

PD11424/GF/LS/EM

email: gareth.fox@montagu-evans.co.uk
louisa.smith@montagu-evans.co.uk

25 November 2025

F.A.O. Richard Green
Greater London Authority
Development Management
169 Union Street
London
SE1 0LLSent via email to:
Richard.Green@london.gov.uk

Dear Richard,

**VINEGAR YARD, ST THOMAS STREET, SOUTHWARK
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
APPLICATION FOR FULL PLANNING PERMISSION – PLANNING POLICY UPDATE NOTE****London Borough Of Southwark Application Ref. 18/AP/4171
Greater London Authority Application Ref. GLA/6208/S2**

On behalf of our client, St Thomas Bermondsey Limited (“the Applicant”), this Planning Policy Update Note (hereafter referred to as the “Note”) has been prepared to reflect updated planning policy and legislation in regards to application ref. 18/AP/4171 / GLA/6208/S2 which seeks the redevelopment of land bounded by St Thomas Street, Fenning Street, Vinegar Yard and Snowfields including Nos.1-7 Fenning Street and No.9 Fenning Street (“the Site”), located in the London Borough Southwark (“LBS” / “the Council”).

In addition to this Note, Trium Environmental Consulting LLP has undertaken a review of the Environmental Impact Assessment (“EIA”) that was undertaken in 2021 (“the 2021 ES”) and prepared an Environmental Statement Review Report (“ES Review Report”). The purpose of this review was to ascertain whether the contents and conclusions of the 2021 ES, specifically the conclusions on the likely significant environmental effects of the October 2021 scheme, remain valid and up to date considering the time passed since its production. Where updates to the information presented within the 2021 ES are required, this information has been presented within the ES Review Report.

BACKGROUND AND PLANNING CONTEXT

The application (LBS ref. 18/AP/4171) for redevelopment of the Site was submitted on 24 December 2018 and validated by LBS on 15 April 2019. The description of development for the application was as follows:

“Redevelopment of the site to include the demolition of the existing buildings and the erection of a building up to 20 storeys in height (maximum height of 86.675m AOD) and a 3 storey pavilion building (maximum height of 16.680m AOD) with 3 basement levels across the site providing . The development would provide a total of 30,292 sqm (GIA) of commercial floorspace comprising of use classes A1/A2/A3/A4/B1/D2 and sui generis (performance venue), cycle parking, servicing, refuse and plant areas, public realm (including soft and hard landscaping) and highway improvements and all other associated works.”

The application was considered by the Council’s Planning Committee on 29 June 2020. LBS officers recommended the application for approval subject to conditions and a S106 legal agreement, but LBS resolved to refuse the application on the following heritage grounds:

“The proposed development by virtue of its excessive height, scale and massing would result in the loss of 9 Fenning Street and have an adverse impact on the Horseshoe Inn, both of which are undesignated heritage assets which make a positive contribution to the Bermondsey Street Conservation Area. The proposed development would therefore fail to preserve or enhance the character and appearance of the Conservation Area. The heritage harm would not be outweighed by the public benefits. The proposed development is therefore contrary to Policy 3.15 Conservation of the Historic Environment: 3.16 Conservation Areas; 3.18 Setting of Listed Buildings, Conservation Areas and World Heritage Sites of the Saved Southwark Plan 2007; SP12 – Design and Conservation of the Core Strategy 2011 and Policy 7.8 - Heritage Assets and Archaeology of the London Plan 2016 and paragraphs 196 and 197 of the NPPF.”

The application was called-in by the Mayor of London on 24 August 2020. From that point, the Applicant's team worked with officers at the Greater London Authority ("GLA") to amend the development proposals (GLA application ref. GLA/6208/S2).

A revised scheme was then submitted to the GLA on 3 November 2021 which sought to address, principally, the heritage concerns raised. The amended description of development reads:

"Redevelopment of the site to include the demolition of existing buildings, retention and refurbishment of the warehouse and the erection of a ground, mezzanine and 18 storey building (with plant at roof level and 3 basement levels) comprising of café and community space within the warehouse and flexible retail, affordable workspace and flexible office and medical floorspace within the new building, cycle and disabled car parking, servicing, refuse and plant areas, public garden (including soft and hard landscaping), highway improvements and all other associated works".

