### Strategic planning application stage II referral (new powers)


### The proposal

The proposal is to demolish the existing (Newcomen Centre and Bloomfield Clinic) buildings on the 0.275-hectare application site within the premises of Guy’s Hospital; and erect a single, 71-metre high building to provide 29,312 sq.m. of accommodation for a cancer treatment centre and private patient unit.

### The applicant

The applicant is Guy’s & St Thomas’ NHS Foundation Trust and the architects is Rogers, Stirk, Harbour & Partners.

### Strategic issues

The policy issues relevant to the proposal are health provision, education, employment, urban design & architectural quality, the impact of the proposal on the setting of a World Heritage Site; strategic views, transportation, sustainability and the contributions that all these would make towards regeneration of Borough, Bankside and the London Bridge Opportunity Area. The applicant has responded to the matters raised at the consultation stage including accessibility, strategic views and heritage, energy and transportation.

### 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

On 30 July 2012 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 Categories 1B and 1C of the Schedule to the Order 2008:

1B- “Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings—(b) in Central London (other than the City of London) and with a total floorspace of more than 20,000 square metres.”

1C- “Development which comprises or includes the erection of a building of the following description—(c) the building is more than 30 metres high and is outside the City of London.”.

2 On 3 September 2012 Sir Edward Lister, Deputy Mayor and Chief of Staff, acting under delegated authority considered planning report PDU/2959/01, and subsequently advised Southwark Council that the application did not comply with the London Plan, for the reasons set out in paragraph 97 of the above-mentioned report; but that the possible remedies set out in paragraph 99 of that report could address these deficiencies.

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 6 November 2012 Southwark Council decided that it was minded to grant planning permission, and on 7 November 2012 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 20 November 2012 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 application did not comply with the London Plan, for the reasons set out in paragraph 97 of the above-mentioned report; but that the possible remedies set out in paragraph 99 of that report could address these deficiencies:

- **Urban design**: Additional illustrations are required to assess the potential impact of the development on protected views and vistas, especially from Tower Bridge and Parliament Hill and on the Outstanding Universal Value of the Tower of London World Heritage site.

- **Inclusive design**: The applicant should confirm that the wheelchair and buggy storage area to be provided adjacent to the ground floor cafe would also be large and secure enough to accommodate and recharge mobility scooters if necessary.

- **Energy**: The applicant should consider the scope for additional measures aimed at achieving further carbon reductions. In particular, the applicant should model additional energy efficiency measures and commit to the development exceeding 2010 Building Regulations compliance through energy efficiency alone.

- **Transport**: The applicant should provide an electric vehicle charging point in the Tower Car Park, space for motor cycle parking, and shower and changing facilities for cyclists.
Southwark Council should also ensure that the submitted travel plan is secured, enforced, funded, monitored and reviewed as part of the s106 agreement.

6 The following sections consider the extent to which the Deputy Mayor’s comments have been addressed.

**Urban design**

7 At the consultation stage the Deputy Mayor requested further testing regarding the impact of the proposal on strategic views, in particular from Tower Bridge, Parliament Hill and in the context of the Tower of London World Heritage Site.

8 The applicant has provided a supplementary assessment which provides analysis of the impact from the proposal on views from Parliament Hill, Blackheath, Tower Bridge, Southwark Bridge and from within the Tower of London World Heritage Site. Views from Kenwood were previously provided as part of the original submission material.

9 In terms of strategic views, the proposal appears at its closest to St Paul’s Cathedral in the background wider setting consultation area of the view from Kenwood of St Paul’s Cathedral. In the other relevant panorama views in the LVMF, from Parliament Hill and Blackheath, the proposal falls outside the wider setting consultation area.

10 Paragraph 121 of the LVMF provides guidance for development in the background of the view from Kenwood. In particular it notes “Development behind St Paul’s Cathedral that breaches the Wider Setting Consultation Area should contribute to a composition that enhances the setting of the Strategically Important Landmark, and the ability to recognise and appreciate it when seen from the Assessment Point. Special regard should be paid to the height, orientation, design and materials used in the development. Careful use of form and materials could enable development proposals to improve the clarity with which St Paul’s Cathedral is seen in its surroundings, including the hills in south London.”

11 As set out above, wire line views of the proposal in the view from Kenwood were provided as part of the original submission and officers have had regard to the form and materials of the building as described in the design and access statement and the location of the proposal in context of the view. The proposal takes on a modern palette of materials, largely glazed, and in a simple form. Officers are satisfied that the proposal would not harm the ability of the viewer to recognise and appreciate St Paul’s Cathedral. The River Prospect views, in particular from Southwark Bridge, are acceptable in the context of the cluster at London Bridge and do not harm the setting of important buildings in the view, in particular Southwark Cathedral.

