

Item No: 6, 7.1 & 7.2	Classification: Open	Date: 14 May 2019	Meeting Name: Planning Committee
Report title:		Addendum report Late observations and further information	
Ward(s) or groups affected:		London Bridge & West Bermondsey & Old Kent Road	
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

Item 6 – Conservation Area Appraisals: Cobourg Road, Trafalgar Avenue and Glengall Avenue

3. Late information and revisions have been received in respect of the following items:
 - Glengall Road conservation area character appraisal and management plan

12 Ossory Road

4. Since the finalising of the report, it has come to officers' attention that 12 Ossory Road is currently being marketed as a potential development site. During the course of the conservation area appraisal drafting process, officers had identified the building as an important local heritage asset, which contributed positively to the area's industrial history. As set out in the draft appraisal, 12 Ossory Road was constructed by 1895 as a mineral water bottling factory, which operated on the site for nearly 100 years before being succeeded by a furniture manufacturer and then unauthorised use as a place of worship. The building is now vacant, and Officers have concerns that it is being allowed to fall into disrepair.
5. Located directly behind Nos. 7-23 (odd) Glengall Road the former Mineral Water and Ginger Beer Manufactory is a legible reminder of the industries that developed in the hinterland of the Grand Surrey Canal. The earliest part of this complex of buildings dates from 1895, with the main part of the former factory completed by 1914. It was also extended again Post WWII. The factory is built from characteristic London yellow stock brick, with polished brick quoins, natural slate roof and large prominent gable to the east elevation, facing a cobbled yard and entrance from Ossory Road. The building retains some original Crittal style warehouse fenestration, timber hoist doors and chimneys. A small range of ancillary buildings remain opposite the main factory to the east. The factory's heritage significance lies in its history as one the few remaining examples of the relationship between residential streets and industrial development connected to the 19th century. As such, officers are of the opinion it is worthy inclusion in the Glengall Road conservation area.

6. Officers' understanding of the current marketing of this building leads us to conclude that it is at risk of demolition if not given immediate protection through the planning system. The loss of this currently undesignated heritage asset would be of detriment to the Old Kent Road Area, which over time has lost the vast majority of its industrial heritage. It is considered important to protect and retain the remaining traces of this industrial heritage wherever possible.
7. The site is being marketed as a development opportunity, however the potential of this site is already limited by existing and emerging policy. 12 Ossory Road does not sit within a site allocation for the Old Kent Road Opportunity Area. The sub area guidance in the draft Old Kent Road Area Action Plan (AAP) (2017) identifies it as a building of architectural or historic importance and as such it is shown as being retained in the AAP masterplan. Furthermore, draft policy AAP9 in that document states that we will require the "retention and reuse of buildings and features that add character to the Old Kent Road area" and that development must "preserve or enhance locally important historic buildings set out on the sub area guidance" (as 12 Ossory Road is). The building has also been included on the borough's draft Local List.
8. 12 Ossory Road currently falls within a Strategic Industrial Land designation; within which residential (or any other non B class) development would represent a departure from approved policy. This designation would be retained under proposals for the Opportunity Area, and complemented by a newly designated Locally Significant Industrial Site (LSIS) immediately adjacent.
9. The control afforded by placing 12 Ossory Road within the conservation area would mean that planning permission is required for demolition and any alterations would be required to preserve and enhance the significance of the Glengall Road Conservation Area.



Figure 1: The factory from Ossory Road



Figure 2: Within the complex, looking towards the north elevation



Figure 3: Cobbled yard



Figure 4: Map of the proposed extension (in red) to Glengall Road Conservation Area.

Burgess Park extension

10. A section of Burgess Park is also proposed to be included in the conservation area. As set out in the appraisal, this area has historic significance to the former residential streets of Glengall Road and Trafalgar Avenue as it contained the former street and front garden trees of the properties which existed there prior to demolition post war. Furthermore, the pavement and street layout of the mews properties is also remaining on the ground, and as such provides a legible interesting feature of the former development pattern of the area, relating to Glengall Road and Trafalgar Avenue. The land relating to the park is owned freehold by the Council, as such officers in Parks and Leisure whom manage this area have been briefed on this addendum. An application for Tree Works in a Conservation Area would be required should the Council want to undertake works to the trees in this area. Any future development requiring planning permission would need to preserve or enhance the character and appearance of the conservation area.

National and Local Planning Policies

11. National Planning Policy Framework: Chapter 16: Preserving and Enhancing the Historic Environment
12. Saved Southwark Local Plan Policies: 3.12 Conservation of the Historic Environment and 3.16 Conservation Areas
13. Of particular note:
14. Draft Old Kent Road Area Action Plan Policies: AAP 9; Character and Heritage
15. AAP 9 requires the retention and reuse of buildings that add character to the Old Kent Road area and preserve or enhance locally important buildings as set out in the sub areas.
16. Sub area 2 of the APP notes the sites contribution to local heritage, including the building, its architectural character and form, and historic cobbled street approach. The sub area 2 map designates the 12 Ossory Road as a building of architectural or historic interest.
17. The site lies outside of any designated site development plan policy including the immediately adjacent OKR10 area.

