

Item No: 7.1 & 7.2	Classification: Open	Date: 14 June 2023	Meeting Name: Planning Committee (Major Applications) B
Report title: Address:	Addendum report Late observations and further information		
Ward(s) or groups affected:	St Giles & Old Kent Road		
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 and information received in respect of each item in reaching their decision.

KEY ISSUES FOR CONSIDERATION

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

Item 7.1: 22/AP/1603 - 18-22 Penarth Street, London SE15 1TX

Consultation responses from third parties

4. Diespeker maintains its objections to the scheme and to further state that there are three grounds namely: (i) noise; (ii) overlooking and overshadowing; and (iii) Diespeker future development. These matters have been dealt with, in the main report and further negotiations and discussions have been taking place right up to today to deal with noise and the imposition of amended wording for condition 35 and three additional conditions as suggested by the Council's EPT officer who will be available at the committee meeting to answer members' questions. The issue of overlooking has been assessed and consider there would not be an amenity issue to users of the yard. BRE guidelines state that they may be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight. This would normally include schools, hospital, hotels and hostels, small workshops and some offices. The applicant has not applied the BRE test to the

Diespeker building. The guidance is that it may be applied but is not required to be applied. Officers are of the view that given the relationship of the new development to the existing yard space and ancillary office that the scheme is unlikely to adversely affect the premises by virtue of daylight or sunlight/overshadowing, particularly when considering the assessed effects of the scheme on 180 Ilderton Road. The issue of Diespeker's future development for its commercial on-site operations is dealt with as part of the Agent of Change assessment.

5. Diespeker has planning permission for Demolition of existing external metal hut and other storage buildings, in addition to the removal of asbestos roof to single storey part of existing factory. Extension of the existing gantry crane, and the creation a part ground floor and first floor extension for additional factory, storage and staff facilities, with the inclusion of external works to the principle elevations of the building under LPA reference 21/AP/1619 dated 16/03/2022. This information was not included within the main report. Diespeker wish to make it clear that the signing of its 15 years new lease and the grant of the planning permission makes it clear that it will not be looking to redevelop its site as a co-located development which is incorrectly stated within the main report. Diespeker also voiced concern that the room layout as proposed in the scheme should not be able to be redesigned so that more sensitive uses or the accommodation become self-contained or privately owned without a single management plan as advocated. The layout of uses and rooms as shown on the submitted drawings and plans that are being formally considered this evening is the design that officers are recommending for approval and only for that reason. Condition one which sets out the approved plans, drawings and layouts would be the relevant planning condition.
6. MVT has set out concerns for Ormside Projects which state that the comments are neutral and should not have been seen as supporting the application. There is concern that the provision of new residential accommodation in the area may result in noise complaints against the Project's music venue and as such would be contrary to Agent of Change policy principles. MVT further stated that its operations were not identified within the applicant's NIA report and as such, is flawed and should be done again and for the Project's premises to be included. It has been mistakenly reported that an additional NIA has been submitted during the life of this application submission. This has not been done. The applicant has been negotiating with the Council suitable conditions to better insulate the development acoustically. It is considered that the most noise sensitive premises is Diespeker and once that matter is satisfactorily addressed then there should be no compromise on the operations of other commercial properties in the vicinity. It should also be noted that in spite of the project having a license to allow it to operate under licensing laws it does not appear that there is an extant planning permission for the use of its premises for such use.

TfL comments

Maintains its objections to the scheme as it set out in the Mayors GLA stage 1 letter. LBS officers consider that the matters raised can be dealt with via condition and that the S106 transport contributions satisfactorily mitigate the development.

Play space provision

- This is been updated and improved to ensure that there is now policy compliant play space provision for children along with policy compliant communal amenity space.

Cycle parking

	Policy Requirement Long-Stay Cycle Parking	Policy Requirement Short-Stay Cycle Parking	Split of Stand Types Proposed	Split of Stand Types Policy Requirement
Co-living	282 proposed. 283 required. -1 overall.	6 proposed. 37 required. -31 overall.	76 Sheffield 26.9% 4 Accessible 1.4% 202 2-Tier 71.6%	20% Sheffield 5% Accessible 75% Max 2-Tier
Affordable Housing	88 proposed spaces. 89 required spaces. -1 overall.		14 Sheffield 15.9% 2 Accessible 2.2% 72 2-Tier 80.8%	20% Sheffield 5% Accessible 75% Max 2-Tier
Workspace	20 proposed spaces. 17 required. +3 overall.	4 proposed spaces. 17 required. -13 overall.	3 Sheffield 17% 1 Accessible 4% 16 2-Tier 83%	10-12% Sheffield 3-5% Accessible 85% Max 2-Tier

Planning conditions related to 22/AP/1603

- Update to conditions 1 (Approved plans) and 35 and an additional 3 conditions as negotiated with the Council's EPT officer to be included in the decision notice. Condition 1 to be amended to include these drawings:

- Landscape plan overlay – extended play area (drawing ref: CGL-Z0-09-DR-A-PL0024 revision P)

- Landscape plan overlay – additional extensive green roof area (drawing ref: CGL-Z0-09-DR-A-PL0023 revision P)

Condition 35 (amended)

The dwellings hereby permitted shall be designed to ensure that the following internal noise levels are not exceeded due to environmental noise: Bedrooms - 35dB LAeq T†, 30 dB L Aeq T*, 45dB LAFmax T* Living and Dining rooms (including communal rooms) - 35dB LAeq T † * - Night-time - 8 hours between 23:00-07:00 with 45 dB LAm_{ax,F} (2 minute) which is not typically exceeded more than 10 times per night. † - Daytime - 16 hours between 07:00-23:00 Blocks A and B West Façade and Block C East Façade: Bedrooms - 25dB LAeq T# 45dB LAFmax T * Living and Dining rooms (including communal rooms) - 25dB LAeq T~ # Worst case 1 hour specific noise level at any time ~ Daytime worst case 1 hour specific noise level between 07:00-23:00 Following completion of the development and prior to occupation, a validation test shall be carried out on a relevant sample of premises. The results shall be submitted to the LPA for approval in writing alongside the details and specification of the installed scheme of insulation. Once approved the scheme shall be permanently maintained thereafter.

