS Guidance on Setting* SPG. The applicant has provided this updated report and the revised assessment does not change the conclusions previously reached that there would be no harm to the Outstanding Universal Value of the WHS.

Inclusive Design

11 At the initial consultation stage, confirmation about level access and accessible homes was sought. The applicant has set out further details of the hard landscaping, and confirmed that level access will be provided to residential cores. The scheme would provide 10% of units as wheelchair adaptable, secured in the s106 agreement. Whilst Lifetime Home requirements have been superseded by Building Regulations, the applicant has provided indicative layouts to show how the scheme would meet relevant targets.

Climate Change

12 Having considered the energy strategy at Stage 1, there were some matters of clarification and further information sought in relation to modelling, overheating, and management of the CHP in order to demonstrate compliance with the London Plan.

13 The applicant has provided updated information, including modelling against Part L 2013 standards, which demonstrates that the scheme would meet the 35% reduction targets. This is welcomed, but there continues to be concerns about the performance of the curtain walling in the absence of a contractor being appointed to provide commitments on its performance. In order to address this outstanding concern, the Council has also secured a condition requiring details about the thermal performance of the curtain wall to be provided prior to construction, in order to ensure that it does not result in overheating. This is welcomed and all outstanding issues from Stage 1 have been addressed. The requirements for a District CHP, including its management is also secured in the s106 agreement.

Transport for London comments

14 At Stage 1, TfL requested contributions towards footway improvements along St Thomas Street and cycle hire docking facilities. Respectively £50,000 (payable to Southwark) and £100,000 (payable to TfL) have been secured in the Section 106 agreement for these transport impact

mitigations. The St Thomas Street improvements will also require a Section 278 agreement with TfL as the road is part of the Transport for London Road Network.

15 In addition suitable conditions and s106 obligations have been secured requiring plans covering: delivery and service management; construction environmental management; a travel plan, occupier exemption from obtaining Controlled Parking Zone parking permits; and cycle parking and Blue Badge parking. This all accords with London Plan (2015) standards.

16 On the basis of the above, TfL is satisfied that the application scheme could be considered to be in general accordance with the transport policies of the London Plan.

Response to consultation

17 The application was advertised by site and press notices, and with consultation letters sent to over 700 neighbouring properties. A total of seven responses were received, with issues relating to the loss of B1 office floor space, the provision of active ground floor uses, the design and impact upon Bermondsey Street Conservation Area, impact upon Melior St Community Garden, overshadowing of neighbour properties, wind tunnel effect, and traffic and movement impacts.

18 In relation to the objections and points raised, these have been addressed in the Council report and strategic matters about design, transport and scale of development in particular, have been addressed in this report and the initial consultation. Overall, the scheme has been found to be acceptable, in accordance with local and strategic policy and guidance.

19 Other statutory consultees responded as follows:

- **Thames Water:** No objections but notes requirement to deal with storm flows through attenuation and/or public network. Seeks submission of a piling method statement, Conditions and informatives are recommended and have been included in the draft decision notice.
- **Network Rail:** Notes the proximity to railway land, and has commented on asset protection, including future maintenance, drainage, plant, materials, lighting and scaffolding with conditions and informatives included.
- **Environment Agency:** No objections raised.
- **Historic England:** Confirms that advice provided on the previous application continues to reflect their position i.e. raising an objection to the scheme based on the impact of views from within the Tower of London, and the cumulative impact of this and other planned tall buildings around North Southwark.

Response: In reporting on the application previously, it was concluded that the harm to the Outstanding Universal Value would be difficult to substantiate given the scale of the interference is minor and is not visible on the approach to Queens House. Regarding other proposals emerging in the area, these would also be required to satisfy the test regarding the impact on the setting of the listed building and on the outstanding universal value and would be considered on their own merits.

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

20 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 I, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

21 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

22 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.

23 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.

24 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

25 Having regard to the details of the application, the matters set out in Southwark Council's committee report, and its draft decision notice, this residential led development in the London Bridge and Bankside Opportunity Area is acceptable in strategic planning terms. Further information has been provided, which together with conditions and section 106 obligations imposed by the Council address all strategic issues that were raised at Stage 1. On this basis, there are no sound reasons for the Mayor to intervene in this particular case

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