

Item No: 6.	Classification Open	Committee: Planning Committee	Date: 9 October 2012
From: Head of Development Management		Title of Report: Addendum Late observations, consultation responses, and further information.	

PURPOSE

- 1 To advise Members of observations, consultation responses and further information received in respect of the following planning application 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 this 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:

3.1 Item 6.1: 1-16 BLACKFRIARS ROAD

3.2 Additional representations received

Representation – for comment

57 River Court, Upper Ground SE1: concerned over construction noise and disruption; not affect existing trees; not erect buildings in front of River Court.

42 River Court, Upper Ground SE1: provision of access to and from the development will put a strain on the area; traffic will cause significant disruption to the existing residential population; concerned that as far as possible foundation work should proceed with drilling rather than pile driving.

Ludgate House (United Business Media): concern over the way in which any future construction activities are controlled; request conditions.

Trustees of the Tate Gallery (Tate Modern): generally supportive of the proposal in principle although make the following comments: larger hotel element would be more appropriate in this location; encourages the retail space; viewing lounge should be made as publicly accessible as possible; new plaza should be fully available to the public; welcome the junction improvements to Blackfriars Road/Stamford Street; request that the Bankside Urban Forest initiative is considered during the detailed design of the public realm works.

Representation – in objection

By email: development as currently proposed would seriously degrade conditions for cycling; report fails to consider the needs of people cycling along Blackfriars Road; development does

not contribute to secure safe cycling routes; would remove existing facilities on Blackfriars Road; proposals to close Upper Ground to cycling during construction are wholly unsatisfactory; no cycle flow data in the transport assessment; TfL's Blackfriars Urban Realm Improvement Scheme is out of date and fails even to comply with the minimum standards of TfL's own London Cycling Design Standards of 2004; development as currently proposed would conflict with core planning principles in the NPPF.

Officer comment: the plan referred to by the objector is an illustrative masterplan drawing submitted in support of the application to reference only the proposed on-site public realm proposals; the illustrative road layouts included on this drawing are not intended to be representative of the detailed road layout. The details of the improvements to Blackfriars Road and other surrounding highways (including provision for the cycle network) will be subject to agreement by a Section 278 Agreement, which itself is subject to the proposed S106 Agreement. Both the Council and TfL will need to be satisfied with the proposed highway works (including cycling facilities) before Section 278 agreements are approved.

The proposals for the re-design of the Blackfriars Road/ Stamford Street junction were developed by TfL in 2010. Since this time TfL has undertaken further consultation with stakeholders and local members of the London Cycling Campaign.

Officers are satisfied that the Transport Assessment adequately assesses capacity of the cycle network and that there would be no material impact upon the capacity of cycle lanes or associated infrastructure.

Whether Upper Ground will be closed during construction will be determined within a Construction Management Plan required by condition and will be based on operational and safety considerations.

3.3 Assessment of the proposal in relation to the LVMF 2012

The main report contains an assessment of the impact of the proposed tower on the views set out in the Mayors London View Management Framework 2012. In doing so, it considers the weight which ought to be given to the implemented permission. This is a complex issue, and in reaching its decision, it is advised that the Committee take account of the further clarification set out below.

The implemented permission was consented by the Secretary of State in 2009. The Inspector considered the quality of the design and the impact on the strategic view from St James's Park Bridge in great depth. In relation to the architectural design he concluded that:

"I am in no doubt that, in purely architectural terms, this is a proposal in which the detail of each element (tower, low-rise building and plaza) has been very carefully considered to give not only individual design excellence but a vibrant, attractive and satisfying overall composition."

In terms of the impact on the view from St James's Park footbridge (which was a designated strategic view in the 2007 LVMF), he concluded that:

"In the context of twenty-first century London, however, I do not see it s crucially important to the experience of viewers on the footbridge that the appearance on the skyline of a modern building of very high quality, some 2.2 km away, could be said seriously to undermine the equally high quality of the view."

The LVMF was revised in March 2012 to include additional visual management guidance in relation to Assessment Point 26A.1 (St James's Park Bridge), stating that "*Buildings that appear above the central part of Duck Island.....should be refused*".

The appearance of the proposed tower in this view is identical to that permitted in 2009 and which has subsequently been implemented. The impact would be no different between the two proposals. In these circumstances, the implemented permission would carry significant weight, since it could be built out irrespective of the change to the LVMF, resulting in the same impact on the view.

