

Planning Sub-Committee A

Wednesday 29 January 2020

6.30 pm

Ground Floor Meeting Room G02, 160 Tooley Street, London SE1 2QH

Supplemental Agenda No.1

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Item No: 7.1, 7.2, 7.3 & 7.4	Classification: Open	Date: 29 January 2020	Meeting Name: Planning Sub-Committee A
Report title:		Addendum report Late observations, consultation responses, and further information.	
Ward(s) or groups affected:		North Bermondsey, Dulwich Village, Dulwich Hill, Dulwich Wood	
From:		Director of Planning	

PURPOSE

1. To advise members of observations, consultation responses and further information received in respect of the following planning applications on the main agenda. These were received after the preparation of the report and the matters raised may not therefore have been taken in to account in reaching the recommendation stated.

RECOMMENDATION

2. That members note and consider the late observations, consultation responses and information received in respect of each item in reaching their decision.

FACTORS FOR CONSIDERATION

3. 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.

Item 7.1 – Application 19/AP/1975 for: Full Planning Permission - 224-226 TOWER BRIDGE ROAD, LONDON, SE1 2UP

Corrections to case officer report

4. The following corrections are proposed to the Case Officer's report:

Conditions:

NB proposed revisions are underlined

5. It is proposed to revise Condition 9 (Management of D1 and D2 uses) of the draft Decision Notice (page 68) to add in a requirement for the applicant to include proposals for the management of the A1, A2, and A3 uses within the building in addition to the management of D1 and D2 uses..
6. The revised Condition 9 would read as follows:

MANAGEMENT of D1 and D2 uses and A1, A2 and A3 uses

Prior to fit out of any D1 and D2 use areas and A1, A2 and A3 use areas within the building, a plan for the management of the D1 and D2 uses and A1, A2 and A3 uses is to be submitted to and approved by the local planning authority. The management plan is to include details on the position of the D and A uses within the building, sound reduction measures and targets, operating hours (which in the case of the A1, A2 and A3 uses shall not commence before 8:00am and which must cease by 11:00pm) and

any other measures to control noise and disturbance within the locality that may arise from the proposed uses. The provisions of the plan are to be adhered to thereafter.

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with: the National Planning Policy Framework 2019; Strategic Policy 13 (High Environmental Standards) of the Core Strategy 2011, and; Saved Policy 3.2 (Protection of Amenity) of the Southwark Plan 2007.

7. It is proposed to add a further compliance condition on Ecology as follows:

Site clearance is to take place outside the bird nesting season unless it follows a breeding bird survey (by a suitably qualified ecologist) that confirms that there are no breeding birds on site.

Reason:

To protect biodiversity in accordance with Saved Policy 3.28 (biodiversity) of the Southwark Plan 2007

8. Condition 30 should be amended to read

CONSTRUCTION MANAGEMENT PLAN

The proposals of the approved Construction Management Plan (Revision 2) are to be implemented and maintained throughout the construction period.

Reason

To ensure the proposal complies with The National Planning Policy Framework 2019, Strategic Policy 13 - High Environmental Standards of The Core Strategy 2011, , Saved Policy 5.2 (Transport Impacts), 3.2 Protection of Amenity of the Southwark Plan 2007.

S106

9. Regulation 122 of the Community Infrastructure Regulations 2010 provides that 'a planning obligation (as would be secured under a S106 agreement) may only constitute a reason for granting planning permission for the development if the obligation is (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.'
10. The Legal Department have advised that the benefits described in paragraph 52 of the main report do not meet these tests. They should therefore not be taken into account by members in reaching their decision on the application. The benefits described in paragraph 52 do not serve a planning purpose and are not therefore planning obligations. Paragraph 53 should be disregarded.
11. The community benefits described in paragraphs 52 and 53 of the report can be secured under Section 16 of the Greater London Council (General Powers) Act 1974 alongside the S106 agreement.
12. In addition to the above, the following should be noted and accepted:
 - a) The affordable workspace provision of 300sq.m will be provided free of charge to community groups, local people, businesses and start ups, not just community groups as noted in the report.
 - b) The public transport provision for bus countdown facilities is £20,000, not £30,000 as noted in the report. This is in line with figures given by the Council's transport team.

Informative

13. Members should note the following additional informative

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. For further information refer to the following website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

Further corrections and additional information

Paragraphs 59 and 60

14. Paragraphs 59 and 60 note that the building has the potential to become carbon neutral on operation provided that electricity is sourced from a green tariff. The developers and building owners FORE have stated that they are committed to securing the building's electricity from a green tariff and that this will be a condition of the occupiers' leases.
15. A green tariff is beyond the requirements of planning policy and can not therefore be secured by a planning condition. Nevertheless the applicant's commitment to zero carbon via green tariffs is welcomed.