Item 7.1 – Application 18/AP/0900 for: Full Planning Application – Capital House, 42-46 Weston Street, London SE1 3QD

18. **Paragraphs 23 and 30:** The March 2018 scheme was 157.07m (AOD) tall and 153.03m tall above ground level. The amended November 2018 scheme currently being considered is 137.9m in height (AOD) and 133.94m in height above ground level.
19. **Paragraphs 26:** All pre-commencement conditions for the previous consent have been approved.
20. **Paragraph 44:** The Blackfriars Road SPD does not apply to this area.
21. **Paragraph 338:** Officers consider that the view from the Tower of London World Heritage Site would not be harmful.
22. **Paragraph 121:** The top of the building is cut away to the north as opposed to the North West.
23. **Paragraph 124:** The March 2018 scheme is 157.07m tall (AOD).
24. **Paragraph 149:** The Councils viability consultants AY identified a surplus of £6.96m based on current day costs and values. With sensitivity analysis, AY considered the applicants previous affordable housing offer of £28,747,000 as the maximum reasonable payment in lieu of affordable housing. The affordable housing offer has since increased to £34.1 million and AY do not consider that there has been any considerable market movements to suggest that their previous conclusion would change. The new offer is greater than the original offer on which AY's assessment was based upon and therefore can be considered to be the maximum reasonable amount of affordable housing
25. **Paragraph 223:** The ES (Nov 2018) indicates a total of 33½ Full time equivalent (FTE) jobs for the student uses. The March 2019 Addendum indicates a further 10 FTE associated with the commercial uses. This gives 43½ FTE jobs.

26. **Paragraph 233:** This paragraph should be amended to read as follows:

Section 143 of the Localism Act states that any financial contribution received as community infrastructure levy (CIL) is a material 'local financial consideration' in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration. However, the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport invests in London as a whole, primarily Crossrail. While Southwark's CIL will provide for infrastructure that supports growth in Southwark. In this instance an estimated Mayoral CIL payment of **£1,347,710.63** and a Southwark CIL payment of **£3,321,708.02** are due.

27. This is to confirm the correct CIL payments based on the proposed floorspace figures.

28. **Paragraph 240:** Under the Be Clean section, clarification is provided that the CHP unit will serve the domestic hot water demand and space heating will be provided by electric heating panels.

29. **Paragraph 243:** The applicant has hosted three, two-day exhibitions on the scheme alongside the consultation undertaken for the wider framework.

30. **Paragraph 316:** The building will be fitted with wet risers rather than dry risers.

31. **Ground floor space:** This is proposed as affordable space and will be secured as such under the legal agreement.

32. **Paragraph 170:** 955 should read as 95%

33. **Paragraph 173:** Whilst the overall effect upon 62 Weston Street is summarised as minor, which is in accordance with the technical analysis the effect upon the 7 windows which lose between 20% and 29% VSC should be minor adverse in line with the table set out at Para 167. The number of rooms should also be clarified as 12.

34. **Paragraph 186:** This section compares the existing baseline levels of VSC and NSL with those in Cumulative Scenario 2, which assumes the prior construction of Vinegar Yard, Three Ten Bermondsey, 2-4 Melior Place and Beckett House. The reductions in baseline BRE compliance are not attributed solely to Beckett House as there is also a reduction in baseline BRE compliance in Cumulative Scenario 1, which assumes the prior construction of Vinegar Yard, Three Ten Bermondsey and 2-4 Melior Place only.

35. **Paragraph 187:** This should note the increase in the effect upon 38 Snowfields from negligible in the existing v proposed scenario to minor adverse in Cumulative Scenario 2.

36. **Paragraph 189:** There are some windows which will experience changes in VSC which are of moderate/major adverse significance as acknowledged in previous paragraphs.

37. The following response has been received from the Conservation Area Advisory Group:

The panel was highly critical of this scheme for "high end" student housing close to London Brodge Station and The Shard with no public amenity space or social housing contribution but with a three-storey high immigration museum at its base (with charged for entry). It was noted that Historic England had raised objections to its impact on views from The Tower of London. The panel was also concerned about its impact on the old Guy's Hospital buildings and other listed buildings to the east in St

Thomas Street and to its relationship with the Shard. In particular the panel thought the building too high (it should not exceed the 135ft height of Guy's Tower) coarse, over-scaled, inelegant, self-referential, "flashy" and not contextual. The coarse handling of the bulk and modeling of the tower produced a heavy looking, unsubtle tower. Its origami façade with flashes of colour was thought brash and entirely inappropriate to the site. At street level the scale of its 3 storey high ground floor was considered to suffer from "giganticism" It was criticized as entirely inappropriate to its location in largely Victorian and Georgian St Thomas Street and its street level as not human in scale. It was thought that it would overshadow the adjoining CA's and relate unfavourably on London-wide strategic protected views. In particular it would clutter the views in which the very tall but very elegant Shard "shines".

Response – It should be noted that the comments set out by CAAG above were based on the scheme as originally submitted in March 2018. Since that time the scheme has been amended and reduced substantially in height. These revisions were received in published in November 2018 and Officers consider that they significantly reduce the potential impact on the Conservation Area.

38. Following publication of the committee report a further three objections have been received that raise the following points:

- Impact on heritage assets including Bermondsey Street conservation area, listed buildings and the Tower of London;
- Failure to apply NPPF Paragraph 124 and the Design sections;
- Environmental impacts including impacts on noise, wind, microclimate, overshadowing and daylight/sunlight;
- Insufficient public space;
- Insufficient cycle parking;
- Lack of on-site affordable housing;
- Inappropriate in lieu payment;
- Incorrect CIL figures;
- Failure to meet 35% carbon reduction required by policy;
- Lack of published viability information.
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Item 7.2 – Application 18/AP/3551 for: Hybrid Planning Application – SOUTHERNWOOD RETAIL PARK, 2 HUMPHREY STREET, LONDON, SE1 5JJ

Revised description

39. With clarification of the figures set out below, the revised description for the proposed hybrid development is:

Hybrid planning application for detailed permission for Phase 1 and outline planning permission for Phase 2 comprising:

Application for full planning permission for 'Phase 1' comprising demolition of existing buildings and the erection of a part 9, part 14, part 15, part 48 storey development (plus basement) up to 161.25m AOD, with 940 sqm GIA of (Class A1) retail use, 541 sqm GIA of flexible (Class A1/A2/A3) retail/financial and professional services/restaurant and café use, 8717sqm GIA (Class C1) hotel; 541 (class C3) residential units (51,757 sqm GIA); landscaping, public realm and highway works, car and cycle parking and servicing area, plant and associated works.

