

<b>Item No:</b> 7	<b>Classification:</b> Open	<b>Date:</b> 7 June 2016	<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>		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 this item in reaching their decision.

## KEY ISSUES 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 7.1 – 16/AP/0615 for: Full Application - TOWER BRIDGE PIAZZA, SHAD THAMES, LONDON SE1**

- 3.1 Following the publishing of the reports in relation to the proposals, officers met with ward members, local residents and the applicant on 31 May 2016 to discuss the proposal and recommendation.
- 3.2 Following the meeting, the applicant proposed to revise the scheme to take into account some of the residents' views. The applicants introduced 4 main changes as follows:

#### Revision 1

Removal of the proposed A3 use from 3 units, the proposal is now as follows:

Pavilion	A1/A3/D1
3 and 4 Cooper Row (3 & 4 Admiral's Court)	A1/A2/A3
47-49 Shad Thames (47 – 49 Compass Court)	A1/A2
45 Shad Thames (45 Compass Court)	A1/A2

1a and 2 Cooper Row (1a & 2 Admiral's Court)	A1/A2
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Because of this change, only two class A3 uses take place within the square - at numbers 3-4 Copper Row and within the pavilion building (although no primary cooking in the latter); a significant reduction from the five potential A3 uses that were proposed previously.

Following on from these changes, the proposal is now for the following:

Change of use of 1a and 2 Cooper Row; 45 and 47-49 Shad Thames from A1 to A1/A2; 3 and 4 Cooper Row from A1 to A1/A2/A3; the erection of a single storey pavilion building within the piazza for use within one of class A1/A3/D1; the erection of a way finding totem outside Cooperage Court, hard and soft landscaping, and associated works.

### Revision 2

Amended drawing D0400 Rev P5 to show the cycle spaces removed from the position adjacent to the rear part of the pavilion building.

The applicants have proposed an indicative area for the relocated cycle parking on drawing D1100 Rev P7 which would be located along Copper Row, however the precise location/detail can be secured by cycle storage condition detailed below:

*Before any above grade work hereby authorised begins details (1:50 scale drawings) of the facilities to be provided for the secure and covered storage of cycles shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose and the development shall not be carried out otherwise than in accordance with any such approval given.*

### *Reason:*

*In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with The National Planning Policy Framework 2012, Strategic Policy 2 - Sustainable Transport of The Core Strategy and Saved Policy 5.3 Walking and Cycling of the Southwark Plan 2007.*

### Revision 3

Following concerns in relation to the façade treatment of the proposed pavilion building, the details have been amended as per Drawing D0410 Rev 6 which shows the treatment to the side/rear elevation to the pavilion building.

Officers are satisfied with the proposed design of the pavilion building and that the proposal to introduce a more transparent element to the corner of the pavilion closest to the listed building is a material improvement to the scheme.

### Revision 4 - Draft refuse and delivery strategy

Following the meeting on 31 May 2016, in response to understandable concerns that residents and members expressed on servicing, the applicant submitted a draft refuse and servicing management plan. This document outlines a number

of measures, some or all of which could be used to ensure that the servicing of the new uses would not cause unacceptable harm to neighbours' amenity. Nonetheless, it is recommended that condition 7 proposed be retained so that the operator(s) of the uses submit, for approval, their servicing plan(s).

- 3.3 Amended drawings with these changes have been submitted and it is recommended that condition 2 be amended to:

*The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans: D0050 REV P3, D0100 REV P8, D0400 REV P5, D0401 REV P6, D0410 REV P6, D0420 REV P4, D0500 REV P3, D1100 REV P7, D4100 REV P2*

*Reason:*

*For the avoidance of doubt and in the interests of proper planning.*

*It is recommended condition 13 be amended to ensure that tables and chairs are not left outside to the following:*

*The use of the outdoor seating area hereby permitted shall not be carried on outside of the hours 08:00 to 19:00 on any day; the tables and chairs should be removed from external area and stored inside the premises by 19:30.*

