

<b>Item No:</b> 6.1; 6.2 and 6.3	<b>Classification:</b> Open	<b>Date:</b> 9 October 2018	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>		<b>Addendum report</b> Late observations, consultation responses, and further information	
<b>Ward(s) or groups affected:</b>		St George's, Borough & Bankside and Old Kent Road	
<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 6.1 – Application 18/AP/1577 for: Full Planning Application – All Saints Annexe, (Imperial War Museum) and Land to the rear, Austral Street, London SE11 4SJ**

#### Recommended alterations to draft conditions

4. In order to enable the early removal of the portakabins on the site, the applicant has requested changes to the following conditions:
5. Condition 3 (Archaeological Watching Brief), which as currently-worded reads as follows:

*Before commencement of any work hereby authorised other than the change-of-use of the existing All Saints Annexe, the applicant shall secure the implementation of a programme of archaeological watching brief works in accordance with a written scheme of investigation, which shall be submitted to and approved in writing by the Local Planning Authority.*

shall be replaced with the following paragraph:

*Before commencement of any work hereby authorised other than the change-of-use of the existing All Saints Annexe **and the removal of the portakabins and shipping containers**, the applicant shall secure the implementation of a programme of archaeological watching brief works in accordance with a written scheme of investigation, which shall be submitted to and approved in writing by the Local Planning Authority.*

6. Condition 4 (Details of Foundation Works), which as currently-worded reads as follows:

*Before any work hereby authorised begins details of the foundation works including changes to levels to be used in the construction of this development, showing how the roots will be protected, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the use of trial holes or trenches to check for the position of roots. The development shall not be carried out otherwise than in accordance with any such approval given.*

shall be replaced with the following paragraph:

*Before any work hereby authorised begins **other than the removal of the portakabins and shipping containers**, details of the foundation works including changes to levels to be used in the construction of this development, showing how the roots will be protected, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the use of trial holes or trenches to check for the position of roots. The development shall not be carried out otherwise than in accordance with any such approval given.*

7. Condition 5 (Arboricultural Method Statement), which as currently-worded reads as follows:

*Prior to works commencing, including any demolition, an Arboricultural Method Statement including an Arboricultural Survey shall be submitted to and approved in writing by the Local Planning Authority.*

shall be replaced with the following wording:

*Prior to works commencing, including any demolition **except for the removal of the portakabins and shipping containers**, an Arboricultural Method Statement including an Arboricultural Survey shall be submitted to and approved in writing by the Local Planning Authority.*

8. The removal of the portakabin and shipping containers would have no impact on archaeological remains or trees, and as such these changes are acceptable.
9. A substantial level of detail of the proposed landscape works has already been submitted with the application, and considered by the design team. As such, it is recommended that condition 7, which required further details of the landscape works to be submitted, would not be required, and the landscape condition could take the form of a 'compliance' condition, worded as follows:

***Prior to first occupation of the Class D1 building within the rear yard, the hard and soft landscaping scheme shall be provided as shown and described on the following drawings and documents:***

- ***'Landscaping Strategy' [dated May 2018, produced by Eden Development Consultants Ltd]***
- ***EDC22-SP01 - Rev D - 'Outline Landscape Specification' [dated 21/09/2018, produced by Eden Development Consultants Ltd]***
- ***2740-JW-00-03-DR-A-1003 - 'Proposed Roof Plan'***
- ***EDC22-DT-201 - Rev C - 'Wall & Gate Details'***
- ***EDC22-DT-202 - Rev B - 'Bin Store & Cycle Store Details'***
- ***EDC22-GA-100 - Rev M - 'General Arrangement Plan'***
- ***EDC22-GA-101 - Rev C - 'Hardworks Plan'***
- ***EDC22-GA-102 - Rev C - 'Softworks Plan'***
- ***EDC22-GA-203 - Rev C - 'Hard & Soft Details'***
- ***EDC22-GA-205 - Rev A - 'Biodiversity Green Roof Details'***

***Unless otherwise approved in writing by the Local Planning Authority, the landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use.***

10. Similarly, full details of the proposed facing materials have now been submitted, and officers are content that it would achieve the high quality finish required. Therefore it is recommended that condition 15 (Materials Specification and Samples), can be more specific, as follows:

*Unless the prior written consent of the local planning authority has been obtained for any proposed change or variation, the materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved. **The materials are:***