Application for outline planning permission (with details of internal layouts and external appearance reserved) for 'Phase 2' comprising demolition of existing buildings and the erection of a part 9, part 12, storey development (plus basement) up to 45.80m AOD, with 1049sqm GIA of flexible (Class A1/A2/A3) retail/financial and

professional services/restaurant and café use; 183 (Class C3) residential units (17,847sqm GIA), 1141sqm GIA (Class D2) cinema and the creation of a 475sqm GIA (Class C1) hotel service area at basement level; landscaping, public realm and highway works, car and cycle parking and servicing area, plant and associated works.

Affordable housing offer

40. For the avoidance of doubt, the percentage of affordable housing by habitable room proposed within the scheme is 35.52%. This is a policy compliant offer and equates to 219 affordable units.
41. The percentage of affordable housing by habitable room split between social rent and intermediate housing is Social rent: 25.18%, Intermediate: 10.34% This is also a policy compliant offer.

Table: Affordable housing offer

Type	Total	Percentage
Total habitable rooms	2117	-
Private habitable rooms	1365	64.48%
Affordable habitable rooms, consisting of:	752	35.52%
- Social rent habitable rooms	533	25.18%
- Intermediate habitable rooms	219	10.34%

Residential unit numbers and housing mix

42. For the avoidance of doubt, the proposed unit mix for the overall scheme is:

Table: Overall housing mix

Unit type	Total market units	Total affordable units	Affordable Social Rent units	Affordable Intermediate units	Total units	% Units
Studio	18	0	0	0	18	2%
1-Bed	183	94	58	36	277	38%
2-Bed	266	72	44	28	338	47%
3-Bed	38	53	46	7	91	13%
Total	505	219	148	71	724	

43. At 2%, the number of studio flats is well within the 5% limit and so is acceptable. 60% of units would have two or more bedrooms and this meets the 60% target. Overall, just 13% of the units would have three or more bedrooms, which is below the 20% requirement. For the affordable housing however, 24% would have three bedrooms.
44. 31% of the Social Rent units are 3 bed units. This is well in excess of the 20% requirement, and could be allocated for those residents who have families with children that need bedrooms (to meet an identified need), rather than for the private units whereby bedrooms meet a general demand for extra space and are far more likely to be used as studies rather than children's bedrooms (reflected in the significantly reduced child yield ratio). There is a shortfall in two and three bedroom units overall, the percentage of three bedroom units in the affordable housing mix would be fully compliant. The housing mix is therefore, on balance, found to be acceptable
45. For the avoidance of doubt, 541 units are proposed in Phase 1 and 183 units in Phase 2.

Table: Phase 1 total units and tenure

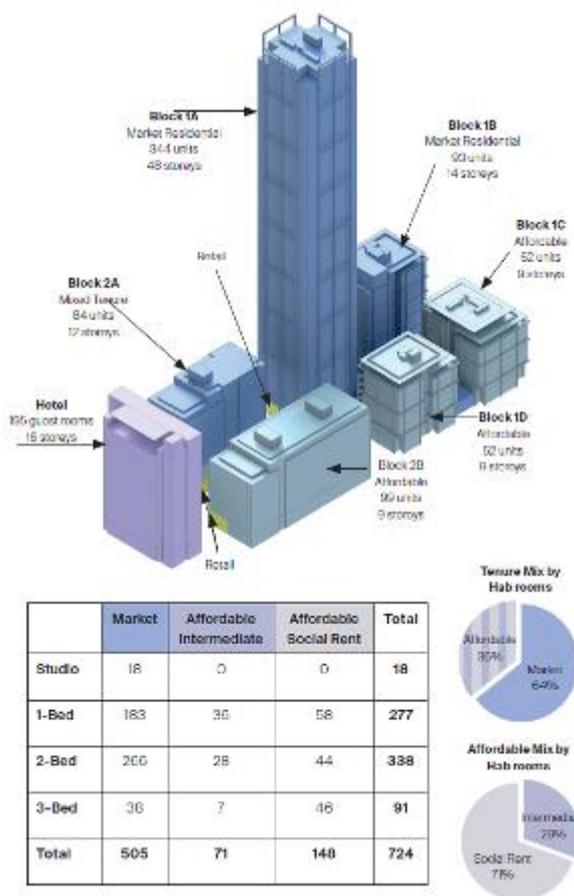
Block	Social	Intermediate	Private	Total
Block 1A	0	0	344	344
Block 1B	0	0	93	93
Block 1C	52	0	0	52
Block 1D	52	0	0	52
Total	104	0	437	541

Table: Phase 2 total units and tenure

Block	Social	Intermediate	Private	Total
Block 2A	0	16	68	84
Block 2B	44	55	0	99
Total	44	71	68	183

46. All units in Block 1D are now social rented units.

Image: Location of tenures and units



50% affordable housing on publically owned land

47. The GLA raised the issue as to whether or not the application site should be treated as “Public Land” within the meaning of the Homes for Londoners” Affordable Housing and Viability Supplementary Planning Guidance SPG (2017) and/or “Public Sector Land” under policy H6 of the draft London Plan. This is because the land is owned by Strathclyde Pension Fund and administered by Glasgow City Council.

48. The SPG states at paragraphs 2.33 to 2.36:

“2.33 ... land in public ownership should make a significant contribution towards the supply of new affordable housing. Land that is surplus to public sector requirements typically has a low value in its current use, allowing higher levels of affordable

housing to be delivered. For these reasons the Mayor has an expectation that residential proposals on public land should deliver at least 50 per cent affordable housing to benefit from the Fast Track Route.

...

2.36 This will apply to land that is owned or in use by a public sector organisation, or a company or organisation in public ownership, or land that has been released from public ownership and on which housing development is proposed.”

