

Planning Committee

Monday 21 March 2022

6.30 pm

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

Supplemental Agenda

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Date: 21 March 2022

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|------------------------------------|--------------------------------|---|--|
| Item No: 6.1 and 6.2 | Classification: Open | Date: 21 March 2022 | Meeting Name: Planning Committee |
| Report title: | | Addendum report Late observations and further information | |
| Ward(s) or groups affected: | | Rotherhithe | |
| 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, additional information and revisions have been received in respect of the following planning applications on the main agenda:

Item 6.1 Deed of Variation to s106 Agreement, Canada Water Sites C and E, Surrey Quays, SE16

Points of Clarification in respect of the extant planning permission.

Members have asked for some points of clarification in respect of the Deed of Variation (DoV) and its extant parent planning permission. What happens to the current consent on the site, particularly the Reserved Matters phases that haven't been brought forward to date? As it stands the planning permission extant on the site which was granted on the 5.11.13 under the terms of 12/AP/4126 and subsequent amendments, 15/AP/2821, 16/AP/0200 and 17/AP/3694 has been "implemented" with the completion of the first phase, Block C1.

Until such time as another planning consent is granted and is implemented on the remainder of the site that would render the existing consent physically unbuildable or would contain a covenant in the s106 restricting the developer's ability to implement the existing consent once an alternative development has been implemented; then the extant planning permission will remain a valid and the remaining Reserved Matters phases could be brought forward within the remit of that permission if the developer chose to do so.

However if a new planning application for an alternative use were to be granted on this site with a s106 covenant and were to be implemented it would extinguish the older permission, including the Reserved Matters phases associated with that permission.

In this instance the DoV has been drafted to state that once it has been triggered by a use other than housing coming forward on the site, the money committed will have to be paid even if parts of the site then revert to a residential use at some future date.

If parts of the site were to be proposed to be housing in the future, providing that the s106 associated with any alternative use consented on the site contained the necessary covenant, that would require the grant of a new planning permission, which would in turn need to meet the councils affordable housing policies as well as making the financial contributions set out in this DoV.

Viability considerations in respect of the 5.11.13 planning permission.

The lack of affordable housing in phase 1 was justified on the basis of the cost of delivering a considerably enlarged Decathlon store (12,300sqm, as opposed to the original 6,190sqm store) and basement retail car parking for 152 cars below the first phase housing, (which would be used both for the store and wider town centre function) combined with the need to maintain the stores trading activity through an on-site decant strategy.

The viability assessment was independently reviewed on behalf of the council by the DVS and as a consequence the affordable offer increased during the course of the application. The DVS accepted the case of the initial high costs of the phase 1 development and recommended accepting a final offer of 22.5%.

The Decathlon store was considered to be a major town centre flagship retail anchor and local employer. (194 jobs were expected to be created over the entire scheme post construction) which was also a factor in the planning consideration.

Definition of Disposal or Occupation

The DoV report at paragraph 18 states that payments will be “linked to 25% occupation of each phase of the alternative development”. This should state that;

“The Affordable Housing Contribution instalments shall be paid to the Council prior to the earlier of either Disposal or Occupation of 25% of the floorspace of the relevant phase of the Alternative Development.”

As noted in the main report at paragraph 24 disposal is defined as;

“means the grant of any legal interest in any part of the Commercial Floorspace including but not limited to the sale and/or lease of a part of the Commercial Floorspace and/or the assignment of a contract for the sale and/or lease of Commercial Floorspace and/or the Exchange of Contracts in respect of any part of the Commercial Floorspace and “Disposal” and “Disposed” shall be construed accordingly;”

Affordable Housing Contribution.

As set out in the main report at paragraph 38 the affordable housing contribution of £25m equates to 32% of the habitable rooms within the completed block C1. Following further

discussion with the applicant they have agreed to increase this figure to £27.125m which equates to 35% of the habitable rooms within the completed block C1.

Item 6.2- 21/AP/2655 and 21/AP/2610 - Units 1 and 4, Canada Water Retail Park

Monitoring Tables

The following tables were missing from the main report

Non-residential

| Use Class | Existing sqm | Proposed sqm | Change +/- |
|---|--|---|------------|
| Meanwhile Uses comprising retail/leisure and construction skills centre | 6,445 | Proposed total maximum = 158,786 comprising Retail/food/professional services (E (a)(b)(c) = 5,000 Education and learning (F1/F2) 300 – 750 Medical (E(e)) 3,000 Indoor sport (E(d)) 1,500 Non workspace total = 2,000 – 7,000 Workspace (E(g)(i)) = 143,780 | +152,341 |
| Jobs | Unknown due to transient nature of existing uses | 990 FTE jobs during construction 8,200 - 10,875 FTE at operational phase | N/A |

