Strategic planning application stage II referral


The proposal

Redevelopment of the site to create four levels of basement and the erection of six buildings ranging from five to 53 storeys plus plant (heights ranging from 23.1m AOD - 183.5m AOD) to provide; office space (Class B1); 548 room hotel (Class C1); 288 residential units (Class C3); flexible retail uses (Classes A1/A2/A3/A4); restaurant (Class A3); music venue (Class D2); storage (Class B8); new landscaping and public realm; reconfigured vehicular and pedestrian access; associated works to public highway; ancillary servicing and plant; car parking and associated works.

The applicant

The applicant is Black Pearl Ltd, the architects are Wilkinson Eyre

Key Dates:

Pre-application meetings: 26 February 2015, 23 October 2016 and 29 July 2016
Application submitted to Borough: 16 January 2017
Stage 1 reported to Mayor of London: 27 February 2017
Planning Committee: 19 July 2017

Strategic issues summary

Land Use: The proposed development of the site for a mix of offices, residential, hotel, retail and cultural uses within the London Bridge, Borough & Bankside Opportunity Area and Central Activities Zone is supported.

Housing: The affordable housing provision totals 35% by habitable room (comprising 22% on-site, 11% off site and payment-in-lieu of £3.2m), with the off-site provision to be delivered in Summer 2018. Review mechanisms have been secured within the section 106, in accordance with the requirements of the Mayor’s Affordable Housing & Viability SPG and Policy H6 of the Draft London Plan.

The Council’s decision

Southwark Council has resolved to grant permission, subject to conditions and a section 106 agreement.

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 20 January 2017, 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 under the following categories 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 1B: “Development which comprises or includes the erection of building(s) in Central London and with a total floorspace of more than 20,000 square metres”.
   • Category 1C: “Development which comprises or includes the erection of a building more than 30 metres high outside the City of London.”

2. On 27 February 2017, the Mayor considered planning report D&P/1024a/01, and subsequently advised Southwark Council that the scheme was supported in strategic planning terms but did not comply with the London Plan for the reasons set out in paragraph 65 of the stage 1 report; but the resolution of those issues could lead to the application becoming compliant with the London Plan.

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 19 July 2017, Southwark Council decided that it was minded to grant planning permission, subject to conditions and agreement of a section 106 agreement, and on 11 April 2018 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 Council under Article 6 to refuse the application, or issue a direction to the Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application. The Mayor has until 24 April 2018 to notify the Council of his decision and to issue any direction.

4. The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been taken into account in the consideration of this case.

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

Strategic planning policy and guidance update

6. The following draft policy and guidance are now material considerations:
   • Mayor’s Affordable Housing & Viability Supplementary Planning Guidance (August 2017)
   • Draft London Plan (December 2017), which should be taken into account on the basis explained in the National Planning Policy Framework (NPPF).

7. In addition, on 5 March 2018, the Government published the draft revised NPPF for consultation (until 10 May 2018). This should be taken into account appropriately, in accordance with its early stage of preparation.
Update

8 At the consultation stage, Southwark Council was advised that whilst the application was generally acceptable, the following strategic matters were raised:

- **Principle of development:** The proposed development of the site for a mix of offices, residential, hotel, retail and cultural uses within the London Bridge, Borough & Bankside Opportunity Area and Central Activities Zone is supported.

- **Housing:** The delivery of 288 new homes is supported. Both the applicant’s viability appraisal and the independent assessment should be shared with GLA officers before the Mayor considers this application again, in order to assess compliance with London Plan policy 3.12, notably that the maximum reasonable amount of affordable housing is being achieved. Options for the on-site intermediate provision should be explored, including London Living Rent.

- **Urban design:** The design is broadly welcomed. The proposed height is compatible with the location, will enhance the emerging cluster and meets London Plan policy 7.7. No concerns are raised in relation to strategic views and the World Heritage Sites. There will be an impact upon the immediate historic environment however the harm is considered to be less than substantial. Overall the proposal accords with London Plan policies 7.8, 7.10 and 7.12. Details on public access and tree protection should be clarified ahead of Stage 2.

- **Inclusive access:** The scheme complies with London Plan policies 3.8 and 7.2. 10% of hotel rooms will be wheelchair accessible, in accordance with London Plan policy 4.5. The measures within the Hotel Accessibility Management Plan should be secured on any consent.