Paragraph 62

16. The paragraph states that the development may achieve a BREEAM 'Exemplary' Standard. This should be an 'outstanding' standard

Photomontages of Additional views

17. A late email has been sent to members by a resident. That email advises residents that the resident intends to speak about Views 2,5,6,7 and 8 as contained within the applicant's Heritage, Townscape and Visual Impact Assessment Report which accompanies the planning application.
18. Views 2, 5 and 7 are shown in the main report. For the sake of completeness, Views 6 and 8 are now shown below.



View 6, before and after. Approach along Queen's Walk, west of Tower Bridge



View 8, before and after. Looking north down Horselydown Lane

Item 7.2 – Application 18/AP/2238 for: Full Planning Permission – BARRY PARADE, BARRY ROAD, LONDON, SE22 0JA

Corrections to case officer report

19. The following corrections are proposed to the Case Officer's report:

Amendment to description of proposal

20. Proposal to read:

Demolition of existing single storey mixed use (A1/A2/A3/B1 and Sui Generis) buildings and the erection of five storey building (including Basement) comprising of Class A1 and A2 retail units, 13 residential units. Residential (Private 1 x Studio, Flats 1 x 1bed, 3 x 2bed & 4 x 3bed)(Affordable 1 x 1bed, 2 x 2bed & 1 x 3bed)

21. Reason:
Amending typo in description of development.

Update to legal agreement

22. Legal agreement to be updated to include viability review.

Amendment to paragraph 2

23. Paragraph 2 to read as follows:

If in the event that a S106 has not been agreed by March 31st 2020 then the director of the Planning be instructed to refuse planning permission for the following reason: In the absence of a signed legal agreement, the proposal would fail to provide suitable mitigation in terms of planning gain, contrary to saved policies 2.5 (Planning Obligations) 3, SP14 (Implementation and Delivery) of the LB Southwark Core Strategy 2011, and 8.2 (Planning Obligations) of the London Plan 2016, and the LB Southwark Section 106 Planning Obligations/CIL SPD 2015.

24. Reason:
To allow adequate time for the completion of the legal agreement. and to allow for the refusal of the scheme in the event the legal agreement is not completed

Amendment to paragraph 41

25. Paragraph 42 to read as follows:

Based on the assessment above, the proposal would significantly visually improve a currently derelict site which offers little to the conservation area, and it would preserve the wider character and setting of the conservation area and the nearby listed building. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act requires “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”. The proposal is deemed to preserve the character and appearance of the area in line with the above assessment. In addition, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act requires the Local Planning Authority “shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. Given the significant distance between the proposal site and the nearby Grade II listed building, it is considered to preserve the setting of the building by virtue of not affecting it, and therefore would not cause harm in this regard. In light of the above, the proposal is not considered to cause harm to the nearby heritage assets and thus would conform to the requirements of Chapter 16 of the NPPF, and in particular the tests around harm to designated heritage assets.

26. Reason:
To clarify impact on heritage assets, namely the Gardens Conservation Area and Grade II listed 200 Peckham Rye.

Insert new paragraph after paragraph 62

27. New paragraph to read:

Privacy

The majority of the views from the proposed units would be across Barry Parade and Peckham Rye, and would be of sufficient distances that privacy to these sides would not be a concern. Side facing views towards adjacent properties would typically be oblique and have a negligible impact on privacy. Regarding overlooking, high level views towards gardens along Peckham Rye and Barry Parade would be similar to those of other high level views of other properties along these terraces and would be to an acceptable degree. An objection has raised concerns around views from the driveway into the basement level, though this is a transitional space (with cars flowing through infrequently) and is downward sloping, minimizing upward views. As such, there would not be a significant risk to privacy from this aspect. In summary, the impacts on the privacy of surrounding occupiers would be negligible, and to an acceptable degree.