Environmental

| | |
|---------------------------------------|------------------------------------|
| CO2 Savings beyond part L Bldg. Regs. | 51% |
| Trees lost | 46 trees retained 46 trees lost |
| Trees gained | 88 new trees 42 net gain |

| | Existing | Proposed | Change +/- |
|-----------------------------|----------|--------------------|-----------------------|
| Urban Greening Factor Score | N/A | 0.42 | + 0.42 |
| Surface Water Run Off Rate | Unknown | 4.5 l/s (Plot A1), | Unknown at this stage |

| | | | |
|----------------------|---------|---|--------|
| | | 24.9 l/s or [8.3 l/s] (Plot A2) and 8.7 l/s (Plot B). | |
| Green/Brown Roofs | 0sqm | 5,773 | +5,773 |
| EVCPS (on site) | 0 | 3 | +3 |
| Cycle parking spaces | Unknown | 3,111 long stay spaces and 681 short stay spaces | +3792 |

CIL and S106 contributions (NB: CIL estimates do not take account of phasing or any offset from existing floorspace)

| | |
|------------------|-------------|
| SCIL (estimated) | £952,000 |
| MCIL (estimated) | £10m |
| S106 | £11,803,171 |

Additional Representations

4. Since the publication of the committee report 7 additional letters of objection have been received.
5. The comments from local residents raise similar issues to those already set out and discussed in the committee report (concern over parking, impact on public transport, scale of buildings, design, loss of light).

Conditions

6. Minor tweaks have been made to the wording of the following conditions to enable a phased discharge for each Plot/Building:

21/AP/2655 - Conditions 2, 4, 10, 12, 15, 16, 17, 18, 19, 25, 26, 27, 28, 30, 33, 34, 35, 36, 37, 39, 40, 42 and 43

Condition 1 – an additional parameter plan has been added

Condition 14 – this has been amended to reflect that fact that 78 trees will be provided within the red line boundary for 21/AP.2655 (the other 10 trees will form part of 21/AP.2610)

Condition 20 – specific height of 100m above ground level has been added for clarity

Condition 38 – wording amended to enable the disabled car parking spaces to be provided at ground or basement level and to provide flexibility for the spaces to be combined for buildings A1 and A2 (two spaces will still be provided)

Condition 45 – hours of operation adjusted to align with the adjacent British Land permitted hours.

An additional condition added to cover emergency plant noise levels as requested by EPT

21/AP/2610 – Additional trees condition added

An updated full list of Conditions for 21/AP/2610 and 21/AP/2650 has been attached.

Officers are currently working on detailed wording for a CIL phasing condition and this will be reported to the committee by way of a verbal update on 21st March.

S106 Obligations

7. Since publication of the committee report s106 negotiations have progressed in respect of the detailed requirements for the following obligations identified in the main committee report:-
8. Improvements to the Albion Footbridge – The delivery trigger will be amended to being prior to 75% occupation of Plot A2 (or whichever plot is first) – this will ensure that the works come forward earlier in the construction process.
9. Two Way Printworks Street, confirmation that AIRE have agreed on an obligation to work with all relevant parties to make the land available to deliver a two-way street in conjunction with BL at the earliest date that both landowners can be ready, which BL have indicated is currently likely to be in early 2025. The final longstop date will be further negotiated and secured in the s106.
10. Negotiations are still taking place regarding the service charge for the affordable workspace and a verbal update will be provided on 21st March.

REASON FOR URGENCY

Applications are required by statute to be considered as speedily as possible. The applications on this agenda have 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

9. The new information, comments reported and corrections to the main reports and recommendations have been noted and/or received since the committee agenda was printed. They all relate to items on the agenda and members should be aware of the comments made.

| Background Papers | Held At | Contact |
|-------------------|--|---|
| Individual files | Chief Executive's Department 160 Tooley Street London SE1 2QH | Planning enquiries telephone: 0207525 5403 |

Welcome to Southwark Planning Committee 21 March 2022

MAIN ITEMS OF BUSINESS

Item 6.1

Deed of Variation to the s106 legal agreement signed as part of application 12/AP/4126 (as amended under applications 17/AP/3694, 16/AP/0200, 15/AP/2821).

Item 6.2

Planning Application 21/AP/2655 & 21/AP/2610 for:
Canada Water Dockside Masterplan
Units 1 and 4 Canada Water Retail Park



Southwark Free Wi-Fi
Password
Fr33Wifi!