The scheme was recommended to the Mayor of London for approval following a favourable assessment by officers against all relevant adopted and emerging policies, that were afforded appropriate weight at the time. The Representation Hearing was held on Friday 27 May 2022 at which the Mayor resolved to grant planning permission for the proposals subject to the signing of an appropriate Section 106 Agreement.

The Section 106 agreement has now been negotiated and a draft agreed. Given the time that has passed since the Representation Hearing, GLA officers will report to the Mayor on the final S106 position and whether they consider there to have been a change in material considerations such that the proposals might require a full reassessment for acceptability in planning terms. This Note is intended to assist officers in reviewing the latest planning policy context when coming to their conclusions.

PLANNING POLICY AND LEGISLATION

At the time of the revised application submission to the GLA in November 2021, the development plan was comprised of The London Plan (2021), the Core Strategy (2011) and saved Southwark Plan (2013) policies. The draft Southwark Local Plan 2022 was considered in the application as emerging policy. Southwark adopted the Southwark Local Plan 2022 (which remains the current local plan), prior to the Representation Hearing taking place in May 2022.

Officers and the Mayor therefore assessed and determined the proposals affording full weight to the same Southwark Local Plan and London Plan policies that remain in place today.

For completeness the adopted planning policy and legislation relevant to the application, as of the date of this Note, is described below.

Legislative Context – Statutory Framework

Section 70 of the Town and Country Planning Act (1990) (as amended) notes that the 'development plan' is the starting point of the determination of a planning application. Furthermore, Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with policies of the statutory development plan unless material considerations indicate otherwise.

The Development Plan

The adopted Development Plan for the Site (today and at the time of the Representation Hearing) comprises:

- The London Plan (2021); and
- Southwark Plan (2022).

National Planning Policy and Guidance

The National Planning Policy Framework ("NPPF") was originally published in 2012, and has since been revised in 2018, 2019, 2021, 2023, 2024 and the latest revision was published February 2025. The NPPF has therefore evolved since officers recommended the application for approval and since the Representation Hearing at which the Mayor resolved to grant planning permission subject to Section 106.

Following the Representation Hearing, the key changes to the NPPF have been:

- Amendments were made in September 2023 to update policy for onshore wind development in England.
- In December 2023, changes were made in response to the Levelling-up and Regeneration Bill consultation, primarily making amendments relating to housing delivery.

- In December 2024, the NPPF was further revised in response to the 'Proposed reforms to the NPPF and other changes to the Planning system' consultation. The revisions made in 2024 include support at Chapter 6 for development that positively and proactively encourages sustainable economic growth, having regard to the national industrial strategy (which identifies priority sectors for growth and support including life sciences). The revisions provide further support at a national level for the land uses in the proposed development, within policy making.
- Other changes to the December 2024 NPPF included updates to policy relating to calculating housing need and the standard methodology, affordable housing, as well as updates to Green Belt policy, including the introduction of a 'Grey Belt' definition. These updated policies within the NPPF are not considered to be relevant to this application.
- In February 2025, further minor changes were made, which were not a change to the policy, but clarifications to aid interpretation.

Overall, the changes to the NPPF since the May 2022 Representation Hearing are not considered to have a material bearing on the consideration or acceptability of the proposals. If anything, the proposed land uses would be further supported as a result of the revised and current NPPF.

The following relevant Planning Practice Guidance ("PPG") has been updated since the Representation Hearing:

Biodiversity Net Gain (2024)

This Guidance was published following the introduction of the statutory framework in Schedule 7A of the Town and Country Planning Act 1990 (applicable to applications for major development submitted on or after 12 February 2024). This is considered further under Legislative Context later in this Note although statutory BNG does not apply to this application.

Building Safety: Planning enforcement and the Responsible Actors Scheme (2024)

The Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023, made under Sections 126-129 and 168 of the Building Safety Act 2022, create a Responsible Actors Scheme, a Building Industry Scheme made under sections 126-127 Building Safety Act 2022. This Guidance was published in 2023 but the scheme does not apply to the granting of planning permission (only the carrying out of prohibited development) so is not relevant to this application.

