

Planning Committee

Tuesday 16 January 2018

6.00 pm

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1
2QH

Supplemental Agenda No. 1

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Item No: 9 & 11.1	Classification: Open	Date: 16 January 2018	Meeting Name: Planning Committee
Report title:		Addendum Late observations, consultation responses, and further information	
Ward(s) or groups affected:		Cathedrals	
From:		Director of Planning	

PURPOSE

1. To advise members of observations, consultation responses and further information received in respect of the following planning applications on the main agenda. These were received after the preparation of the report and the matters raised may not therefore have been taken in to account in reaching the recommendation stated.

RECOMMENDATION

2. That members note and consider the late observations, consultation responses and information received in respect of each item in reaching their decision.

FACTORS FOR CONSIDERATION

3. Late observations, consultation responses, information and revisions have been received in respect of the following planning applications on the main agenda:

Item 9 – Tabard Street S106 Release Report

- 3.1 Due to an error in the accompanying report, Item 9 has been withdrawn.

Item 11.1 – Application 16/AP/4458 for: Full Planning Application – Shopping Centre Site, Elephant and Castle, 26, 28, 30 and 32 New Kent Road, Arches 6 And 7 Elephant Road, and London College Of Communications Site, London SE1

- 3.2 Clarification to paragraphs 3 and 96 of the officer report - 10% of the retail space on the east site and 10% of the retail space on the west site would be affordable (rather than the total amount of affordable retail required being split equally across both sites).
- 3.3 Correction to paragraph 32 of the officer report.
- 3.4 Tower W3 would be 35 storeys high (119.76m AOD) with a communal roof terrace at 27th floor level facing north and east set back from the boundary with the Tabernacle. At 22nd floor level there would be a terrace on the south-east corner of the tower next to the Tabernacle.
- 3.5 Correction to paragraph 40 of the officer report - Three accessible parking spaces in the east site basement for UAL staff which were previously omitted from the plans have been reinstated.

Education

- 3.6 Supplementary information for paragraph 109 of the officer report
- 3.7 The London College of Communications currently supports 454 jobs which would increase by approximately 500 as a result of the proposal. The London Plan recognises that London's universities make a significant contribution to its economy and labour market. A

report by Universities UK 'The Economic Impact of the London Higher Education Sector' (2014) advises that total revenue of London higher education institutions was £5.8 billion in 2011-2012, and that through knock-on effects they generated an additional £7.9 billion in other industries throughout the UK, with the majority (£5.9 billion) in London. The proposed development would provide a new campus for the London College of Communications, securing its place in this part of the borough.

Statement submitted by University of the Arts London (UAL)

- 3.8 "The Elephant and Castle Town Centre Regeneration Scheme offers UAL a unique opportunity to provide a much-needed new building for London College of Communication whilst remaining in Southwark, which has been home to the college for over half a century. A regeneration scheme of this size is obviously complex and challenging in balancing the needs of different groups. UAL is investing heavily in Southwark's future as an educational and creative business district. This new site will build Southwark's existing capacity for the digital technology industries, bringing design and gaming, TV and film into a new creative hub. This offers new possibilities which will benefit many different communities within Southwark and is a proposition unique to this scheme.
- 3.9 Plans for UAL's cutting-edge new building for London College of Communication and its core university services, including expanded space for public exhibitions and events, are a key part of the proposed scheme. These new facilities will not only benefit our students, staff and alumni but enable the College to continue its ongoing work with local communities, neighbours, partners and schools.
- 3.10 UAL has undertaken extensive internal consultation to ensure the proposed new building is fit-for-purpose and meets the College's unique teaching and learning needs and we have received positive feedback in relation to this. This includes over 100 collaborative workshops to date with staff and students in the college and the wider University. In addition, specific student groups have been invited to undertake projects as part of their normal studies to inform the concept design.
- 3.11 We are aware that individual members of the UAL and LCC community have raised some concerns over the proposed development as a whole via the planning process. While the university respects their right to express their opinions and supports the democratic process of planning, UAL and the London College of Communication remain committed to this scheme and our place within it. We look forward to continuing to work with the local community and making best use of these new opportunities together."