The GLA considered this issue in their Stage 1 report, and concluded that:

"...it is not considered that a refusal of planning permission would be justifiable in this instance in respect of the buildings impact on the designated LVMF view from St James's Bridge".

As the main report concludes, in relation to the impact on the view from St James's Park Bridge the implemented permission should be given significant weight since the impact of the proposed building on the view is identical to that of the permitted tower, and the implemented permission is capable of being built out. In these circumstances it would be appropriate to grant permission even having had regard to the changes to the recent changes to the LVMF.

3.4 Clarification

Description of development amended to refer to 'up to 274 flats'.

Paragraph 1(d): should refer to paragraph 218 rather than paragraph 263.

Paragraph 151: figures should read 772sqm for central area and 476sqm for approaches.

Total Section 106 contributions should read £6,575,626

The development will be subject to a Section 278 legal agreement with the Council and TfL as Highway Authorities for any works on the public highway.

3.5 Additional condition

The following additional condition is proposed:

- 38 Upon completion of the structural frame of the tower, a survey shall be carried out on nearby properties in relation to impacts of the development on television, radio and other telecommunications services and the development shall not be occupied until any such mitigation measures identified in Chapter 19 of the Environmental Statement (or alternative measures agreed with the Council following the survey) have been implemented.

Reason

In order to ensure that any adverse impacts of the development on reception of residential properties is identified and resolved satisfactorily in accordance with saved policy 3.2 of the Southwark Plan 2007.

3.6 Amended conditions

Amended to read:

21. All service and delivery activity will be managed in accordance with the approved Service and Delivery Management Plan (Appendix D of the Transport Assessment May 2012) or any revised plan subsequently approved by the Local Planning Authority.

Reason:

To ensure compliance with Strategic Policy 2 – Sustainable Transport of the Core Strategy 2011 and saved policy 5.2 Transport Impacts of the Southwark Plan 2007.

29. Following the completion of remediation work there shall be submitted to the Local Planning Authority a Consultant Compliance Report confirming that the remediation work has been properly carried out. Details of any post remedial sampling and analysis to show the site has reached the required clean up criteria shall be included in the Compliance Report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policies 3.1 Environmental Effects, 3.2 Protection of Amenity and 3.10 Hazardous Substances of the Southwark Plan 2007, Strategic Policy 13 High Environmental Standards of the Core Strategy and the NPPF.

3.7 Comments by the Head of Development Management:

Having considered the additional representations received and further clarification in this Addendum report, the recommendation remains that planning permission be granted subject to completion of the Section 106 legal agreement, referral to the Mayor, and the amended conditions.

3.8 Item 6.2: 1-16 BLACKFRIARS ROAD

3.9 Additional representations received

TfL: raise objection due to safety concerns in relation to access.

3.10 Revised recommendation

In light of concerns raised yesterday by TfL, it is recommended that Members authorise the Head of Development Management to determine the application once officers have had the opportunity to consider the objection from TfL and for revisions to be submitted if appropriate.

3.11 Clarification

Paragraph 3: cycles stands will accommodate 4 cycles rather than 12.

3.12 Conditions removed

Condition 4: the Environment Agency has confirmed this condition is no longer required.

3.13 Comments by the Head of Development Management:

Having considered the additional representations received, the recommendation is that the Head of Development Management shall be authorised to determine the application once issues in relation to access have been resolved.

3.14 Item 6.3 - 1-27 and 28-59 Wolverton, Sedan Way, (Site 7 Aylesbury Estate Regeneration) London, SE17 2AA (Ref: 12-AP-2332)

3.15 Comments by the Head of Development Management:

It is recommended that the above application is deferred until the next available committee meeting in November.

It has been brought to the attention of officers that Certificate B has not been served correctly by the applicant. Whilst it is not the responsibility of the Local Planning Authority to look into the accuracy of any notice served, now that it has been brought to officers attention, the Head of Development Management recommends that the application is deferred to allow the applicant to properly serve the notice (Certificate B).

REASON FOR LATENESS

4. The comments reported above have all been received since the agenda was printed. They all relate to an item on the agenda and Members should be aware of the objections and comments made.

REASON FOR URGENCY

- 5 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 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/enforcements and would inconvenience all those who attend the meeting.

Lead Officer: Gary Rice - Head of Development Management

Background Papers: Individual case files.

Located at: 160 Tooley Street London SE1.