Community Infrastructure Levy (2024)

Changes to the Community Infrastructure Levy Guidance since the Representation Hearing relate to the 'Homes for Ukraine' sponsorship scheme (2022), the withdrawal of the exemption for a CIL exemption obtained for a residential annex (2022), the new UK subsidy control regime (2023), and changes to help clarify the position on retrospective planning permissions granted under s73A of the Town and Country Planning Act 1990 in relation to obtaining relief or exemption from Community Infrastructure Levy (2024). These changes are not relevant to this application.

Determining a Planning Application (2023)

Changes made to the Determining a Planning Application Guidance were of a minor nature, including clarifications regarding the time period for determining non-major applications under the government's 'planning guarantee'. These changes are not relevant to this application.

Effective Use of Land (2025)

The Effective Use of Land Guidance was updated in 2025 to include an additional question on how to apply paragraph 125c of the NPPF to decision making. Paragraph 125c states planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused. The updates to this Guidance since the May 2022 Representation Hearing are not considered to have a material bearing on the acceptability of the proposals.

Green Belt (2025)

A new version of the Green Belt Guidance was issued to reflect the revised NPPF. This update to the Guidance is not relevant to this application.

Housing and Economic Needs Assessment

Updates to the 'Housing need' section were provided to reflect the revised NPPF. This update to the Guidance is not relevant to this application.

Natural Environment (2025)

The Natural Environment Guidance was updated in 2024 to reflect the commencement of biodiversity net gain and the introduction of a biodiversity duty. The Guidance was further updated in 2025 to reflect current legislation, provide information on Local Nature Recovery Strategies, and provide a link to the Protected Landscapes duty guidance. These changes are not relevant to this application.

Plan Making (2025)

Two new paragraphs were added to this Guidance, relating to natural environment and biodiversity and local plan intervention. These changes to Guidance are not relevant to this application.

Renewable and Low Carbon Energy (2023)

This Guidance was updated in 2023 to include a section on Battery Energy Storage Systems. These changes to Guidance are not relevant to this application.

Flood Risk and Coastal Change (2025)

This Guidance was updated in 2025 to include updates to the sequential approach to the location of development. Overall, the changes to the PPG since the May 2022 Representation Hearing are not considered to have a material bearing on the acceptability of the proposals.

Regional Planning Policy and Guidance

The London Plan (March 2021), prepared by the GLA, is the Spatial Development Strategy for Greater London. It forms the London-wide policy context within which the Boroughs set their local planning agendas, and forms part of the Statutory Development Plan. The application was determined after the London Plan was adopted. There are therefore no material changes in the policy context in this regard.

Since the Representation Hearing, the GLA has published new and updated London Plan Guidance (“LPG”) and Supplementary Planning Guidance (“SPG”) which provide further information about how the London Plan policies should be applied. These are listed below:

Characterisation and Growth Strategy LPG (June 2023)

The Characterisation and Growth Strategy Guidance provides information on how to carry out a borough or neighbourhood-wide character assessment (or study). This Guidance is not considered to be relevant to the proposals.

Optimising Site Capacity: A Design-led Approach LPG (June 2023)

The Optimising Site Capacity: A Design-led Approach Guidance sets out how the design-led approach, set out in Policy D3 of the London Plan, should be applied. The pre-consultation draft of this Guidance (October 2020) was considered but awarded limited weight within the Representation Hearing Report and the proposals were considered to comply with Policy D3. The Guidance was subsequently updated following a consultation exercise and adopted in June 2023. The changes between the pre-consultation draft Guidance and the latest Guidance are not considered to have a material bearing on the acceptability of the proposals.

Fire Safety (June 2022)

The Fire Safety London Plan Guidance sets out how applicants should demonstrate their schemes comply with London Plan Policy D12 and London Plan Policy D5. The pre-consultation draft of this Guidance (March 2021) was considered but awarded limited weight within the Representation Hearing Report and the proposals were considered to comply with Policy D5. The changes between the pre-consultation draft Guidance and the latest Guidance are not considered to have a material bearing on the acceptability of the proposals.

