

<b>Item No:</b> 7.1 & 7.2	<b>Classification:</b> Open	<b>Date:</b> 30 January 2018	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>		<b>Addendum</b> Late observations, consultation responses, and further information	
<b>Ward(s) or groups affected:</b>		Cathedrals and East Walworth	
<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 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 7.1 – Application 16/AP/4458 for: Full Planning Application – Shopping Centre Site, Elephant and Castle, 26, 28, 30 and 32 New Kent Road, Arches 6 And 7 Elephant Road, and London College Of Communications Site, London SE1**

**Item 7.2 – Application 16/AP/4525 for: Listed Building Consent – Metropolitan Tabernacle Church, Elephant and Castle, London SE1 6SD**

4. At the planning committee meeting on 16 January 2018, members voted to defer the application to enable officers to prepare reasons for refusal, based on reasons provided by members at the meeting. The draft reasons and officer commentary are set out below. Members must consider whether the reasons outlined below would be sufficient to outweigh the benefits which would arise from the proposed development, and whether they could be adequately defended in the event that the applicant were to appeal against a refusal of planning permission. Officers do not consider that these reasons, either individually or cumulatively, would be sufficiently harmful to outweigh the wider benefits of the proposal.

## 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 planning committee. Deferral would delay the processing of the applications and would inconvenience all those who attend the meeting

## REASON FOR LATENESS

6. 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

## APPENDICES

No.	Title
Appendix 1	Reasons for refusal

Member reason	Draft reason for refusal	Policies	Compliance / conflict with policies	Strength (high / medium / low)
<p><b>1) Affordable housing</b></p>	<p><b>a)</b> <i>Notwithstanding the viability of the proposed development, the proposal would provide an insufficient number of social rent equivalent units, and as such would fail to provide an acceptable amount of genuinely affordable housing to meet the needs of local people. The proposal would therefore be contrary to policy 3.8 'Housing choice' of the London Plan (2016), and policy P4 (1.3) 'Private rented homes' of the draft New Southwark Plan (December 2017).</i></p>	<p>NPPF (para 173), London Plan policies 3.8, 3.10, 3.12, 3.13 Core strategy policy SP6 Saved Southwark Plan policy 4.4 'Homes for Londoners Affordable Housing and Viability' SPG Elephant and Castle SPD / OAPF P4 of the draft New Southwark Plan.</p>	<p>This reason for refusal would conflict with paragraph 173 of the NPPF and the affordable housing policies in the London Plan, Core Strategy and Saved Southwark Plan because it fails to take account of viability. Moreover, policy P4 which sets out affordable housing rent levels for PRS schemes is a draft policy and can only be attributed limited weight at present. The affordable housing offer should therefore be weighed in the balance with the other benefits and disbenefits arising from the proposal. By itself it is considered that it would be insufficient to justify a refusal of planning permission.</p>	<p>Low</p>
	<p><b>b)</b> <i>The proposed development fails to adequately demonstrate that the proposal could not viably support any additional social rent equivalent units. As such the proposal would be contrary to paragraph 173 of the NPPF, policies 3.8 'Housing choice', 3.10 'Definition of affordable housing', 3.12 'Negotiating affordable housing on individual private residential and mixed use schemes' of the London Plan (2016), Strategic policy 6 'Homes for people on different incomes' of the Core Strategy (2011), saved policy 4.4 'Affordable housing' of the Southwark Plan (2007), and guidance within the Mayor of London's 'Homes for Londoners Affordable Housing and Viability' Supplementary Planning Guidance (2017), and the Elephant and Castle Supplementary Planning Document and Opportunity Area Planning Framework (2012) .</i></p>	<p>NPPF (para 173), London Plan policies 3.8, 3.10, 3.12, 3.13 Core strategy policy SP6 Saved Southwark Plan policy 4.4 'Homes for Londoners Affordable Housing and Viability' SPG Southwark's Elephant and Castle SPD / OAPF.</p>	<p>This reason for refusal would conflict with paragraph 173 of the NPPF and the affordable housing policies in the London Plan, Core Strategy and Saved Southwark Plan because it would not be possible to provide evidence to demonstrate that the scheme could viably support more social rent equivalent units other than by reducing the overall quantum (i.e. provision of fewer than 35%) or by simultaneously increasing the proportion of affordable homes offered at a relatively shallow discount (this would be at the expense of the DMR units provided at London Living Rent).</p> <p>The Council's viability adviser for this application (GVA) considers that the affordable housing offer set out in the 16<sup>th</sup> January 2018 committee report is the maximum that the development can viably support. The applicant nonetheless reprofiled the affordable housing offer to increase the number of social rent equivalent units, which was reported in an addendum to the committee report. GVA has advised that it would not be possible to provide any evidence to substantiate this reason for refusal in the event that the applicant were to appeal against a refusal of planning permission on this basis.</p>	<p>Low</p>
<p><b>2) Loss of B1 floorspace</b></p>	<p><i>The proposed development, owing to the significant loss of B1 floorspace which would arise, would fail to contribute towards the delivery of office space in this central activity zone and opportunity area location, contrary to Policy 4.2 'Offices' of the London Plan (2016), strategic policy 10 'Jobs and businesses' of the Core Strategy (2011), and saved policy SP20 'Development site uses' and proposal site designation 39P of the Southwark Plan (2007), the latter of which seek to secure 45,000sqm of B1 floorspace in the opportunity area, and the Elephant and Castle SPD (2012).</i></p>	<p>London Plan policy 4.2, Core Strategy policy SP10, Saved Southwark Plan policies SP20 and 1.4, Elephant and Castle SPD.</p>	<p>This reason for refusal would conflict with saved policy 1.4 of the Southwark Plan 'Employment sites outside the preferred office locations and preferred industrial locations', which allows B class floorspace in town centres to be replaced with A class floorspace and other town centre uses. This is repeated in guidance note SPD4 'Jobs and Businesses' of the Elephant and Castle SPD. The site is located in a town centre and currently contains 10,699sqm of office floorspace. The proposal would provide 68,188sqm of new town centre uses which would exceed the existing B1 floorspace, which would comply with saved policy 1.4.</p>	<p>Low</p>

