

Item No: 6.1 and 6.2	Classification: Open	Date: 19 July 2017	Meeting Name: Planning Committee
Report title:		Addendum Late observations, consultation responses, and further information	
Ward(s) or groups affected:		Cathedrals and Livesey	
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 of each 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:

Item 6.1 – Application 16/AP/5239 for: Full Planning Application – Land at 18 Blackfriars Road bounded by Stamford Street, Paris Gardens and Christ Church Gardens, London SE1 8NY

Additional consultation responses

- 3.1 Since completion of the officer report a further response has been received from a neighbouring occupier raising the following points:
- 3.2 The amount of public green space should be dramatically increased for the benefit of residents, workers and wildlife. The proposed buildings should be of the highest green standards and the office building should be exemplary. The buildings should be more mixed use and there should be an increased amount of social housing.
- 3.3 A letter has also been received from Marshalls Charity who own the freehold of Christ Church which sits to the south of the site within Christ Church Gardens. Whilst Marshalls Charity does not formally object to the proposed development, they have set out a schedule of obligations that they would require in order to protect Christ Church and gardens. The schedule addresses the following points:
 - Hours of work
 - construction traffic
 - delivery and servicing management plan
 - Christ Church Gardens re-landscaping
 - Cost of long term maintenance of Christ Church Gardens

- Wind mitigation measures
 - Light pollution and solar glare; and
 - Reasons for conditions.
- 3.4 The main objective of the letter from Marshalls Charity is to ensure consultation and input into the section 106 agreement, as well as consultation on matters such as the discharge of the Construction and Environmental Management Plan and Construction Logistics Plan. Officers will ensure that Marshalls Charity are consulted on the relevant parts of the section 106 as well as being consulted on applications to discharge relevant obligations that may affect Christ Church or its Gardens.

Corrections to report

- 3.5 Paragraph 4 – This should read as:

*'In the event that the requirements of paragraph 1 above are not met by 31st January 2018, the Director of Planning be authorised to refuse planning permission, if appropriate, for the reason set out under **paragraph 299.**'*

- 3.6 Paragraph 16 – The hotel building would be located to the west of the residential tower.
- 3.7 Paragraph 26 – This should read six distinct phases as opposed to five.
- 3.8 Paragraph 54 – This should include the Mayor's Draft Housing SPG (November 2016).
- 3.9 Paragraph 269 – The socio-economic impact would be moderate beneficial as opposed to minor beneficial.
- 3.10 Paragraph 285 – The PV panels will generate a 0.2% saving as opposed to 1%.
- 3.11 Cross Rail contribution – This has been updated to £8,230,876.

Clarifications to report

- 3.12 The B8 use referred to in the development description relates to the storage space for equipment associated with the on going maintenance of Christ Church Gardens and this is located within the base of the affordable housing building.
- 3.13 In line with the proposed phasing the office building would be required to be commenced prior to the construction of the hotel building and residential tower. The development would be subject to an approved phasing plan and the developer would be required to construct the office building to two storeys above ground level prior to commencing work on the hotel and residential tower. This has been added as a new condition for clarity.
- 3.14 Whilst the principle of a coach bay is supported, TfL have raised concerns regarding the current proposed location on Stamford Street and potential implications for the relocated pedestrian crossing in terms of safety, visibility and capacity at the Stamford Street/Blackfriars Road junction. Further work is therefore required to determine if an appropriate location can be identified, this would be covered by the Transport Strategy that would be required as part of the section 106 agreement.
- 3.15 It should be clarified that the applicant is seeking flexible use of the commercial premises on the upper level of the office building for A3/A4 use and this is supported by Officers.
- 3.16 In terms of the impact of the development on heritage assets, the following clarifications should be noted:

Christ Church, Blackfriars Road - Grade II

3.17 The church within its churchyard has always been a green focal point surrounded by a disparate and varied built environment. The churchyard as the key historic feature of the setting of the church would be retained and complimented by the new landscaped space to the north, the quality of which will enhance the building's setting. The taller buildings on the site would be positioned away from the church so as not to overwhelm its setting which would remain dominated by mature trees even in winter. Any harm caused by the development would be negligible and would be significantly outweighed by the benefits of the proposed scheme.

Stamford Street, 3 - 7 Stamford Street (Mad Hatter) -both Grade II

3.18 The two listed buildings will retain a key townscape position on the north east corner of the site at the junction between Blackfriars Road and Stamford Street and as a result would remain prominent in the streetscape. A new five storey building would abut the blank and unsightly flank wall of Nos.3 - 7 Stamford Street and would mediate between the listed buildings and the residential tower to the west.

3.19 To the south the double height base of the proposed office tower relates to the height of the adjacent listed building at No.1. A retained and upgraded passageway between the two buildings will delineate their separate forms.

3.20 The listed buildings would, through their corner position, retain their presence in the streetscape but would be integrated into a new designed townscape rather than being left as isolated fragments. Any harm caused by the development would be negligible and would be significantly outweighed by the benefits of the proposed scheme.