Councillor Martin Seaton (Chair)



Councillor Kath Whittam (Vice Chair)



Councillor Cleo Soanes



Councillor Bill Williams



Councillor James Coldwell



Councillor Dan Whitehead



Councillor Richard Livingstone



Councillor Damian O'Brien

Item 6

Canada Water Sites C and E, Surrey Quays Road, SE16 2XU

Deed of Variation to the s106 legal agreement signed as part of application 12/AP/4126 (as amended under applications 17/AP/3694, 1616AP/0200 and 15AP/2821) granted consent on 5 November 2013.

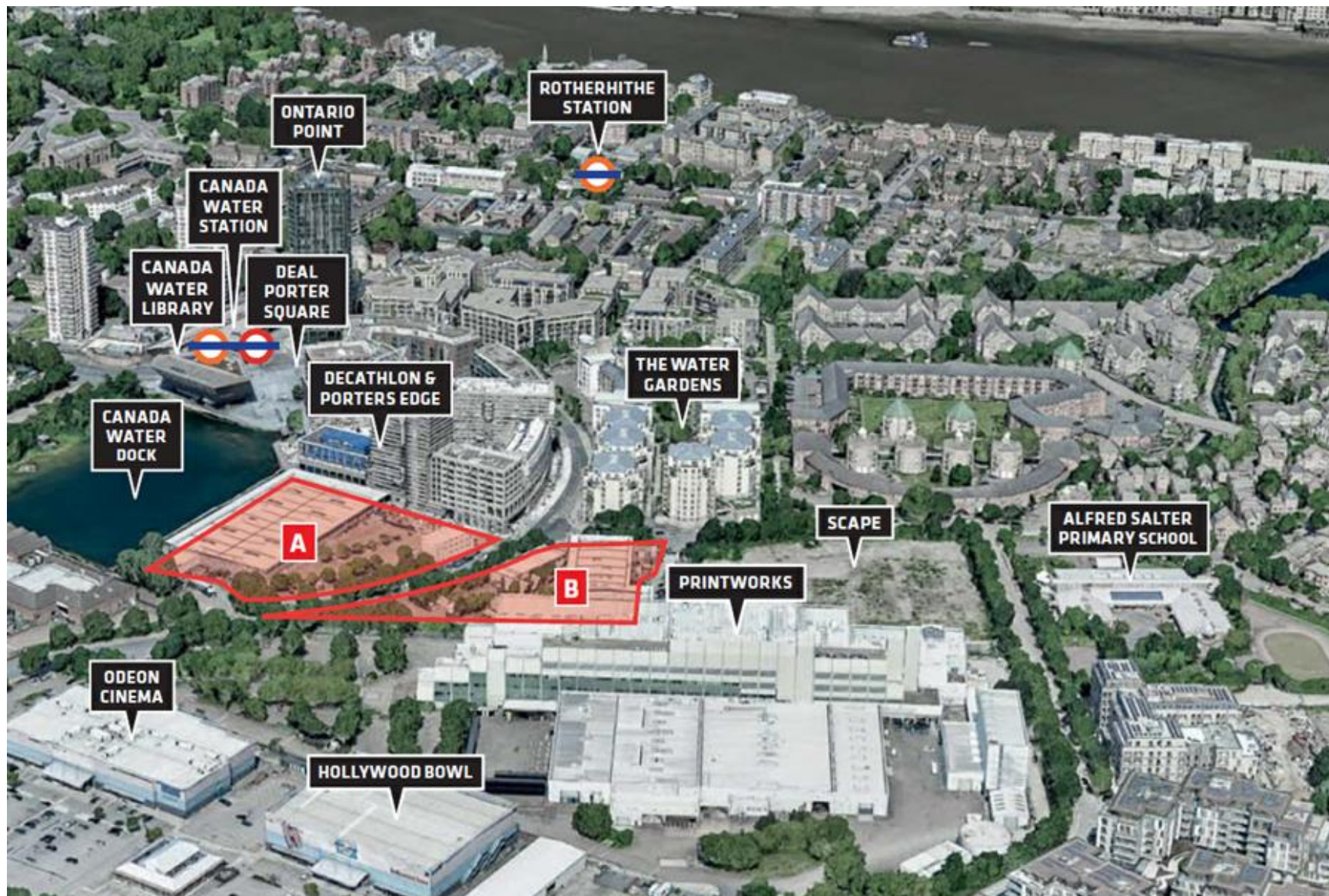
Phase 1 - Building C1 was approved in detail and provided 235 new homes in addition to a new Decathlon store and underground town centre car parking. Buildings range in height from seven to 14 storeys. Phase 1/building C1 has been completed and is now fully occupied.

