

<b>Item No:</b> 5.1 & 5.2	<b>Classification:</b> Open	<b>Date:</b> 6 June 2023	<b>Meeting Name:</b> Planning Committee A (Major Applications)
<b>Report title:</b>		<b>Addendum report</b> Late observations and further information	
<b>Ward(s) or groups affected:</b>		Borough and Bankside	
<b>From:</b>		Director of Planning and Growth	

## PURPOSE

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

## RECOMMENDATION

2. That members note and consider the additional information and consultation responses in respect of each item in reaching their decision.

## FACTORS FOR CONSIDERATION

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

### **ITEM 5.1: 21/AP/4194 - Minerva House, 5 Montague Close, London, SE1 9BB**

#### **Corrections and clarifications on the main report**

4. **Correction to paragraph 9**

TO READ:

Land Use	Existing (sqm)	Proposed (sqm)	Difference
Class E (Office)	12,328	18,781	+6,454*

\*10% of GIA uplift to be provided as affordable workspace

#### **Correction to paragraph 15**

5. TO READ: All public contributions have been themes into categories as summarised above.

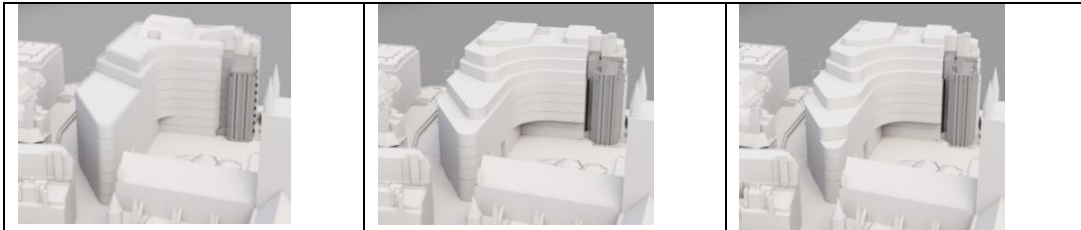
## **Correction to paragraph 27**

6. TO READ:

- Deliver at least 10% of the proposed ground employment floorspace as affordable workspace on site;
- The workspace is provided for a 30 year period at a minimum of 25% discount on market rent (75% of market value);
- A discount on service charge which should be capped;
- A rent-free period should be offered to incentivise uptake
- No more than 50% of the market rate floorspace can be occupied until the affordable workspace has been fitted-out and ready for occupation;
- A Management Plan is in place to secure the appointment of a Workspace Provider and a methodology for that Provider to support the occupiers and;
- Appropriate marketing of the affordable workspace will be conducted.
- Collaborate with the Council, local businesses, business associations and relevant public sector stakeholders to identify businesses that will be suitable occupiers;
- This is to be secured through a Planning Obligation within the S106 Legal Agreement.

## **Correction to paragraph 72**

7. TO READ (updated visuals - L-R): First preapplication, planning submission, revised massing.



## **Correction to paragraph 90**

8. TO READ: (updated visual of roof terrace)



## **Addition to paragraph 128**

9. The proposed landscaping that will be secured through the s106 involves an area of road and pavement directly opposite the development site and in front of the cathedral on Montagu Close. The proposed landscaping would much improve the setting of the Grade 1 listed building as well as improving urban greening within the wider area and adding to biodiversity. The new landscaping has been discussed with the councils highways teams who are supportive in principle (the existing disabled parking bay would be retained in the new arrangement). The road and pavement that would be landscaped are not part of the public highway. The disabled ramp would be part of this new landscaping scheme and taken together these works would offer some mitigation to the less than substantial harm to the cathedral identified in the main report.

## **Correction to paragraph 150**

10. TO READ: A BREEAM pre-assessment was submitted under Appendix B of the submitted Sustainability Statement. This shows the proposals are achieving 73.48%, which is above the 70% “excellent” rating.

## **Contributions received from residents/amenity groups**

11. The committee report accurately captures the number of consultation and re-consultation responses received from members of the public, at the date of when the report was sent to the Constitutional Team. Since that date, a further 2 objections have been received. The additional 2 objections mainly raise issues that have already been considered in the committee report, however also raised the points as summarised below:
  - Absence of social regeneration
  - Developer should cover maintenance costs of garden secured through a planning obligation in a S106 legal agreement
  - Affordable workspace is not genuinely affordable
  - Poor and lack of public consultation
  - Pedestrian cut-through and garden will only be used by tourists and not local residents
  - Limited space for safe egress and adequate muster points

## **Updated Conditions**

12. Amendments to conditions #31 (Roof Terrace Hours) and #32 (Hours of Operation). These would be included on any decision issued, additionally officers seek delegated authority to make amendments and additions to the conditions prior to Stage II GLA referral.
13. Condition 31: roof terrace hours amended to 08:00 to 21:00 on weekdays only. No use permitted on weekends or bank holidays. The Roof Terrace

Management Plan (dated, December 2022) shall be amended to change condition #6 (Operational Management Plan) from pre-commencement condition to compliance condition.