3.21 In terms of the financial contributions outlined in the section 106 table at paragraph 295, the applicant has increased the maximum contribution for improvements to Christ Church Gardens from £360,000 to £700,000 (although this can be off-set in part by contributions from other secured on other schemes). This would be secured as part of the legal agreement. The applicant has also agreed that they could take on the liability for the ongoing maintenance of the gardens following the completion of the improvement works, and this is in the process of agreement with the Council.

3.22 Members are also advised that the adjacent site at Paris Gardens has been identified as a development site in the New Southwark Plan. Officers are in pre-application discussions with developers who seek to develop an office scheme on this site and Officers understand that the applicant has carried out public consultation. It is acknowledged that any development of this site could have an impact on the amenity of future occupiers of the application site, most notably the affordable housing units. As such, officers recommend that an obligation be secured within the section 106 agreement that would require the developer of the 18 Blackfriars site to submit to the council for written approval, amended flat layouts designed to take account of any scheme agreed on the neighbouring site, prior to the commencement of that block.

Additional conditions

3.23 **New Condition** – Obscure glazing

The two easternmost windows on the south elevation of the hotel suites building (Phase 2) from Level 1 through to Level 12 shall be obscure glazed and fixed shut.

Reason

In the interests of amenity of the future occupiers of the affordable housing block.

3.24 **New Condition** - Wind

Prior to commencing works above grade on:

- (i) Phase 3
- (ii) Phase 4

A further wind impact assessment with suitable mitigation to minimise potential impacts at Christ Church Gardens shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with any approval given.

Reason:

In the interests of amenity at Christ Church Gardens.

Item 6.2 – Application 16/AP/5235 for: Full Planning Application – Varcoc Service Station, 1 Varcoc Road, London SE16 3DG

Amendment to paragraph 7 of the officer report:

3.25 At ground floor level the proposed building would occupy almost the entire footprint of the site, although it would be set back 1.5m from the southern boundary to create a gap between it and the building on the adjoining scaffold yard, and it would be set back between 2-3m from 60-62 Verney Road within the T Marchant Trading Estate.

Amendment to paragraph 94 of the officer report:

3.26the proposal therefore complies with the BRE guidance in this respect. This includes additional information submitted by the applicant which demonstrates that the impact upon roof terraces at top floor level in Batwa House would comply with the BRE guidance.

Corrections to paragraphs 96 to 100 of the officer report:

3.27 Paragraph 96 of the officer report relates to the impact of the proposal upon Batwa House and erroneously advises that 83 windows were tested. There were in fact 85 windows which were tested, and this has implications for the percentages given in within paragraphs 96-100.

3.28 Paragraph 96 - This building directly faces the application site. In relation to the VSC test, of the ~~83~~ 85 windows tested, ~~50~~ (60 59%) would not comply with the BRE guidance, with reductions ranging from 22% to 87%.

3.29 Paragraph 97 - Where windows do not pass the VSC test the NSL test can be used, and based on this of the ~~83~~ 85 windows tested, ~~34~~ (41 40%) would not comply with the BRE guidance, with percentage reductions as set out below.

Reduction	No. of windows affected
21-30%	3 <u>2</u>
31-40%	5 <u>6</u>
41-50%	3
51-60%	1
61-70%	0
71-80%	6
81-90%	16

Paragraph 98 (table)

Reduction	No. of windows affected (total AHSP)	No of windows affected (winter sunlight hours)
1-20%		3
21-30%		4 <u>3</u>
31-40%	4	3 <u>5</u>
41-50%	7	6 <u>8</u>
51-60%	14	3
61-70%	4	4 <u>5</u>
71-80%	3	5
81-90%	3	0
90-100%	1	4

3.30 Paragraph 99 – ...For example, of the ~~83~~ 85 windows tested for VSC, 57 of them (~~69~~ 67%) currently have VSCs in excess of 27%. Some of the existing values are particularly high, including 51 windows which have VSCs ranging from 30% to 39.5%.

3.31 Paragraph 100 - For the VSC test, most of the non-compliant windows (~~60~~ 54%) serve bedrooms. The same applies for the NSL and ~~sunlight~~ tests, with ~~62~~ 54% and ~~55%~~ respectively of the non-compliant windows serving bedrooms. For the sunlight tests, 47% of the non-compliant windows serve bedrooms (this these figures takes into account ~~four~~ some living rooms which are incorrectly labelled as bedrooms within the daylight and sunlight report).....The ~~44~~ 16 kitchen/living/dining spaces (LKDs) which would not comply with the BRE guidance would have VSC levels of between 3.2% and 21%, and two kitchen windows would have retained VSC levels of 12.3% and 12.8%.

Correction to paragraph 110 of the officer report:

3.32 Although the building would extend right up to the northern and ~~western~~ site boundary, no windows are proposed on the north elevation and the residential units would be set approximately 2.4 4m back from the western boundary.

