

Item No: 6.1	Classification: Open	Date: 4 August 2021	Meeting Name: Planning Committee
Report title:		Addendum report Late observations and further information	
Ward(s) or groups affected:		Borough and Bankside	
From:		Director of Planning and Growth	

FINAL report issued on 3 August 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 the 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 6.1 - 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.

Response from TfL

6. TfL raises no objection. TfL considers securing an updated servicing strategy through the s106, with TfL as consultee, to be appropriate. While the short-stay cycle parking does not meet London Plan standards, given the site constraints the extra five Sheffield stands are accepted. The expected uplift in additional taxi trips is considered acceptable given the context and overall low taxi-mode share and TfL note this impact will be kept under review through the travel plan survey.

Additional representations

7. 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.
8. 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.
9. A lengthy objection supplemented by photos was also received as a third representation, which has been circulated to Members separately; this document has been further updated by the objector, superseding the version circulated on 19 July. It sets out the objections of local stakeholders to: the proposals changing the scheme from that which local residents previously supported; the size of the additional F&B units with their proximity to residents; the disruption and congestion from taxis, Ubers and servicing vehicles, gridlocking the roads with nowhere to park

when the units close at midnight; the overcrowding of people on the narrow streets; how the project has ignored all stakeholders, including EPT on noise and negative impacts, and is a knee-jerk reaction to Covid and Brexit in order to allow the applicant to make money faster at the expense of the local community; and that the community believed in the “indicative” plan from 2016 yet the Borough Yards scheme has changed from that previously supported in this highly sensitive site. It provides a link to a video of a walk around the site’s boundaries, includes photographs of residents’ homes surrounding the site, and existing traffic and parking issues. It includes a list of policies in the development plan, NPPF and draft New Southwark Plan that seek to protect neighbourhoods from applications like these. It lists suggested additional conditions if the Committee are minded to approve the applications.

Environmental impact assessment (EIA)

10. 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.
11. 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.”*
12. 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.
13. 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 they 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.
14. The 2015 application ref. 15/AP/3066 was considered not to be EIA development.

15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.

21. 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

22. 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%)

23. 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.

NPPF

24. The revised NPPF was published on 20 July 2021. The changes made in the new version compared with the previous version have been considered in terms of their relevance to these two applications. The updated NPPF does not alter the officer assessments of the two applications, nor their recommendations.
25. The references to the NPPF within the condition reasons in the recommendation (appendix 1) would need to be updated from the 2019 date to 2021.

Additional conditions and revised condition

26. The applicant has agreed to two additional conditions relating to closing the bi-fold doors to certain units and the installation of lobby doors to the largest two units, in response to the late objection. Condition 25 has been amended to align with the Sunday opening hours of the licenses. These conditions are set out in full below:

Amended Condition 25 Opening Hours

- a) The Class A3 and A4 uses hereby permitted shall not be carried on outside of the hours of 08:00 to midnight on Monday – Saturday and 10:00 to 23:00 on Sunday.
- b) The gallery and cinema (Class D2) shall not be carried on outside the hours of 08:00 to midnight on any day.

Reason:

To safeguard the amenities of neighbouring residential properties in accordance with The National Planning Policy Framework 2021, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

Added Condition 44 Bi-fold Doors

The bi-fold doors on Units 207, 208 and 213 (the unit locations identified on the approved drawings), located on Stoney Street, must be each closed at 22:00hrs on any day and remain closed until no earlier than 08:00 the following day, save for access and egress.

Reason:

To safeguard the amenities of neighbouring residential properties in accordance with The National Planning Policy Framework 2021, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

Added Condition 45 Lobby Doors

Prior to its first occupation as a restaurant or café, lobby doors must be installed at the entrance/exit of Unit 215 and of Unit 219 (the unit locations identified on the approved drawings) located on Stoney Street and retained as such for the duration of the restaurant or café use.

Reason:

To safeguard the amenities of neighbouring residential properties in accordance with The National Planning Policy Framework 2021, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

Conclusion of the Director of Planning and Growth

27. 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 (with the amended condition and two additional conditions set out above) and the deed of variation agreed for 21/AP/0326.

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