Industrial Land and Uses LPG (Consultation Draft December 2023)

This draft Guidance is intended to provide clarity and consistency for assessing ‘sufficient supply’ of land and premises to meet industrial demand, which is required by Policy E4A of the London Plan. This Guidance also applies to plan-making by helping planning authorities to consider industrial intensification and co-location opportunities on designated industrial land ‘in collaboration with the Mayor’, as required in Policy E7B. Policy E7 of the London Plan is not considered to be relevant to the proposals.

Urban Greening Factor LPG (February 2023)

This Guidance is intended to support boroughs and applicants in meeting the requirements of London Plan Policy G5. The consultation draft of this Guidance (September 2021) was considered but awarded limited weight within the Representation Hearing Report and the proposals were considered to comply with Policy G5. The changes between the consultation draft Guidance and the latest Guidance are not considered to have a material bearing on the acceptability of the proposals.

Air Quality Positive LPG (February 2023)

This Guidance has been developed to support the Air Quality Positive approach. The consultation draft of this Guidance (November 2021) was considered but awarded limited weight within the Representation Hearing Report. The Hearing Report notes that a condition should be secured requiring the submission of an Air Quality Positive Statement (AQPS), for approval by Southwark Council. The changes between the consultation draft Guidance and the latest Guidance are not considered to have a material bearing on the acceptability of the proposals.

Air Quality Neutral LPG (February 2023)

The consultation draft of this Guidance (November 2021) was considered but awarded limited weight within the Representation Hearing Report. This Guidance provides an update to the Air Quality Neutral benchmarks in light of the most up-to-date evidence and provides clarification on how to apply the benchmarks to support planning applications. The changes between the consultation draft Guidance and the latest Guidance are not considered to have a material bearing on the acceptability of the proposals.

Energy Assessment LPG (June 2022)

The Energy Assessment Guidance 2022 provides information for planning applicants on how to comply with the London Plan climate mitigation policies. The pre-consultation draft of this Guidance (April 2020) was considered but awarded limited weight within the Representation Hearing Report and the proposals were considered to comply with the relevant policies. The changes between the pre-consultation draft Guidance and the latest Guidance are not considered to have a material bearing on the acceptability of the proposals.

Sustainable Transport, Walking and Cycling LPG (December 2022)

The Guidance helps support planning authorities and applicants in meeting the requirements of transport related policies in the London Plan. The pre-consultation draft of this Guidance (October 2020) was considered but awarded limited weight within the Representation Hearing Report and the proposals were considered to comply with the relevant policies. The changes between the pre-consultation draft Guidance and the latest Guidance are not considered to have a material bearing on the acceptability of the proposals.

Local Planning Policy and Guidance

The Southwark Plan was adopted in February 2022, prior to the Representation Hearing, and sets out the vision, strategic objectives, and planning policies for development in Southwark for the period 2019 to 2036. The Southwark Plan has replaced the Core Strategy (2011) saved Southwark Plan (2013) policies, Aylesbury Area Action Plan (2010), Peckham and Nunhead Area Action Plan (2014) and Canada Water Area Action Plan (2015) including their monitoring frameworks.

Southwark adopted its Section 106 and CIL SPD on 7 July 2025, replacing the 2015 Section 106 and CIL SPD. The SPD sets out the requirements for mitigating any impacts of development using Section 106 planning obligations and CIL, as well as how S106 planning obligations arise and are secured. The SPD was updated to reflect the planning policies introduced in the Southwark Plan 2022, such as affordable housing and biodiversity net gain, as well as to reflect changes to the NPPF and the London Plan, since the 2015 SPD. It also updated the financial contributions required to cover the council's monitoring functions and payments in lieu where a development is unable to meet policy on-site. Where required, mitigation for impacts of the proposals have been secured using Section 106 obligations. This mitigation remains appropriate and relevant to the proposals, meeting the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). Overall, the SPD adopted on 7 July 2025 is not considered to have a material bearing on the acceptability of the proposals.