<p><b>3) Failure to protect existing traders and users of the bingo hall</b></p> <p><u>Note</u> – this was given as two reasons for refusal but has been amalgamated into one.</p>	<p><i>The mitigation proposed regarding safeguards offered to traders within the site and users of the existing bingo hall would not be sufficiently robust to ensure that genuine opportunities would exist for current traders to continue trading in the area, and for elderly people and people from ethnic minorities to continue to participate in leisure activities at the site. Without such assurances, the replacement development would fail to support the ethnic and age diversity central to the appeal of this part of Southwark. This would be contrary to policies 3.1 'Ensuring equal life changes for all' and 3.16 'Protection and enhancement of social infrastructure' of the London Plan (2016), Strategic policy 4 'Places for learning, enjoyment and healthy lifestyles' of the Core Strategy (2011), saved policy 2.1 'Enhancement of community facilities' of the Southwark Plan (2007) and the Mayor of London's Social Infrastructure SPG (2015), and the Equality Act (2010).</i></p>	<p>London Plan policies 3,1 and 3.16 Core Strategy policy SP4 Saved Southwark Plan policy 2.1. Mayor of London's Social Infrastructure SPG</p>	<p>Whilst the proposal does comply with the Elephant and Castle SPD guidance by providing 10% on-site affordable retail space, this ground is to take into consideration the duty imposed on Members by virtue of section 149, Equality Act 2010 which is repeated in paragraph 152 of the officers' report. The section of the report between paragraph 153 and 288 set out in detail the equalities issues arising from this development and include a range of mitigation measures to support existing traders and users of the bingo hall. Paragraph 214 acknowledges that there are adverse impacts on certain groups with certain protected characteristics and Members will need to weigh these in the balance with the other benefits and dis-benefits of the scheme.</p> <p>It is for Members to decide how much weight they should give to the equality issues. The Public Sector Equality Duty requires the decision maker to have "due regard" in all the circumstances and the circumstances here involve the impact of the proposal upon the persons within a protected category.</p>	<p>Medium</p>
<p><b>4) Market rent housing covenant</b></p>	<p><i>Insufficient evidence has been submitted to demonstrate / justify why a covenant securing the private rented market units as rental accommodation for a minimum period of 30 year period cannot be provided. As such the proposal would fail to deliver the benefits of providing long term, high quality rental accommodation and stability of tenure, and would set an undesirable precedent making it difficult to resist similar proposals in the future, contrary to policy P4 (1.6) 'Private rented homes' of the draft New Southwark Plan (December 2017).</i></p>	<p>P4 of the draft New Southwark Plan Mayor of London 'Homes for Londoners Affordable Housing and Viability SPG.</p>	<p>The affordable housing within the proposed development would remain affordable in perpetuity. The covenant only relates to the private market housing, to ensure that it would provide high quality and secure private rented accommodation for a minimum period.</p> <p>This reason for refusal would conflict with current guidance in the Mayor of London's Affordable Housing and Viability SPG which requires the covenant to be a minimum of 15 years. The proposal is for a 20 year covenant. Policy P4 is a draft policy, with only limited weight at present.</p> <p>The applicant has submitted information which indicates that longer covenants may deter investors from the market and could therefore undermine the deliverability of the scheme. The applicant considers 20 years to be the maximum length that can be committed to for this development due to the relative newness of the purpose-built private rented market. As the market matures it is expected that longer covenants could be secured.</p>	<p>Low</p>
<p><b>5) Carbon dioxide emissions</b></p>	<p><i>The proposal, owing to an insufficient reduction in carbon dioxide emissions from the proposed development, would fail to adequately reduce its environmental impacts, contrary to policy 5.2 'Minimising carbon dioxide emissions' of the London Plan (2016).</i></p>	<p>London Plan policy 5.2 Mayor of London's Sustainable Design and Construction SPG Southwark's Section 106 Planning Obligations and Community Infrastructure Levy SPD</p>	<p>This reason for refusal would conflict with part E of policy 5.2 of the London Plan which advises that where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.</p>	<p>Low</p>