49. Draft London Plan policy H5(4) sets out the requirement for “public sector land” to deliver at least 50% affordable housing across their portfolio. This is in turn subject to the threshold approach to viability as set out in Policy H6 of the draft London Plan. This sets the “Fast track” threshold for public sector land at 50%. If 50% can be met there is no need to complete a Financial Viability Appraisal. If not, then a detailed Financial Viability Appraisal is required to set out why 50% cannot be achieved.
50. A legal opinion by Paul Tucker QC of Kings Chambers supplied by the applicant states that the Strathclyde Pension Fund’s land assets should not be considered as “public sector land” under policy H6 of the draft NLP or under the SPG. The Fund’s objectives are to maximise the value and return upon its investments in order to generate revenue to pay members’ pensions. *“The fund has no public facing function and does not operate for the public benefit. The effect of including the Fund’s land within the ambit of these policies is in effect to penalise the members of the Fund simply for having worked as public servants...”*
51. In addition the opinion also notes that the draft policy makes reference to surplus land that has low value in its current use. The draft New London Plan evidence base considers such low value sites, it does not consider high value land that is currently in active use as is the case here.
52. Officers have reviewed the applicant’s legal advice and consider that they have made a well reasoned case for not applying policy H5(4) to this application. The GLA advise that they are seeking their own legal opinion on whether the applicant is considered a public body.
53. In light of this, if the ownership of the land is not by a public body, the 50% affordable housing policy requirement of H5(4) in the draft London Plan and guidance in the SPG is not applicable in this instance, and therefore the scheme is able to benefit from the fast track process on the basis of providing at least 35% affordable housing.
54. The draft New Southwark Plan requires a minimum affordable housing offer of 35% affordable housing irrespective of the land owner.
55. Even if you were to apply that draft New London Plan policy to this application, it would mean that it couldn’t benefit from the “fast track” route and would be subject to viability testing. The applicant has completed a Financial Viability Appraisal which the council has independently assessed which shows that the scheme’s offer of 35% is the maximum viable provision. The applicant is offering 35.52% by habitable room which is policy compliant.
56. A further legal opinion in the form of an email from Jon Gorst, Head of Regeneration and Development Team, is set out in Appendix 1 of this addendum..

Building heights

57. For the avoidance of doubt, the confirmed AOD heights of the proposed buildings in Phase 1 and 2 are:

Table: Building heights

Phase	Block	No. of floors	Building height (m) AOD
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Phase 1	1A - Tower	48	161.25
Phase 1	1B	14	49.45
Phase 1	1C	9	33.74
Phase 1	1D	9	36.70
Phase 1	Hotel	16	56.50
Phase 2	2A	12	45.80
Phase 2	2B	9	36.70
Phase 2	Cinema	Ground floor entrance pavilion structure and Basement	5.25

Clarification of floorspaces

58. For the avoidance of doubt, the following figures are the *confirmed* floor spaces by land use within the proposed development.

Table: Clarified floorspace

Phase	Land Use	Clarified floorspace (GIA) sqm	Previously stated floorspace (GIA) sqm
Phase 1	Hotel	8,717	8,671
Phase 2	Residential	17,751	17,847
Phase 2	Cinema	657	1,141

59. The total proposed commercial floorspace by land use for the development is:

Table: Overall commercial floorspace

Phase	Use Class	Floorspace (GIA) sqm
Phase 1	Hotel (Class C1)	8,717
Phase 1	Retail large format (Class A1)	910
Phase 1	High Street commercial (Class A1-A3)	541
Phase 2	High Street commercial (Class A1-A3)	1,049
Phase 2	Cinema (D2)	1,141
	Total	12,358

Units per core

60. For the avoidance of doubt, 100% of units are accessed by cores that have 8 units or less and not 63%.

Wheelchair units

61. There are 37 adaptable/wheelchair units proposed within Phase 1 and not 38. The 7 maisonettes have accessible DDA access via the blocks core. Along with a toilet at entry level meeting the requirements of M4(2).

Cinema

62. The applicant has confirmed that the proposed cinema will have three screens and not two.

Bakerloo Line Extension

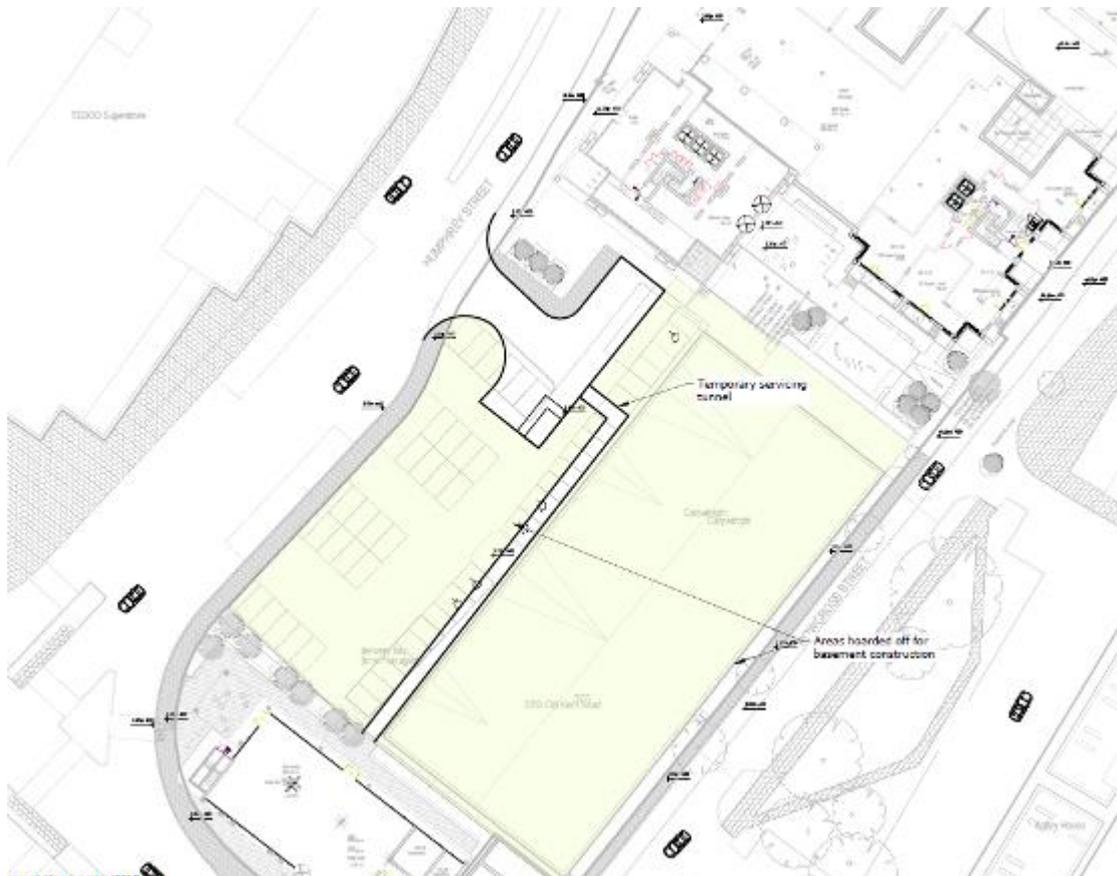
63. For the avoidance of doubt, the proposed conditions 5 & 6 have been recommended to ensure that Transport for London would need to approve the foundation design for the hotel in Phase 1 and the basement design of Phase 2 to avoid conflict with the running tunnels.