- **Facing Brick Type 1: Marziale by Wienerberger**
- **Facing Brick Type 2: Pagus Brown-Black by Wienerberger**
- **Mortar: Eurobrick Light Grey.**
- **Powder coated aluminium: Syntha Pulvin Anodite Light Bronze**
- **Ceramic-backed glass: Traffic Grey ceramic coating to face 4 of double glazed units.**
- **Glass: Guardian Sunguard double-glazed units.**
- **Clay pavers: Atlas UWF Tumbler by Wienerberger.**

*Reason:*

*To ensure that the new works achieve a suitably high quality of design in accordance with: the National Planning Policy Framework 2018; Strategic Policy 12 (Design and Conservation) of the Core Strategy 2011, and; Saved Policies 3.12 (Quality in Design) and 3.13 (Urban Design) of the Southwark Plan 2007.*

#### Curtilage listing of the boundary wall

11. Curtilage listing is a complex assessment and during the process of this application the council has received information from a number of sources, some of which suggests that the wall is curtilage listed and some that suggest it isn't. Added to that it is apparent from our site inspection that large areas of the wall in this area have been rebuilt – after the war – and are not historic.
12. Given the conflicting nature of the information and the varied condition of the wall, we have taken a conservative view and are now treating the wall as if it were listed. The development involves the demolition and reconstruction of a length of the wall in this area incorporating new openings which will reconnect the application site to the Museum that it serves.
13. When we conclude that a structure is curtilage listed, works to that structure will require separate Listed Building Consent. Accordingly, if planning permission were to be granted for the new building, this would not authorise any works to the wall, and no works could be carried out to the wall unless and until Listed Building Consent had been granted.
14. In addition and to clarify the recommendation Officers have now also assessed the merits of the wall in terms of the expectations which would arise from a Listed Building Consent application based on the proposal before the Committee today.
15. In these instances the NPPF guides Local Planning Authorities to decide on the magnitude of the harm caused by the development and to weight that harm in the balance against the public benefits of the proposal.
16. The harm caused by the removal of this length of the wall is considered to be of the lowest order of Less than Substantial. The reason for this is that this length of historic wall makes up a small fraction of the original boundary wall which is almost 450m in length and extends along the south and west edges of the park.

17. When we consider the limited harm caused by the removal and rebuilding of the wall in the balance against the public benefits of the development, Officers are satisfied that the benefits outweigh the harm caused. The public benefits include the redevelopment of the site, the high quality design including the enhanced landscape, as well as the connection of the site to the Museum itself which is the reason why the harm is necessary ie. the opening up of the wall cements the relationship of the site to the Imperial War Museum better than a building hidden behind a high wall.
18. In conclusion on this matter, Officers are satisfied to reaffirm the recommendation and to invite the submission of a separate LBC application to demolish. If the conclusion of a Listed Building Consent application was that the works to the wall as currently shown were not acceptable, then an amendment to the permission would be required to be consistent with the terms of any Listed Building Consent.
19. It is recommended that an additional Informative be added to the draft decision notice, as follows:

‘It is considered that the boundary wall to Geraldine Mary Harmsworth Park is curtilage Listed in association with the Imperial War Museum (former Bethlem Hospital). Any works to this section of the boundary wall would require the submission and approval of an application for Listed Building Consent. No works must be carried out under the terms of this permission which would affect the boundary wall unless in adherence with any Listed Building Consent subsequently granted by the Council’.

**Item 6.2 – Application 18/AP/1215 for: Full Planning Application – 160 Blackfriars Road and Land to the Rear, London SE1 8EZ**

20. A late objection has been received. The main points of objection relate to increased traffic; increased noise and disturbance; impacts on the conservation area; land use issues; and non-compliance with policy. Most of the points made have already been addressed in the main Report however some points within the objection have been further clarified below:
21. Objection – The proposed development will have significant transport and traffic impacts as a result of the additional trips created by taxi journeys and Uber rides and this is not reflected in the Council’s report.  
**Response** – All taxi movements are included in the travel surveys of comparable sites used within the TRICS database and these are the figures that LBS Transport Officers used to assess the development. As such the full impact has been considered.
22. Objection – The data used to project hotel trip generation is almost 10 years old and did not take Uber into account. As such the information is outdated as far more people use this form of transport compared 10 years ago.  
**Response** – The forecast vehicular movements were calculated from bona-fide and recent travel surveys of comparable sites from the nationally recognised ‘TRICS’ traffic prediction database.
23. Objection – The proposed development will increase traffic on Webber Street and will have an unacceptable adverse impact on the character and setting of the Valentine Place conservation area and will result in ‘rat running’ through the Valentine Place conservation area.  
**Response** – Potential increases in traffic or pedestrian movement is not considered to have a detrimental impact on the character of urban conservation areas. Furthermore, the level of additional pedestrian and vehicular movements that would be generated by the proposed development are not considered to have an adverse impact on local streets or the transport network.

