

Planning Committee

Tuesday 20 July 2021

6.30 pm

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1
2QH

Supplemental Agenda

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Date:

Item No: 7.1/7.2	Classification: Open	Date: 20 July 2021	Meeting Name: Planning Committee
Report title: DRAFT		Addendum report Late observations and further information	
Ward(s) or groups affected:		Borough and Bankside London Bridge and West Bermondsey	
From:		Director of Planning and Growth	

FINAL report issued on 19 July 2021

PURPOSE

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

RECOMMENDATION

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

FACTORS FOR CONSIDERATION

3. Late observations, consultation responses, information and revisions have been received in respect of the following planning applications on the main agenda:

Item 7.2 - 21/AP/0507 and 21/AP/0326 - 1 Bank End (Site including railway arches and Thames House bounded by Stoney Street, Clink Street and Park Street), London SE1.

Response from the GLA

4. The GLA has confirmed it has assessed the details of the applications and, given the scale and nature of the proposals, concludes that the amendments do not give rise to any new strategic planning issues. The Mayor of London does not need to be consulted further on these applications. The council may proceed to determine the applications without further reference to the GLA.
5. This means the recommendation for the s73 application can be updated as follows:

- For application 1 ref. 21/AP/0507 that an amended planning permission be granted subject to revised conditions, and the completion of a deed of variation.

Additional representations

6. Two further objections have been received since the report was finalised, raising the following summarised points:
 - Although the revisions have addressed some of the concerns of the earlier objection, the concentration of eating establishments remains too high and is further exacerbated by the proposal to turn unit 192A into a bar.
 - Noise nuisance.
 - Harm to residential amenity
 - That the applications need to be referred to the GLA.
 - The council needs to reconsider the recent EIA screening opinion which was based on an error of law in the 2015 screening opinion. The entire application needs to be rescreened (not just the amendments in the s73), and to take account of the stakeholder comments on servicing, taxis, and detail what the noise mitigation measures are.
7. Officer response: The matters regarding the proportion of restaurants and drinking establishments, noise and impact on neighbour amenity are covered within the assessment topic sections on the principle of the proposed development and impact on amenity sections of the main report. The applications have been referred to the GLA, who has confirmed that the council may determine the applications without further reference to the GLA. The comment regarding the EIA screening opinions being incorrect is responded to below.
8. A lengthy objection supplemented by photos was also received as a third representation, which has been circulated to Members separately.

Environmental impact assessment (EIA)

9. In paragraph 43 of the committee report it states that a recent screening opinion for the current scheme was issued in June 2021 to confirm that the proposal is not EIA development.
10. An earlier screening opinion ref. 15/AP/0806 was issued prior to the 2015 application being submitted. At that time the council determined an earlier form of the proposal was not EIA development. The issued screening opinion decision for 15/AP/0806 included two sentences:
 - *“The nature, scale and location of the development is not such that it would be likely to give rise to environmental effects of more than local significance.”*
 and

- *“However, the development is of a substantial scale, and there will be local impacts on the townscape, traffic conditions, and archaeology.”*
11. It is these two sentences that an objector has suggested are incorrect now, as a later court case for a development in Wales concluded that it is unlawful for significant local impacts to be treated as insignificant for the purposes of EIA screening.
 12. The officer report for the screening opinion in 15/AP/0806 included an assessment based on the selection criteria in Schedule 3 of the EIA Regulations, and used a checklist to consider firstly whether an effect was likely or unlikely, and then whether this is likely to result in a significant effect. Each question for whether it was likely to result in a significant effect was answered “no”, or “not applicable” where no effect was likely. The officer report did not suggest there were significant effects to the local area.
 13. The 2015 application ref. 15/AP/3066 was considered not to be EIA development.
 14. The current s73 application would result in a new permission being issued for the whole development. If the s73 application is approved, the development would be similar to that approved by the permissions previously granted, refs. 15/AP/3066 and 19/AP/1649, but with the changes sought in the current s73 application and associated variation of legal agreement.
 15. The recent screening opinion ref. 21/AP/1998 considered whether the changes made to an approved development would raise significant environmental effects, and it was concluded that it would not. Therefore a negative screening opinion was issued.
 16. Officers have also considered whether the entirety of the proposed Borough Yards development would be a Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location. As a redevelopment scheme within a central London location, the whole development would be a Schedule 2 category 10b “urban development project” which exceeds the threshold of including more than 1 hectare of urban development that is not dwellinghouse development.
 17. The development scheme has been assessed against the selection criteria in Schedule 3 of the EIA Regulations, including the specific characteristics of the whole development, its size, cumulation with other developments, the use of natural resources, the production of waste, pollution and nuisance, the risk of major accidents and to human health. The location of the development and the environmental sensitivity of the area likely to be affected by the development were considered, with its land uses, natural resources in the area, and the absorption capacity of