64. It is recommended that the s106 legal agreement includes provision for Transport for London to be a co-signatory to the legal agreement to provide the requisite safeguards to delivery of the Bakerloo Line Extension including the potential scenario where the new underground station would need to be built on the application site, plus associated work site requirements.
65. The scope and clauses for the S106 agreement in relation to the Bakerloo Line Extension will be agreed between the council, the applicant and Transport for London.

Hotel Servicing during Phase 2 construction

66. Following discussions with Transport for London, and their concerns about the interim servicing arrangements for the hotel once Phase 2 development begins and subsequent discussions with Southwark highways specifically concerning the use of Rowcross Street, the applicant has proposed a two phase construction timeline, a dedicated hotel servicing, accessible parking and drop-off facility to be maintained during the basement construction works, and a secure temporary servicing tunnel within the existing car park for the interim period which will be maintained until the basement is fully functional. The temporary tunnel would be serviced using trolleys or electric tugs.
67. Once the Phase Two basement has been part constructed (eastern side), the hotel servicing, hotel accessible parking facility and hotel taxi drop-off will be moved to the basement area.

Image: Temporary Hotel Servicing Arrangements. Excerpt from drawing 1802075-SK09



68. It should be noted that until the arrangements for the BLE station and tunnelling are finalised the proposed interim arrangement may be subject to change, as neither the hotel or Phase 2 can proceed without satisfying either the S106 obligation with TfL or

the relevant conditions. Officers consider this a reasonable proposal to mitigate this concern.

Cycle parking

69. Following discussions with Transport for London regarding their concerns over an under-provision of cycle parking, the applicant proposes an active cycle facility which will be used by residents and visitors as well as providing suitable cycle parking capacity for future demands. The basement has been rearranged to create additional residential cycle parking to bring the proposed long-term provision in line with the current London Plan standards. See revised drawing 1632-PP-Z1-B1-DR-A- 10-0099-P2.

Land Use		Phase 1 – Long Stay	Phase 1 – Short Stay	Phase 1 & 2 – Long Stay	Phase 1 & 2 – Short Stay
Retail		6	20	15	63
Hotel		10	4	10	4
Residential	General	726	14	1,133	18
	Other – large cycles/ general public realm	12	76	27	27
Cinema		-	-	2	2
TOTAL		754	114	1,187	114
London Plan Standards (2016) Total		878	51	1,180	87

70. The cycle parking will also be supported by the following cycle infrastructure to enhance the cycle experience to include:
- A mix of Sheffield stand cycle parking and stackers;
 - Provision of Brompton lockers to store resident cycles; (10% of the overall resident provision);
 - Provision of electric cycle charging facilities;
 - Dedicated cycle parking area for accessible cycles/tricycles/recumbent cycles, handcycles and cargo bikes with level access available via the cycle lifts;
 - Cycle hubs within the basement to facilitate repairs;
 - Visitor cycle parking within the public realm in accordance with the draft London Plan;
 - Provision for covered visitor cycle parking in the public realm; and
 - Opportunity for Santander cycle parking provision within the development public realm subject to space requirements/suitable location.

71. The quality of the cycle parking is subject to a condition for detailed design.

Car Parking Design and Management Plan

72. There has been a reduction in accessible car parking provision due to the revised cycle parking provision and the focus on delivering the London Plan (2016) standards for the full development. The full scheme will provide 59 accessible car parking spaces which will represent 8.1% of the overall number of dwellings. This is a shortfall of the 10% required, but is considered an acceptable balance between the two requirements. The full scheme will also provide one dedicated accessible car parking space for the hotel use to bring the total accessible car parking provision to 60 spaces

within the basement. There is further flexibility to rearrange basement parking provision at a later stage.

Transport Assessment

73. It is considered the information presented in the Transport Assessment is robust for the purpose of the planning application.

Car club bay location

74. For the avoidance of doubt, the proposed car club bay is located in the Phase 1 basement and not at-grade.

Construction phasing

75. Phase 1 of construction would likely commence construction in 2020 and not 2019, notwithstanding matters arising from the planning and delivery of the Bakerloo Line Extension that are addressed by condition and S106 legal agreement.