Southwark also adopted its Climate and Environment SPD on 7 July 2025 which provides guidance on how to apply the policies in the Southwark's Plan 2022. The Climate and Environment SPD in part, replaces the previously rescinded SPDs: Sustainability Assessments SPD (2009), Sustainable Design and Construction SPD (2009) and the Sustainable Transport SPD (2010).

The Climate and Environment SPD provides guidance on the following matters:

- Energy and sustainability standards expected from new development, including implementing the cooling hierarchy and the energy hierarchy, monitoring carbon emissions, Whole Life-Cycle Carbon assessments, Circular Economy statements and retrofitting.
- Methods used to measure and mitigate flood risk for new development, and Sustainable Drainage Systems.

- Air quality considerations and requirements for new development.
- Other environmental considerations such as light pollution, odour, noise pollution, land contamination and demolition and construction management.
- Urban greening, biodiversity and ecology requirements for new development. Including guidance on Sites of Importance for Nature Conservation, Urban Greening Factor and requirements for Biodiversity Net Gain.
- Tree valuation, tree planting and diverse planting for wildlife habitats.
- Achieving more sustainable transport outcomes in new development. Including guidance on designing streets, encouraging cycling, providing cycle parking, linking developments to public transport, reducing reliance on private cars.
- Electric Vehicle Charging Points.
- Waste management and recycling considerations for new developments. This includes guidance on communal refuse facilities for residential and commercial development and clinical or hazardous waste.

The Climate and Environment SPD provides guidance to support existing Southwark Plan policies and does not contain new policies. The SPD is a material consideration in the determination of planning applications, but overall, the Guidance is not considered to have a material bearing on the acceptability of the proposals.

In addition, Southwark also adopted its Affordable Housing SPD and Householder Development SPD on 7 July 2025. These SPDs are not considered to be relevant to the assessment.

Overall, the updates to the local planning guidance since the May 2022 Representation Hearing are not considered to have a material bearing on the acceptability of the proposals.

Site Specific Designations

The Site is the subject of the following designations under the Southwark's Interactive Policies Map:

- Central Activities Zone;
- South Bank Strategic Cultural Quarter;
- Bankside, Borough and London Bridge Opportunity Area;
- Site Allocation ref. NSP54;
- Area Vision 11 London Bridge;
- Team London Bridge Business Improvement District;
- London Bridge District Town Centre;
- London View Management Framework View 2A.1 (Parliament Hill Summit to St Paul's Cathedral);
- London View Management Framework View 3A.1 (Kenwood Viewing Gazebo to St Paul's Cathedral);
- Archaeological Priority Area APA1 (North Southwark and Roman Roads);
- Hot Food Takeaway Primary School Exclusion Zone;
- Southwark Air Quality Management Area;
- Flood Zone 3;
- Adjacent to Bermondsey Street Conservation Area;
- London Bridge Controlled Parking Zone.

These remain unchanged since the Representation Hearing at which the Mayor resolved to grant planning permission and as such give no cause to reassess the application's acceptability in planning terms.

Legislative Context – Building Safety Act 2022

The Building Safety Act was granted Royal Assent on 28 April 2022. The Building Safety Act and its related secondary legislation (which came into force on 1 October 2023) contains provisions intended to secure the safety of people in or about buildings and to improve the standard of buildings.

A Fire Safety Strategy was submitted as part of the application submission. The building is not a “relevant building” for the purposes of the Building Safety Act and, as such, this updated legislation is not considered to have a material bearing on the acceptability of the proposals.

Legislative Context – Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) requires development to deliver a biodiversity net gain (“BNG”) of 10%, so that it results in more, or better quality, natural habitat than there was before development.

This approach became mandatory in England on 12 February 2024. The mandatory requirement for non-major development followed on 2 April 2024.

The mandatory BNG regime does not apply to planning applications submitted before 12 February 2024. Nonetheless, a BNG report was appended to the 2021 ES. The 2021 BNG report demonstrates that a significant net gain can be achieved on site (4,552.41%), thereby meeting the Southwark Plan policy requirement for a net gain. There is no statutory requirement to update the BNG calculations.