the natural environment. The types and characteristics of any potential impact such as the magnitude, extent, nature of impact(s) and duration have been considered, with the checklist referred to in the national Planning Practice Guidance.

18. Having considered the selection criteria for screening Schedule 2 development, officers conclude the development is not EIA development. The redevelopment of the site has had and will continue to have effects on the local area, however these impacts from the redevelopment scheme in this location have not been and will not be of a scale, characteristic, size or cumulative nature to be significant effects at a local level nor a broader level.
19. Information has been submitted pursuant to the conditions and obligations on the original planning permission since it was granted, which has informed the detailed mitigation measures during the construction phase. The mitigation measures, where they have not already been included in the nearly-complete constructed development, would continue to apply to the occupation phase of the development (for example servicing management, opening hours, plant noise restrictions). The current scheme proposes to have revised and additional mitigation measures to address its impacts.
20. These paragraphs form part of the recent screening opinion and should be read together with that screening opinion when considering the proposed development presented to Committee.

Revised information from the applicant

21. The applicant has provided an updated appendix L of the supplementary Planning Statement, revising the estimated additional number of people who would visit the site's increased proportion of restaurants and drinking establishments to reflect the licenses that will be issued. The numbers of visitors are lower than set out in paragraph 140 of the published report. The applicant has provided information to update the table under paragraph 140 to show the following predicted visitor numbers for a 30% scenario, a 45% scenario and the proportional increase for the total visitor numbers to the Borough Market area:

Time of day	Total visitors to Borough Market area from a November 2019 survey	Predicted visitors with 30% F&B	Predicted visitors with 45% F&B	Increase between 30% and 45% scenarios (as a percentage of 2019 visitor numbers)
Friday daytime	90,863	94,028	95,585	1,557 (1.7%)
Friday evening	16,082	18,192	19,230	1,038 (6.5%)

Saturday daytime	127,191	130,356	131,913	1,557 (1.2%)
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22. The applicant's estimates are lower suggesting the proposal may have less impact than those referred to in paragraphs 140 and 141 of the published report. The lower numbers do not change officers' conclusion on neighbour amenity impacts in paragraphs 150-152 that the proposal complies with the development plan.

Conclusion of the Director of Planning and Growth

23. Having taken into account the additional consultation responses, and other additional information, following consideration of the issues raised, the recommendation remains that planning permission should be granted for 21/AP/0507 and the deed of variation agreed for 21/AP/0326.

ITEM No. 7.1 - 20/AP/0944 - BECKET HOUSE, 60-68 ST THOMAS STREET, LONDON, SE1 3QU.

Late Observations

24. This application was originally scheduled to be determined at the Planning Committee on the 9th June 2021. Following a late objection from the buildings current occupiers, the Home Office, it was agreed to defer the item in order to allow Officers time to deal with the representation.
25. The Home Office had objected to the development in the days leading up committee on the basis that their planned relocation to a new premises in Newham had fallen through and that, in line with London Plan Policy SP1 and comments made by the GLA as part of the Stage I response, the applicant must confirm that the Home Office would not be displaced as a result of the development without suitable alternative accommodation having been secured.
26. The Home Office's planned move to new accommodation in the London Borough of Newham fell through, through no fault of the applicant and following further discussion, the applicant has agreed to give the Home Office additional time to find a new premises. As such, the Home Office have advised the Council that they wish to fully withdraw their objection.
27. It should also be noted that the GLA based their Stage I comments on the draft wording of London Plan Policy SP1. The draft wording made reference to buildings that have a public function however this wording was updated following the Examination in Public preceding adoption of the new plan in March 2021 and removed reference to public function. Instead, the policy now states that Boroughs should ensure the social infrastructure needs of