24. Objection – Increased traffic from the hotel and within the narrow streets of the conservation area will pose a safety threat to pedestrians and cyclists.  
**Response** – As the calculated levels of vehicle movements in the morning and evening peak hours are low, it is considered that they would have a negligible impact on the existing capacity of the adjoining roads and the safety of pedestrians traveling along the adjacent footways.
25. Objection –The Council’s assessment of the impact on conservation areas is limited and gives no consideration to the impact of traffic, noise and disturbance to these heritage areas.  
**Response** – In assessing the impact on conservation areas, officers have studied the visibility of the proposed development from important local views/streets as well as considering the overall scale, massing and detailed design of the proposed development. The main issue when assessing the impact on a conservation area or listed building is one of visual amenity and the detailed design of buildings and how they interact with the conservation area in terms of their scale, massing, materials and overall appearance. Increased traffic and disturbance is an amenity issue that is fully assessed on all developments in all areas and is not a specific concern to conservation areas.
26. Objection – There is a need for new homes as opposed to hotel accommodation and this site could be used for housing instead.  
**Response** – Whilst it is acknowledged that there is a need to provide new homes within the borough, this particular site has been identified as being a location that is well suited for hotels. The location of the site, within the CAZ, a town centre and an Opportunity Area, and with excellent access to public transport, meets the requirements of regional and local plans for development of hotels. The proposal for a hotel must be determined on its merits.
27. In addition, a further objection has been sent to the Chair on behalf of the occupiers of the 5<sup>th</sup> and 6<sup>th</sup> floors of the office building raising additional concerns about unacceptable disturbance to the current office occupiers both during construction and when fully operational. These concerns are in addition to objections previously made by this occupier relating to daylight and sunlight infringements, overlooking, outlook and privacy, which are addressed in the body of the main report.  
**Response** – Developing land in central London and within constrained sites inevitably leads to some level of disturbance. The developer would be required to work within the established working hours set by the Council and management plans would be put in place to ensure minimum disruption as a result of construction logistics. Further management plans would be required around the ongoing operation and management of the hotel which would mitigate any potential disturbance during the operational phase.

Omitted text from conclusion

28. It is also noted that several parts of the conclusion in the Committee Report are missing from the published version. For information, the complete conclusion is set out in full below.

Conclusion

29. The construction of a hotel would contribute to the supply of visitor accommodation and support the tourist industry which is important to London’s economic well-being. The site meets the policy requirements for visitor accommodation, being in the CAZ, an Opportunity Area and a town centre, and has the highest level of accessibility to public transport. The hotel use would not result in an overconcentration of hotels to the exclusion to other land uses and so would not adversely affect the character of the area. The additional retail and workspace units would support the function of the town centre and is a positive aspect of the proposed development. The hotel

development would not undermine the operation of the existing office block, which would benefit from the improvements to its façade.

30. The proposal would exhibit a high standard of urban design and would not result in harmful impacts wither to the King's Beach or Valentine Place Conservation Areas or the nearby listed buildings. The development would employ high quality materials, the particular type and finish of which will be secured by way of a planning condition in order to secure the highest possible finish for the proposed new building. This will ensure that the building makes a positive contribution to Blackfriars Road and the heritage areas to the east and west.
31. The hotel is located to the rear of the office building and can be fully serviced off street which will ensure that the immediate streets will not experience undue levels of disturbance, The office building will continue to have access to offstreet servicing, and a limited number of car parking spaces: the reduction in overall car parking numbers is a benefit of the scheme and would address the issues of air pollution and congestion. Whilst the hotel will result in additional people moving around the local area, this in not considered to be harmful given the central, well connected location.
32. As with most developments in Central London, there will be some daylight and sunlight impacts to adjacent properties, however, taking the daylight and sunlight assessment into consideration alongside the BRE guidelines and the highly urbanised location, the proposed impacts are reasonable and are not untypical for a central London location such as this. On balance, while recognising the impacts, it is considered that the benefits outweigh the harm and a refusal of planning permission on this basis not be justified.
33. The application raises no other neighbouring amenity concerns, and while a number of objections were received about the risk of increased noise and disturbance resulting from the construction phase and day-to-day operations of the completed hotel, it is considered that the impacts can be mitigated through planning conditions.
34. In line with the requirements of the NPPF, the council has applied the presumption in favour of sustainable development. The proposed development would accord with the sustainable principles and would make efficient use of the land to deliver a high quality development that is in accordance with the Council's aspirations for the area. It is therefore recommended that members grant permission, subject to conditions as set out in the attached draft decision notice, and the timely completion of a Section 106 Agreement.