Additional representations received:

3.33 A further 4 representations have been received (including one on behalf of residents of Batwa House) objecting to the application on the following grounds:

- Building too high and too close to Batwa House
- Loss of privacy to Batwa House
- Loss of light
- Too high in relation to neighbouring buildings and higher than other Pocket developments built elsewhere
- Over-development
- Building would immediately abut the pavement
- Would set a precedent for tall buildings in the area
- Affordable housing supported but development should be sympathetic to existing residents and businesses
- Buildings in the vicinity of the site are 5-storeys, not 6.
- Perspective used for illustrations in the planning application submission falsely shows the building as a similar height to Batwa House, and show the street wider than it is.
- Question the process undertaken to conclude that the height of the building is acceptable, contrary to concerns of residents in Batwa House
- Enforcement of 11pm closure of roof terrace
- Is no CPZ in place at present, therefore more than 3% of Pocket residents could own a vehicle

- Impact upon T Marchant Trading Estate from noise (residential windows being opened), daylight and sunlight (insufficient information in daylight and sunlight report) and redevelopment potential
 - Loss of view
 - Loss of property value.
- 3.34 Officer response – Most of the points above have been addressed in the officer report. Batwa House is a 6-storey building, although the top floor is set back to create roof terraces and as such is not readily visible from the street. The same applies to 6 Varcoe Road, which is a 6-storey building with the top floor set back. The proposed building would be between 0.7 and 7.4m higher than Batwa House, and a section drawing across the street is provided at paragraph 88 of the officer report. With regard to preventing the roof terrace from being used beyond 11pm, this would most likely be enforced by signage and information in residents' welcome packs. In the event that this were not adhered to, the developer would need to take measures to ensure that the terraces were not being used outside of the consented hours.
- 3.35 Average car ownership across the borough is at approximately 35%, and car ownership levels tend to be higher for larger, family sized units than for 1-bedroom dwellings. If 35% of new residents in the development owned cars, this would equate to 20 vehicles. The parking survey demonstrates that at the busiest time there were 65 spaces available within the survey area and this would be sufficient to accommodate 20 from the new residential occupiers and 14 from the commercial units (34 spaces in total). However, officers consider that car ownership levels amongst future occupiers are likely to be lower.
- 3.36 In relation to the T Marchant Trading Estate, the potential impact upon this site is set out at paragraphs 109 to 114 of the officer report. The proposed building would be set approximately 4m back from the boundary and it is recognised that if people were to have their windows open, they could experience some noise and disturbance. However, an Environmental Noise Assessment has been undertaken and the council's Environmental Protection Team is satisfied that the site is a suitable location for residential development in terms of noise.
- 3.37 Regarding daylight and sunlight to the estate, the objector appointed a consultant to review the daylight and sunlight report submitted with the application. Concerns have been raised regarding a lack of information on the modelling undertaken, uncertainty as to whether all of the relevant glazing has been tested, lack of evidence that the BRE methods of assessment have been followed, lack of commentary/consideration regarding VSC and daylight distribution for 60 - 62 Verney Road, and that the VSC and APSH impacts would not comply with the BRE guidance.
- 3.38 The applicant's daylight and sunlight consultant has advised that the impact upon the estate was assessed using a computer aided design (CAD) model, using daylight and sunlight analysis software. The impact upon unit 60-62 which adjoins the site is set out at paragraph 112 of the officer report. The objection states that VSC would be reduced by over 30% to four of the windows (which are rooflights) within this unit which is correct. However, they would all retain VSCs well in excess of the recommended 27% and would therefore comply with the BRE guidance. The same applies to APSH.
- 3.39 The objection advises that a significant proportion of the windows would experience reductions of up to 59%. However, they would all receive at least 25% of the annual ASPH and 5% during winter, and as such would comply with the BRE guidance. The objection also reiterates concerns about redevelopment potential and privacy distances, and advises that in order to achieve 21m window-to-window, any development on the adjoining site would have to be set back approximately 15-20m from the boundary. Whilst this is noted, if a new north to south street were created on the adjoining site, the window-to-window separation distance could be reduced to 12m according to the Residential Design Standards SPD, allowing development on the adjoining site to be constructed closer to the boundary. As set out in the officer report there are numerous ways in which the adjoining

site could be developed and the DAS shows only one. Officers are satisfied that the redevelopment potential of the adjoining site would not be unduly blighted.

3.40 Loss of a view and impact upon property value are not a material planning considerations and cannot be taken into account.

3.41 A further representation has been received in support of the application on the following grounds:

- Welcome plans to provide 57 affordable intermediate homes in an area where there is huge demand.

3.42 Additional comments received from the Environment Agency reiterating original response.

Conclusion of Director of Planning

3.43 Having taken account of the additional responses received, the recommendation remains that planning permission 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 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 new information, comments reported and corrections to the main report and recommendation have been noted and/or received since the committee 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