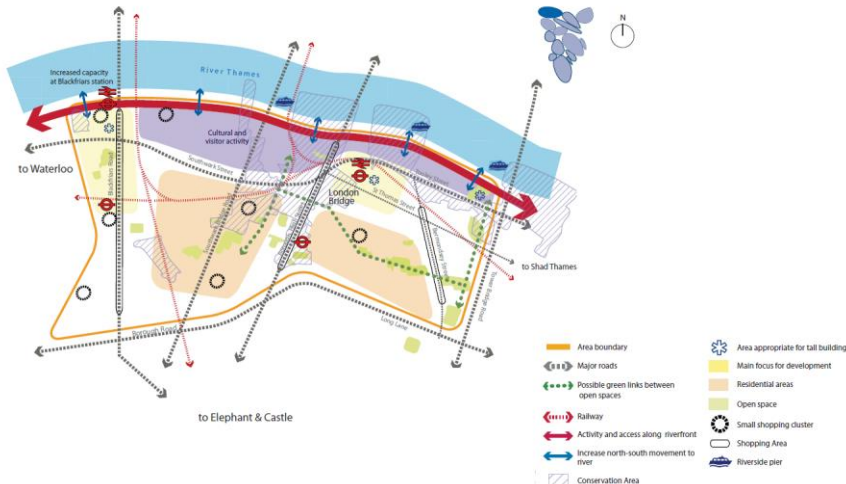
London's diverse communities are met, informed by a needs assessment of social infrastructure.

28. The Council has recently completed its own social infrastructure assessment (2019) as part of the New Southwark Plan submission, as required by the London Plan Policy SP1. This assessment didn't identify the Home Office facility at Becket House as a need, a fact not challenged by the Home Office during consultation on the NSP. Furthermore, the Council recently completed the Examination in Public on the NSP and again the site allocation, which doesn't identify the immigration centre as social infrastructure, was not challenged by the Home Office or the GLA in response to the plan consultation.
29. Given that the Home Office facility at Becket House is not considered 'social infrastructure' and hasn't been identified as such in the Borough's needs based assessment, officers are satisfied that the proposals are not contrary to London Plan Policy SP1 and that the relevant policy would not apply in this instance. This position has been confirmed by the GLA who have advised that where a Borough has an up to date needs assessment that identifies areas of defined need, a proposal that would result in the loss of social infrastructure outside an area of defined need would not be contrary policy SP1.
30. A further objection was received from the Old Bermondsey Neighbourhood Forum (OBNF) and this is set out in full in paragraphs 390 – 392 of the Committee report. The OBNF have objected to the proposed development on the basis that the consultation process has not been meaningful with the main objection to the scheme being the proposed height and massing which is at odds with the site's surroundings.
31. The OBNF have also objected on the basis that in their view there is no current policy support for a tall building in this location. They are also of the view that the site allocations set out in the New Southwark Plan (emerging policy) were created with no consultation with the local community. The OBNF have stated that, at the EiP on the New Southwark Plan, the Inspector acknowledged that there were issues with the allocations and concluded that a main modification was required to give them coherence and consistency. Until these modifications are made, the OBNF believe there is no policy against which the redevelopment of St Thomas' Street can be considered.
32. The Officer response to these objections is set out in full in paragraphs 393 – 408 of the Committee Report however for clarity it is set out below:

33. In terms of the consultation process undertaken by the developer in advance of the application being submitted, various meetings, telephone calls or virtual meetings have either been held with or offered to the OBNF this includes attendance at the public exhibitions on the 8th and 9th November 2019; a landscaping workshop on the 8th January 2020; a further public exhibition on the 14 January 2020; Zoom meeting on the 15 July 2020 that gave a full presentation of the application proposal; a socially distanced 'walk around' on 21st October 2020 and a final Zoom meeting on 7th June 2021. The applicant has also advised that further meetings were offered to the OBNF proposing a further workshop and that these would need to be held either with restricted numbers or virtually due to the Covid-19 pandemic and social distancing restrictions however these were not accepted by the OBNF. As part of its statutory requirements the Local Planning Authority sent letters to surrounding residents, displayed site notices in the vicinity, and issued a press notice publicising the planning application. Adequate efforts have, therefore, been made to ensure the community has been given the opportunity to participate in the planning process.
34. In terms of the policy justification for the proposed development, this has been set out in full in the committee report. The site is located within the CAZ, District Town Centre, Opportunity Area and in an area of excellent public transport availability. It is a site that is considered appropriate for a tall building. There is therefore policy support under the adopted plan, for a development of this nature in this area. Concerns have also been raised by the OBNF expressing the view that the application should be deferred in order to allow for the draft main modifications arising from the NSP EiP on Site Allocations Policies NSP 50 & 51 to be published this month.
35. The 2011 Core Strategy which remains the adopted local development plan for this site until replaced by the New Southwark plan, sets out the policy approach to development in the Bankside, Borough London Bridge, Opportunity Area. Para 4.8 states :
36. "Working with local communities and land owners to deliver large scale development and improvements providing 1900 new homes, 665 affordable housing units and 25,000 jobs by 2026."
37. Para 4.2 states :
38. "There will be excellently designed tall buildings in the area around London Bridge Station east of Borough High Street which will add interest to the skyline, raise the profile of Southwark and London and create new public spaces. We will set out in detail which sites will be sensitive and inappropriate for tall building through the Supplementary Planning Document/Opportunity Area Framework."