28. Reason:
To explain potential impacts on neighbouring amenity in response to objection.

Item 7.3 – Application 19/AP/1005 – Full Planning – VACANT SITE AT RED POST HILL, REAR OF 19 VILLAGE WAY, LONDON, SE21 7AN

Corrections to case officer report

29. The following corrections are proposed to the Case Officer’s report:
30. Amendment to paragraph 75 to read:

If in the event that a S106 has not been agreed by April 30th 2020 then the Director of the Planning be instructed to refuse planning permission for the following reason:

In the absence of a signed legal agreement, the proposal would fail to provide suitable mitigation in terms of planning gain, contrary to saved policies 2.5 (Planning Obligations) and 3.15 (Conservation of the historic environment) of the Southwark Plan, policies SP11 – Open spaces and wildlife and SP14 (Implementation and

Delivery) of the LB Southwark Core Strategy 2011 policies (7.21 - Trees and Woodlands) and 8.2 (Planning Obligations) of the London Plan 2016, and Sections 4. Decision-making and 5. Delivering a sufficient supply of homes of the NPPF 2019.

31. Amendment to condition 5 to read:

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The Statement shall provide for:

the parking of vehicles of site operatives and visitors;
loading and unloading of plant and materials;
storage of plant and materials used in constructing the development;
the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
wheel washing facilities;
measures to control the emission of dust and dirt during construction;
a scheme for recycling / disposing of waste resulting from demolition and construction works
details of a lighting strategy during construction.

32. Reason: To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of pollution and nuisance, in accordance with strategic policy 13 'High environmental standards' of the Core Strategy (2011) saved policy 3.2 'Protection of amenity' of the Southwark Plan (2007), and the National Planning Policy Framework 2019.

Additional Comments Received

33. Following the publishing of the committee report pack, a comment has been received from ward Councillors who have raised concerns with how the equipment and materials required to construct 2 houses can be carried onto the site as the only point of entrance is a single gate access.
34. As noted in the committee report, a construction method statement condition has been included on the draft decision notice which requires further details of how construction would take place on site. Normally construction methods are undertaken by the contractors for the site, however at present as there is no planning permission, no contractors have been appointed and as such the details of how they intend to access the site with construction materials is not yet known. Officers remain satisfied that are ways in which the site can be accessed without unduly impacting upon the highway and this is sufficient to be covered by condition as would normally be the case for construction method statements for other sites.

Item 7.4 – Application 19/AP/1550 for: Full Planning Permission – GRANGE COTTAGE, GRANGE LANE, LONDON, SE21 7LH

Corrections to case officer report

35. The following corrections are proposed to the Case Officer's report:
36. It is recommended that the second paragraph of condition 5 be amended to refer to 6 nesting boxes / bricks.
37. Para 53 refers to the ecology and that the replacement wildlife pond will be dealt with by condition. However, the condition was not included in the recommendation.
38. It is recommended that condition 7 be amended to include the above and to read as:

39. Condition 7

Implementation of agreed biodiversity mitigation/enhancement

The following measures for the mitigation of impact and enhancement of biodiversity, set out in the Ecological report recommendation, will be implemented in full prior to the new development being first occupied, or in accordance with the timetable detailed in the approved scheme.

A new wildlife friendly water feature is required to be installed in the soft landscaping. The water feature should be at least 2m x 1 in area and no greater than 1m deep. The water feature should have gently sloping sides to allow ease of entry and exit for amphibians and should be planted with a small selection of native aquatic and marginal species.

40. Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with saved policy 3.28 of the Southwark Plan, and Strategic Policy 11 of the Southwark Core strategy.

41. Condition 9

Condition 9 has been amended as in the first paragraph 'the method statement for the management or eradication of 'then has a word missing so we don't know what species is being referred to (presumably Himalayan Balsam).

42. It is recommended that condition 9 be amended to refer to Himalayan Balsam.

Before any above ground works begin a detailed method statement for the removal or long-term management /eradication of Himalayan Balsam on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures to prevent the spread of (plant name) during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

43. Reasons: Himalayan Balsam is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent its spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment occurring.
44. Paragraph 7: Should read: Part of the existing boundary fences would be replaced by garden walls and hedges, NOT: Part of the existing brick boundary walls would be replaced by garden walls and hedges.
45. Paragraph 8: Should read: The proposal would include 1,428.9sqm amenity space to the front and rear. NOT: The proposal would include 142.89sqm amenity space to the front and rear.
46. Paragraph 39: Should read: The gross internal area would exceed the relevant national standard for a two storey, 4 bedroom house. NOT: The gross internal area would exceed the relevant national standard for a two storey, 2 bedroom house.

REASON FOR LATENESS

47. The new information, comments reported and corrections to the main report and recommendation have been noted and/or received since the committee agenda was printed. They all relate to an item on the agenda and members should be aware of the objections and comments made.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Individual files	Place and Wellbeing Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403