#### Conclusion of the Director of Planning

35. The additional comments have been considered, and do not affect the overall conclusion and recommendation that planning permission should be granted subject to conditions, a s106 agreement, and referral to the Mayor for London.

#### **Item 6.3 – Application 18/AP/0897 for: Full Planning Application – Ruby Triangle Site, Land Bounded by Old Kent Road, Ruby Street and Sandgate Street, London SE15 1LG**

36. The description on the draft decision notice should match the revised description used in the Officer's Report. The description on both should read:

“Full planning permission is sought for demolition of existing buildings and structures on the site, and redevelopment consisting of three buildings at maximum heights of 17 storeys (including mezzanine) ( +64.735m AOD), 48 Storeys (+170.830m AOD) and 40 storeys (including mezzanine) (+144.750m AOD), plus single storey basement under part of the site. Development would provide 1,152 residential dwellings (Class C3), retail, business and communal spaces (Classes A1, A2, A3, A4, B1(a),(b),(c) and D1), public sports hall and gym (Class D2), public and private

open space, formation of new accesses and alterations to existing accesses, energy centre, associated car and cycle parking and other associated works. (REVISED DESCRIPTION)”

37. In paragraph 219 of the Officer’s Report, it says that 991 sqm of A1 - A4 uses is proposed in the revised scheme. This should read 1,213 sqm. The conclusion of the paragraph in relation to town centre uses is unaffected by this revision.
38. In relation to paragraph 508 of the Officer’s Report, the Council’s Viability Consultant has now reviewed the submitted Viability Addendum. Their review concludes that the revised scheme remains unviable, but that with the grant scheme it would only be marginally unviable. Furthermore, sensitivity analysis confirms that with only a 5% movement in costs or values the scheme would become potentially viable in the short to medium term. Alternatively, a 2.5% increase in sales value and a 2.5% decrease in costs would also result in a viable position. Overall, in light of this analysis, they consider the scheme to be viable.

### Conditions

39. It is proposed to rewrite some of the recommended conditions so that they reflect the phased nature of the proposed development more accurately. For this purpose, the development would be considered to comprise the following phases (not in chronological order):
  - Block A
  - Block B1
  - Block B2
  - Block C1
  - Block C2
  - 639-641 Old Kent Road
  - Public Realm (including highway)
40. Pre commencement conditions 3 (Wheelchair Units), 5 (External Lighting) and 6 (Secure By Design) would all refer specifically to each phase of development. Condition 11 (Tree Planting) would refer to the commencement of works to the Public Realm.
41. In the definition of Commencement of works above grade, the term ‘above grade’ would be defined as any works above ground level, excluding demolition.
42. Above grade conditions 24 (ii) and (iii) (Play), 28 (Hard and Soft Landscaping), 30 (Landscape Management Plan) and 32 (Electric Vehicle Charging Points) would refer specifically to each phase of development.
43. Pre Occupation Condition 36 (Ecology Enhancement Strategy) would refer specifically to each phase of development.