*Reason:*

*To safeguard the amenity of neighbours 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.*

- 3.4 An additional condition is proposed to prevent the sale of alcohol in the Class A1/A2/A3 & Class D1 units in the event that planning permission is granted:

*There shall be no sale of alcohol from the use in the pavilion building or any A3 use that may occupy 3 and 4 Cooper Row.*

*Reason:*

*To safeguard the amenity of neighbouring residential properties 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.*

- 3.5 An additional condition is recommended should an A3 use come forward at 3 and 4 Copper Row:

*Prior to the commencement of any A3 use at 3 and 4 Copper Row and notwithstanding drawing D0100 P8, details of the kitchen exhaust system shall be submitted for approval to the local planning authority. No A3 use may commence on site until the any system approved is installed which shall be retained thereafter.*

*Reason:*

*To safeguard the amenity of neighbouring residential properties 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.*

- 3.6 Representations have been received from neighbours that the application should be deferred to allow for further dialogue between the applicants and residents.

Officer response:

Following the meeting with residents, the changes that have resulted are considered to respond to some of those concerns and reduce the overall impact. It is the officers' view (confirmed following legal advice) that the above revisions to the application are material but minor. As such, they do not require further consultation taking into account that they were in response to objections to the application and that they were discussed at a meeting with some of the residents on 31/05/2016. The details of the revisions were published on the Council's website on 02/06/2016. These revisions and any further representations received up until today have been reported in this addendum report including any representations seeking a deferral of the decision. The officer recommendation remains that a deferral is not necessary and that the sub-committee has sufficient information to make a decision. It is the chair's decision whether to put a motion to the sub-committee to defer the item and it would then be for the sub-committee to decide.

- 3.7 Representations have also referred to a potential fire strategy

Officer response:

This is a matter that will need to be addressed through the Building Regulations, a separate regulatory regime. Any development that takes place will, under the Building Regulations, need to ensure that emergency access is possible.

#### **Additional responses received**

- 3.8 A further 6 additional responses have been received in relation to the applications; principally these comments refer to the application for the wider piazza application.

#### **The exhumation of an ancient permission originally granted by the LDDC**

- 3.9 As noted within the officer report, a Lawful Development Certificate was granted (ref:0001587) for the proposed Block F, Horselydown Square SE1, this concluded that "The development of this site for the construction of a three storey building, called Block F, is lawful as it was part of the planning permission granted by the LDDC on May 12th 1987. The permission was implemented within the period required on the decision notice and the development may be completed without further approvals under the Planning Act".
- 3.10 This consent is extant and as works were considered to have commenced, exists in perpetuity. As such, the originally consented scheme is lawful and could be completed. Whilst this consent forms a material consideration for the scheme, officers are satisfied that the proposed single storey pavilion building would not cause any significant harm to the amenities of residents.

#### **The earlier refused application should be a material consideration of equal weight to the Lawful Development Certificate.**

- 3.11 The original refusal in 1996 was for a scheme that was much more substantial than that proposed here. As noted above, officers are satisfied that subject to the proposed conditions, the amenity impacts would not be substantial.

### **Concern about the reduction in size of the piazza**

- 3.12 The piazza is not Metropolitan or indeed Borough Open Land so is not open space afforded particular protection by planning policy. While there would be a reduction in the open space because of the pavilion, it would continue to function as a piazza. The site was originally designed with a building proposed within the location of the proposed pavilion building and this consent is still active.

### **Objections to the seating around the fountain**

- 3.13 There is existing seating around the fountain which will be removed and replaced. No significant increase in seating is proposed and officers do not consider that there would be any increase in amenity impacts on residents.

### **Noise from proliferation of cafes**

- 3.14 As noted above, the proposal is now for a maximum of two A3 uses on the site, a reduction to that originally proposed. Noise from the uses may be controlled through the conditions recommended.