Planning Obligations

76. It has been agreed with the applicant to direct a S106 financial contribution to the council's youth work for the over 12s at 231 Old Kent Road, of which £22,000 will be paid on signing S106, and offset against later contributions. This would fund the use of the 2 upper floors of the 231 Old Kent Road building as a base for Southwark Young Advisors, providing safe space for after school use. It is envisioned that the space would be open from 3pm to 7pm for three or four days a week and would provide Wi-Fi, refreshments and a place to do revision, prepare CCs, business ideas and 'hang out'. It would be staffed by two Southwark Young advisors and managed by the council.
77. The carbon tonnage and offset contribution has been amended upwards to reflect the latest revisions to floorspace and equates to a contribution of £881,983.51.
78. A section 106 agreement clause is recommended preventing more than 50% of the private units from being occupied until the affordable units have been completed, for each phase of development (Phase 1 and Phase 2)
79. Revised contributions and job creation from the council's Local Economy Team are:

Full application – Phase 1:

- 112 sustained jobs to unemployed Southwark residents,
- 112 short courses
- 28 construction industry apprentices during the construction phase, or meet the Employment and Training Contribution. The maximum Employment and Training Contribution is £534,450 (£481,600 against sustained jobs, £16,800 against short courses, and £42,000 against construction industry apprenticeships).

Outline application – Phase 2:

- 41 sustained jobs to unemployed Southwark residents,
- 41 short courses,
- 10 construction industry apprentices during the construction phase, or meet the Employment and Training Contribution. The maximum Employment and Training Contribution is £197,450 (£176,300 against sustained jobs, £6,150

against short courses, and £15,000 against construction industry apprenticeships).

80. A Car Parking Design and Management Plan should be provided and agreed.

Community Infrastructure Levy (CIL)

81. The approximate and Community Infrastructure Levy payments for the development are £18,411,282.08 for Southwark and £4,093,233.85 for Mayoral CIL. The actual CIL figure will be issued on the CIL liability notice once the permission is granted.

London Living Wage

82. The applicant has advised that they are willing to commit to paying the London Living Wage to all facilities management and servicing staff and to the Hotel personnel, but they are unable to commit to this during construction and for the retail/ cinema uses. This is due to ongoing commercial negotiations and the potential impact on independent businesses/ start-ups in the affordable retail space.

View of St Paul's Cathedral from Nunhead Cemetery.

83. For clarity, although the proposed amendments to the emerging New Southwark Plan seek to reduce the height of the Nunhead to St Paul's Cathedral viewing plane from 52.1m to 45.0m AOD to include the entire length of St Paul's Cathedral's balustrade, the proposed hotel appears in this view mostly sits in front of the Guy's and St Thomas' Cancer Centre building and where it appears in front of the cathedral it sits below the proposed 45m AOD threshold.

Publically accessible viewing area on Block 1A (The Tower)

84. In this instance, the provision of a publically accessible viewing area in the tower is not considered appropriate as a second entrance, reception and lift within the core cannot be accommodated in a single use tower. The use of the residential core is not appropriate for security and personal safety reasons.

Additional Consultation Responses

85. Following reconsultation on revisions to the scheme 15 representations were received that consisted of 13 objections and 3 representations of support.

SUPPORT

86. The matters of support raised were:
- New homes including affordable homes
 - New jobs and investment
 - The site is an appropriate location for tall buildings and a high density scheme as it is next to the proposed Underground Station and close to all the bus routes.
 - The hotel is supported.
 - Better landscaping and greening.
 - The site is underutilised and the car park has antisocial behaviour
 - The underground car parking and servicing is supported

OBJECTIONS

87. The issues raised within the objections are summarised below:

Loss of retail

88. Officer response: Retail re-provision is proposed as part of the application. Conversations as to the type of retailers who will lease space are ongoing with the developer and retailers. As the proposal is phased two retail units will remain in situ until the mid 2020s,

Excessive building heights and negative impact on the skyline

89. Officer response: The proposed building heights are tall and will be visible on the skyline. It is officers view that the proposal is of exemplary design, is located in an appropriate location for tall buildings and optimises the use of the site with major regeneration benefits.

Impact on Burgess Park, changing the views and its character for the worse

90. Officer response: The proposed buildings will be visible from the Burgess Park and this will add a new element to the character of the area. It is officers view that any harm to the park would not, on balance, warrant refusal of the application.

The scheme is over development

91. Officer response: The scheme successfully optimises the use of the site within the Old Kent Road opportunity Area. It will enhance the local area in terms of new homes, jobs, town centre uses and public realm.

Loss of privacy to neighbours

92. Officer response: Privacy impacts are considered acceptable as a result of layout and separation.

Harmful Impact on daylight and sunlight

93. Officer response: The daylight / sunlight impacts are set out in the main report,

Number of affordable homes and accessible homes

94. Officer response: The scheme will deliver 724 new homes and 35.52% affordable homes by habitable rooms that equates to 219 affordable homes (148 Social rent, 71 Intermediate)

Hotel is not required

95. Officer response: A hotel is supported as an appropriate use in this location as part of a town centre that delivers a diverse offer of retail, services and new jobs.

Design of buildings does not match the character of the area.

96. Officer response: The design of the proposal is considered appropriate.

Bakerloo Line Extension station and plans are not confirmed and the Transport Infrastructure not yet delivered to enable the scheme

97. Officer response: Discussions with TfL and the applicant are ongoing in relation to the delivery of the BLE. As noted above and in the main body of the report, it is suggested that TfL are a cosignatory of the s106 legal agreement and foundation conditions. Further s106 contributions will be secured for bus services.

Does not deliver the OKR AAP masterplan, public realm and building heights

98. Officer response: The proposed scheme broadly follows the emerging masterplan for the area and is considered acceptable. The proposed buildings heights are considered acceptable for its context within the OKR4 and the surrounding area, alongside the major regeneration benefits the scheme will deliver.

Negatively impacts the protected LVMF Serpentine view and draft New Southwark Plan view from Nunhead Cemetery.