### GLA

44. GLA Officers have provided an update on the strategic planning issues raised in the Mayor’s Stage 1 Report, dated 18 June 2018. Members should note that this update is officer level only and without prejudice to the Mayor’s formal consideration of the application. This update can be summarised as follows:
  - GLA, LBS and TfL have agreed an approach to the phased release of industrial land for high density, residential led, mixed use regeneration in the Old Kent Road Opportunity Area in advance of the Bakerloo Line Extension (BLE). The application site falls within the first phase of this release, which

would see up to 9,500 new homes being delivered prior to the signing of a BLE construction contract;

- The scheme has been revised to include 5,858 sqm of flexible B1 floorspace which the Applicant has confirmed will accommodate a range of B Class employment uses including industrial. Providing all or the vast majority of this floorspace is designed to accommodate B1c, B2 or B8 uses, GLA officers welcome this and support this amendment which could potentially make the overall scheme acceptable in land use terms;
- The proposed A5 use (hot food takeaways) has been removed, which is welcomed by GLA Officers;
- Approval has recently been given for LBS to purchase land near the application site on which compensatory provision for the loss of Southwark Metals would be provided. This approach is satisfactory subject to the Council securing the compensatory provision through an obligation or condition prior to the loss of the existing facility;
- The GLA expects that LBS will secure a Grampian-style planning condition to restrict the occupation of the development until the hazardous substance consent has been revoked in its entirety as advised at Stage 1 and by the Health and Safety Executive (HSE);
- The affordable housing offer has been revised to 40% by habitable room, inclusive of grant funding, and GLA Officers confirm that this is likely to represent the maximum amount of affordable housing the scheme can deliver;
- The Section 106 should include an agreed Gross Development Value (GDV) and build costs for viability review purposes, it should secure 40% affordable housing unconditionally and it should secure both early and late review mechanisms;
- A draft of the Section 106 must be submitted to the GLA;
- Revisions to the scheme address the concerns raised by GLA Officers in relation to residential design and architectural quality, subject to conditions and obligations. However, concerns still remain in relation to the functionality of ground floor uses, the green open space and the extent of genuinely active frontages;
- GLA officers will continue to work with LBS Officers and the Applicant to address the co-location of light industrial uses with residential uses to ensure 'Agent of Change' principles are adequately addressed;
- The proposal includes total area of 5,137 sqm of potentially playable space across the development, but as this has not yet been designed in detail, the scheme is not yet considered to meet London Plan Policy 3.6, draft London plan policy S4 and the Play and information recreation SPG;
- Consideration should be given to addressing concerns raised by Southwark's Design Review Panel (DRP);
- GLA officers will continue to work with LBS Officers, the Applicant and TfL to address concerns regarding the connections of the scheme to wider public realm improvements for the Sandgate Street/Old Kent Road intersection;
- The Applicant has demonstrated that the scheme meets the requirements of London Plan Policy 5.2 and Policy SI2 of the draft London Plan (energy);
- The Applicant and LBS are engaging separately with TfL officers to address issues raised in relation to compliance with London Plan and draft London Plan transport policies.

45. Officer Response: Officers welcome this update from the GLA and are pleased that such significant progress has been made in addressing concerns raised in the Mayor's Stage 1 Report. Officers note that no B2 or B8 space is applied for, but that 5,328 sqm of B1 space is proposed, all of which would be designed to accommodate B1 (c) (light industrial appropriate in a residential area) uses. An obligation ensuring that compensatory waste provision would be provided before Southwark Metals leave the application site would be secured through the Section 106 Legal Agreement. As set out in paragraphs 536 to 544 of the Officer's report, LBS do not propose to

impose a Grampian Condition in relation to the hazardous substance licence, but would refer the proposals to the HSE as required. The Section 106 agreement would secure all of the GLA's requirements, including agreed GDV and build costs, 40% affordable housing and early and late stage reviews. A draft would be provided to the GLA. As set out in the Officer's Report, the functionality of ground floor uses, the green open space and the extent of genuinely active frontages are all considered acceptable by LBS Officers. Detailed design of the landscape proposals would be secured by condition. Full consideration has been given to the DRP concerns, as set out in the Officers Report. LBS Officers would welcome further collaborative work with the GLA as the detailed design evolves.