Leisure

Update to paragraphs 117 and 210-215 of the officer report.

- 3.12 Paragraph 117 of the officer report advises that the bingo hall is used by approximately 650 customers per day. Of these, 591 people could be aged over 45, 312 people could be aged over 65, and 403 people could be from BAME backgrounds. On a weekly basis this would equate to 4,000 customers, with 3,640 over 45 years old, 1,920 over 65 years old, and 2,480 from BAME backgrounds. It is noted that the AECOM surveying of the bingo advises that 36% of customers visit five days a week or more, so just over a third of these could be repeat visits by the same people.

Retail and equalities

- 3.13 Update to paragraphs 156 and 164 of the officer report – the Kurdish and Middle Eastern Women's Organisation moved out of the shopping centre in November 2015.
- 3.14 Correction to paragraph 174 of the officer report - Tree Shepherd has been based at unit 231 of the shopping centre since August this last year and...

Supplementary information for paragraph 174 of the officer report

- 3.15 There are a range of leases and lease statuses for the traders within the red line planning application boundary. This includes 25 businesses with longer term leases and 13 businesses with short term leases operating from retail units in the shopping centre, 7 licenced barrow holders within the shopping centre, up to 60 market traders, and approximately 10 businesses operating from the Network Rail arches. In Hannibal House there are 6 businesses on longer term leases and 3 businesses on short term leases. The businesses within the shopping centre which are on short term leases are those which have entered the centre since its acquisition by the current owner, in the knowledge that the intention was to redevelop the site.

Supplementary information for paragraph 188 – 190 of the officer report (relocation fund)

- 3.16 The financial contribution for the relocation fund has been calculated taking into account the different types of business and leases inside the red-line, and in consultation with Tree Shepherd and their experience in Peckham and other locations. Officers estimated reasonable costs under the categories of professional advice, capital costs including towards fit-out and signage, a per day cost reflecting loss of time to traders when searching for locations, relocating, restocking and other reasonable costs. This came to £634,700 which the developer has agreed to pay to the Council at least six months before the centre closes, and which would be administered by the Council independently of the developer.
- 3.17 It should be noted however, that these assumptions, whilst required in order to calculate a contribution amount, do not indicate a flat rate for each business, and the Council would work with each business on a case-by-case basis when administering the fund. Traders would be consulted during the s106 negotiations, when the specifics of how the fund would be administration would be agreed. This arrangement would seek to account for the range of options available to the traders, while also acknowledging that the fund would be finite, and there must be agreement on how much an individual business could claim. It should also be noted that if planning permission is granted, the timetable for closure cannot be accurately predicted. However, the Council would work proactively with Tree Shepherd to keep traders informed of the timetable and future actions that would affect them. Officers would work with traders, Tree Shepherd and Latin Elephant to design a fair system for relocation to best avoid any dispute, however the Council would remain the final arbiter for the fund.

Leisure

- 3.18 Update to paragraphs 212 and 716 of the officer report – As set out in the officer report it is recommended that the s106 agreement contains obligations requiring the operator of the proposed cinema and LCC building on the east site to hold events which can include or be specifically provided for elderly persons or those from ethnic minorities to attend. The applicant has advised that 'reasonable endeavours' would be used to secure this. Officers recommend that 'best endeavours' be included within the s106 agreement, which is a firmer commitment legally.

Affordable housing

Correction to paragraph 351 of the officer report

- 3.19 There are a range of rental levels proposed, 7 in total, linked to household incomes, ~~These start at £20,000,~~ in bands of £10,000, up to £90,000 (GLA income threshold),

- 3.20 Update to paragraph 352 of the officer report

- 3.21 The applicant has submitted a revised affordable housing proposal as set out below. The revised table also includes the affordable housing expressed in habitable rooms for each of the various income bands.