Phase 2 - Building E1 was approved in outline with Class D1 floorspace, which was intended to form a new health centre, as well as office (Class B1), retail (Class A1-A4),[∞] and residential accommodation (Class C3) with capacity for up to 231 new affordable homes in buildings up to 37m in height.

Phase 3 - Buildings C2 and C3 approved part in detail for design and siting including height with internal layouts reserved and had capacity for 292 new market homes in buildings of eight and 20 storeys respectively, including retail and a cinema.

Phase 4 - Building C4 had full details submitted for the design and siting, including scale. Landscaping, and the internal layout of the building was reserved. Building C4 would have capacity for up to 273 new homes and some retail floorspace and health centre in a tower of up to 40 storeys in height

Existing Site Context



Site Boundary Planning Permission of December 2013



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Planning History

The original 2013 consent comprised the development of the Decathlon Store, with a re-provided and enlarged store and 253 homes which are purpose built private rented homes. This part of the scheme has been implemented and is fully occupied.

No affordable housing was required to be delivered in this first phase by the s106 agreement.

The second phases would have delivered 231 affordable homes on site E, with phases 3 and 4 delivering private tenure homes with a total of 1030 homes over the entire site. This equates to 22.5% affordable accommodation by habitable room.

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Phasing agreed in the s106

The lack of affordable housing in phase 1 was justified on the basis of the cost of delivering a considerably enlarged Decathlon store (12,300sqm, as opposed to the original 6,190sqm store) and basement car parking for 152 cars below the first phase housing, (which would be used both for the store and wider town centre function) combined with the need to maintain the stores trading through an on site decant strategy.

The viability assessment was independently reviewed by the DVS and as a consequence the affordable offer increased during the course of the application but the DVS accepted the case of the initial high costs of the phase 1 development, and recommended accepting a final offer of 22.5%. 12

The Decathlon store was considered to be a major town centre, flagship retail anchor and local employer. (194 jobs were expected to be created over the entire scheme post construction).

Delivery of Affordable Housing

As a result of the way in which the schemes viability was assessed and the S106 was structured the affordable housing can only be required to be delivered if the later phases of the consent are implemented.

At present the owners of the site do not intend to deliver the latter phases of the approved scheme.

Deed of Variation

To provide a £27.125 million financial contribution towards affordable housing in the event that an alternative development, other than a residential development comes forward on those parts of the site that have yet to be developed. These are identified as sites C and E in the original consents.

This figure is calculated by assuming 35% of the 775 habitable rooms in the completed C1 building are affordable, $271.25 \text{ rooms} \times £100\text{k} = £27.125\text{m}$.

The proposed payment would be index linked from the date the variation is signed, or 1st May 2022 whichever is earlier.

The payment schedule would include a £2.5m payment on implementation of the alternative scheme followed by three additional payments linked to 25% disposal or occupation of each phase of the alternative development.

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Recommendation

To agree the delegated authority to negotiate and complete a Deed of Variation to the legal agreement signed as part of consent 12/AP/4126 (as amended).

Item 6.1

21/AP/2655 & 21/AP/2610

Canada Water Dockside Masterplan

Units 1 and 4 Canada Water Retail Park

- **21/AP/2655:** Outline planning permission (all matters reserved) for a commercial masterplan containing offices and other complementary town centre uses with no housing. The proposals involve the demolition of all buildings and structures and the comprehensive redevelopment of the site to provide three Development Plots (A1, A2 and B) which will contain three Buildings (A1, A2 and B) reaching maximum heights of 110m, 55.4m and 63.2m AOD respectively. The proposed maximum floorspace is 145,780sq m GEA above ground, with basements extending to a maximum of 13,006sq m GEA (Total 158,786 sq.m) 51
- **21/AP/2610:** Outline planning permission (all matters reserved) for works of hard and soft landscaping to create a shared public realm space for use by pedestrians and vehicles. The proposals will retain and re-provide access for servicing vehicles to Porters Edge, and will improve the street through the provision of new trees and other planting, alongside new street furniture and surface finishes to enable the use of the space for play and recreation.