			<p>This approach is also set out in the Mayor of London's Sustainable Design and Construction SPG and the Council's Section 106 Planning Obligations and Community Infrastructure Levy SPD which sets out how contributions towards the Council's Carbon offset – Green fund, will be calculated.</p> <p>The applicant's energy strategy has been reviewed by the Energy Team at the Greater London Authority (GLA) which is satisfied that the proposal would achieve the maximum possible carbon dioxide reductions. A contribution would therefore be acceptable and in accordance with policy, and the applicant has agreed to pay the contribution. A recent example of another development which would provide a contribution is 18 Blackfriars Road which has a resolution to grant permission (16-AP-5239).</p>	
<b>6) Lack of children's playspace.</b>	<p><i>The proposed development, owing to the failure to fully provide for the play space needs on the west site would fail to provide an acceptable standard of accommodation for future occupiers, and would put undue pressure on existing local playspace provision. As such the proposal would be contrary to policy 3.6 'Children and young people's play and informal recreation facilities' of the London Plan (2016), strategic policy 11 'Open spaces and wildlife' of the Core Strategy (2011), saved policy 4.2 'Quality of residential accommodation' of the Southwark Plan (2007), the Mayor of London's Play and Informal Recreation SPG and guidance within the Residential Design Standards SPD (2015).</i></p>	<p>London Plan policy 3.6, Core Strategy policy SP11 Saved Southwark Plan policy 4.2 Mayor of London's Play and Informal Recreation SPG Southwark's Residential Design Standards SPD</p>	<p>This would conflict with the Council's Section 106 Planning Obligations and Community Infrastructure Levy SPD which advises that in exceptional circumstances where playspace cannot be met on site, a contribution can be made towards off-site provision. The SPD sets out the method of calculation and the applicant has agreed to pay the contribution. A recent example of another development which would provide a contribution is 18 Blackfriars Road which has a resolution to grant permission (16-AP-5239).</p> <p>The full amount of playspace could be provided on the site which could be secured by way of a condition, although it could be of a lesser quality than that which could be provided off-site.</p>	Low
<b>7) Insufficient information on parking impact.</b>	<p><i>Insufficient information has been submitted to demonstrate that the impact of additional vehicles associated with the proposed development on the surrounding streets, a number of which are in controlled parking zones, has been properly investigated and addressed. In the absence of this information it is not possible to determine the extent to which any increase in demand for parking arising from the proposed development would impact upon the amenities of neighbouring occupiers and highway safety on the surrounding streets, contrary to saved policies 3.2 'Protection of amenity', 5.2 'Transport impacts' and 5.6 'Car parking' of the Southwark Plan 2007, strategic policy 2 'Sustainable transport' of the Core Strategy (2011), Policy 6.3 'Assessing effects of development on transport capacity' of the London Plan (2016) and guidance within the Elephant and Castle SPD 2012.</i></p>	<p>London Plan Policies 6.3 and 6.13; Core Strategy Policy SP2; saved Southwark Plan policies 3.2, 5.2 and 5.6; Elephant and Castle SPD 2012</p>	<p>The submitted Transport Assessment (TA) advises that no vehicular trips would be generated by the residential element of the proposed development. In addition, the s106 agreement would set out that residents of the proposal would be unable to obtain on-street parking permits. In order to substantiate this reason for refusal, it would be necessary to identify a risk of significant parking impacts on nearby residential streets outside of the hours of operation of the existing CPZ and that such impacts are incapable of being mitigated through planning condition or s106 obligation. The applicant has agreed to contribute to a further review of the operation of the CPZ, the timing of which could occur closer to the anticipated occupation of the west site in 2027. This could be detailed in the s106 agreement.</p>	Low