Household Income Bands

	A	B / C / D			E	F	G
	Social rent equivalent	Capped at London Living Rent					
Low	-	-	-	£50,001	£60,001	£70,001	£80,001
Mid	-	£30,000	£40,000	£55,000	£65,000	£75,000	£85,000
High	-	-	-	£60,000	£70,000	£80,000	£90,000
Units	33	53 63	53 62	33	59 34	52	59
AH%	10%	15% 19%	15%	10%	17%	15%	17%
in units			18%		10%		18%
AH% in hab rooms	10%	16% 17%	16% 19%	10%	14% 8%	15%	20%
P4 requirement	34%	52%			14%		
Proposal	10%	46%			44%		

- 3.22 The overall quantum of affordable housing by habitable room would reduce from 36% to 35% (from 342 units to 336), and the number of units within income bands B and C would increase by 19 units.
- 3.23 Draft policy P4 in the New Southwark Plan requires Built to Rent developments to deliver 52% of the habitable rooms within income bands B,C and D. Rents within these bands in terms of habitable rooms were previously 42% and would increase to 46%, bringing it closer to the draft policy requirement
- 3.24 At 35%, the overall quantum of affordable housing would remain policy compliant. Officers consider that the applicant's revised proposal represents an improvement, owing to the increased number of units within the lower income bands.

Update to paragraphs 375 –379 of the officer report (viability review)

- 3.25 The officer report sets out that the s106 agreement would need to secure a viability review or reviews, in order to capture any uplift in value to improve the affordable housing rental levels. Whilst the exact nature of the reviews would be subject to further negotiation, paragraph 376 of the officer report sets out the minimum which officers recommend should be required. This is:
- Annual reviews post completion based upon actual performance
 - Phasing of review/s to align with completions on site
 - A mechanism to facilitate movement of tenure types within the development
 - A final review 5 years after completion (of each site) once the scheme has stabilised.
- 3.26 Any viability review would need to take into account rent levels in the area, not just those within the completed or partially completed development.

- 3.27 Monitoring of affordable housing – As set out in the officer report, the occupiers of affordable housing units within income bands B to G would be subject to income reviews after three years to establish whether they would still be eligible to occupy that unit. This provision would not apply to the social rent equivalent units.
- 3.28 If after three years households were earning more, they could remain in their flat but would be charged higher rents; households which experienced an income reduction would have their rents reduced. This adds some degree of complexity, and the need for robust monitoring to ensure that as households potentially move between the income bands, the overall amount of affordable housing would be balanced to remain as consented. How this would be achieved would be subject to further negotiation with the applicant. It could include however, measures such as annual monitoring reports and a payment to be made to the Council in the event of under-provision, and if after a period of time there was a consistent under-provision, the income review could be omitted altogether and the units would operate as per current intermediate housing which is not subject to income reviews other than at the outset.
- 3.29 Correction to paragraph 443 of the officer report – A landscaping ~~condition~~ obligation could secure appropriate soil volumes for public realm trees.
- 3.30 Paragraph 553 – omit reference to “university headquarters” and replace with “a larger facility serving the University.”
- 3.31 Paragraph 555 - amendments to clarify the benefit of investment and projected capacity issues as follows:

TfL projections indicate that the existing Ticket Hall will reach full capacity by 2019 and, with the increased frequency of Northern Line services also being pursued, congestion at the station is anticipated to increase. With the current station layout, TfL have confirmed that it expects that the station will require operational control measures to prevent overcrowding at peak times, as happens sporadically at the station already, but with greater duration and regularity as demand rises. The works proposed by this application provide a unique opportunity to increase the operational capacity, efficiency and accessibility of the station that will greatly improve the transition from street to platform level.