- **Climate change:** The carbon dioxide savings fall short of the targets set within Policy 5.2 of the London Plan, however, the constraints of the site are recognised and the remaining carbon emissions should be offset.

- **Flood risk and drainage:** The proposals are acceptable in terms of London Plan policies 5.12 and 5.13.

- **Transport:** The proposals are generally acceptable, however points raised in relation to cycle parking and cycle hire provision should be addressed.

9 Since consultation stage GLA officers have engaged in joint discussions with the applicant, the Council and TfL officers with a view to addressing the above matters. Furthermore, as part of Southwark Council’s draft decision on the case, various planning conditions and obligations have been proposed to address the above concerns and ensure that the development is acceptable in planning terms.

Principle of development/land use

10 At consultation stage, the proposed development of the site for a mix of offices, residential, hotel, retail and cultural uses within the London Bridge, Borough & Bankside Opportunity Area and Central Activities Zone was supported in line with London Plan Policies 2.10, 2.13, 3.3, 4.2, 4.5 and 4.6. The proposed development is also supported by draft London Plan policies SD1, SD4, H1, E1, HC5 and HC6.
Housing and affordable housing

11 At consultation stage, the delivery of 288 new homes was supported, alongside the proposed housing mix, residential quality and density. The affordable housing offer consisted of provision on-site and off-site. Noting the constraints of the application site, the need to ensure the genuine affordability of the on-site provision in the long-term (including service charging) and the identification of a donor site, the principle of providing a proportion of the affordable housing off-site was accepted by GLA officers. The off-site provision is to be provided at Amelia Street (off the Walworth Road), which is currently under construction by Family Mosaic/Peabody. The Amelia Street development is due for completion this summer, and, in this instance, off-site provision will ensure the earlier delivery of affordable homes, than that which would be delivered on-site.

12 Since consultation stage, the applicant’s viability appraisal has been independently reviewed, on behalf of Southwark Council, and by the GLA viability team. All 61 units to be provided on-site have been secured as social rented provision. The off-site provision comprises of 35 units (13 Affordable Rent and 22 Intermediate). A payment-in-lieu of £1.6m was agreed at Committee in July 2017. Following discussions with GLA officers, this payment has been increased to £3,231,250 to ensure that the total affordable housing offer equates to 35% by habitable room across both sites, in accordance with the Mayor’s Affordable Housing & Viability SPG (August 2017) and draft London Plan Policies H5 and H6. An Early Stage Review has also been secured within the s106, which will be triggered if an agreed level of progress is not made within two years.

13 In the unlikely event that the provision at Amelia Street does not come forward, then the s106 obligates the applicant to identify another site for off-site provision within 2 years (to be agreed with Southwark Council) alongside Early and Late Stage Reviews.

14 The provision of 35% affordable housing is in accordance with draft London Plan Policies H5 and H6, the Mayor’s Affordable Housing & Viability SPG, and the target within Southwark’s Local Plan.

Urban design

15 At consultation stage, the proposed design was welcomed and, noting the quality of the design, the benefits of the scheme and the permitted and emerging cluster of tall buildings in this location, any harm to strategic views, World Heritage Sites or designated and non-designated heritage assets was considered to be less than substantial. Details of the 24 hour public access to the public realm are included within the s106 and details of the protection of existing trees is secured by condition, including arrangements for their replacement (if required). A contribution has also been secured to finance improvements at the adjoining Christchurch Gardens. In line with draft London Plan Policy D2, a clause has been included within the s106 to ensure the scheme architects are retained (in some capacity) to ensure design quality of the residential tower is maintained to completion.

Inclusive design

16 At consultation stage, it was confirmed the scheme met the requirements of London Plan Policies 3.8, 4.5 and 7.2. The proposals also meet the requirements of draft London Plan Policies D3, D5 and E10.
Climate change mitigation

17 At consultation stage, the on-site carbon dioxide savings fell short of the 35% carbon reduction target in London Plan Policy 5.2 with savings of 30% and 35%. The applicant has provided the further information requested and it is accepted there a little scope for further on-site reductions. A carbon offset contribution is secured through the s106 legal agreement.

Flood risk and drainage

18 At consultation stage, the proposed development complied with London Plan Policies 5.12 and 5.13. The proposals also comply with draft London Plan Policies SI12 and SI13.

