

Item No: 7.1 & 7.2	Classification: Open	Date: 07 November 2023	Meeting Name: Planning Committee (Major Applications) B
Report title:		Addendum report Late observations and further information	
Ward(s) or groups affected:		Old Kent Road & Borough and Bankside	
From:		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:

FACTORS FOR CONSIDERATION

4. Correction and addition to the conditions on the draft decision notice in respect of the following item on the main agenda.

ITEM 7.1: 23/AP/2334 - The Liberty of Southwark (Formerly Landmark Court), Land Bounded By Southwark Street, Redcross Way And Crossbones Graveyard, London, SE1 1RQ

Late representations

5. Late objections have been received. These allege breaches of planning control and other law and suggest that the damage to the façade was neglect. The comments also suggest that the subsequent applications, reference 23/AP/2810 and 23/AP/2763 are suggest some form pre-determination. Those applications are for amendments to the development that include an increase in height and massing and amendment to the description.

6. There have been no breaches of planning control as part of this development, which has proceeded lawfully and in accordance with the conditions. Substantive issues around the condition of the façade and how it has deteriorated over time are addressed in the committee report.

Amendments to the recommended conditions:

7. Amendment to condition 2 on the draft decision notice to specifically require a construction contract for the restoration of the façade before above grade works (except for cores) to ensure that this is done as soon as possible:

Prior to commencement of above-grade works (excluding cores), a valid construction contract for the restoration of 15 Southwark Street and construction of Block 01: The Southwark Street Office Cluster shall be entered into and evidence of the construction contract shall be submitted to for approval in writing by the Local Planning Authority.

Reason: As empowered by Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to maintain the character and appearance of the Conservation Area, in accordance with Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (2021); Policy HC1 (Heritage conservation and growth) of the London Plan (2021); P19 Listed buildings, Policy P20 (Conservation areas), and Policy P21 (Conservation of the historic environment and natural heritage) of the Southwark Plan (2022).

8. Officers recommend an additional condition (Condition 4) as below:

A Historic Building Recording of the 15 Southwark Street façade shall be undertaken in accordance with the approved Written Scheme of Investigation (October 2023) prepared by Montagu Evans. Prior to occupation of the Block 01 Southwark Street Office Cluster the Historic Building Recording shall be prepared and issued to the Greater London Historic Environment Record (GLHER) and Southwark Archives.

Reason: In order to ensure that the façade is recorded in accordance with Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (2023); Policies D4 (Delivering good design) and HC1 (Heritage conservation and growth) of the London Plan (2021); Policy P20 (Conservation areas) of the Southwark Plan (2022).

Conclusion of the Director of Planning and Growth

9. Having taken into account the information set out above. The recommendation remains that planning permission should be granted subject to appropriately worded conditions.

ITEM 7.2: 23/AP/0387 - 79-161 Ilderton Road, SE16 3JZ

Additional information since publication of the main report

10. The committee report notes at paragraphs 663 and 664 that the Health and Safety Executive (HSE) had not, by the date of report publication, issued a formal consultation response to the Local Planning Authority about the planning application.
11. On 3rd November, the HSE issued their formal consultation response. It raised no objections to the proposed development, concluding as follows:

“Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations”.

Corrections and clarifications on the main report

Clarification to paragraph 10 (Executive summary)

12. The applicant has asked that the following clarification be made to the final sentence of paragraph 10, which is concerned with wind microclimate (corrections in **bold**):

*“At one location on site wind conditions would categorise as “unsafe **frail**” because of the proposed development; however, because this is not a location likely to be used frequently by pedestrians, on balance the local microclimate would remain comfortable.”.*

Correction to paragraph 60 (Planning history of the application site and nearby sites)

13. The committee report includes a table at page 60, which compares the heights of the four blocks proposed by planning application 23/AP/0387 against the counterpart blocks in the consented/extant planning permission. The table expresses the heights in ‘storeys’ and in ‘metres AOD’, with the measurements having excluded unenclosed rooftop structures (pergolas, crown upstands etc.) as well as any enclosed rooftop storeys used solely for plant or lift overrun.
14. The applicant has noted that this may be quite confusing for the reader, and that it would be clearer to adopt a conventional approach of measuring the ‘storeys’ and ‘metres AOD’ to the maximum point of the buildings. The applicant also noted that the committee report incorrectly describes proposed Block C as being one storey taller than its counterpart in the consented/extant planning permission; proposed Block C is in fact two taller than its counterpart.

15. The table given at paragraph 65 of the committee report should, therefore, have read as follows:

Storey heights: Summary table					
Building, Block	Consented no. of storeys (metres AOD)		Proposed no. of storeys (metres AOD)		Change proposed vs consented no. of storeys (metres AOD)
North, Block A	28	(93.350)	27	(92.930)	-1 (-0.420)
North, Block B	17	(60.150)	18	(65.250)	+1 (+5.100)
South, Block C	14	(50.475)	16	(56.280)	+2 (+5.805)
South, Block D	9	(33.075)	10	(37.830)	+1 (+4.755)

Correction to paragraphs 119 (Housing) and 561 (Transport and highways)

16. These two paragraphs cite the extant planning permission's reference number as 18/AP/2947, erroneously transposing the '9' and the '4'. The correct reference number for the planning permission is 18/AP/2497.

Correction to paragraph 129 (Housing)

17. This paragraph notes that a surrender clause is to be included in the Section 106 Agreement, annulling the previous/extant permission in the event of 23/AP/0387 being granted planning approval.
18. Rather than securing this by obligation, it is now proposed that the recitals of the Section 106 Agreement will set out the understanding between the applicant and the Council to implement only the extant permission or the 23/AP/0387 permission.