#### Late Representations

46. Late consultation responses have been received in response to this application, both in objection and support. The details of these representations are set out below.
47. A late objection has been received from the 35% Campaign. This objection can be summarised as follows:
  - The GLA Stage 1 report refers to Affordable Rent rather than Social Rent;
  - There is no table of rents or percentage of market rent for the affordable housing for rent;
  - The proposal does not meet the draft New London Plan's threshold of 50% affordable housing for developments on Strategic Industrial Locations (draft NLP H6 B);
  - The Applicant is silent on the social rented or affordable rented housing provider;
  - The Applicant should apply for grant funding to increase the amount of affordable housing;
  - The Applicant's claim that the affordable housing "can only be funded in the absence of a review mechanism" is unjustified. The review mechanism is required by GLA because the 50% affordable housing threshold for developments on a SIL has not been met and must be implemented; and
  - a. The Applicant's claim that the scheme is "technically unviable" and that there are "additional risks" that need to be mitigated by the "absence of the review mechanism" are challenged. The objection considers that the review mechanism must be implemented to capture the maximum reasonable amount of affordable housing in line with London Plan Policy 3.12.
48. Officer Response: The GLA's Stage 1 Report refers to Affordable Rent in error. The Applicant is committed to the provision of Social Rent in accordance with Strategic Policy 6 of the Southwark Core Strategy. Whilst they have not submitted a table of rents (as these would be subject to change), the Applicant has confirmed that, in accordance with the definition of Social Rent, the rents would not exceed the rent levels determined by the formula set out in the Homes and Communities Agency's (HCA) Rent Standard Guidance (sometimes referred to as rent caps or target rent levels).
49. The draft New London Plan is not yet adopted and therefore carries limited weight in determining planning decisions. Furthermore, the "threshold approach" set out in Policy H6 does not set a target for affordable housing delivery, but rather sets a threshold above which applicants would not be required to submit a viability assessment to the GLA at application stage. As the amount of affordable housing offered is below the threshold of 50% on Strategic Industrial Land, a full viability review has been submitted to and reviewed by the GLA. The GLA's response to this is set out in paragraphs 70-72 of the Officer's report. It is also worth noting that Southwark's Development Viability SPD (2016) requires a viability assessment to be submitted in support of all planning applications where there is a planning policy requirement for affordable housing.

50. The Applicant's Financial Viability Appraisal, which was published one full week prior to this committee date, confirms that A2 Dominion has been secured as the affordable housing provider. The affordable housing offer has been increased to 40.5% using grant and other internal funding. The review mechanisms required by the GLA will be secured through the Section 106 Legal Agreement.
51. One further letter of objection has been received on behalf of Constantine Ltd. This letter is supplementary to three others submitted during the course of the application and sets out to clarify matters set out in the Case Officer's report. The matters raised are summarised as follows:
- The application directly affects 61 employees in a business within the application site, with a further 54 on adjacent sites, mostly residents of the Borough;
  - The Applicant has NOT adjusted the Construction Programme to reflect the unexpired lease – which runs 'til 2028. The Construction programme proposed is therefore not robust and achievable;
  - The Applicant has failed to engage effectively with this existing employer on the site about relocation;
  - The report fails to outline adequate safeguards for Constantine Ltd in terms of the noise, vibration, smell, fumes, smoke, soot, ash, dust or grit arising from the demolition and construction immediately adjoining the offices. The terms of reference for the proposed Construction Environment Management Plan and Business Relocation and Retention Strategy have not been outlined.
52. The letter urges Committee members to defer consideration of the application pending:
- Further discussions between the Applicant and leaseholder on the site to see if an agreement can be reached for the relocation of businesses commensurate with current lease arrangements, so that the Committee can determine whether the construction programme is achievable; and
  - Further clarification of the content of the Construction Environment Management Plan to ensure than an appropriate standard of amenity can be maintained for existing businesses during the demolition and construction periods.
53. The letter goes on to request that, if committee members are minded to grant approval, then they are urged to consider the imposition of conditions:
- To ensure that reasonable and substantive efforts are taken to relocate existing businesses, including Constantine Ltd, as required by the GLA, and to demonstrate this;
  - To impose robust planning conditions to mitigate the impact of noise, vibration and nuisance neighbouring properties and premises still in occupation on the site; and
  - To require the Officers to report back to the Planning Committee on progress at least quarterly.
54. Officer Response: In this letter Constantine advise that the number of employees stated as working in their office on the application site is wrong in submitted material and consequently in the Officers Report. The submitted material estimated 10 employees, based on the known floorspace and the application of standard employment densities (HCA Employment Density Guidelines). Constantine Ltd. now advises that the figure is actually 61. Constantine had not advised of this error in any of their previous letters. It is not clear whether these are full time jobs, but Officers will assume a 'worst case scenario' that they are. The impact of this revised figure is that the total number of full time jobs currently provided on the site would rise from 132 as

quoted in the Table 1 of the Officers Report, to 183. The total number of full time jobs proposed would remain at 298, which would still result in a substantial net increase of 115. As advised in paragraph 193 of the Officer's Report, the Section 106 would secure employment and training for local people and the Applicant has agreed to enter into a Unilateral Undertaking to ensure that employees in the proposed development are paid the London Living Wage.