Reason: To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation in accordance with the Southwark Plan 2022 Policy P56 (Protection of amenity); Policy and to ensure that existing commercial uses in the areas are not unreasonably constrained in accordance with the NPPF 'Agent of Change' principle (NPPF Paragraph 187).

Additional conditions 54, 55 and 56:

54. Proposed management plan condition: Prior to the occupation of the development a Noise Management Plan (NMP) shall be submitted to and approved in writing by the Local Planning Authority. The NMP shall set out how any noise complaints from residents of the managed co-living units will be dealt with, in the event they occur, to suitably protect the interests of commercial uses in the area, including the adjacent Diespeker site.

Reason: To ensure that existing commercial uses in the areas are not unreasonably constrained in accordance with the NPPF 'Agent of Change' principle (NPPF Paragraph 187).

55. Prior to the commencement of the development above ground floor slab level, further assessment of commercial/industrial noise from Diespeker shall be submitted to and approved by the Local Planning Authority. The assessment shall also detail final planned mitigation measures (including glazing and sound insulation performance data) expected to achieve internal sound criteria listed in condition 35.

Reason: To ensure that existing commercial uses in the areas are not unreasonably constrained in accordance with the NPPF 'Agent of Change' principle (NPPF Paragraph 187).

56. Proposed Noise Assessment Prior to the commencement of the development above ground floor slab level, further assessment of commercial/industrial noise from Diespeker shall be submitted to and approved by the Local Planning Authority. The assessment shall also detail final planned mitigation measures (including glazing, ventilation and air cooling detail and sound insulation performance data) expected to achieve internal sound criteria listed in condition 35.

Reason To ensure that existing commercial uses in the areas are not unreasonably constrained in accordance with the NPPF 'Agent of Change' principle (NPPF Paragraph 187)

Conclusion of the Director of Planning and Growth

9. 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 and completion of a s106 agreement

Item 7.2: 21/AP/1254 and 21/AP/1255 - 5-7 Cottage Green And 69 Southampton Way, LONDON, SE5 7ST

Commercial floor areas related to 21/AP/1254

10. Update paragraphs 56 and 57 of the main report to reflect a marginal increase in the 383.1sqm of E(g) floorspace to 394.3 sqm.

Play space contribution

11. Update paragraph 84 of the main report to include clarification that the proposal for 183sqm of play space would meet the needs of children aged between 0 to 4 and 5 to 10 only. This exceeds the minimum play space requirement of 171.2sqm of play space for these age groups. However, the proposal would deliver a shortfall of 36.8sqm of play space for 11 to 15 year olds and a shortfall of 16.8sqm of play space for 16 to 18 year olds, in accordance with Southwark's Section 106 Planning Obligations and Community Infrastructure Levy (CIL) Supplementary Planning Document (SPD) (amended November 2020).
12. Update to the planning obligations table under paragraph 185 of the main report to include a financial contribution of £8,093.60 to mitigate a shortfall in play space, as referenced above. This is based on a cost of £151 per square metre of shortfall. This is sought to cover the average cost in the Borough for improving play space. This would be secured through the S106.

Planning conditions related to 21/AP/1254

13. Update to draft condition 1 (Approved plans) to include the latest revision P5 of Block A Ground Floor Plan and Block B Ground Floor Plan. Both plans are dated 24/05/2023.
14. Update to draft condition 3 (Detailed plans for sufficient ducting space for full fibre connectivity infrastructure) to revise the pre-commencement trigger wording to exclude demolition.
15. Update to draft condition 10 (Secured by Design) to revise the trigger wording to clarify that details are required to be submitted to and approved in writing by the local planning authority prior to the commencement of any above grade works.
16. Update to draft condition 16 (BREEAM) to clarify that BREEAM requirements relate to the commercial units only.
17. Update to draft condition 21 (Commercial floor areas) to reflect marginal changes to the split of commercial floorspace. The revised condition would secure 394.3 sqm of class E (g) (iii) purposes only, and 108.3sqm of flexible class E (a), (c), (e), (g) and class F (b), (c), (d) and (e) purposes only.
18. Update to draft condition 26 (Drainage strategy) to include reference to Drainage Strategy Addendum 02.
19. Update to draft conditions 27 (Cycle parking) and 28 (Refuse storage) and to revise the ground floor plan drawing references to revision 5. The updated references should read GA-P-A-L00-100-P5 and GA-P-B-L00-100-P5.
20. Update to draft condition 31 (Consented development) to remove reference to AOD. The building heights are measured from ground level.

Planning conditions related to 21/AP/1255

21. Update to condition 1 (Approved plans) to include the latest revision P5 of Block A Ground Floor Plan and Block B Ground Floor Plan. Both plans are dated 24/05/2023. In addition, the following plans are to be added to condition 1:

- Demolition Plan Listed Building Proposed Condition-Front Elevation (drawing ref: DP_PC_EL)
- Demolition Plan Listed Building Proposed Condition Ground Floor Plan (drawing ref: DP_PC_00)

Conclusion of the Director of Planning and Growth

22. 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 and completion of a s106 agreement.

REASON FOR URGENCY

23. 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

24. The new information and corrections to the main report and recommendation have been noted and/or received since the committee agenda was printed. They all relate to an item on the agenda and Members should be aware of the comments made.

BACKGROUND DOCUMENTS

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