

<b>Item No:</b> 6.1	<b>Classification:</b> Open	<b>Date:</b> 17 June 2019	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>		<b>Addendum report</b> Late observations and further information	
<b>Ward(s) or groups affected:</b>		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

### Item 6.1 – Application 17/AP/4508 for: Full Planning Application – 6-12 Verney Road, London SE16 3DH

3. The following corrections and amendments are proposed to the Case Officer's report:

In paragraph 24, B1 use is only proposed on Floor 1, not Floors 1 and 2. Residential use is proposed on floor 2-17.

In paragraph 25, "Child playspace and communal room" should read "Child playspace and open terraced area for communal use."

In paragraph 26 the reference to community use on the ground floor should be removed.

In paragraph 27 it should have been noted that an open terraced communal area is proposed in Building 2.

In paragraph 236, the reference to a 40% reduction against Part L of the Building Regulations of should read 35%, as per the GLA's target. The scheme achieves this 35% reduction.

### Planning obligations

4. The applicant has now agreed to all of the planning obligations previously referred to as "to be agreed" in the table under paragraph 256. The TfL cycle hire scheme contribution remains "not agreed" as the applicant has agreed to provide a 'Brompton style' cycle hire club on site instead. This approach is consistent with that taken in other schemes on the Old Kent Road Opportunity Area and therefore acceptable.

### B1(c) Use: Light industry appropriate in a residential

5. Negotiation on the quantum of industrial capacity to be re-provided on site has continued since the production of the Case Officer's Report. The applicant has now agreed in writing (email dated 16<sup>th</sup> June 2019) that 100% of the commercial space

proposed will be B1(c). This will be secured through a revised condition. Condition 26 will now read as follows:

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order and any associated provisions of the Town and Country Planning General Permitted Development Order (including any future amendment or enactment of those Orders), the Class B use hereby permitted shall only be for Class B1(c).

Reason: In granting this permission the Local Planning Authority has had regard to the special circumstances of this case in accordance with Strategic Policy 1.2 Strategic and local preferred industrial locations of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of the Southwark Plan 2007 and the National Planning Policy Framework 2019.

6. For clarity, other conditions that made reference to B1 and B1(c) uses have also been amended to refer only to B1(c). These amendments relate to conditions 14, 25 and 28. The description of development has also been revised accordingly.
7. The total amount of B1 (c) floor space proposed is 5,234.16 sqm (GEA), not 5,234.15 sqm (GEA) as stated in the Case Officer's Report.
8. Emerging Policy E4 of the draft New London Plan defines floorspace capacity is either "existing industrial and warehousing floorspace on site or the potential industrial and warehousing on site that could be accommodated at a 65% plot ratio, whichever is greater". Currently on site there is 4,185 sqm (GEA) of Class B1(c) & Class B8 floorspace. The industrial capacity of the site, based on a 65% plot ratio calculation of the site area of 0.75 hectares, is 4,875 sqm. As the proposals would deliver 5,234.16 sqm (GEA) of Class B1(c) floorspace, there would be an increase both in terms of the existing floorspace on the site and the potential capacity that could be accommodated at a 65% plot ratio.

	<b>Industrial Floor Space</b>	<b>Industrial Capacity (65% plot ratio)</b>
Existing	4,185 sqm	4,875 sqm
Proposed	5,234.16 sqm	5,234.16 sqm
<b>Net gain (GEA)</b>	<b>1,049.16 sqm</b>	<b>359.16 sqm</b>

9. The number of sustained jobs secured for local people during the end phase would be 24, not 31 as reported in paragraph 91 of the Case Officer's report. This has been agreed with Southwark's Local Economy team. Based on this figure, the maximum financial offset of £103,200.

**Impact on Grade II 1966 former Eveline Lowe School, now the Phoenix Primary School**

10. The impact on the Grade II listed former Eveline Lowe School (now Phoenix Primary school) was not addressed in the Case Officer's report. The heritage significance of the listed school is largely derived from its innovative internal layouts, as noted in the listing description; "It also has special architectural interest, primarily for its planning and interiors, these intrinsically linked to the educational philosophy out of which it was designed, as well as exhibiting a sophisticated and successful series of flexible spaces." The proposed development would not result in any harm to the interior of the building, and as a result its heritage significance would be retained.