Site Boundary



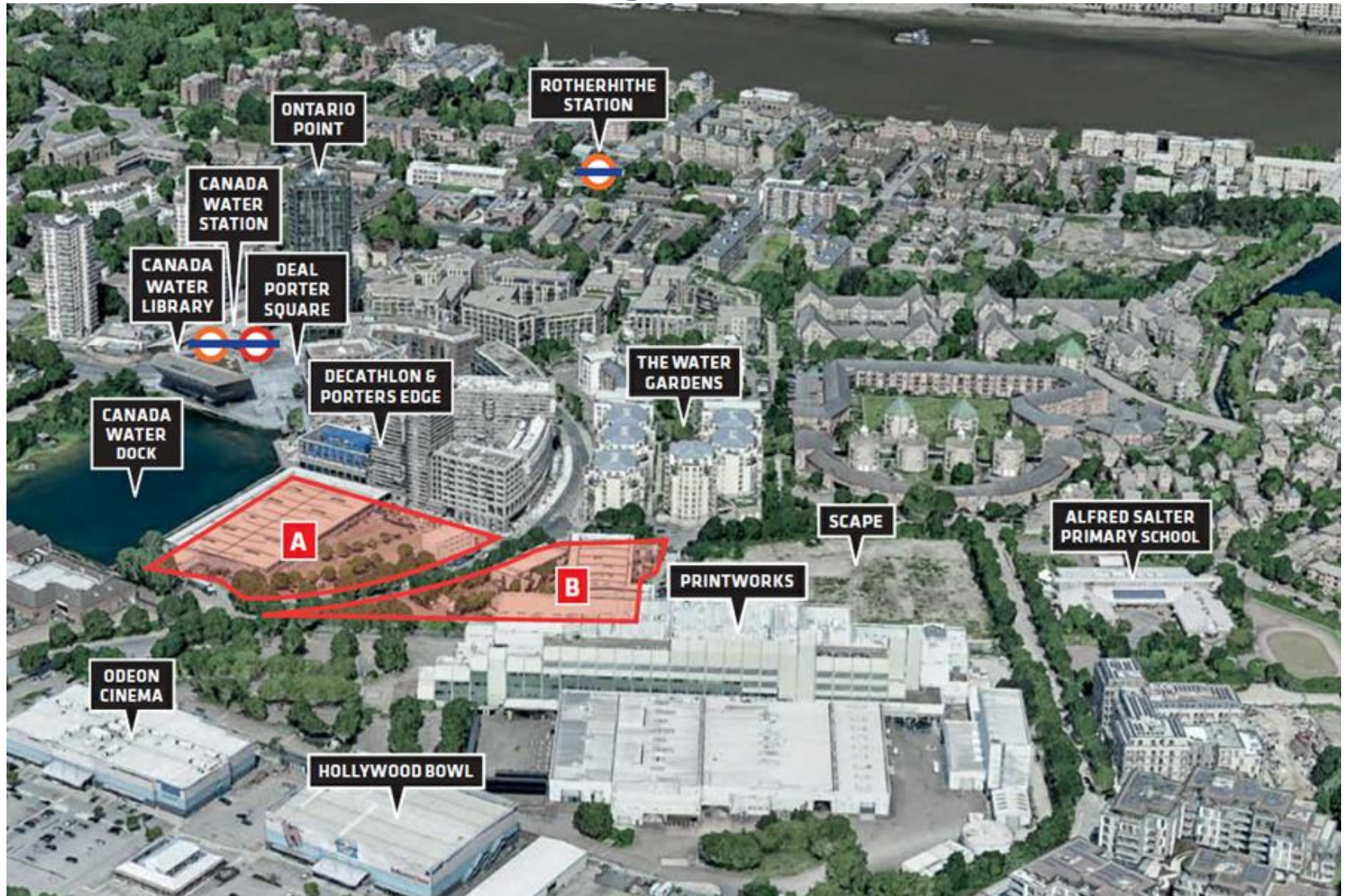
Extant Scheme Site Boundary

Proposed site boundary 21/AP/2655
- 3 new blocks (A1, A2, B)

Proposed Site Boundary 21/AP/2610 – Maritime Street



Existing Site Context



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Current Site and Surroundings

