

## Planning Committee

MINUTES of the virtual Planning Committee held on Monday 4 May 2020 at 6.30 pm.

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**PRESENT:** Councillor Martin Seaton (Chair)  
Councillor Kath Whittam (Vice-Chair)  
Councillor Barrie Hargrove  
Councillor Hamish McCallum (Reserve)  
Councillor Margy Newens  
Councillor Damian O'Brien  
Councillor Catherine Rose  
Councillor Cleo Soanes

**OTHER MEMBERS PRESENT:** Councillor Richard Livingstone

**OFFICER SUPPORT:** Simon Bevan (Director of Planning)  
Jon Gorst (Legal Officer)  
Colin Wilson (Head of Regeneration Old Kent Road)  
Kiran Chauhan (Team Leader Old Kent Road)  
Pip Howson (Transport Policy)  
Gerald Gohler (Constitutional Officer)

### 1. APOLOGIES

Apologies for absence were received from Councillor Adele Morris.

### 2. CONFIRMATION OF VOTING MEMBERS

Those members listed as present were confirmed as the voting members for the meeting.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair gave notice of the following additional papers which were circulated before the meeting:

1. Supplemental Agenda No.1 (containing agenda item 6 "Mortgagee in possession S106

clause - Malt Street redevelopment”)

2. Addendum report relating to items 6 and 7.1
3. Members' pack
4. Late GLA Correspondence.

#### **4. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

#### **5. MINUTES**

That the minutes of the meetings held on 24 February 2020 and 3 March 2020 be approved as correct records of the meetings and signed by the Chair.

#### **6. MORTGAGEE IN POSSESSION S106 CLAUSE - MALT STREET REDEVELOPMENT**

The committee heard the officer's introduction to the report in which he drew members' attention to the addendum report. Members of the committee asked questions of the officer.

A representative of the community addressed the meeting and answered questions put by members of the committee.

The applicant's representatives addressed the committee, and answered questions from the committee.

The committee put further questions to the officers and discussed the information presented to them. The Chair reminded the committee of the late GLA correspondence signed by two of London's Deputy Mayors for Regeneration and Housing, in particular the second sentence of the ninth paragraph which reads “(...) in the unlikely event that a MiP clause was ever triggered we would work with the Social Housing Regulator, LBS and other RPs to ensure that the affordable housing remained as such.”

A motion to agree the recommendation set out in the report and amended in the addendum report was moved, seconded put to the vote and declared carried.

#### **RESOLVED:**

That the director of planning be authorised to agree to the following Mortgagee in Possession (MIP) clause within the joint S106 agreement for the Malt Street redevelopment, that was considered by committee on 3 June 2019 (planning ref 17/AP/2773) and for the Nyes Wharf redevelopment that was considered by committee on 3 September 2018 (planning ref 17/AP/4596) and that committee were minded to approve subject to referral to the Mayor of London, the Secretary of State and completion of the S106 agreement.

*“Prior to seeking to dispose of the Affordable Housing Units and any Additional Affordable Housing Units pursuant to any default under the terms of its mortgage or charge or any security documentation, the Registered Provider's Mortgagee, Chargee or the Receiver shall give not less than three months written notice to the*

*Council of its intention to complete the transfer of the Affordable Housing Units and any Additional Affordable Housing to the Council at the market rate for Affordable Housing PROVIDED THAT the consideration will not be less than the amount due and outstanding under the terms of the relevant security documentation including all accrued principal monies, interest and costs and expenses;*

*If the Council cannot, within three months of the date of the Registered Provider's Mortgagee or Receiver's notice, complete the transfer of the Affordable Housing Units and any Additional Affordable Housing, only then will other Registered Providers be entitled to complete the transfer pursuant to clause [below].*

*If the Council, cannot, within three months of the date of the Registered Provider's Mortgagee, Chargee or Receiver's notice, complete a transfer of the Affordable Housing Units and any Additional Affordable Housing then provided that the Registered Provider's Mortgagee/ or Receiver shall have fully complied with its obligations above (in clause X), the Registered Provider's Mortgagee or Receiver shall be entitled to dispose free of the restrictions set out in paragraph 1 of Schedule 3 (Affordable Housing) and set out in the Nominations Agreement which provisions in respect of the relevant Affordable Housing Units and any Additional Affordable Housing shall determine absolutely."*

Following this, the meeting adjourned for a comfort break from 8.47pm to 9pm.

## **7. DEVELOPMENT MANAGEMENT**

### **RESOLVED:**

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the agenda be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they can be clearly specified.

### **7.1 79-161 ILBERTON ROAD, LONDON SE16 3JZ**

**Planning application number: 18/AP/2497**

#### **PROPOSAL**

*Redevelopment of 79-161 Ilberton Road to provide two separate buildings, a north building and a south building separated by a publicly accessible children's playspace.*

*The erection of a north building to include a part 5, part 6, part 16 and part 28 storey development (93.350m AOD max).*

*The erection of a south building to include a part 3, part 5, part 8, part 13 storey development (49.275m AOD max).*

*To deliver a total of 312 residential units, 448.6sqm GIA of retail floorspace (Use Class A1); 1,817.98sqm GIA of commercial floorspace (Use Class B1) and associated basement provision, disabled parking, cycle parking, children's playspace, public realm improvements and landscaping.*

*This application represents a departure from strategic policy 10 'Jobs and Businesses' of the Core Strategy (2011) and Saved Policy 1.2 'Strategic and Local Preferred Industrial Locations' of the Southwark Plan (2007) by virtue of proposing to introduce residential accommodation in a Preferred Industrial Location.*

The committee heard the officer's introduction to the report and the addendum report. Members of the committee asked questions of the officer.

There were no objectors wishing to address the committee.

The applicant's representatives addressed the committee, and answered questions from the committee.

There were no supporters who lived within 100 metres of the development site present at the meeting and wishing wished to speak.

Councillor Richard Livingstone addressed the meeting in his capacity as a ward councillor, and answered questions by the committee.

There were no further questions put by the committee.

A motion to grant the application was moved, seconded put to the vote and declared carried.

**RESOLVED:**

1. That planning permission be granted, subject to the conditions set out in the report and addendum report, and referral to the Mayor of London and the applicant entering into an appropriate legal agreement by no later than 23 December 2020.
2. In the event that the requirements of (1) are not met by 23 December 2020 that the director of planning be authorised to refuse planning permission, if appropriate, for the reasons set out at paragraph 372 of the report.

Following this, the meeting heard that an amendment to the minutes of the meeting held on 3 March 2020 was required. Officers advised these minutes could be brought back to the next planning committee meeting for this amendment to be agreed.

The meeting ended at 10.10 pm.

**CHAIR:**

**DATED:**