Figure 1 Phoenix Primary school with the proposed development visible in the background

### **Reconsultation and Further Representations**

11. It was advised in paragraph 8 of the Committee Report that the minor revisions made to the application to address the concerns of the neighbouring industrial occupier at 20 Verney Road would be subject to re-consultation and the responses would be reported to Planning Committee in the Addendum Report. The following further representations have been received:

David Watney On behalf of P Wilkinson Containers Ltd. (Referred to in the Case Officer's report at William Say) 20 Verney Road

12. P Wilkinson Ltd's consultant wrote in response to reconsultation (letter dated 14<sup>th</sup> June 2019) to confirm that their objections to the proposal on the grounds that the proposed development would significantly compromise the established business use at 20 Verney Road would be addressed through the following agreed mitigation measures to reduce the potential noise impact upon amenity from the existing factory use upon future occupants of the proposed residential development:
  - The full enclosure of the winter gardens on the eastern elevation of the residential block revised drawings dated 21 May 2019;
  - The imposition of conditions requiring the details of the winter gardens, notably the proposed materials in order that the Council can fully assess the acoustic properties of the glazing to ensure that there will not be any unacceptable impact upon amenity;
  - A clause within the s.106 agreement which obliges the Management Company of the proposed dwellings to present occupants with a 'Welcome Pack' making them aware of the factory and periodic production noise; and
13. Officer Response: The applicant has agreed to the inclusion of these specific mitigation measures (confirmed by email 14/06/2019). The conditions requested have been included in the recommendation under Condition 16 (requiring material samples and manufacturer's specifications) and Condition 19 (requiring detail-drawings at a scale of 1:5 through the window and winter garden window units, and the manufacturer's specification of these units including acoustic performance.)

14. The full enclosure of the winter gardens is proposed not only on the eastern elevation of Building 3, but also the southern and northern elevations. This goes beyond the requirements of the neighbouring occupier and is shown in the revised drawings submitted for approval.

#### Environmental Protection Team

15. Southwark Environmental Protection Officers have confirmed that their original consultation response is still applicable. In particular they note that they have reviewed the Revised Planning Noise Report and associated memo and consider these to have provided a more robust assessment of the current noise climate and made allowance for some additional noise from future intensification of industrial use and the existing National Grid Super-transformers to the south. They confirm that the recommendations made would ensure a satisfactory internal noise environment. Additionally, they note that the proposal for winter gardens would create a considerably improved balcony amenity space.

#### Canal Grove Residents

16. Canal Grove residents' representation reads as follows:

“This email is on behalf of the Canal Grove SE15 residents. The committee should be well aware of our concerns about the impact this development will have on us. There will be severe erosion of daylight and sunlight resulting in us being completely in the shadows with the accumulation of the planned tall buildings surrounding us. This will have a detrimental impact on the enjoyment of our homes, on our health and will result in financial hardship due to having to use more gas and electricity.

We ask that you give serious consideration to the cumulative impact report. At what point is our loss of amenity unacceptable?

We are a small, stable, long term community of residents. Why aren't our needs being taken into account?

We do not agree with the proposed development and strongly oppose it.”

17. Officer Response: As set out in the Case Officer's report, the daylight impacts of the proposed development on 4-9 Canal Grove were assessed, as these properties were identified as sensitive receptors. A total of 12 out of 15 habitable windows would satisfy the BRE assessment criteria, either by retaining at least 27% absolute Vertical Sky Component (VSC), or by retaining 0.8 times their existing VSC levels. Of the remaining 3 windows, each would retain in excess of 15% VSC, with only fractional transgressions over the BRE guideline targets in terms of reductions (20.05% - 22.76% reductions, over the 20% guideline). All of the rooms tested would satisfy the No Sky Line (NSL) guidance.
18. As Canal Grove is to the south of the application site, no detrimental impact in terms of sunlight would be experienced.