99. Officer response: This is assessed within the main body of the report. It is officers view that the view of St Paul's Cathedral from Nunhead Cemetery is not harmed as the proposal does not extend into the draft protected view geometry. The proposed 48 storey tower is sited to the east of the Wider Assessment. The impact on the LVMF Serpentine view would not warrant the refusal of the application.

Impact on local services for new residents.

100. Officer response: Infrastructure will be upgraded using community infrastructure funding. The OKR AAP plans for the required improvements to services.

Parking Issues

101. Officer response: Car parking on local roads is managed using CPZs. Car free development is policy compliant.

Concerns over construction management impacts including noise, pollution and dust.

102. Officer response: Impacts would be addressed using construction management plans for both phases.

Does not achieve zero carbon

103. Officer response: This is addressed through a carbon offset payment.

Cause traffic congestion

104. Officer response: The scheme has been designed to reduce vehicular traffic and is car free, has good cycle parking provision and public transport accessibility.

Publication of Financial Viability Assessment

105. Officer response: Three objections were received requesting a delay in the determination of the planning application as the Financial Viability Assessment had been publically published on the planning register for 5 days rather than the 7 days as stipulated in the guidance in the council's Development Viability SPD. It is Officers view that the public has not been prejudiced to warrant delay. In this instance the development in question is dependant on planning permission having been granted 6 months in advance of the commercial lease on the site coming to an end. This will enable the developer to renegotiate the terms of those leases, which will in turn enable the first phase of the scheme to proceed and deliver new homes

Statutory Consultees

Transport for London

106. Representations have been received from Transport of London that raised a number of issues including the delivery of the Bakerloo Line Extension and running tunnel safeguarding, station location, worksite, public realm, cycle parking, car parking, servicing, transport assessment, location of the hotel and its phasing. Officers met Transport for London to further discuss the matters raised. The applicant has

provided further information and revisions to the scheme and these are addressed in the above report.

London Underground Infrastructure protection

107. No additional comments

Historic England

108. No additional comments

Arqiva

109. No additional comments

Environment Agency

110. No additional comments

New conditions

111. The following two new conditions are recommended:

- *FULL (PHASE 1) - Secure By Design Certification*
Before the first occupation of the building hereby permitted evidence that Secure By Design Accreditation has been awarded by the Metropolitan Police and that all approve security measures have been implemented shall be submitted to and approved by the Local Planning Authority.

Reason:

In pursuance of the Local Planning Authority's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions and to improve community safety and crime prevention in accordance with The National Planning Policy Framework 2018, Strategic Policy 12 - Design and conservation of The Core Strategy 2011 and Saved Policy 3.14 Designing out crime of the Southwark Plan 2007.

- *OUTLINE (PHASE 2) - Secure By Design Certification*
Before the first occupation of the building hereby permitted evidence that Secure By Design Accreditation has been awarded by the Metropolitan Police and that all approve security measures have been implemented shall be submitted to and approved by the Local Planning Authority.

Reason:

In pursuance of the Local Planning Authority's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions and to improve community safety and crime prevention in accordance with The National Planning Policy Framework 2018, Strategic Policy 12 - Design and conservation of The Core Strategy 2011 and Saved Policy 3.14 Designing out crime of the Southwark Plan 2007.

Amendments to proposed conditions

112. The following amended conditions are recommended. Text that is struck through would be deleted and bold text added to the condition:

- Condition 6: FULL (PHASE 1) - Foundation design (Bakerloo Line Extension)

*Notwithstanding the drawings hereby approved for the ~~development~~ **hotel**, before any work excluding demolition or site clearance or preparation hereby*

authorised **begins for the hotel element of Phase 1**, a detailed scheme showing the complete scope and arrangement of the foundation design and all below ground, ground and above ground works shall be submitted to and approved in writing by the Local Planning Authority and Transport for London and should demonstrate that the proposed development does not conflict with the running tunnels of the proposed Bakerloo Line Extension. The development shall not be carried out otherwise than in accordance with any such approval given.

Reason: In order that details of the foundations, ground works and all below ground and above ground impacts of the proposed development are detailed and do not conflict with running tunnels of the proposed Bakerloo Line Extension, accordance with Strategic Policy 12 - Design and Conservation of The Core Strategy 2011, Saved Policy 3.19 Archaeology of the Southwark Plan 2007 and the National Planning Policy Framework 2018.

- Condition 49. CAR CLUB BAYS

Delete the proposed condition and replace with:

Prior to occupation, details of the positioning of car club bays shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given. The car club bays shall remain for as long as the development is occupied.

Reason

To ensure the safety of motorists, cyclists and pedestrians in accordance with The National Planning Policy Framework 2012, Strategic Policy 2 - Sustainable Transport of The Core Strategy 2011 and Saved Policy 5.2 Transport impacts of the Southwark Plan 2007.

- Conditions 52 and 53: Hard and soft landscaping for Phase 1 and 2

Delete the following text:

~~*“The hard landscape materials must be natural stone with samples submitted to and approved in writing by the local planning authority”*~~

and replace with:

“Samples of the hard landscape materials must be submitted to and approved in writing by the local planning authority.”

- Conditions 75 and 97: Servicing Hours for Phase 1 and 2

*Any **at-grade** deliveries or collections to the commercial units hereby approved shall only be between the following hours: 08.00 to 20.00hrs on Monday to Saturday and 10.00 to 16.00hrs on Sundays & Bank Holidays.*

Reason:

To safeguard the amenity of neighbouring residential properties in accordance with The National Planning Policy Framework 2018, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policy

- Conditions 88 and 89: Hours of Use for A Class Uses for Phase 1 and 2

Note that the proposed A Classes Uses are Class A1/A2/A3 (Retail, financial and professional services and restaurant and café uses)

The ~~retail use~~ **A class uses** hereby permitted shall not be carried on outside of the hours ~~07.00-22.00~~ **07.00-23.00** (Mon to Sat) and ~~10.00-18.00~~ **10.00 - 22.00** (Sundays).

