

<b>Item No:</b> 6.1 and 6.2	<b>Classification:</b> Open	<b>Date:</b> 21 March 2022	<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>		Rotherhithe	
<b>From:</b>		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	<b>Proposed total maximum = 158,786 comprising</b>  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 21<sup>st</sup> 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 21<sup>st</sup> 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