<p><b>8) Impact upon daylight and sunlight to Oswin Street</b></p>	<p><i>The proposed development, owing to the significant reduction in daylight and sunlight to properties on Oswin Street would result in a significant loss of amenity to these properties, contrary to strategic policy 13 'High environmental standards' of the Core Strategy (2011), saved policy 3.2 'Protection of amenity' of the Southwark Plan (2007) and guidance within the Residential Design Standards SPD (2015).</i></p>	<p>Core Strategy policy SP13 Saved Southwark Plan policy 3.2 Residential Design Standards SPD</p>	<p>The proposal would result in a loss of amenity to properties on Oswin Street, therefore this harm must be weighed in the balance in the decision making process. For large developments in central locations such as this it is not unusual to grant permission for schemes which would have significant daylight and sunlight impacts where it is considered that other benefits would outweigh the harm. A recent example of this is 18 Blackfriars Road (16/AP/5239) – resolution to grant permission. Whilst the negative impact is acknowledged this is not considered to be sufficient to justify a refusal in the context of the wider scheme.</p>	<p>Medium</p>
<p><b>9) No agreement with TfL regarding funding for transport infrastructure</b></p>	<p><i>The proposed development, owing to the failure to evidence that necessary funding would be in place to enable the station box within the development to be fitted out as a new ticket hall for the Northern Line, would fail to secure the necessary transport infrastructure necessary to support the proposed development, contrary to Policy 6.3 'Assessing effects of development on Transport Capacity' of the London Plan (2016) saved policies 5.2 'Transport impacts' and 5.4 'Public Transport Improvements' of the Southwark Plan (2007) and SPD.</i></p>	<p>London Plan Policy 6.3; Core Strategy Policy SP2; Southwark Plan Policy 5.2 and 5.4</p>	<p>This application facilitates the delivery of the new Ticket Hall by delivering the new station box, entrance and escalators, but its delivery is a wider policy ambition due to growth in the Opportunity Area; it is not a strict requirement arising from this development alone. The officer report (see paragraphs 557 and 558) sets out that the applicant and Transport for London/London Underground are committed to the delivery of the Ticket Station. The commercial considerations linked to land transfer, funding and programme are being negotiated outside the planning process, but the legal agreement will include an obligation such that planning permission would not be able to be implemented until such time as the Development Agreement addressing the above issues has been signed and agreed by the relevant parties. This provision directly addresses the Policy 6.3 in the London Plan.</p>	<p>Low</p>
<p><b>10) Servicing provision inadequate for the extent of the residential, retail and educational provision on the site.</b></p>	<p><i>Inadequate information has been submitted to demonstrate that the servicing arrangements for the proposed development would be sufficient to serve the significant quantum of development and the broad range of uses proposed, with their differing servicing requirements, including residential, retail and education uses. As such it is not possible to determine whether the servicing activities would have an acceptable impact upon the safety and operation of the highway network, impact upon pedestrians and cyclists, and impact upon the amenity of future occupiers of the site. This would be contrary to Policies 6.3 'Assessing effects of development on transport capacity' and 6.13 'Parking' of the London Plan (2016), Strategic Policy 2 'Sustainable transport' of the Core Strategy (2011) and saved policies 5.2 'Transport impacts' of the Southwark Plan (2007).</i></p>	<p>London Plan policies 6.3 and 6.13; Core Strategy Strategic Policy 2; Southwark Plan policy 5.2</p>	<p>the trip generation and servicing requirements associated with each land use were assessed in a comprehensive Transport Assessment (TA). This directly informs the design and capacity of servicing yards and/or bays in the development. Both the University (education) and the applicant (retail) are satisfied that the proposals are acceptable from an operational perspective and TfL (as Highway Authority for New Kent Road) are satisfied that, subject to the detailed access arrangements agreed (see paragraph 571), the highway impacts are acceptable. Given the limited hours of access to the basement servicing yard on the East Site, a separate 'drop off' facility is required to accommodate ad-hoc, daytime residential deliveries. The applicant acknowledges this in the TA Addendum and the officer report makes clear that this facility will need to be detailed in the Delivery and Servicing Management Plan for the East Site and that such a facility will need to be operational prior to occupation of the residential units on the East Site (see paragraphs 575 and 576 of the officer report). To sustain this reason refusal, the committee would need to be convinced that either the assumptions in the TA are flawed and/or the mechanisms in the s106 agreement are insufficiently robust to cater for and/or mitigate the</p>	<p>Low</p>

			servicing demands of the proposal.	
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