Reason:

To safeguard the amenities of neighbouring residential properties in accordance with The National Planning Policy Framework 2018, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

- Conditions 84: Phase 1 (FULL) - Hotel terrace hours of use

The commercial terrace hereby permitted on the top floor of the hotel shall not be in use after 23:00 on any day, **unless otherwise approved in writing by the Local Planning Authority.**

Reason:

To safeguard the amenities of neighbouring residential properties in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

Additional documents submitted by the applicant

113. The following additional documents have been submitted as part of the planning application:

- Technical Note 03 – Response to GLA Stage 1 Transport comments dated 13 May 2019 (TN03-GLA Comments Response for LBS v1.1.pdf)
- Letter to Transport for London dated from the applicant, dated 13 May 2019
- Development Summary

Amendments and Corrections

114. Text that is struck through would be deleted and bold text added to the report.

115. Page 196, point 25 – Access is from the central courtyard, not from Humphrey Street.

116. A correction to *Table: VSC Summary* on page 289. Row 320-322 Old Kent Road should read:

320-322 Old Kent Road (PH)	19	0	0	0	0	19
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117. Page 279, paragraph 1 - Amend text to: *the scheme delivers a ~~very~~ good level of sunlight amenity for the public and communal spaces.*

118. Page 291, paragraph 2 - Amend text to: *The applicant has considered that the effect of daylight amenity of a property in an urban context can be considered ~~minor adverse in situations where:~~ **minor adverse when either the reductions of daylight/sunlight are within 30% of the baseline figure, or the property retains a level of daylight/sunlight which is considered adequate given the Site's urban location.***

119. Page 291, paragraph 2 – add to numbered list: **iv) Daylight: Retaining at least 15% VSC and 50% NSL**

120. Page 292, paragraph 3 – Amend to text: However, if the self-obstruction element of this *building was not present, the applicant advises this window would retain a higher VSC of at least 15%, as shown by the neighbouring window.*
121. Page 295, paragraph 5 – Amend text: *The remaining room is located on the first **second** floor of the property and would have a retained VSC of 14%. Additionally, the room retains a No-Sky Line to 71 **38%** of the room's area, ~~which is only 9% below the recommended value as suggested by the BRE Guidelines. It is therefore considered that the overall effects to this room would be of minor-moderate adverse significance.~~ **which is only 12% below the alternative criteria. As mentioned it is assumed that each of the windows in the elevation of this property serves a habitable room, as the applicant was unable to obtain floorplans. It may therefore be the case that windows which serve non-habitable rooms have been included for assessment. When assessing the shape and size of the windows which serve R3/402 on the second floor, it would appear likely that these may not serve a habitable room. The overall effect upon this room could therefore be significantly reduced.***
122. Page 297, paragraph 4 – Amend text: *Of the 7 windows that do not meet the BRE Guidelines, **6 5** would retain a good level of total APSH with 25% or above.*

Updated plan numbers

New plan number	Superseded plan number
Façade detail Phase 1 Low rise PP-Z1-XX-DR-A-21-0003 P1	Façade detail Phase 1 Low rise PP-Z1 XX-DR-A-21-0003 P0
GA sections PP-ZZ-XX-DR-A-12-0001 P1	GA sections PP-ZZ-XX-DR-A-12-0001 P0
Basement Plan 1632-PP-Z1-B1-DR-A-10-0099-P2	Basement Plan 1632-PP-Z1-B1-DR-A-10-0099-P1
Masterplan Section A-A North – South looking West 1632-PP-ZZ-xx-DR-a-12-001 P2	Masterplan Section A-A North – South looking West 1632-PP-ZZ-xx-DR-a-12-001 P1

REASON FOR URGENCY

123. 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

124. 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
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Individual files	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403
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APPENDIX 1

Legal Opinion from Jon Gorst regarding 50% Affordable Housing on public land.

On 14 May 2019, at 11:10, Gorst, Jon <Jon.Gorst@southwark.gov.uk> wrote:

Councillors

After our meeting yesterday evening, I said I would take a closer look at the legal position and the suggestion that this site is "Public Land" which therefore should contribute 50% affordable housing.

I do not know what arguments were made in the recent Examination in Public of the London Plan, but having considered the background a little closer, I would be very surprised if they try to maintain this argument. This is an extract of Glasgow Council's Title.

Title absolute

1 (21.12.1995) PROPRIETOR: GLASGOW CITY COUNCIL acting as Administering Authority of the Strathclyde Pension Fund pursuant to the Local Government Superannuation (Scotland) Regulations 1987 (as amended) of City Chambers, Glasgow

The reality is that the City Council is effectively a bare trustee of this land and the beneficiaries are a number of retired public sector workers from across south west Scotland. There should be a clear distinction between land which a public authority owns in its own right, and (as is the case here) land which they hold for the benefit of others. It would be unfair on the retired workers if their pension expectation might possibly be impacted by the Mayor's decision – I have not looked at the Equalities Impact Assessment for the London Plan but this possible harm (which it is as this would reduce the capital value of the site and therefore the Fund's ability to pay pensions to retired workers) is something which ought to have been considered as there is a clear impact on persons having a protected characteristic.

As Cllr Situ identified yesterday, if this site is not "public land" then the GLA argument falls at the first hurdle. However, even if it is viewed as such, Colin Wilson explained yesterday that the London Plan has a very long way to go before it can be considered to be planning policy. At this stage it is a material consideration but one which can only be given limited weight. Juliet Seymour has confirmed that this is not an issue which has been addressed in the NSP.

In short, my firm view is still that the GLA are mistaken to contend that this site should be subject to 50% affordable housing. I do not think they will continue with this argument and, even if they did, the GLA position would not be binding at this stage on the Planning Committee as the Southwark Plan at this stage still has much greater weight. I think the Committee can safely proceed on the basis that it is the 35% level which is the correct position.

I hope this helps

Regards
Jon