- 3.32 Amendment to paragraph 608 of the officer report - it is proposed that membership of the cycle hire scheme is secured for each new ~~resident~~ property for a period of.
- 3.33 Paragraphs 609 - 610 – since completion of the officer report, the Metropolitan Tabernacle has submitted a further objection to emphasise the harmful impact on their current operation as a result of the removal of London College of Communication and Shopping Centre car parks. While it is acknowledged by officers that the Metropolitan Tabernacle does use these car parks to park their minibus fleet, it is also noted that the areas of hardstanding immediately west and south of the Tabernacle provide off-street storage for the majority of this fleet – site visits reveal up to 17 of the stated 20 minibuses can be parked on-site. Officers have previously offered to work with the Tabernacle to review their operation, to try and find efficiencies and/or new ways of accommodating their activities and this offer still stands.

Amendment to conditions 44 and 90 (ventilation)

- 3.34 Delete second reasons for the conditions.
- 3.35 Amendment to condition 64 (detailed construction drawings)
...scale 1:5 or 1:10 drawings....
- i) W1 residential tower;
 - ii) W2 residential towers (including safety measures to the balconies of tower W3 facing the Metropolitan Tabernacle and the 22nd floor level terrace)

Additional representations received:

Councillor Kerlake (Newington Ward)

3.36 Application discussed at the Borough, Bankside and Walworth Community Council meeting on 9th January 2018. Would like this treated as an objection to the application on the following grounds:

- Affordable housing – although 35% would be provided, less than 50% would be social rent equivalents, contrary to policy. Review mechanisms would not be guaranteed to improve this.

- Management of the social rent equivalent units – the applicant is not a registered affordable housing provider, a 100% PRS scheme would set an unacceptable precedent, question what happens at the end of three year tenancies, and question why more social rent equivalent units would not be viable.

- Bingo hall – concerns raised by the operator as it was not clear where the hall might move in the interim and long term. Facility used by many hundreds, and sometimes thousands of people per week, and would have a negative impact upon older people and BME groups.

- Impact upon traders and their families, including the Latin American business community. No confidence in the development to date. Traders felt insecure about and unconvinced by current plans, including Perronet House proposals. 10% affordable retail space would not re-provide space for all of the traders which would need it.

– Unless the above issues are addressed the Council should delay approval of the application until a fairer deal can be reached.

- Affordable housing must comply with the Council's policy for social rented units;
- Applicant should sign up to fair terms on how the PRS would be managed and transfer the social rented units to the Council if they cannot be managed by a housing association or equivalent. Social rented tenancies should be for life.

- The s106 agreement should come back to the Planning Committee to be publically scrutinised and improved by political representatives.

- A fair deal for traders. Trader panel should be established this week to involve traders at every level, and traders with long leases should have a right to return.

- The bingo hall is a thriving local business that brings people together and helps them have fun. A better plan for its long term future must be reached.

- A great scheme could help Elephant and Castle improve and thrive in the future. There is one opportunity to get this right for current and future residents and the Council must secure a better deal.

Councillor Linforth-Hall (Cathedrals Ward) – additional representation.

3.37 Officer report demonstrates significant adverse impacts upon daylight and sunlight to neighbouring properties, particularly Oswin Street and West Square – **Officer response** – this is addressed at paragraphs 502-505 and 527-530. Regarding West Square, the proposal would result in some transient overshadowing to the north-west corner of the square between 8 and 9am. However, the proposal would comply with the BRE guidance in relation to sun on the ground.

- Impact of losing bingo hall on older people. **Officer response** – this is addressed at paragraphs 210 -215 and 218-228 of the officer report.

- The Council's viability advisors consider that more affordable housing could be provided. It is unacceptable to rely on review mechanisms to secure this. Details of review mechanisms should be agreed before committee and the final s106 approved by committee. **Officer response** – this is addressed at paragraphs 336 to 372 of the officer report. The officer report details the matters to be secured in the 106 agreement and anything additional that the committee consider necessary can be identified in sufficient detail within any resolution. The detailed drafting will be agreed in the normal manner reflecting the committee's direction.

