



FAO Jacqueline Christie

29 January 2021

Sent via email to:
EIP.programme.officer@southwark.gov.uk

Dear Jacqueline,

WRITTEN HEARING STATEMENT IN RESPONSE TO MATTER 8 OF THE INSPECTOR'S MATTERS, ISSUES AND QUESTIONS TO THE SUBMITTED NEW SOUTHWARK PLAN, ON BEHALF OF APEX CAPITAL PARTNERS LTD.

We write on behalf of our client, Apex Capital Partners Ltd., in response to Matter 8 ('Design, heritage and tall buildings') of the Inspector's Matters, Issues and Questions ('MIQs') on the submitted New Southwark Plan ('NSP'), which were issued in December 2020.

This Statement relates to our previously submitted representations to the Proposed Changes to the Submitted New Southwark Plan consultation (August to October 2020).

The site within our client's ownership, 310-330 St James's Road, is identified for new residential-led mixed use development within the Draft New Southwark Plan, within the Old Kent Road Opportunity Area ("OA") (Site ref. NSP64). Preparation of a planning application is currently underway for the development of the site to come forward within the next three years.

APEX CAPITAL PARTNERS LTD. RESPONSE TO MATTER 8

In consideration of the tests of soundness, we respond to the Inspector's MIQs in relation to Matter 8, Issues 1 and 2, as follows.

Issue 1 - Whether the Plan is justified, effective, consistent with national policy and in general conformity with the London Plan in relation to design, heritage and tall buildings.

Policy P20 – Conservation of the historic environment and natural heritage

Question: Is part 3 of the policy consistent with national policy at NPPF paragraphs 193-196 in relation to considering potential impacts of a proposed development on the significance of a designated heritage asset in respect of circumstances of substantial harm or loss and those of less than substantial harm?

Criteria 3 of the policy states that development must "provide robust justification for any harm to the significance of the heritage asset that results from the development." This aspect of the policy is not consistent with the NPPF, which differentiates between the significance of designated and non-designated heritage assets and the different approaches which should therefore be taken in weighing harm, at Paragraph 197.

The policy on the whole is unjustified. Part 1 of the policy includes 'Unlisted Buildings of Townscape Merit' within the list of heritage assets which development must conserve and enhance. The Glossary of the NPPF defines a 'heritage asset' as "A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest." In short, if a building has no genuine interest (i.e. not aesthetic or townscape value), it cannot be treated as a non-designated heritage asset.

The NPPF (February 2019) does not provide a separate definition for Buildings of Townscape Merit. Under national Planning Practice Guidance ('PPG'), "heritage assets are either designated

heritage assets or non-designated heritage assets.” Therefore, Buildings of Townscape Merit should be removed Part 1 of the Policy.

In its current form the policy is unsound and should be updated in line with national policy on heritage assets.

Policy P25 – Local List

Question: Does the policy offer appropriate protection for non-designated heritage assets in the Borough consistent with paragraph 197 of the NPPF? Has there been progress on preparing a Local List in Southwark and how does this relate to the Heritage SPD?

This policy refers to the Heritage SPD which was only uploaded to the consultation documents in the Examination Library in January 2021. In the absence of an updated Local List with a suitable evidence base, and in light of the fact that the supplementary planning guidance referred to as the basis for this policy has been prepared following submission of the plan, the policy is considered unjustified and unsound, and does not enable a fair and transparent decision-making process in accordance with Paragraph 197 of the NPPF.

The designation of 330 St James’s Road, along with part of the old Japan Factory building as ‘Buildings of Townscape Merit’ within the draft policy allocation (NSP64) has not been justified through the preparation of a suitable evidence base and there is no explanation given within the available evidence base or draft Heritage SPD of why the buildings have been categorised as such.

Issue 2 - Whether the plan is justified and effective in its approach to managing tall buildings and protecting important views

Policy P16 – Tall Buildings

Question: Are the areas identified as being suitable for tall buildings consistent with the evidence, including the 2020 Tall Buildings Background Paper [EIP20], including the need to protect strategic and local views? Are they sufficiently clear?

The Tall Buildings Background Paper (June 2020) sets out the Council’s current thinking on their tall buildings Stations and Crossings Strategy, but it is not an adequate evidence base for the strategy which is referred to in the draft policy.

The Tall Buildings Background Paper at Paragraph 7.6 refers to the Council’s use of a VU.CITY model to enable a greater understanding of developers’ proposals in context. However, no VU.CITY modelling for the Old Kent Road Area Strategy set out on p35 of the background paper has been included in the document. This is a significant failing.

The Old Kent Road Area Strategy states that the emerging Old Kent Road Area Action Plan (‘OKR AAP’) is due to be submitted in early 2020, and adopted in November 2021. At time of writing, the emerging OKR AAP referred to in the Old Kent Road Area Strategy has been published for Regulation 19 consultation prior to submission to the Secretary of State for Examination later in 2021. We are concerned that the Tall Buildings Background Paper and Old Kent Road Area Strategy for tall buildings merely seek to justify the Council’s approach to the location of tall buildings set out in Policy P16, as opposed to providing a clear and justified evidence base to inform the making of the tall buildings policy in the New Southwark Plan.

For this reason, the policy is considered unsound and unjustified.

Question: Is there specific evidence to justify tall buildings on allocated sites outside of the identified areas for tall buildings in Figure 4 of the Plan? Are the area visions and relevant site-specific allocations sufficiently clear on those locations not identified in Figure 4 where



tall buildings may be considered appropriate in principle, subject to detailed matters of design and heritage impact?

The approach to tall buildings which is set out in the site allocation for our clients site (NSP64) does not provide any details of locations where 'taller' buildings will be acceptable within the allocation subject to consideration of impacts on listed buildings, with reference to an available evidence base.

Figure 3, included on p4 of the Tall Buildings Background Paper, does not provide sufficient detail to provide a clear understanding of where tall buildings will be appropriate within OA's, as required by the London Plan. It is acknowledged that applications will be considered on a site-by-site basis and that other locations may also be deemed suitable where appropriate, but no further guidance is given as to the circumstances within which a tall building could be demonstrated to be suitable through the application process. It is clear that a one-size-fits all approach to the locations of tall buildings should be avoided, in order to maximise site efficiencies especially within Opportunity Areas.

The emerging OKR AAP must include VU.CITY modelling undertaken on development proposals coming forward within the masterplan area so that the emerging masterplan context can be properly taken into consideration when assessing the potential of individual sites to accommodate tall buildings.

CONCLUSION

We trust that this Statement will be taken into consideration by the Inspector at the Hearing session for Matter 8 during the Examination of the New Southwark Plan.

If you have any questions relating to the above, please do not hesitate to contact myself, or my colleague Rosanna Cohen.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sean McGrath', written in a cursive style.

Sean McGrath

cc: Apex Capital Partners Ltd.