Transport

19 At consultation stage, a number of issues were raised and most of these have been resolved. Following further discussions, it has been accepted that a taxi rank is not required, given highway constraints and provision in the wider area. It has been agreed that the provision of a coach bay will be considered further at a detailed stage but will not require relocation of the Stamford Street pedestrian crossing. A financial contribution towards the extension of the Blackfriars Road docking station has been secured, alongside a car parking mitigation bond which will be used for sustainable transport, in the event vehicle trips exceed that within the Transport Assessment.

20 The proposed hotel and office uses are car-free, the residential parking is compliant with the London Plan. Cycle parking is acceptable albeit below standard for some uses. The details are expected to adhere to London Cycle Design Standards. Travel plans, delivery & servicing plans and construction environment management plans have been secured, along with Electric Vehicle Charging Points, disabled parking and CPZ permit exemptions. The proposal is generally compliant with the transport policies of the London Plan.

Response to consultation

21 The Council sent out 680 letters of notification to surrounding residents and businesses, as well as site notices and a notice within the local press. There were 46 representations received; 45 objecting to the scheme and 1 commenting on the scheme.

22 A summary of the 45 objections are as follows:

- Daylight/sunlight impacts and overshadowing;
- Loss of outlook and privacy to nearby dwellings;
- Wind impact from tall buildings;
- Area does not need more hotels and offices;
- Construction disturbance;
- Disturbance from deliveries and servicing during operation;
- Light pollution;
- Impact on Christ Church gardens and ecology;
- Noise pollution;
- Glare and light reflections from the glass facades;
- Too tall;
- Impact upon heritage assets and views;
- Poor design;
- No garden spaces;
• Lack of social infrastructure to support development;
• Overdevelopment and over dense;
• No community benefits;
• Lack of consultation with Lambeth residents;
• Lack of on-site affordable housing;
• Paris Gardens is an unsuitable vehicular access;
• Local transport and cycle network cannot cope with the increased traffic from the development;
• Increased air pollution;
• Increased traffic;
• No space for taxi drop-off.

23 Comments have also been made by the Marshalls Charity (freeholder of Christ Church) seeking conditions and obligations to protect Christ Church and gardens through the construction period and to ensure they are consulted throughout. (GLA Officer note: this is secured within the s106 legal agreement)

Response from statutory and non-statutory bodies

• Historic England (HE): No objection, but considers that the proposed very tall building causes serious harm to the historic built environment, in particular the protected views from St James’s Park and the Roupell Street and Aquinas Street conservation areas in Lambeth.

• Environment Agency: No objection, subject to conditions regarding contamination, remediation and piling. (GLA Officer note: Conditions included on draft decision)

• Thames Water: No objection, subject to conditions regarding the submission and approval of a drainage strategy; piling method statement and a water supply infrastructure impact study. Informatives regarding water pressure, flow rates and infrastructure diversion. (GLA Officer note: Condition/informatives included on draft decision)

• Natural England: No objection.

• London Fire Brigade: No objection, subject to ensuring Building Regulations B5 is met.

• Metropolitan Police: No objections, subject to Secured By Design condition being imposed. (GLA Officer note: Condition included on draft decision)

• Network Rail: No objection.

• BAA Safeguarding: No objection subject to conditions to ensure that the development will not impact upon the Heathrow H10 radar. (GLA Officer note: Planning conditions proposed to mitigate).

• NATS Safeguarding: Objection on the basis that the proximity, physical size and relative orientation of the development, is sufficient to generate false tracks on the Heathrow Radar. (GLA Officer note: Planning conditions proposed to mitigate).

• Port of London Authority (PLA): No objection, would like to see river transport considered for passenger transport, materials removal and delivery of goods.
• **City of Westminster:** Objection on the basis that the height and bulk will cause serious harm to a number of important views from the City of Westminster, including strategic views (St James’s Park and Waterloo Bridge), Grade I Listed Foreign and Commonwealth Office and harm the settings of a number of Westminster conservation areas, including Royal parks, Whitehall, Savoy and Strand.

• **London Borough of Camden:** No objection.

• **London Borough of Islington:** No comments.

• **Royal Borough of Greenwich:** No observations.

• **Better Bankside:** Objects. Poor community consultation, impact upon heritage assets, reduction in on-site affordable housing.

• **CAAG:** Objects. Excessive scale of development, poor quality architecture, excessively tall. Crude landscaping and harm to heritage assets.