55. During the course of the application, the proposed construction programme was adjusted in response to concerns raised by Constantine Ltd. Whilst this amendment wouldn't mean that they could stay in their existing building until their lease expires in 2028, they would be able to stay until 2022, which would allow them to be re-accommodated temporarily in Block A once that is constructed and then permanently rehoused in Block B if required. Officers consider this reasonable, robust and achievable. As Constantine's lease runs until 2028 they can't be forced to leave in advance. The applicant would need to negotiate a solution that is acceptable to all parties.
56. To ensure this process is reasonable, the proposals for relocation of Constantine Ltd would be developed and tested further through the Business Relocation Strategy that would be secured through the Section 106 Agreement. This strategy would be required to comply with the requirements set out in Policy P38 of the draft New Southwark Plan, particularly the following:
  - It would be written in consultation with the affected business;
  - It would set out viable relocation options, including specific business requirements and any temporary relocation arrangements;
  - It would set out details of all relocation options explored and the assistance that will be provided;
  - It would provide evidence that the relocation option is suitable for the viable continuation of the business; and
  - It would demonstrate collaboration with other land owners where necessary.
57. Based on the construction activity safeguards that the Construction Environment Management Plan (CEMP) required by the Section 106 would secure, Officers are satisfied that Constantine's operations on the site would not be harmed. As a result of these safeguards, it is also not considered necessary to impose the conditions suggested. Guidance on preparing CEMPs and best construction practice can be found at <http://www.southwark.gov.uk/noise-and-antisocial-behaviour/construction-noise>. The CEMP would oblige the Applicant, developer and contractors to commit to current best practice with regard to site management and to use all best endeavours to minimise off site impacts. A copy of the CEMP would be available on site at all times and would include the following information:
  - A detailed specification of demolition and construction works at each phase of development including consideration of all environmental impacts and the identified remedial measures;
  - Engineering measures to eliminate or mitigate identified environmental impacts e.g. acoustic screening, sound insulation, dust control, emission reduction, location of specific activities on site, etc.;
  - Arrangements for direct responsive contact for nearby occupiers with the site management during demolition and/or construction (signage on hoardings, newsletters, resident's liaison meetings);
  - A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme;
  - Site traffic – Routing of in-bound and outbound site traffic, one way site traffic, lay off areas, etc.; and
  - Waste Management – Accurate waste identification, separation, storage, registered waste carriers for transportation and disposal to appropriate destinations.

58. All demolition and construction work would then be undertaken in strict accordance with the plan and relevant codes of practice, unless otherwise agreed in writing by the Local Planning Authority.
59. Three late objections all raising similar issues have also been received from local residents. The issues raised in these objections are as follows:
- Consultation was very limited and has not engaged the local population;
  - The design is poor and not sensitive to the area;
  - The buildings are too tall;
  - The proposed development would block sunlight to neighbouring buildings.
  - The proposals do not meet the Council's own policies in relation to design, density and affordable housing;
  - The proposals do not meet the GLA policies of design and density;
  - Concern that the 35% affordable housing offer will not be delivered because the Applicant has claimed that the scheme is 'technically unviable' at this level;
  - Lack of detail of what 'affordable housing' is (rent levels etc.) or any detail about where the properties will be in the buildings;
  - The review mechanism required by the GLA is essential;
  - The proposals would contribute to the social cleansing of the Old Kent Road. There is no where near as much interest in the fate and future of the Ledbury Estate and the Tustin Estate, both social housing estates over the road from these developments; and
  - The Planning Department are influenced and controlled by Developers and are not working in the best interests of local people. There seems to be a fear that Developers will pull out if they are made to deliver on policy.
60. Officer Response: Concerns of this nature are all addressed in full in the Officer's Report. In terms of consultation, the council wrote to approximately 500 local addresses to inform them of this application. These addresses were subsequently re-consulted twice during the course of the application. The Statement of Community Involvement submitted by the Applicant confirms that the following public consultation events were held prior to the submission of the application:
- Workshop: Wednesday 13th December 2017, 1pm – 8pm, at Christ Church Peckham. Invitations sent to 3,700 households. 35 people attended the workshop and 22 left comments.
  - 2 day Public Exhibition: Thursday 18th January 2018, 4pm – 8pm and Saturday 20th January 2018, 10am – 1pm, at Christchurch Peckham. Invitations sent to 3,700 households. 28 people attended these exhibitions and 10 left feedback.
  - 2 day Public Exhibition: Wednesday 21st February 2018, 4pm – 8pm and Saturday 24th February 2018, 10am – 1pm, at Christ Church Peckham. Invitations sent to 3,700 households. A full-page advert was placed in the Southwark News during weeks commencing 12th and 19th February 2018. 17 people attended the exhibition and 10 left comments.
61. There is also a dedicated website providing information about proposals and acting as a contact point. The website can be found at [www.avanton-rubytriangle.co.uk](http://www.avanton-rubytriangle.co.uk).
62. In relation to the character of the area and the impact of the taller buildings, the Officer's report concludes that the proposals comply with adopted London Plan (2016) requirements for tall buildings and that the architectural design and material quality would be of the highest standards. A full assessment of the submitted Townscape and Visual Impact Analysis is set out in the Officer's report, concluding that of all the views tested, there are only seven in which the impact could be considered harmful. On balance, Officers are of the view that the harm would be less