12 Officers are also satisfied that the Outstanding Universal Value of the Tower of London World Heritage Site would be preserved given that the proposal would not be visible in key views from within the Tower of London.

13 The Council deals with the matter of views, tall buildings, design and local heritage assets in detail at paragraph 61-84 of the officer report. Overall, GLA officers agree with the analysis by the Council including the assessment with regard to the heritage assets, including the conservation areas and listed buildings. In particular the Council notes that “To the conservation areas, the proposal will generally be viewed as part of a cluster of taller buildings, which should mitigate its impacts; while the bulk of the proposal does have a significant impact on the view northwards up Crosby Row, the background to the listed buildings is already framed by tall buildings and the loss of clear sky is not considered to be significant in this city centre context” (paragraph 72 of the officer report).
14 Overall GLA officers are satisfied that the design approach taken by the applicant is acceptable and consistent with the London Plan, the LVMF and the guidance in the NPPF regarding protection of heritage assets.

**Inclusive design**

15 The layout and access strategy was generally supported at the consultation stage. The applicant has confirmed that the wheelchair and buggy storage area is sufficient to accommodate and recharge mobility scooters.

**Energy**

16 At the consultation stage the applicant was asked to explore opportunities for further carbon reduction savings through energy efficiency measures in order to meet Building Regulations 2010 through energy efficient design alone. The applicant has confirmed that the building will now meet 2010 Building Regulations through design measures alone, but that despite connection to the hospital district heat network, there remains a short fall in meeting the strategic carbon reduction target (25%) in the London Plan. As such the applicant has agreed to make a financial contribution of £38,640 towards off site carbon dioxide reduction projects within the borough. This is based on the methodology set at £46/tonne shortfall per annum over a period of 30 years. This has been secured in the draft section 106 and will need to be delivered through borough led projects in discussion with the GLA.

**Transport for London’s comments**

17 At the consultation stage, TfL had no objections to the principle of the development but raised issues about some detailed aspects.

18 The proposals for electric vehicle charging points and facilities for cyclists now comply with the London Plan. This provision together with management of the parking and drop off/pick up bays, a construction logistics plan and a delivery and servicing plan have been secured through conditions included in the draft decision notice. The travel plan has been updated in accordance with TfL comments and will be secured, enforced, funded, monitored and reviewed as part of the section 106 agreement.

19 In summary issues with the application have been resolved and it is therefore in line with the transport policies in the London Plan.

**Response to consultation**

20 Appendix 1 of the Council’s officer report sets out the consultation undertaken, including site notice (24 July 2012), press notice (27 July 2012) and consultation letters sent to statutory and non-statutory groups and organisations and local residents (23 July 2012). Neighbours were also re-consulted by the Council on 24 September 2012. The following is a summary of the responses received by the Council.

**English Heritage**

- Content for the Council to consider the impacts upon the settings of listed buildings and conservation areas in the vicinity of the site.

- Note that the impact of the proposals upon the view from the London View Management Framework viewpoint at Kenwood has been assessed but that no assessment has been
made of the LVMF views from bridges over the River Thames and critically upon views from the HM Tower of London World Heritage Site.

- It may be that the proposed development will not be visible from many of the viewpoints but the Council may consider whether the applicant ought to test the views.

**The Miller public house**

- Concern that beer garden and tables will be affected by noise, dust and workers.
- Concern that the building will be soundproofed to protect those inside from the noise of people using the street in the early hours of the morning.
- Sunlight/daylight report does not take the pub into account; concern over loading/servicing.

**Bermondsey Village Action Group**

- Do not accept that the preconditions for permitting such high-rise development that was introduced by the Inspector at the EIP of the Core Strategy have been satisfied.
- The proposal, which is the equivalent of at least 20 conventional height floors is therefore pre-emptive and premature.
- The proposed development represents a sufficiently large environmental change that it should be regarded as EIA development on account of its effects on the micro climate – including wind and daylight – and the neighbouring historic environment.