14. Condition 32: to include that no outdoor seating would be permitted.

### **Conclusion of the Director of Planning and Growth**

15. Having taken into account the additional information, following consideration of the issues raised, the recommendation remains that planning permission should be granted, subject to conditions as amended in this Addendum report, Stage 2 referral to the Mayor and completion of a s106 agreement.

### **ITEM 5.2: 21/AP/0737 - 33-36 Bear Lane, London SE1 0UH**

16. Living Bankside have provided a late comment in objection.

The organisation supports the development in principle, its design and low line delivery. However, they feel that the benefits of the scheme do not outweigh the harms that they have identified. The areas of objection they have are:

#### Consultation (by the applicant)

Living Bankside say that the lack of engagement at pre-app stage does not comply with policy and guidance. Concerns have been raised about engagement during the pre-application process, particularly regarding residents in social housing and those with protected characteristics.

Officer Comment: Consultations the developer undertook set out in the Statement of Community section of the report, from para. 258. This included a number of public and private meetings, letters being sent to residents and a website.

#### Loss of privacy and overlooking

Officer Comment: The proposal does result in some overlooking, an issue that is addressed in more detail from Para.176 of the Report. Window to window overlooking has been addressed to Officer Satisfaction by setting back windows to be 12m from those opposite on Bear Lane, with those at a closer distance being fixed shut and obscure glazed. Also, conditions are proposed to prevent routine access the lower terraces and the upper terraces that are set back have been designed to have screening to prevent overlooking. The terraces that can be used are limited to only being used between 07:00 and 19:00. It should be noted that the commercial use of the building means that the building will tend to be vacant at the times when residential amenity is of greatest concern, during evenings and at weekends and bank holidays.

### Impact on local heritage

They say that the development is too large and would have a harmful impact on the listed buildings at 43 and 44 Dolben Street

Officer Comment: The development is of a similar scale and height to other development in the area. Impact on heritage assets is addressed in Site location and description section of the report. The opinion of Officers remain that there is no impact on the setting of the listed buildings, which are the other side of the monumental railway arches.

### Absence of Social Regeneration

Living Bankside's comments are that the benefits of jobs would not be felt locally and would not meet the needs of those in the area.

Officer Comment: The provision of jobs including affordable workspace in the Central Activity Zone is a policy requirement and would result in additional jobs that could be taken up by local residents. The affordable workspace would be provided for local Southwark businesses.

### Impacts on limited transport capacity.

Officer Comment: Both Southwark and TfL Highways and Transportation Officers are satisfied with the scheme which in particular provides excellent cycling facilities.

### Limited space for safe egress and adequate muster point

Officer Comment: A condition has been proposed requiring that there be no pedestrian access onto Bear Lane. As a result, pedestrians entering the site will use the new Low Line route, dispersing them away from Bear Lane. Further, Bear Lane itself will be widened. There should as a result be negligible harm to amenity from additional access to the site.

### Scale, height and massing of the building resulting in an overbearing building.

Officer comment: The building, by stepping up from adjoining buildings will increase the scale of the west side of Bear Lane. The building does however step back from and broadly maintains the height of 18 Great Suffolk Street and the Hilton Hotel, which are opposite.

### Concerns raised that there would be significant impact on daylight and sunlight with overshadowing.

Officer Comment: There will be significant impact on daylight and sunlight, but the alternative tests undertaken and steps taken to step back the

building result in a scheme that is on balance considered by Officers to be acceptable. Daylight and sunlight issues are considered in detail within the report from Para 143.

Significant impacts on the environment:

Officer Comment: The proposal has been considered against the Council's stringent sustainability and climate change policies and it has been found to provide a suitable mitigation regarding CO2 with a policy compliant urban greening factor despite being a constrained site.

Genuine open/green space not provided within the development

Officer Comment: This urban site is not of a siting or type that can be reasonably expected to bring forth additional green space except on roofs, where the urban greening factor is satisfied. However, a wider pavement is delivered on Bear Lane and the new Low Line route is providing public realm.

Noise, odour and other disturbance

Officer Comment: The proposal does not propose food and beverage operations and licensable activities. It is for a small retail unit and employment space. The arches along the Low Line do have consent for licensable activities but are not connected with this consent.