#### Constantine

19. Agents representing Constantine Ltd. made representations in response to the reconsultation raising the following points:
  - Constantine object “in the strongest possible terms” to the intention to determine the Application before the end of the reconsultation period, and that the decision should be postponed in order to allow proper time to make representations in light of all relevant information;

- Constantine considers that postponement would also be appropriate in light of “major omissions in the Officer’s Report”. They note that the report fails to make any reference to the 12 page objection that Constantine made in February 2018, and that they are “not even mentioned in the Report despite being the most significantly affected neighbour, being both closest and having the longest boundary with the Application Site”. They also note that the report “also contains several instances where our client’s Training Room/Archive Store/Canteen is incorrectly shown as forming part of the Application Site.... This suggests a failure to understand the geography around the Application Site”. They go on to request considered review and evaluation of these matters, not the rushed issue of an addendum report;
  - Should LBS decide to grant consent, they request appropriate conditions to protect their client, including requiring the submission of a Demolition Environment Management Plan and a Construction Environment Management Plan.
20. Officer Response: The reconsultation to which Constantine refer relates only to the introduction of enclosed winter gardens in place of previously proposed open balconies on the eastern, southern and northern elevations of Building 3. This is a very minor change that would be unlikely to have any material impact on the properties occupied by Constantine Limited. Officers did not consider it essential for this matter to be reconsulted on, but decided to undertake a 14 day reconsultation, with a specific focus on consultees who had previously responded to the application. It is acknowledged that some reconsultation letters were sent out stating that the closing date for this reconsultation would be 19<sup>th</sup> June, not 17<sup>th</sup> June as intended. This is because the automated system allows extra days over and above the consultation period in order to allow for postage when letters are sent in the mail. However, in the case of this reconsultation, communication was undertaken by email so this allowance was unnecessary. A revised letter was sent to all consultees clearly stating that consultation would end on 17<sup>th</sup> June.
21. In relation to the omissions identified in the Officer’s report, the issues raised by Constantine in their letter of objection were addressed under “Consultation Responses: Members of the Public”. This includes the following issues, which are addressed in full in the Case Officer’s report:
- Prematurity in relation to the status of the draft Old Kent Road AAP;
  - Conformity with the December 2017 draft of the AAP/impact on wider masterplan proposals;
  - Impact on adjoining industrial uses/ Some blocks appear very close to neighbouring commercial occupiers;
  - Potential harm to the structural stability of neighbouring buildings as a result of construction/demolition;
  - Failure to provide details of a construction and demolition management plan/ construction management impacts;
  - Failure to contribute to the linear park/ analysis of the impact of the scheme on the linear park has not been undertaken; and
  - Offer to contribute to the cost of the linear park is vague.
22. They also stated in their response of 13th February 2018 that they felt that the proposals had “not been the subject of a collaborative process and... had a short gestation period”. As noted in the Case Officer’s report, the application was subject to consultation by the applicant prior to submission. It is also noted that in the intervening 16 months between receipt of this objection and recommendation to planning committee, revisions have been made to the scheme in order to address concerns raised by neighbouring occupiers in a collaborative manner.

23. It should be noted that Constantine are specifically referred to in the Case Officer's report under the description of the site. The plans in the report which appear to show the property occupied by Constantine as being within the red line were only intended as illustrative diagrams to show the locational relationship between the site and surrounding features that are much further afield. All of the submitted drawings show the site extents accurately.
24. In their response to reconsultation, Constantine also repeat their observation that some of the proposed balconies appear to extend beyond the red line on plan ref 15145-SP-01-DR-A-P-00-XX-01-01-P\_1. This has been followed up with the applicant who has confirmed that this was done in error, and has submitted revised drawings showing the balconies entirely within the red line. The drawing numbers in the draft decision notice will be updated accordingly.
25. The Section 106 will require the applicant to submit a Demolition Environment Management Plan (DEMP) and a Construction Environment Management Plan (CEMP), both of which will be subject to the approval of the Director of Planning. As agreed in relation to the consent granted on the nearby Ruby Triangle scheme (18/AP/0897), Officers can confirm that Constantine will be fully consulted before these documents are approved. The applicant has confirmed that they would liaise in detail with Constantine in order to ensure these documents are acceptable and that any necessary bespoke provisions will be included within them in writing.