**Residents from Crosby Row**

- Increased level of traffic.
- Risk that heavy construction traffic will damage ours and neighbour’s house, both extremely fragile Grade II listed houses.
- Crosby Row was never designed to be used as a primary access for Guy’s Hospital.
- Concern regarding speed and weight of vehicles.
- The road should be one way.
- The street has become a rat run.
- Concern regarding noise and environmental pollution caused by traffic.
- There should be an alternative access.
- Concern over pedestrian and cycle movement during construction.
- Temporary diversions should be consulted with the local community and conditioned.
- Congestion already bad in Crosby Row.
Hepatitis Trust

- Concerned about construction.
- Building is not sufficiently robust to withstand the relentless vibration.
- Construction traffic will adversely impact operations of the trust.
- Need to limit the traffic using Crosby Row and slow it down.

Eynsford House Crosby Row

- Concerned about traffic.
- Street is a rat run.
- Should withhold permission until a satisfactory solution has been found to address the volume of traffic speed, noise and environmental pollution and traffic weight.
- Alternative access should be considered.

St Hugh’s Anglican Church

- Impact of the construction.
- Traffic impact on pedestrians.
- Traffic is already heavy.
- There should be no construction traffic during school drop off.

Beormund Primary School

- Concern over traffic.

Petition with eighteen signatures

- Concerned regarding traffic.
- Street has become a rat run.
- Should withhold permission until a satisfactory solution has been found to address the volume of traffic speed, noise and environmental pollution and traffic weight.
- Alternative access should be considered.

GLA officer comment

21 The Council provides a response to the concerns in the relevant sections of the officer report and at paragraph 3.17 of the addendum report. The comments do not raise any new strategic planning matters that justify the Mayor’s intervention in this particular case. The concerns focus on the transport impacts of increased movements mainly along Crosby Row. These are matters which do not raise strategic transport concerns as set out in the comments from TfL in this report and in the Mayor’s stage 1 report (paragraph 54).
Other concerns raised in the consultation response including the need for an environmental impact assessment. The Council has addressed this matter at paragraph 48 and 49 of the officer report. This confirms that the Council received two screening requests and in both cases issued its opinion that the development was not considered to be EIA development and therefore an environmental statement was not required.

Concern is also raised that the development is pre-mature with regard to a tall building in this location. Paragraph 39 of the stage 1 report deals in general terms with the principle of a tall building in this location and its impact. The impact of the proposal is further considered in this report in response to supplementary views analysis provided by the applicant.

As set out in the stage 1 report, London Plan policy 7.7 sets out the design requirements for tall and largescale buildings. Officers are satisfied that the proposed development meets the policy objective. Furthermore, figure 33 of Policy SP12 in the Council’s Core Strategy identifies clusters where tall buildings may be appropriate. This includes at London Bridge. The draft Borough, Bankside and London Bridge SPD identifies an indicative area where tall buildings may be suitable which includes the application site. The SPD also notes in particular for the hospital campus that “Part of the site east of Great Maze Pond is identified as having potential for a tall building element.” The SPD goes on to note that “the scale of the buildings should step down along the boundaries to integrate with the scale of the development in Bermondsey Village, Borough High Street and Tabard Gardens.”

A cluster has already established at London Bridge with the Shard, Guys Tower and London Bridge Place (‘The Place’). The proposal sits within this context, is within the Central Activities Zone and Opportunity Area and therefore, amongst the other tests in policy 7.7, will contribute to the group legibility of the area. The principle of a tall building is therefore supported, subject to other policies in the plan including townscape and heritage impacts, which for the reasons set out in this report are acceptable.

The strategic matters relevant to this case have been considered at the consultation stage, in this report and by the Council. The applicant has responded where relevant to requests for further information from the GLA. The Council has secured suitable conditions and heads of terms as part of the legal agreement.

Section 106 agreement

The following heads of terms have been agreed between the Council and the applicant:

- £34,778 – Employment during construction management fee.
- £254,975 – Public Open Space.
- £406,805 – Transport (Elephant & Castle intersections).
- £419,535 – Site specific transport works (Snowfields to one way and new pedestrian crossing in lieu of £848,311).
- £419,535 – Public realm.
- £5,261 – Archaeology.
• Administration charge.
• Travel Plan.
• Design quality assurance - retained architects Rogers, Stirk, Harbour & Partners.
• £38,640 towards energy projects within the borough.

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

28 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**

29 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**

30 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance in Circular 03/2009 (‘Costs Awards in Appeals and Other Planning Proceedings’) emphasises that parties usually pay their own expenses arising from an appeal.

31 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.

32 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

The applicant has responded to the matters raised by the Deputy Mayor at the consultation stage. The proposal is consistent with the objectives of the London Plan.

for further information, contact Planning Decisions Unit:
Colin Wilson, Senior Manager – Planning Decisions
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
Matthew Carpen, Case Officer
020 7983 4272    email matthew.carpen@london.gov.uk