39. Figure 12 illustrates the area for the “main focus of development” as being east of Borough High Street along St Thomas Street up to the junction with Bermondsey Street. This area is also identified as being “an area appropriate for tall buildings” .

Figure 12: Bankside, Borough and London Bridge



40. The existing and adopted plan policies have provided the basis for the development framework that was produced for the St Thomas Street sites and for granting planning permission at the Quill on St. Thomas Street and underpins the consideration of all planning applications coming forward in this site allocation in advance of the adoption of the NSP.
41. The NSP continues to identify this area and allocation NSP 51 as suitable for tall buildings, and continues to require that those tall buildings are of a high design quality and also identifies the need to create new public open space. So there is a continuity in policy approach. The EIP debate on this site did raise the issue of providing greater clarity on the height of buildings and amount of open space, which was acknowledged by officers at the EIP and it is proposed that additional detail is provided in the text to address this issue. There was no indication at the EIP or in subsequent correspondence with the inspectors that they have any issue with the substantive policy content of the NSP, which in respect of this site allocation was largely established in the 2011 plan and has been carried forward into the NSP.
42. The New London Plan is of course a more up to date adopted plan than the Southwark Core Strategy and generally where a new development plan is at odds with an older one the newer plan policies will take precedence. As set out in the main body of this report the New London Plan continues to promote growth in Opportunity Areas with good public transport access and sets out that boroughs should identify locations in

which tall buildings will be appropriate and policies that ensure the design of those buildings are of a high quality

43. The existing 2011 Core Strategy has already done that, and the principle approach to development and tall buildings for this site allocation is carried through in to the NSP. The NSP policies are in general conformity with the new London Plan policies, and neither the Mayor nor the planning inspectors have raised any issues in respect of the soundness of this aspect of the plan.
44. The current adopted local plan policies therefore continue to provide a sound basis on which to make decisions in respect of this site, and no indication has been given by the inspector either during or after the EIP that he will require a fundamentally different approach to this site allocation.
45. The Planning Inspectorate have written to the Council on the 28th May in a post hearing letter and Appendix 1 which contains the list of main modifications to be made albeit that this list is not exhaustive. The letter confirms that there are no substantive issues of soundness for the New Southwark Plan (NSP) and it can now move to final consultation prior to adoption. The letter sets out areas of modification including: Affordable Housing, Traveller Sites and Student Housing. The Planning Policy Team are working thorough these and plan to consult on the modifications this year. It is then expected that the NSP would be adopted in early in 2022.
46. With the exception of the above modifications all the policies set out in the NSP were found to be sound including the suite of Design and Conservation Policies, the Tall Buildings Policy and the Important Borough Views Policy.
47. The relevant policies for the Becket House proposal were examined at a hearing relating to NSP 50 and 51. This is not unique to these NSP50 and 51, indeed every site allocation in the NSP was examined for possible modification or clarification. The Inspectors, in their letter, have not asked for NSP50 or NSP51 to be amended.
48. Whilst the Inspectors have not proposed any main modifications to this site allocation and have confirmed our plan is generally sound, we are going to propose some minor modifications to the allocation, which will identify that building heights reduce towards Bermondsey Street and establish a minimum open space requirement as per our planning framework. Both standards the Becket House proposal would meet.