#### 35% Campaign

26. The 35% Campaign have submitted an objection on the basis that a Late Stage Viability review should be required in accordance with draft New London Plan H6, Para E 2(b) and the Mayor's Affordable Housing and Viability SPG. They note that such a review is required by the GLA Stage 1 report for the application, and that the Officer's Report acknowledges that there may be a net loss of B1(c) space. Under the draft New London Plan, schemes are expected to deliver 'at least 50% affordable housing where the scheme would result in a net loss of industrial capacity'.
27. They also note that the Council's independent viability appraisal estimates that the scheme would not be viable with 35% affordable housing, but that "the applicant is taking a view that the proposed development will outperform present day market assumptions". They argue that how far the development will outperform present day assumptions must be measured, regardless of how big the viability gap presently appears to be.
28. They also query where a "localised performance affordable threshold" is referred to in any of the local plan documents, other than to 40% affordable housing in the draft New Southwark Plan (P1, Viability 2), which this application does not meet.
29. The 35% Campaign also note that the Officer's report makes no mention of the grant funding to increase affordable housing, as required by the GLA Stage 1 report (para 22) and according to draft London Plan (Policy H5 A2).
30. Officer's Response: As noted above, the applicant has now agreed to 100% of the proposed commercial floor space being B1(c). As a result, there would be no net loss of industrial capacity. Indeed, there would be an uplift both in terms of the existing floorspace on the site and the industrial capacity of the site, on a 65% plot ratio. The New London Plan requirement for 50% affordable housing is therefore not applicable, and with over 35% affordable housing proposed (35.36% by habitable room), a Late Stage Review is no longer required.
31. The localised affordability threshold referred to is established in the draft Old Kent Road AAP.

#### Thames Water

32. Thames Water wrote to request further information on the existing runoff rates. The applicant has confirmed that this was provided directly to Thames Water. Officers have written to Thames Water to follow up, but no further response has been received. As noted in the Case Officer's report in response to Thames Water's original comments, appropriate conditions have been included and Officers are working with Thames Water to further develop the Integrated Water Management Study.

### **Kaymet and Vital OKR**

33. An objection has been received from Kaymet and Vital OKR (dated 16<sup>th</sup> June 2019). The main reason for this objection is that the proposals would not be in conformity with the adopted development plan. They highlight that the guidance within paragraph 49 and 50 of the NPPF, and highlighted within the Case Officer's report, relates to the weight that can be given to draft plans, not failure to comply with an adopted plan. The issues raised in their objection are summarised as follows:

1. The scheme does not protect industrial accommodation. The introduction of residential and C1 use into this site is contrary to London Plan and Saved Southwark Plan policies and the site's designation as Strategic Protected Industrial Location (SPIL). No strategically co-ordinated process of SIL consolidation has taken place. The draft OKR AAP and New Southwark Plan do not have sufficient weight as material considerations to justify disregard of the Development Plan;
2. There would be a net loss of industrial accommodation;
3. There would be a loss of business (B class) accommodation;
4. The industrial accommodation proposed is not fit for purpose, as follows:
  - a. The ceiling heights would be inadequate for many users and, at around 3.7m (ground floor) and 3m (first floor) they are well below generally accepted standards for modern light industrial space.
  - b. The goods lifts indicated are too small to be fit for purpose (the drawings only indicate lifts around 2.4m deep, whereas the usual minimum to take a loaded pallet truck and operator is 3m).
  - c. The orientation and location of the goods lifts is inappropriate;
  - d. There are no clear routes for moving goods to locations where goods vehicle could safely park and load;
  - e. Entrance arrangements and door configurations are unclear;
  - f. Window and wall arrangements are not suitable for most light industrial occupation;
  - g. There is no practical provision made for the scale of refuse / recycling that most industrial occupier's need.
  - h. There is no short-term parking for goods vehicles or yard space. There is no clarity about, and has clearly been no consideration given to, how backs could be achieved where equipment generating constant low-level noise and emissions could be located, where such as vent pipes could go.
5. There could be potential conflicts between different users (i.e. residential, light industrial, office use and C1 use). There are several bedroom windows that would be within fairly close proximity to light industrial premises entrances and areas where goods loading activity would take place;
6. The AAP masterplan is unresolved in this part of the Opportunity Area and assumes the departure of several substantial businesses who have clearly indicated their desire to stay. Discussions about variant scenarios are ongoing with Officers, but approval of this scheme would limit their scope;
7. A business relocation strategy has not been produced and no attempt has been made to provide accommodation for the substantial remaining occupier of the site, Souvenir Scenic Studios, or to assist with their relocation. This is also

considered indicative of failure to comply with policies encouraging retention of creative enterprise (draft New London Plan Policy SD1);