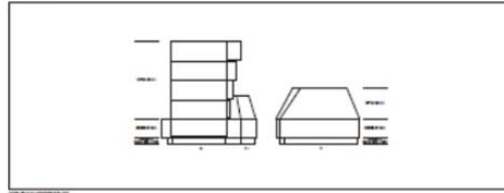
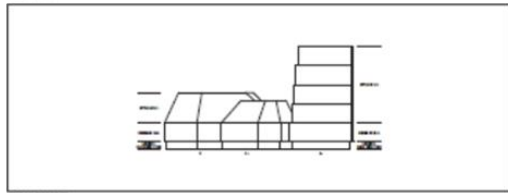
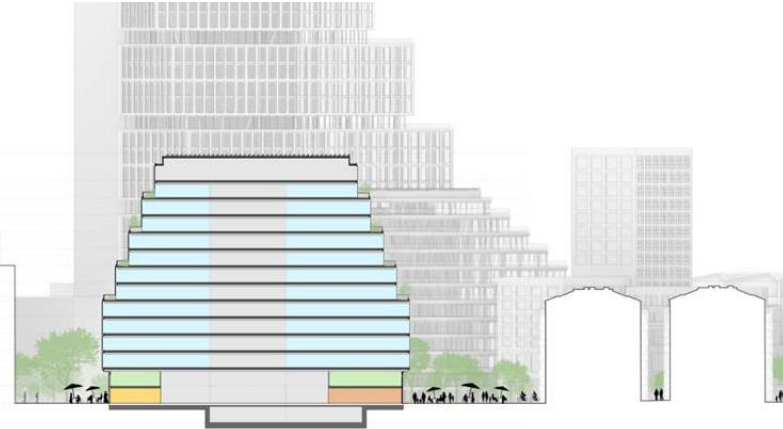
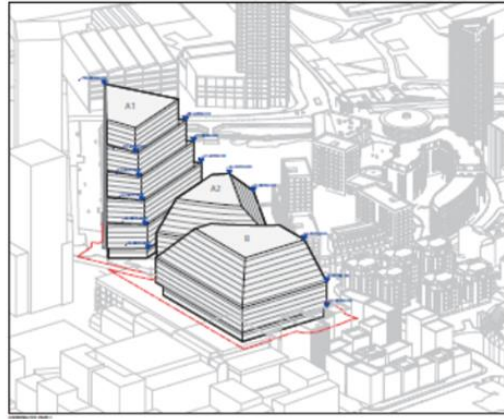
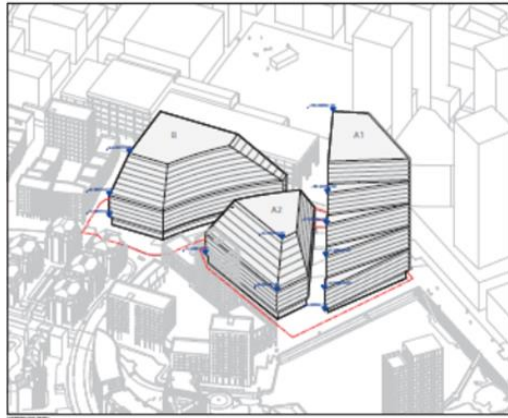


Proposal

| Land use | Minimum floorspace (sqm GEA) | Maximum floorspace (sqm GEA)* |
|---|------------------------------|-------------------------------|
| Retail/professional services/food and drink (E(a/b/c)) | | 5,000 |
| Learning and non-residential institutions/local community (F1/F2) | 300 | 750 |
| Medical or health (E(e)) | | 3,000 |
| Indoor sport, recreation or fitness (E(d)) | | 1,500 |
| NON-WORKPLACE SUB-TOTAL | 2,000 | 7,000 |
| Workplace (E(g)(i)) | | 143,780 |
| ABOVE GROUND SUB-TOTAL | | 145,780 |
| Basements | | 13,006 |
| TOTAL | | 158,786 |

