

<b>Item No:</b>	<b>Classification:</b> Open	<b>Date:</b> 10 February 2015	<b>Meeting Name:</b> Planning Sub-Committee A
<b>Report title:</b>		<b>Addendum</b> Late observations, consultation responses, and further information.	
<b>Ward(s) or groups affected:</b>			
<b>From:</b>		Head of Development Management	

## 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 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 1 – 96 Webber Street, London SE1 0QN**  
*Additional Representation*
  - 3.2 An additional representation has been received on behalf of the current occupiers of one of the existing workshops (workshop 1 on the submitted drawings). These representations comprise three leases and a Valuation Office Agency document (rates bill). The documents are appended to this addendum.
  - 3.3 The representation states that the documents show the occupiers' leases dating back to 1997, clearly outlining the various sheds and storage containers along with the dotted line of a burned down shed. They are presented as proof of the structures being in place for a considerable amount of time. The representation also states that the kitchen/wc building within the yard adjacent to the entrance to the workshop is partly brick (the Sub Committee report states this to be a brick structure).
  - 3.4 Officer Comment: This information is not considered to change the overall planning merits of the case. From the information available and following a recent inspection of the site, the workshop and adjacent yard area (incorporating the various structures as described in the main Sub Committee report) appear to be in B1 use. The main workshops are being retained (other than a very small loss of 5 sqms for upstairs access) and the loss of the external ancillary structures is not considered to amount to a significant loss of employment floor space that would be in breach of saved Policy 1.4 of the Southwark Plan. The

retained workshops plus the smaller area of external space would continue to provide good quality employment floor space.

*Further information provide by the applicant*

- 3.5 The applicant has submitted a daylight and sunlight report relating to the impacts of the proposals upon the residential properties on the opposite side of Rushworth Street (92 Webber Street) from the proposed two storey dwelling.
- 3.6 The report finds that, following tests set out in the BRE Guidelines, whilst there will be a small effect upon daylight received, particularly the ground floor flats, the proposal would not lead to an adverse effect upon the daylight and sunlight received by the properties opposite.
- 3.7 Officer Comment: The conclusions and recommendations of the Officer's report are unchanged as a result of this assessment.

*Alterations to conditions*

- 3.8 Condition 14 is amended to refer to BS4142:2014 (rather than BS4142:1997).
- 3.9 **Item 2 – 163 – 167 Grange Road, London SE1 3AD**
- 3.10 No late observations have been received.
- 3.11 Some amendments to the conditions have however been recommended which are detailed below:

Delete Condition 3

It is recommended that this condition is omitted. There is no plant proposed with the scheme and should plant be required, separate planning permission would be required. There is the possibility that mechanical ventilation would be required for some of the residential premises. Noise from this would be very limited and not likely to disturb occupiers, indeed this would be in the developer's interest and there are commonly used design criteria for such situations. Furthermore, following a review of the air quality assessment, it is clear that there is a marginal exceedance for the Nitrogen Dioxide objective for one receptor on the Grange Road facade- a predicted level of 40.5 micrograms per M<sup>3</sup>, 0.5 above the objective of 40. This condition is not necessary as in the years following 2016, it is likely that the objective will be met.

Amend condition 16

The development shall be designed to ensure that noise from the commercial premises does not exceed NR20, 5min within any adjoining residential premises within the development.

Reason

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the commercial premises in accordance with strategic policy 13 'High environmental standards' of the Core Strategy (2011), saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007) and the National Planning Policy Framework 2012.

**3.12 Item 3 – The Hop Exchange, 24 Southwark Street, London SE1 1TY**

3.13 No late observations have been received. No change is made to the recommendation.

3.14 Since the publication of the main report, Officers have revisited the conditions and recommend the following amendments:

Amend Condition No. 7

*The rating noise level (as defined in BS4142: 2014) from any plant together with associated ducting shall be 10dB(A) or more below the lowest relevant LA90 at the nearest noise sensitive premises.*

*Reason*

*To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery in accordance with the National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007).*

Amend Condition No. 10

*Prior to the commencement of works, details of the kitchen exhaust system shall be submitted to and approved in writing by the local planning authority. The kitchen exhaust system shall be installed in strict accordance with the approved details prior to the first use of the kitchen and retained as such thereafter.*

*Reason*

*In order to ensure that that the ventilation ducting and ancillary equipment will not result in odour, fume or noise nuisance and will not detract from the appearance of the building in the interests of amenity in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 - High Environmental Standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.*

3.15 It is considered that the re-wording of Condition No. 10 would adequately cover aspects of ventilation and extraction. As such, Condition No. 11 is deleted.

~~Delete Condition No. 11~~

~~Before any A3/A4 use hereby permitted commences the kitchen extract system shall meet the standard required by DEFRA Guidance on the control of odour and noise from commercial kitchen exhaust systems (2011).~~

~~Reason: To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of odour in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.~~

**3.16 Item 5 – 2A Bawdale Road, London SE22 9DN**

Additional letter received from Councillor Barber

3.17 Cllr Barber confirmed that he is withdrawing his request for this application to be referred to Members to determine.

- 3.18 The site address has been given as 2A Bawdale Road and not 86 Whateley Road on which the property fronts. Cllr Barber requested that a condition is added to this application for the property to be numbered as 86 Whateley Road. This is not necessary as street numbering is not a material planning consideration; however the Council's street numbering officer confirms that the applicant should apply for this property to be numbered as it is a new residential property. The new address would then be agreed at that time.
- 3.19 Cllr Barber further requested that a condition for a Construction Management Plan (CMP) to ensure any build goes smoothly for all involved should be imposed. Officers have not recommended a CMP condition because of the very minor nature of the works required for this development. The structure of the proposed dwelling is already in place and this application is effectively to convert the existing building into a residential one. It would not, in Officers' opinion, be reasonable, necessary, or relevant to the proposed development to impose such a condition.
- 3.20 An additional condition is recommended to ensure that any contamination on site does not harm future occupiers.
- a) Prior to the commencement of any development, a site investigation and risk assessment shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The phase 1 site investigation (desk study, site categorisation; sampling strategy etc.) shall be submitted to the Local Planning Authority for approval before the commencement of any intrusive investigations. The subsequent Phase 2 site investigation and risk assessment shall be conducted in accordance with any approved scheme and submitted to the Local Planning Authority for approval prior to the commencement of any remediation that might be required.
- b) In the event that contamination is present, a detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and submitted to the Local Planning Authority for approval in writing. The scheme shall ensure that the site would not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme (if one is required) shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.
- c) Following the completion of the measures identified in the approved remediation strategy, a verification report providing evidence that all work required by the remediation strategy has been completed shall be submitted to and approved in writing by the Local Planning Authority.
- d) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority, and a scheme of investigation and risk assessment, a remediation strategy and verification report (if required) shall be submitted to the Local Planning Authority for approval in writing, in accordance with a-c above.

**Reason**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to 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 policy 3.2 'Protection of amenity' of the Southwark Plan (2007), strategic policy 13' High environmental standards' of the Core Strategy (2011) and the National Planning Policy Framework 2012.

**3.21 Item 6 – Southwark Park, London SE16 2TL**

3.22 Comments have been received from the Council's Flood and Drainage Team. They have advised that they do not object to the development as it would not lead to incremental discharges into the sewer network.

**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

**BACKGROUND DOCUMENTS**

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