

Item No. 8.	Classification: Open	Date: 3 February 2015	Meeting Name: Planning Committee
Report title:		Development Management Planning Application: 14/AP/1872 Address: SITE OF THE FORMER TUKE SCHOOL, 2-4 WOODS ROAD, LONDON SE15 2PX Proposal: Redevelopment of the site to provide 122 residential units in a new building fronting Woods Road and Cossall Park ranging from 4-7 storeys high, a new 2-storey building at the rear of the site and provision of car parking, cycle space and amenity space(Use Class C3)	
Ward(s) or groups affected:		Nunhead	
From:		Director of Planning	

RECOMMENDATION(S)

1. That members amend the time frame for agreeing the legal agreement from 7 November 2014 to 10 February 2015 at which date the Head of Development Management be authorised to refuse planning permission in accordance with the reasons set out in paragraph 151 of the original report to planning committee, dated 7 October 2014

BACKGROUND INFORMATION

2. The application site is located south of Queens Road in Peckham. It comprises partly a site owned by the council which was previously occupied by the Tuke School. The remainder of the site is a scaffold yard with ancillary offices.
3. The applicant is Kitewood Developments Ltd and the company is seeking planning permission to redevelop the site in order to provide 122 residential units. The proposal was detailed in full in the report to planning committee and the application for planning was considered by the committee at its meeting on 7 October 2014 when it resolved to grant planning permission subject to conditions and subject also to the completion of a legal agreement imposing planning obligations in accordance with section 106, Town and Country Planning Act 1990. The report to 7 October 2014 is appended to this report (Appendix 1).
4. The committee further resolved that if a legal agreement was not resolved by 7 November then the Head of Development Management be authorised to refuse the application on the basis of the circumstances outlined in paragraph 151 of the committee report.
5. It was not possible to complete the agreement within the timescale laid down in the resolution.

KEY ISSUES FOR CONSIDERATION

6. The main issue to be decided is whether or not it is reasonable to provide the parties with additional time to complete the agreement. Since the date of the original resolution by planning committee, the applicant and the council have spent some considerable time in the negotiation of the precise terms of the planning agreement.
7. It was not possible to meet the original deadline of 7 November. The most important item still under discussion was the type of shared ownership housing to be provided in the development. Whilst this was set out in paragraph 55 of the original report, the fine details had not been agreed by the due date. However, it is now the case that the precise terms have been agreed in full and all that remains is for the agreed version of the document to be circulated and executed by the relevant parties.
8. It is unusual for planning agreements not to be finalised within the prescribed timescale. When the deadline was passed, it was originally intended to bring the application back to the planning committee meeting held on 2 December in order to apply for an extension of time. However, instead of this a planning refusal was issued. A report was prepared for the planning committee meeting of 18 December which stated that issuing of this refusal was inadvertent and that it had not taken into account the circumstances outlined in paragraph 151 of the original report and that as a result, there was not sufficient authority to issue a refusal, and in the absence of adequate reasons, the notice was withdrawn and the relevant persons notified.
9. At the meeting of 18 December, following advice from officers, the committee resolved:
 - (1) That a final decision on the application be deferred pending submission of a full report on the negotiations and the handling of the matter
 - (2) That the Director of Planning provide a report to the committee meeting scheduled on 3 February 2015.
10. The circumstances around the issuing and subsequent withdrawal of a notice of refusal of planning permission between 2 and 5 December 2014 have been fully investigated by the Strategic Director of Children's and Adults' Services and the Director of Corporate Strategy. A report on their findings is attached at Appendix 2. This report concludes that there is sufficient uncertainty relating to the authority to issue a refusal of planning permission on 2 December 2014 for the matter to be referred back to the planning committee. It is for this reason that the matter comes back before the planning committee to confirm their agreement to the extension of time for the completion of the agreement as recommended in paragraph 1 of this report.
11. Members are further advised that the terms of the s.106 agreement are now fully agreed with the applicant and in the event of the committee agreeing to the extension of time, the agreement can be signed and the permission issued within seven days of this decision.

Community impact statement

12. This was summarised at paragraph 172 of the original report as part of the planning application process. There are no impacts arising on persons with “protected characteristics” as outlined in the Equality Act 2010 as a result of the matters raised in this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

13. None

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2468-4 Application file: 14/AP/1872 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department Southwark Council 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5349 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Report to planning committee dated 7 October 2014
Appendix 2	Report on the investigation of governance and decision-making processes

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning		
Report Author	Simon Bevan, Director of Planning		
Version	Final		
Dated	23 January 2015		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title		Comments Sought	Comments Included
Strategic Director of Finance and Corporate Services		No	No
Strategic Director of Environment and Leisure		No	No
Strategic Director of Housing and Community Services		No	No
Director of Regeneration		No	No
Date final report sent to Constitutional Team			23 January 2015