

Item No: 6.	Classification: Open	Date: 5 July 2016	Meeting Name: Planning Committee
Report title:		Addendum Late observations, consultation responses, and further information	
Ward(s) or groups affected:			
From:		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 6.1 – 16/AP/1551 for: Full Planning Permission - Floors -1 to 6, Peckham Centre Multi Storey Car Park at 95A Rye Lane, London, SE15 4ST (Moncrieff Place)

- 3.1. Amendment to paragraph 4 of the officer report:

There are residential properties along Cerise Road, Cicely Road, Raul Road and Robert Keen Close ...to the north and east of the site...

- 3.2. Amendment to paragraph 6 of the officer report:

The ~~building~~ proposal could accommodate up to 3, 600 people if fully occupied, including 850 in the event space at level -1 and 1,250 at levels 5-6.., and the applicant has advised that...

- 3.3. Add the following to paragraph 9 of the officer report (planning history):

15-AP-5053 - Use of part levels 9/10 (storage area level 8) of Peckham Town Centre Multi-Storey Car-Park as a temporary cafe (use class A3) and bar (use class A4) from (2016 to 2021) in association with Bold Tendencies Sculpture show; Installation of lightweight structure and ancillary spaces. Planning permission was GRANTED for a period of 5 years on 02/03/2016 (subject to conditions restricting hours of use to 11am-11pm daily with patrons off-site by 11.30, and no amplified speech or music).

3.4. Amendment to paragraph 38 of the officer report:

Including ~~4,000~~ 1,500 associated with Bold Tendencies and Frank's Bar, there could be a maximum of ~~4,600~~ 5,100 people in the building (N.B. a licence has recently been granted to increase capacity at Frank's Bar by 500 people).

3.5. Additional condition:

With the exception of use as a place of worship which shall not be permitted, the 'event space' at level 5-6 shall only be used for purposes falling within class D1 of the Town and Country Planning (Use Classes) Order and any associated provisions of the Town and Country Planning General Permitted Development Order (including any future amendment of enactment of those Orders).

Reason

In the interests of ensuring that there would be no loss of amenity to neighbouring residential occupiers, in accordance with Strategic Policy 13 - High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of the Southwark Plan 2007 and the National Planning Policy Framework 2012.

3.6. Additional condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order (including any future amendment of enactment of that Order) the amount of floorspace for each of the consented uses shall be in accordance with the planning application form, and no change between the various uses shall be permitted without the written approval of the Local Planning Authority to whom a planning application shall be made.

Reason

To ensure that there would be a mix of uses within the building and to prevent a change of use to a single use which could have impacts which have not been anticipated through this application.

3.7. Amend condition 5 of the draft permission as follows:

All spaces within the building to be used for class D2 purposes shall be insulated in accordance with

~~The scheme of sound insulation detailed in~~ the Environmental Noise Survey and Noise Impact Report (reference 22938/ENS1 Rev 1) which shall be carried out and provided before the use hereby permitted is commenced, and those sound insulation works shall thereafter be retained for the duration of the use. Windows and doors to the D2 event spaces ~~at level -1~~, 'noisy' workshops at levels 1-2 and D2 dance studios at levels 5-6 shall remain closed when these uses are in operation. Noise levels from the proposed development including from any plant noise shall be 10dB or more below the lowest background noise level at 1 metre from the façade of the nearest or most exposed noise sensitive receptor.

Reason

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance from 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).

3.8. Additional representations received:

Support

- Scheme shows commitment to local businesses and the creative industries, echoing the rich diversity and potential of Peckham town centre;
- Hope that the Council continues in this direction and that the Peckham Levels business hub and creativity remains, and is not demolished and developed as flats.

Objections (two representations from the same household)

- Opening hours until 1am unacceptable in residential area, particularly given proposed capacities; hours should be as per Frank's Bar
- Officer report does not adequately address noise and disturbance, particularly from comings and goings and disagree with acoustic report that customers will enter and leave via Rye Lane; acoustic report does not consider noise from levels 5-6
- Inaccuracies/omissions in officer report (Frank's Bar opening hours and recent permission omitted, residential context of site inadequately described, impact of external terraces not considered, range of uses for level -1 event space cannot be conditioned);
- Careful consideration must be given to the size of the premises, capacity figures and intensity of D2 uses including live music and dance hall use which are not acceptable in a residential area
- Not sufficient to rely on the licensing regime regarding people management, and the use of barriers along the southern pathway is contentious and could cause nuisance to residential streets
- Application should be refused on the grounds of noise and disturbance to residential occupiers
- If permission is granted conditions should be imposed requiring hours of use to align with Frank's Bar, a revised acoustic report to include levels 5-6, no amplified music audible beyond the site boundary in levels 5-6 and preventing the level -1 event space being used as a nightclub.

3.9. Officer response:

Although the site is in close proximity to a residential area, it forms part of Peckham Town Centre and the uses proposed are considered to be acceptable, subject to appropriate hours of use. Frank's Bar is a roof top, open-air venue and in Bold Tendencies the car park deck remains open at the sides; levels -1 to 6 which are subject to this application would be enclosed, hence the later hours recommended by officers (albeit reduced from the applicant's 6am). People management is dealt with under the licensing regime which would require the submission of a noise management plan and potentially the use of sound limiter devices. Use of the terraces would be limited to 10pm by way of condition, and additional / amended conditions are recommended in relation to sound-proofing and to ensure that the proposed mix of uses would be delivered and could not be subject to changes of use

under permitted development rights in the event that planning permission is granted. Officers have reviewed the additional representations received and remain of the view that planning permission should be granted.

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.

REASON FOR LATENESS

5. 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.

BACKGROUND DOCUMENTS

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