Living Bankside conclude that the current proposed development's harms significantly outweigh any of the benefits.

**Corrections and clarifications on the main report**

17. Change Condition 10 to:

Prior to the commencement of above grade works, details of obscure glazing to east facing windows less than 12m from residential properties and screening in the form of privacy screens and evergreen planting to roof terraces facing east and north shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details thereby approved. Screening to include residual locations on roof terraces where the planting scheme results in direct line of sight of residential windows

18. Change condition 16 to:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the use of the floor space hereby approved shall be only within Use Class E(g),

other than the ground floor area coloured green, shown in Drawing Number 1901-SPP-20-GA-GF-0001 which shall only be within Use Class E(a) unless otherwise agreed in writing by the Local Planning Authority.

19. ADDITIONAL CONDITION:

The development shall be carried out in accordance with the following approved plans:

EXTENT OF DEMOLITION - EAST ELEVATION 1901-SPP-95-E-GF-0001-S4-P02 received 24/01/2022

EXTENT OF DEMOLITION - EAST ELEVATION 1901-SPP-95-E-GF-0001 REV 01 received 06/04/2021

PROPOSED - ELEVATIONS – EAST & WEST – COLOUR 1901-SPP-25-E-0003 REV P05 received 27/04/23

PROPOSED - ELEVATIONS – NORTH & SOUTH 1901-SPP-25-E-0002 REV P06 received 27/04/23

PROPOSED - ELEVATIONS – NORTH & SOUTH - COLOUR 1901-SPP-25-E-0004 REV P05 received 27/04/23

PROPOSED - ELEVATIONS – EAST & WEST 1901-SPP-25-E-0001 REV P07 received 27/04/23

PROPOSED - SECTIONS 1901-SPP-26-S-0001 REV P06 received 27/04/23

PROPOSED – FLOORPLANS – LEVEL B1 - 901-SPP-20-GA-B1-0001 REV P07 received 27/04/23

PROPOSED – FLOORPLANS – LEVEL GF - 1901-SPP-20-GA-GF-0001 REV P08 received 27/04/23

PROPOSED – FLOORPLANS – LEVEL 01 - 1901-SPP-20-GA-GF-0001 REV P05 received 27/04/23

PROPOSED – FLOORPLANS – LEVEL 02 - 1901-SPP-20-GA-L2-0001 REV P05 received 27/04/23

PROPOSED – FLOORPLANS – LEVEL 03 - 1901-SPP-20-GA-L3-0001 REV P05 received 27/04/23

PROPOSED – FLOORPLANS – LEVEL 04 - 1901-SPP-20-GA-L4-0001 REV P05 received 27/04/23

PROPOSED – FLOORPLANS – LEVEL 05 - 1901-SPP-20-GA-L5-0001 REV P06 received 27/04/23

PROPOSED – FLOORPLANS – LEVEL 06 - 1901-SPP-20-GA-L6-0001  
REV P06 received 27/04/23

PROPOSED – FLOORPLANS – LEVEL 07 - 1901-SPP-20-GA-L7-0001  
REV P06 received 27/04/23

PROPOSED – FLOORPLANS – ROOF - 1901-SPP-20-GA-RF-0001 REV  
P06 received 27/04/23

EXTENT OF DEMOLITION SCOPE 1901-SPP-95-P-GF-0001-S4-P02  
received 24/01/2022

EXTENT OF DEMOLITION SCOPE 1901-SPP-95-P-GF-0001 REV 01  
received 06/04/2021

PROPOSED - BAY STUDY - LEVELS 3 & 4 1901-SPP-30-B-0002-S4-  
P03 received 25/01/2022

PROPOSED - BAY STUDY - LEVELS GF & 1 1901-SPP-30-B-0001-S4-  
P03 received 25/01/2022

PROPOSED - BAY STUDY - LEVELS 3 & 4 1901-SPP-30-B-0002 REV  
P03 received 24/10/2022

Reason: For the avoidance of doubt and in the interests of proper  
planning

### **Conclusion of the Director of Planning and Growth**

20. Having taken into account the additional information, following consideration of the issues raised, the recommendation remains that planning permission should be granted, subject to conditions as amended in this Addendum report, Stage 2 referral to the Mayor and completion of a s106 agreement.

### **REASON FOR URGENCY**

21. 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.

### **REASON FOR LATENESS**

22. The new information 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 DOCUMENTS

Background Papers	Held At	Contact
Individual files	Environment Neighbourhoods and Growth Department 160 Tooley Street London SE1 2QH	Planning enquiries Telephone: 020 7525 5403