- Officer report advises Members to give negative equality impacts serious consideration when determining the application. Report does not address equality implications that a Compulsory Purchase Order (CPO) on the bingo hall would entail, as demonstrated by the Aylesbury CPO decision. **Officer response** – Paragraphs 152 to 1228 of the officer report set out the Council's duty under the Equality Act (2010), together with the potential equality implications arising from a decision to grant planning permission which Members must taken into consideration when making their decision. In the event that permission is granted, it is not yet known whether a CPO would be required. If the Council were asked to use its CPO powers to implement any permission granted, it would have to have regard to its duty under the Equality Act in taking that decision.

Metropolitan Tabernacle (additional representation)

3.38 New issues raised

- Loss of minibus parking, which would affect the ability of the church to carry out its work. **Officer response** – this is considered in paragraph 610 of the officer report and in this addendum.

- Harm to the setting of the Tabernacle and no information as to why tower 3 on plot W2 could not be relocated further from the Tabernacle. **Officer response** – The impact upon the setting of the Tabernacle is set out at paragraphs 266 to 268 of the officer report. The location of the towers on the west site was influenced by the protected view from The Serpentine Bridge (LVMF View 23A.1). In the case of tower W3, the building sits in the shadow of Victoria Tower as viewed from The Serpentine. If tower W3 were to be located a similar distance from the Tabernacle as the One The Elephant tower it would need to move to the north, approximately to the location of tower W2. In this location it would have to be significantly lower to avoid any incursion into the Strategic View – and would also likely involve the loss of a substantial amount of housing, especially if it requires the loss of tower W2 to the north. Notwithstanding this, such a move would not avoid causing harm to the Tabernacle, and in the view of officers, the improvement in townscape terms would be marginal. The impact of relocating tower W3 on the setting of the Tabernacle in terms of magnitude and quality would remain major and neutral, as outlined in the officers' report.

- Cultural venue change to stone for facing materials welcomed, but windows would be incongruous and out of keeping with the Tabernacle and One the Elephant. **Officer response** – In this location officers referred to the One the Elephant development to define the main design principles for the proposed cultural venue. These included: its building line (the alignment of the façade relative to the Tabernacle), its parapet height and width (symmetrical in proportion); and the cladding materials (stone). This ensured that, when the development is viewed from the east, the three buildings would complement each other, with the two flanking buildings being symmetrical to the Tabernacle in their alignment, proportions and materiality. Beyond these key principles it was not considered necessary to 'mimic' the windows of One on the cultural venue, but to reflect the bay design of that building. This is not simply because they are a different development, but because of their difference in function – one is residential building and private in character, whilst the other would be a cultural building with a more civic function. Due to its civic character it was considered appropriate that the cultural venue have larger openings.

- Wind microclimate not fully addressed, and question whether a condition would be sufficient if tower 3 has already been given planning permission. **Officer response** – This

is considered at paragraphs 686 to 692 of the officer report. Any additional mitigation required could include measures installed on tower W3 or within the landscaping. Condition 73 of the draft recommendation requires additional testing and details of any additional mitigation required to be submitted prior to the commencement of above grade works.

- Drainage – request that the s106 agreement includes a mechanism which protects the Tabernacle in the event that the church suffers any flooding impact as a result of the proposed development. **Officer report** – This is addressed at paragraphs 651 to 659 of the officer report. Other than construction impacts which could be managed, no significant adverse impacts have been identified, either in the Environmental Statement or by statutory or internal consultees.

- Daylight and sunlight impact – no information in the report regarding the impact upon a flat at the rear of the Tabernacle. **Officer response** – This is addressed at paragraph 515 of the officer report. Six windows serving habitable accommodation have been tested for Vertical Sky Component (VSC); one would comply with the BRE guidance and five would experience losses in excess of 20%, ranging from 21.3% to 26%. These losses would be minor adverse, only marginally in excess of the BRE recommendations. The windows would experience improved No Sky Line (NSL) results ranging from a 1.5% improvement to a 37.3% improvement. Four windows tested in relation to sunlight would comply with the BRE guidance. Officers are therefore satisfied that the daylight and sunlight impact upon the flat within the Tabernacle would be acceptable.