than substantial, as defined by the NPPF 2018, and that this harm would be outweighed by the wider regeneration benefits of the proposals

63. In relation to density, Strategic Policy 5 of the Southwark Core Strategy clearly states that within opportunity areas, maximum densities may be exceeded when developments are of an exemplary standard of design. In relation to GLA policies, Officers from both authorities have worked with the Applicant to ensure the scheme delivers the highest design quality particularly given the high density and large scale of proposals. The Applicant has provided additional information as well as revised floorplans that address the concerns raised in the GLA Stage 1 report, and GLA Officers have confirmed that they are broadly satisfied with the quality of residential design and architecture proposed.
64. In relation to daylight, sunlight and overshadowing, the submitted analysis demonstrates that most of the neighbouring buildings would not experience any harmful change as a result of the proposed development. Those that would experience a change in excess of guidelines set by the Building Research Establishment (BRE) would maintain a level of daylight and sunlight considered adequate for a dense urban location. The overshadowing tests demonstrate that all rear gardens of neighbouring properties would comply with BRE guidelines.
65. With an offer of 40.5% affordable housing, the proposals exceed Southwark Planning Policy requirements. The affordable housing proposed would be secured through the Section 106 Legal Agreement. As set out above, the Council's viability consultant has reviewed the submitted viability assessment and amendments and concludes that although the proposals are marginally unviable, they could become viable as a result of some relatively small changes in costs or values. The details of the affordable housing offer are set out in the submitted viability assessment and the Applicant has confirmed that rent levels would not exceed the rent levels determined by the formula set out in the HCA Rent Standard Guidance. The details of where the affordable housing would be within the proposed buildings are set out clearly in the proposed area schedule and on the plans submitted. The review mechanisms required by the GLA would be secured through the Section 106 Legal Agreement.
66. Over the last year, the Council has committed time and resources to improving the existing estates in the Old Kent Road Opportunity Area, and there have been discussions with the TRAs and residents of both the Tustin and Ledbury Estates. Any broader proposals for the future of these estates would however need to be led and agreed by residents.
67. Planning Officers have acted professionally throughout the course of this application. As required by paragraph 38 of the NPPF (2018), Officers "work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area". In this instance, the Applicant has been held to planning policy requirements, but balanced judgements have been applied where necessary, and these are set out in detail in the officer's report.
68. Another late objection from a neighbouring resident raised concerns about magpies in the trees surrounding the Canal Grove Cottages and the potential for their nests or eggs to be disturbed.
69. Officer Response: The trees referred to are outside the application site boundary. There are no proposals to make any changes to these trees. Furthermore, all breeding birds are protected from deliberate destruction under the WCA (1981). This is acknowledged in the Preliminary Ecological Assessment and Ecology Enhancement Strategy submitted in support of the application. This document states that "if any nesting bird habitat is to be lost or disturbed through construction, then this should be cleared preferably outside of the nesting season (which is generally March to August) or if this is unavoidable after an ecologist has confirmed active nests are not present." There are no

70. One late response from a resident who lives near the site has also been received in support of the application. They describe the proposal as “ambitious development” and “exactly what the area needs”.

#### **REASON FOR URGENCY**

71. 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**

72. 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**

<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