Proposed land uses and quantum's of development

Proposed Scale and Massing



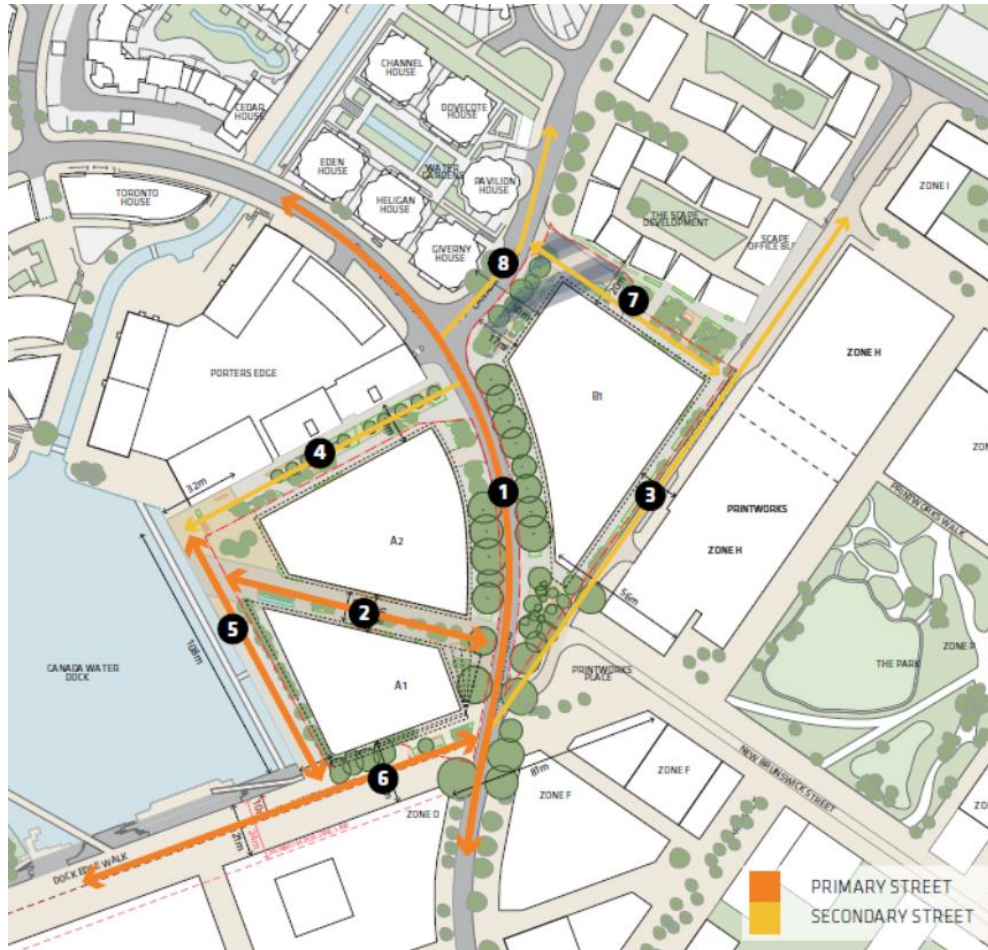
Potential Floor Plan – Upper Levels



Potential
internal lobbies
and generous
terraces



Public Realm



1. Surrey Quays Road - a key existing route. It is envisaged as a place for incidental seating and play
2. The Boulevard acts as a primary desire line from Canada Water station and Deal Porter Square to Printworks Place. Activated by retail uses and lobby entrances to the commercial buildings.
3. Printworks Street . The application has been developed on the basis of this street being a one way street, primarily on land owned by British Land, but with the objective of it being developed as a two-way street utilising land within this site boundary.
4. Maritime Street will be transformed into a pedestrian priority linear space.
5. The Waterfront is envisaged as a promenade space that provides spill-out space for cafes and restaurants and planting.
6. Dock Edge Walk forms a continuation of a key route leading from Southwark Park to the new park within the proposed BL masterplan
7. Green Street is envisaged as a softer and more heavily planted environment, providing street furniture for dining and activities play features.
8. Canada Street would be landscaped as a continuation of Maritime Street and would provide a community pocket park

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Waterfront Square Public Realm