- Construction impact – Conditions which the Tabernacle suggested have not been included in the draft recommendation. **Officer response** – owing to the scale and complexity of the proposed development it is recommended that demolition and construction management plans be secured through the s106 legal agreement.

- Safety impact owing to proximity of tower 3 to the Tabernacle. **Officer response** – this is addressed at paragraphs 459-460 of the officer report and a condition change is recommended through the addendum for details of safety measures to a roof terrace next to the Tabernacle.

- Noise arising from construction and the proposed cultural venue. **Officer response** – this is addressed at paragraphs 542 to 551 of the officer report.

3.39 University of the Arts Student Union

- Existing community including the Latin American, trader and student communities are under threat;

- Would only provide 3% 'fake' social housing and 5% affordable retail space in spite of large profits;

- UAL has failed to consider the impact of the plans;

- UAL should use its position to seek improvements to the scheme such as 100% real social housing, affordable retail units and retention of the bingo hall and bowling alley.

311 additional objections

3.40 New issues are:

Only a 20 year covenant proposed for the PRS, not the 30 years required in the emerging policy – **officer response** – this is addressed at paragraphs 373 to 374 of the officer report. No information as to who would manage the affordable housing and how the entire site would be managed if the private element were sold - **officer response** – this is addressed at paragraph 346 of the officer report.

Shortfall in predicted demand resulting from the loss of the bingo hall – **officer response** - The bingo is a commercial venture and there is no basis in planning policy to require a

replacement bingo hall. However, a bingo hall and a cinema are in the same use class (D2), and the space identified for a cinema could be occupied by a bingo hall without the need to apply for further planning permission.

Should consider provision of a theatre rather than bingo;

High rise office buildings use more than low rise buildings and have higher carbon emissions – **officer response** – sustainability matters are considered at paragraphs 660 to 675 of the officer report.

Some residents within the West Square Conservation Area have not been consulted on the application – **officer response** – Details of consultation carried out on the application is set out at Appendix 1 of the officer report.

Traders and Latin American community must be accommodated on the same rental agreements - **officer response** – there is no planning policy basis to require this. The proposal would provide 10% on-site affordable retail space, and affordable retail space is being delivered on other sites in the opportunity area as set out in the officer report.

The Draft Local Business Support and Relocation Strategy is no longer valid owing to the changes to affordable retail provision – **officer response** – the strategy is a draft document. The latest position in relation to affordable retail is set out in the officer report.

Inadequate transport assessment, unacceptable arrangements for servicing and deliveries and concerns regarding funding of the Northern Line Ticket Hall – **officer response** – The assumptions underpinning the Transport Assessment were reviewed and updated in an Addendum (June 2017), where necessary. The other matters raised are consistent with other objections and have been the subject of thorough assessment and negotiation, as described in Paragraphs 552 to 632 of the officer report.

3.41 Question tax practices of Get Living London.

Overall conclusion

- 3.42 Officers note the applicant's updated affordable housing offer which is considered to be an improved offer by way of increasing the amount of affordable housing in income bands B, C and D. Having taken into account all of the additional representations received, the officer recommendation remains that planning permission should be granted.

REASON FOR URGENCY

4. Applications are required by statute to be considered as speedily as possible. The application has been publicised as being on the agenda for consideration at this meeting of the planning sub-committee and applicants and objectors have been invited to attend the meeting to make their views known. Deferral would delay the processing of the applications and would inconvenience all those who attend the meeting

REASON FOR LATENESS

5. The new information, comments reported and corrections to the main report and recommendation have been noted and/or received since the sub-committee agenda was printed. They all relate to an item on the agenda and members should be aware of the objections and comments made.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
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Individual files	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403
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