8. The Old Kent Road Workspace Demand Study was only published a few days ago. It would be appropriate to give all involved the opportunity to properly consider the implications of this study for development in the OKR area. We note that the officer report does not refer to the study; and
  9. There are a high proportion of single aspect flats, including north facing.
34. Officer Response: The scheme has been fully assessed against adopted policy, and where it has been found to depart from this, this has been clearly identified in the Case Officer's report. All proposed commercial floor space has been designed to accommodate B1 (c) uses, and the applicant has agreed that 100% of this space would be B1 (c) use only. As set out in the Officer's report, the existing commercial use on the site totals 4,185sqm. The proposed 5,234.16 sqm of B1(c) use would therefore represent an uplift in industrial accommodation of 1,049.16 sqm. This also represents an uplift in B class uses. The applicant has also confirmed that they are in discussion with a number of managed workspace providers. A strategic approach to the release of SIL has been agreed with the GLA.
  35. For clarity, no C1 use is proposed, and as described above, all B class use would now be B1(c). This dramatically reduces any potential conflict. There would be no residential use at ground or mezzanine levels, so no bedroom windows in close proximity to goods loading activity. Residential accommodation starts at 1<sup>st</sup> floor in Buildings 2 and 3, and at 2nd floor level in Building 1.
  36. As noted in the Case Officer's report, a tracking drawing of the movement of vehicles from two separate accesses from Verney Road was provided. This demonstrates that vehicles can safely move through the space and exit in forward gear. A condition is also recommended for detailed design of the servicing and parking, which will expect the applicant to demonstrate how the area will be used to suit the servicing and delivery requirements of the future B1C occupants and avoid conflict with pedestrian and cycle movement through the space and the appropriate location of tree planting.
  37. As noted in the Case Officer's report, the detailed specification of the B1(c) internal fit out would be secured by condition and clauses in the Section 106. Floor to ceiling heights are a minimum of 4.1m is included relating to this.
  38. The case offer's report details the existing tenants on the site, including Souvenir. It notes that they have mostly relocated to a site close by at 46-72 Verney Road and now only carry out limited works on the application site, with short term leases on three units.
  39. It is acknowledged that the AAP masterplan continues to undergo refinement and redesign in response to consultation responses. Officers are satisfied that the flexibility demonstrated by this scheme means that it would sit well within a revised masterplan. Officers are committed to continuing full and meaningful consultation with all affected businesses.
  40. The Old Kent Road Workspace Demand Study was published on 7 June 2019. This study is a piece of evidence base that supports the evolution of the Old Kent Road AAP. Evidence base studies are used to inform policies and provide information for the long term preparation of development plans. The council has undertaken consultation with businesses in the Old Kent Road in the preparation of this study, including a meeting in March 2018. The consultation slides from this presentation were also published on the website.
  41. The final study responds to a number of key areas that have been evolving in planning policy in London over the last few years, for example industrial intensification and mixed use, and affordable workspace. The study is presented as a series of chapters and reports on the nature of the Old Kent Road economy and its future

growth potential in terms of workspace requirements and demand. It also looks at the operational considerations of mixed use development in the different sub areas presented in the AAP and provides advice on the provision of affordable workspace in the Old Kent Road area.

42. In terms of single aspect units, as set out in the Case Officer's report, 72.78% of the proposed residential units would be dual aspect (246 out of 338 in total). None of the single aspect units would be north facing.

**Other Consultation Responses**

43. The following consultees have confirmed that they either do not have any comment to make, and/or that their original representation remains pertinent:

- London Underground
- Met Police
- Environment Agency
- Network Rail
- Southwark Local Economy Team
- Historic England
- 

Comments from the Director of Planning

44. Taking into account the above, the recommendation remains that planning permission be granted with conditions as amended by this addendum and the completion of a legal agreement, and subject to referral to the Mayor of London.

**REASON FOR URGENCY**

45. 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**

46. 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