Other matters

49. The following minor amendments are proposed to the wording of conditions:

Condition 3 (Site Investigation) – exclude demolition and site clearance

Condition 13 (Tree Planting) – amend the trigger to above grade works.

Condition 26 (BREEAM) – add the following text - or such other rating as agreed by the local planning authority

Condition 29 (Thames Water) – add the following text - unless otherwise agreed to by Thames Water.

Condition 31 (Plant Noise) – amend rating to 5db.

50. It is also proposed to add a new condition as follows:

Phasing details

The development hereby approved shall be carried out in the following Phases unless otherwise agreed by the local planning authority:

- Phase 1 shall be the demolition of the existing building
- Phase 2 shall be all works of construction

Conclusion of the Director of Planning and Growth

Having had regard to the additional information and representations received officers are of the view that planning should be granted.

Background Papers	Held At	Contact
Individual files	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403

Item No: 7.1	Classification: Open	Date: 20 July 2021	Meeting Name: Planning Committee
Report title:		Addendum report Late observations and further information	
Ward(s) or groups affected:		London Bridge and West Bermondsey	
From:		Director of Planning and Growth	

PURPOSE

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

RECOMMENDATION

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

FACTORS FOR CONSIDERATION

3. Late observations, consultation responses, information and revisions have been received in respect of the following planning applications on the main agenda:

ITEM No. 7.1

Application 20/AP/0944 - BECKET HOUSE, 60-68 ST THOMAS STREET, LONDON, SE1 3QU.

Late Observations

4. Members are advised of a further late representation from the Old Bermondsey Neighbourhood Forum (OBNF) who have raised the following concerns regarding the Committee Report:
 - Paragraph 68 fails to identify NSP 50 & 51 or the London Bridge Area Vision as 'most relevant policies despite these being of substantive importance and under significant contention and associated modification. The same applies to strategic policy SP2 (Regeneration that works for all) and P30 Local List amongst others which are very relevant.

- Paras 72-74 and paras 85-88 (site allocations) fail to mention any of the key design about which there are clear consultation issues and associated modifications. The same applies to the indicative site capacities.
- Paras 407-408, refer to the inspectors letter only and then incorrectly states that no main modifications were requested on NSP 50 & 51. OBNF also understand from Planning Policy that the council have been preparing main modifications, have had a response to them and are working on them presently.

Officer Response

5. Paragraph 68 of the main report identifies the most relevant “policies” rather than site allocations. Of course SP2 is also relevant, not mentioning it doesn’t make it irrelevant, the same applies to local listing. Para 69 to 71 of the main report identifies limited weight attributed to draft policies to which objections have been received.
6. Para 72 to 74 of the main report references NSP 50 which is relevant to this application. The adopted and emerging policy position is set out in paragraphs 75 to 107. And In respect of the draft plan para 85 is clear, ‘until formal adoption takes place, the policies will continue to have limited weight’, paras 393 to 404 of the main report go into further detail in respect of adopted policy. On the specific point about para 85 to 88 referencing design guidance in the allocation, this is covered both the first addendum and in para 407 and 408 of the main report.
7. In the main the report at paragraphs 405 and 408 officers identify that in the Inspectors letter received post the EIP Main Modifications were not proposed to the NSP 50 and 51 designation. Officers noted that the Inspectors had confirmed that their initial list of main modifications was not exhaustive.
8. Paragraph 408 the report notes that officers were proposing minor modifications to the allocation “which will identify that building heights reduce towards Bermondsey Street and establish a minimum open space requirement...”
9. The plan inspectors have subsequently indicated that the proposal to amend the text to identify the reduction in building heights towards Bermondsey Street and to identify a minimum open space requirement should be classed as a main modification. The content of the text change will remain the same but as a main modification it will be subject to a further statutory period of consultation of six weeks with all of the other main modifications, prior to the plans adoption.

10. Officers remain of the view that, as set out in para 404 of the main report, current adopted plan policies continue to provide a sound basis on which to make decisions in respect of this site, and no indication has been given by the Inspector either during or after the EIP that he will require a fundamentally different approach to this site allocation.

Conclusion of the Director of Planning and Growth

11. Having taken into account the additional consultation response and other additional information and following consideration of the issues raised, the recommendation remains that planning permission should be granted.

Background Papers	Held At	Contact
Individual files	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403