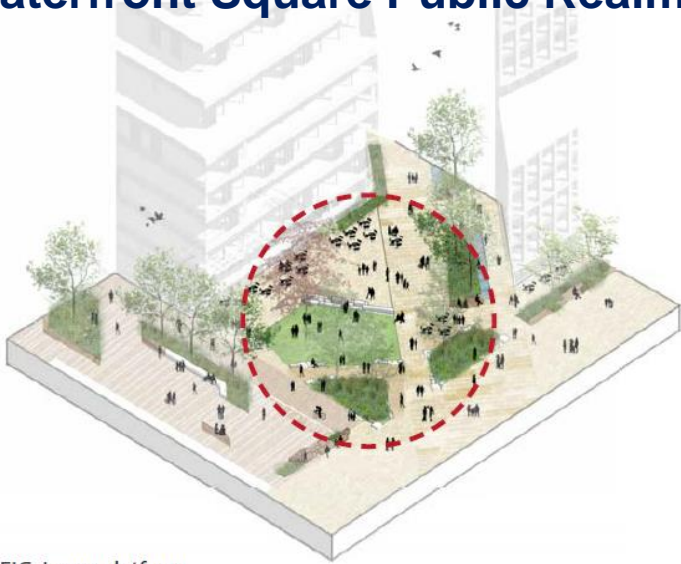


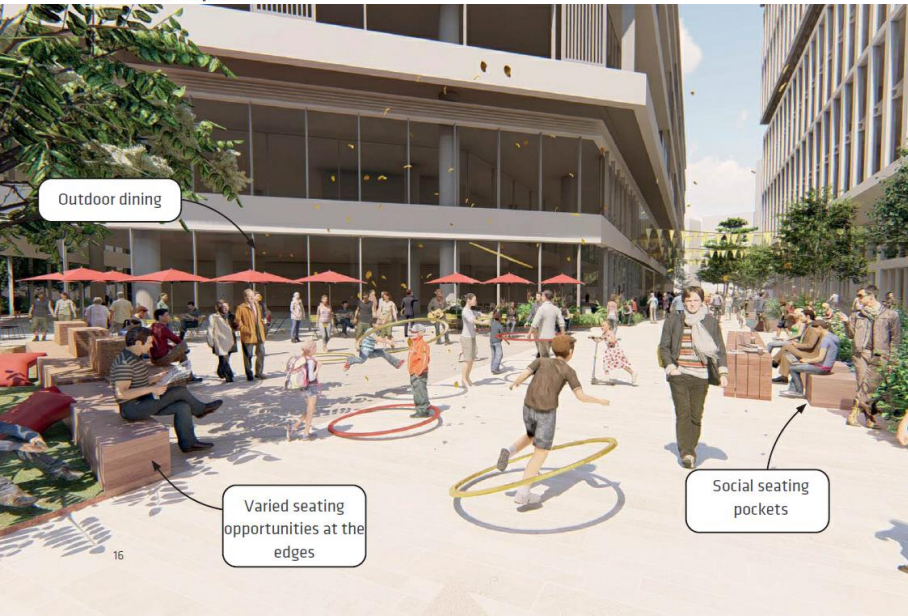
FIG. Lawn platform



Social seating pockets



Informal and playful edges to accommodate



Illustrative Scheme Image | Maritime Street | Plot A2



CGIs – Potential Public Realm - The Boulevard and Maritime Street

Illustrative Scheme Image |



Illustrative Scheme Image | Public Realm | The Boulevard from Printworks Place



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Wireline Views including emerging context (Blue wireline for proposal, BL buildings shown in yellow wireline)

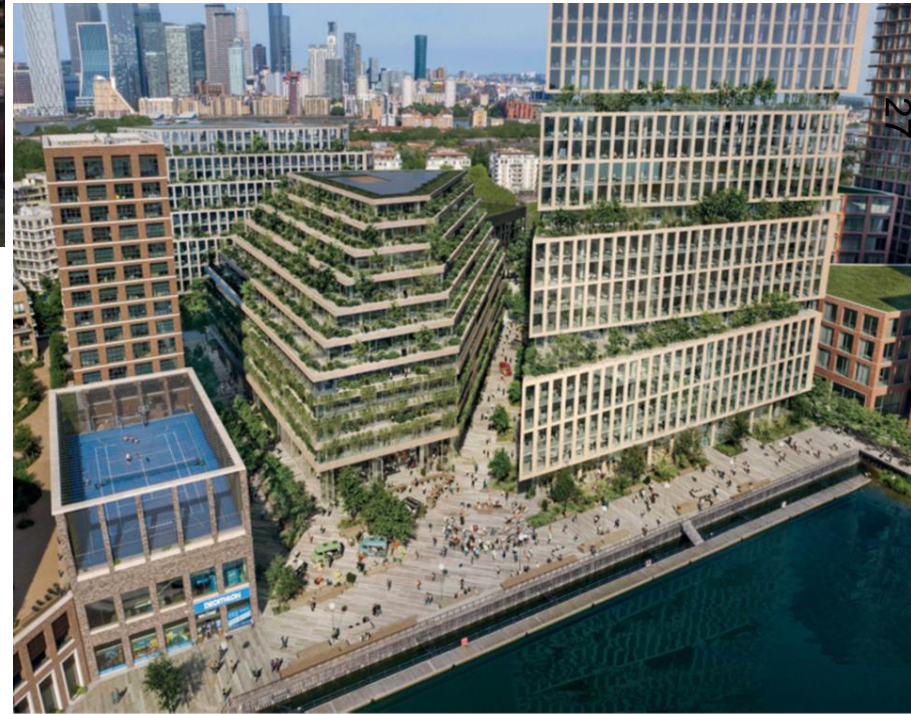


CGIs – illustrative scheme



← View of Blocks A1 and A2 from Canada Water Dock

View of Waterfront Square →



CGIs – illustrative scheme



Potential terrace on Block A1 looking onto Block A2

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Block B on the left hand side of Surrey Quays Road, Block A2 with Block A1 behind on the right hand side

CGIs – illustrative scheme



← Block B looking south along Surrey Quays Road

Block A2 on the left hand side of Surrey Quays Road and Block B on the right hand side (looking north) →



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- Policy compliant redevelopment of an allocated site which will complement the Canada Water Town Centre
- Will deliver a significant quantum of commercial floorspace (over 158,000 sqm)
- Will deliver a significant quantum of affordable workspace (over 14,500 sqm)
- Potential to create 8,000 - 10,900 full time jobs (depending on final uses)
- New public realm
- Positive and appropriate response to climate change policies - car free, over 3,000 cycle parking spaces, air quality neutral, 51% onsite carbon reductions, ASHP, 2,550 sqm of PVs, BREEAM 'Excellent'