CUMULATIVE DEVELOPMENT

Within the ES Review Report, a review of planning applications submitted since the 2021 ES has been undertaken to identify potential new Cumulative Schemes. These new Cumulative Schemes, located within a radius of 500m of the site are listed below:

Sainsburys Outpatient Pharmacy Solomon Centre Guys Hospital St Thomas St – 20/AP/3101:

“Construction of a new 8 storey hospital building (C2) 41 metres AOD, alterations to existing access arrangements and public realm works.”

74-84 Long Lane – 22/AP/2492:

“Demolition of the existing building and the erection of an 11 storey building (including mezzanine) together with basement to provide office space (Class E) and flexible retail / cafe space (Class E and Sui Generis); new landscaping and public realm; reconfigured pedestrian and vehicular access; associated works to public highway; ancillary servicing; plant; cycle storage and associated works with ancillary facilities.”

15-33 Southwark St – 19/AP/0830:

“Mixed-use development involving the demolition of 25-33 Southwark Street, the restoration of 15 Southwark Street for residential use and the erection of new buildings comprising: a part 6/8/9-storey office (Class B1) building incorporating a single-storey basement, flexible ground floor uses (Classes A1/A2/A3/A4 and D2) and workspace units (Class B1); a 3-storey workshop building (Class B1); a marketplace with up to 9 permanent stalls (Class A1); 36 residential units in the refurbished 15 Southwark Street building and a new 8-storey block; associated areas of new public realm; hard and soft landscaping; enhancements to Crossbones Burial Ground; means of access and enclosure, and; ancillary plant and equipment.”

The ES Review Report concludes that, given the scale of these potential cumulative scheme, and because they do not themselves constitute EIA development, it is considered that they will not alter the cumulative assessments for each technical topic set out within the 2021 ES. Additionally, the distance of the above schemes from the site (the nearest of which is approximately 300m west of the site) further supports that they will not impact the cumulative assessments undertaken in the 2021 ES. They are therefore not considered further in the ES Review Report.

In addition to the three cumulative schemes listed above, a fourth cumulative scheme has been identified and considered throughout the ES Review Report as relevant, for each technical topic. This scheme, known as Snowfields Quarter, is located approximately 150m to the southwest of the Proposed Development. Snowfields Quarter’s Planning Application Reference and description have been included below.

Snowfields Quarter including 92-95 Snowfields, 96 Snowfields, NCP London Bridge Car Park, and 111 Snowfields – 25/AP/0772:

“Demolition of the existing buildings and the construction of three new buildings, providing flexible commercial floorspace (Class E (g)), ground floor retail (Class E (a-b)), science on display (Class E(g)/F1), community performance floorspace (Class E/F1), a Public House (Sui Generis); cycle parking, servicing, refuse and plant areas, public realm and highway improvements, and other works incidental to the development.”

The Application for Snowfields Quarter was accompanied by an ES (‘the Snowfields ES’) in which the potential for cumulative effects between the Proposed Development and Snowfields Quarter was considered for each technical topic.

The Snowfields ES concluded that, for each of the topics, there was no potential for significant (in EIA terms) cumulative effects between Snowfields and the Proposed Development.

The ES Review Report concludes that although there are some changes to the list of cumulative schemes considered, within the context of an updated baseline (where appropriate) and considering the scale of development in the LBS and London, the cumulative effects reported in the 2021 ES are still considered valid.

CLOSING

This Note has been prepared to assist GLA officers in their assessment of whether there has been a change in material considerations since the Representation Hearing. Whilst there have been changes to some of the legislation, policy and guidance that is relevant for the planning determination of this scheme, we have carefully considered these changes and conclude that the scheme remains acceptable in planning terms.



We hope the above is helpful to officers. If you have any outstanding queries on this matter, please contact Gareth Fox (gareth.fox@montagu-evans.co.uk / 07894 815343) or Louisa Smith (louisa.smith@montagu-evans.co.uk / 07469 379425) in the first instance.

Yours sincerely,

A handwritten signature in black ink that reads "Montagu Evans".

Montagu Evans LLP