• **Lambeth Estate Residents Association:** Objects. Proposed development is excessive in scale, height and massing and harmful impacts on heritage assets and views. Cumulative impact alongside other large scale schemes in the area. Development lacks human scale and does not contribute positively to the London skyline or local townscape. Poor consultation. Affordable housing offer not appropriate.

No responses were received from Arquiva, City of London, Civil Aviation Authority, EDF Energy, London Borough of Lewisham, London Borough of Tower Hamlets, London City Airport, Royal Parks and Twentieth Century Society.

**Direct representations to the Mayor**

• **Joint letter from Kate Hoey MP for Vauxhall, Southwark Councillors (Cathedrals Ward), Lambeth Councillors (Bishop’s Ward), Bankside Residents Forum, Waterloo Community Development Group, Lambeth Estate Residents Association (received September 2017):** Requesting the Mayor directs refusal of the application on the grounds of increased height and scale to the extant scheme, splitting the affordable housing on-site and off-site and Southwark Council ignoring the concerns of Historic England and objectors.

• **Sophia Burton, Rennie Court (received July 2017):** Request that the Mayor directs the refusal of the application due to the detrimental loss of daylight/sunlight to Rennie Court residents, the proposed height of the building and overbearing impact, lack of on-site affordable housing, increased congestion, disturbance from the proposed music venue and impact upon views and heritage assets.

**Conclusion**

24 Having considered the responses to public consultation, Southwark Council have proposed various planning obligations and conditions in response to the issues raised in its Committee Report of 19 July 2017. Having had regard to these, GLA officers are satisfied that the statutory and non-statutory responses to the public consultation process do not raise any material planning issues of strategic importance that have not already been considered in this report, or consultation stage report D&P/1024a/01. With specific reference to the comments on heritage and views made by Historic England, Westminster City Council and other parties, a
Detailed assessment was made at consultation stage by GLA officers (please refer to paragraph 41 – 47 of report ref: D&P/1024a/01); officers did not consider the proposal would be detrimental to strategic views, notably LVMF 26A.1 (St James’ Park to Horse Guards), would not harm the Outstanding Universal Value of either the Tower of London or Palace of Westminster World Heritage Sites and any harm to the setting of the affected conservation areas or listed buildings would be less than substantial, noting the emerging cluster of tall buildings in this location and the detailed design of the proposal. Any harm would less than substantial and would be outweighed by substantial public benefits, including the creation of new public realm, the provision of affordable housing, the provision of enhanced employment and visitor infrastructure within the Central Activities Zone, alongside improvements works to the Gardens of the adjoining Christ Church (Grade II Listed) and archaeology contributions secured within the s106.

Draft Section 106 agreement

25 The following are to be included within the draft Section 106 agreement:

- 61 Social rented units (230 habitable rooms) on-site
- Payment in lieu - £3,231,250.
- Scenario 1: 13 Affordable Rent units and 22 intermediate units off-site (113 habitable rooms) at Amelia Street to be delivered in Summer 2018. Early Stage Review, no Late Stage Review.
- Scenario 2: 113 habitable rooms to be delivered on a site in Southwark within 2.5km radius of the site. Payment in lieu if not delivered within 2 years (extendable to 3 years). Early Stage Review and Late Stage Review.
- Retention of scheme architects for the residential and hotel blocks.
- £7,859,318.05 Crossrail payment.
- £856,640 carbon offset payment.
- £115,005 amenity space shortfall payment.
- £13,081 child play space.
- £11,171 archaeology contribution.
- £397,000 car parking mitigation bond.
- £700,000 improvement works to Christchurch Gardens and delivery of public realm within the site, including 24/7 public access.
- Provision of Car Club bay and 3-year membership for all residents.
- 3-year free cycle-hire membership for residents.
- £135,000 towards Cycle Hire docking station;
- S38/S278 agreement for highway obligations, including public realm.
• Training and employment, including measures for local employment, training and skills.

• S106 monitoring costs.

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

26 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 planning obligations, which satisfactorily addresses the matters raised at Stage One, therefore there is no sound planning reason for the Mayor to take over this application.

**Legal considerations**

27 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 5 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. 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**

28 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.

29 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.

30 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**

31 The strategic issues raised at consultation stage regarding housing, urban design, climate change and transport have been satisfactorily addressed, and appropriate planning conditions and obligations have been secured. As such the application complies with the London Plan, and there are no sound reasons for the Mayor to intervene in this particular case.
for further information, contact the GLA Planning Team:

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