### **Concerns as to whether the principle is acceptable**

- 3.15 Officer response:

Although there has been an objection from the 20<sup>th</sup> Century Society, officers consider that the proposed glazed pavilion would be a positive addition to the square in design terms.

### **Servicing**

- 3.16 As noted above, a draft refuse and servicing strategy has been provided which indicates that the site can be serviced effectively. However, notwithstanding this, a condition is proposed for further details to be submitted on this point.

### **No notices received for the 2000 application were served on residents.**

- 3.17 This application was for a lawful development upon which the council do not consult residents; this is because such applications are assessed on points of law, in this case, whether the LDDC consent was commenced in accordance with S56 of the Town and Country Planning Act 1990.

### **The 13 topiary bay trees would not reduce noise in the square.**

- 3.18 Officer response:

Officers propose a landscaping condition requiring further details to be provided, the acceptability of species will be assessed as part of discharging this condition and while the bay trees may not reduce noise, other landscaping measures such as the green roof can reduce sound reflections. Further, the visual screening from landscaping can have the effect of reducing perceived noise.

### **Impacts on the Listed Eagle Wharf building and design does not accord with saved policies in relation to design and conservation.**

- 3.19 The officer report outlines why officers consider that the proposal is an appropriate addition to the piazza and that it would not harm the setting of the adjacent listed building.

**The 1989 layouts had 15 shop units, recent amalgamations reduced it to 12, this application reduces it to 9 (excluding the Pavilion);**

- 3.20 Amalgamation of commercial units is not considered development for the purposes of S55 of the Town and Country Planning Act.
- 3.21 During the course of the application, works to Eagle Wharf were removed from the proposal. Recommended conditions 3 and 4 contain an erroneous reference to Eagle Wharf and it is recommended that this be removed from them.
- 3.22 Paragraph 36 of the report refers to a condition limiting the number A3 uses but such a condition was not included in the recommendation. Such a condition is not now necessary because the applicant has amended their proposal to include a maximum of two A3 uses.
- 3.23 It is recommended that the following condition is added, it would prohibit future occupiers of the pavilion from gaining a parking permit:
- 3.24 No developer, owner or occupier of any part of the pavilion building hereby permitted, with the exception of disabled persons, shall seek, or will be allowed, to obtain a parking permit within the controlled parking zone in Southwark in which the application site is situated.

*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.*

**Item 7.2 – 16/AP/0515 for: Full Application - TOWER BRIDGE PIAZZA, SHAD THAMES, LONDON SE1**

- 3.25 The 'approved drawings' number condition needs to be amended following an error in relation to the numbers which were originally included. This condition should now read:

*The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans: D 0050 REV P3, D 0200 REV P5, D 0201 REV P4, D 0202 REV P5, D 0203 REV P6, D 0204 REV P3, D 0205 REV P4, D 0206 REV P4, D 0300 REV P4, D 0301 REV P4, D 0302 REV P4, D 0310 REV P3, D 3100 REV P6,*

*Reason:*

*For the avoidance of doubt and in the interests of proper planning.*

**Additional comments:**

- 3.26 One additional response was received in relation to the proposed shop front alteration.

**Concerns on the design of the proposed shop fronts not responding to the context and note the objection from the 20<sup>th</sup> Century Society.**

The assessment on the shop fronts is contained within paragraphs 34-44 of the officer report.

**Item 7.3 – 16/AP/0464 for: Full Application - THE COOPERAGES, 8 GAINSFORD STREET, LONDON, SE1 2NG**

- 3.27 An amended plan has been submitted by the applicants which provides details of the secure access door into the cycle storage element and an accompanying statement; the storage arrangement would be weatherproof and secure, it is recommended that condition 1 be amended to:

*The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans: 4862L-1-0-PA10 GA XPD-REV C*

*Reason:*

*For the avoidance of doubt and in the interests of proper planning.*

**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.

**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