Correction to paragraph 276 (Quality of residential accommodation – PBCL)

19. The final sentence of paragraph 276, which is concerned with environmental comfort within the PBCL studios, contains an error. The sentence should read as follows (typo in strikethrough, corrections in **bold**):

*~~“Comfort cooling~~ **Air tempering** would be available in the studios to complement the natural ventilation”.*

Correction to paragraph 306 (Quality of residential accommodation – Conventional housing)

20. Paragraph 306, which is concerned with floor-to-ceiling heights within the conventional housing, contains errors. The paragraph should read as follows (typo in strikethrough, corrections in **bold**):

*All dwellings would have a floor-to-ceiling height of ~~2.7~~ **2.5** metres. This ~~exceeds~~ **meets** the minimum requirements stipulated by London Plan Policy D6 and the Council's Residential Design Standards SPD, which are 2.5 metres and 2.3 metres respectively. This would contribute to the sense of space within all the dwellings".*

Correction to paragraph 574 (Transport and highways)

21. The permitted hours of servicing specified in this paragraph are incorrect. The paragraph should read as follows (typo in strikethrough, corrections in **bold**):

"Servicing hours to all of the uses would be restricted by condition, as follows:

- ~~09:00~~ **07:00** to 20:00 on Monday to Saturdays;*
- 10:00 to 18:00 on Sundays and Bank Holidays."*

Recommended revisions to the draft conditions

Ten additional conditions

22. Ten conditions are recommended in addition to those listed on the recommendation (draft decision notice). These conditions relate to:

- hours of use/operation of the non-residential premises;
- hours of servicing;
- energy and sustainability matters (requested by the GLA as part of ongoing reviews of the applicant's energy, whole life cycle and circular economy strategies); and
- sustainable urban drainage verification.

23. The conditions are listed in full at Appendix A of this Addendum.

Conclusion of the Director of Planning and Growth

24. 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 Section 106 Agreement.

REASON FOR URGENCY

25. 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

26. 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

APPENDIX A – ADDITIONAL CONDITIONS TO BE INSERTED INTO THE DRAFT DECISION NOTICE FOR ITEM 7.2 (23/AP/0387 - 79-161 Ilderton Road, SE16 3JZ)

27. HOURS OF OPERATION: FLEXIBLE COMMERCIAL UNIT (IF OCCUPIED FOR ANY USE OTHER THAN OFFICE)

In the event that Unit 3 and/or Unit 4, for which consent is hereby granted for flexible Class E[a] to Class E[g] use, is occupied for any use other than Class E[g](i), the use of the premises shall not be carried on outside of the following hours:

- 07:00hrs to 23:00hrs on Mondays to Sundays (including Bank Holidays).

REASON:

Because Class E[a], [b], [c], [d], [e], [g](ii) and [g](iii) all have the potential to generate noise that could result in the occupiers of neighbouring premises suffering a loss of amenity during the night-time by reason of noise nuisance, and as such it is necessary to limit the hours of use for all these functions to day-time only, in accordance with: the National Planning Policy Framework 2023; Policy D14 (Noise) of the London Plan 2021; P56 (Protection of Amenity) and P66 (Reducing Noise Pollution and Enhancing Soundscapes) of the Southwark Plan 2022.

28. HOURS OF OPERATION: EMPLOYMENT/BUSINESS UNIT (IF OCCUPIED FOR ANY USE OTHER THAN OFFICE)

In the event that Unit 1, Unit 5 and/or Unit 6, for which consent is hereby granted for flexible Class E[g] use, is occupied for any use other than Class E[g](i), the use of the premises shall not be carried on outside of the following hours:

- 07:00hrs to 23:00hrs on Mondays to Saturdays; and
- 07:00hrs to 22:00hrs on Sundays (including Bank Holidays).

REASON:

Because Class E[g](ii) and (iii) have the potential to generate noise that could result in the occupiers of neighbouring premises suffering a loss of amenity during the night-time by reason of noise nuisance, and as such it is necessary to limit the hours of use for all these functions to day-time only, in accordance with: the National Planning Policy Framework 2023; Policy D14 (Noise) of the London Plan 2021; P56 (Protection of Amenity) and P66 (Reducing Noise Pollution and Enhancing Soundscapes) of the Southwark Plan 2022.

29. HOURS OF OPERATION: NOT-FOR-PROFIT COMMUNITY CAFE

Unit 2, for which consent is hereby granted for flexible Class E[c] and F2[b] use, shall not be carried on outside of the following hours:

- 07:00hrs to 23:00hrs on Mondays to Saturdays; and
- 07:00hrs to 22:00hrs on Sundays (including Bank Holidays).

REASON:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of night-time noise nuisance, in accordance with: the National Planning Policy Framework 2023; Policy D14 (Noise) of the London Plan 2021; P56 (Protection of Amenity) and P66 (Reducing Noise Pollution and Enhancing Soundscapes) of the Southwark Plan 2022.

30. RESTRICTION: HIGHER SPECIFICATION FIT-OUT FOR ANY UNIT OCCUPIED FOR RESEARCH/DEVELOPMENT OR LIGHT INDUSTRIAL PURPOSES

Prior to occupation of Unit 1, Unit 2, Unit 4, Unit 5 and/or Unit 6 for a Class E[g](ii) or Class E[g](iii) use, the building envelope sound insulation shall be adapted as necessary in order to provide reasonable resistance to the transmission of sound sufficient to ensure that noise due to the commercial premises does not exceed NR40 when measured as an LAeq across any 5 minute period at any location 3 metres from the commercial facade.

REASON:

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the research/development and light industrial premises, in accordance with: the National Planning Policy Framework 2023; Policy D14 (Noise) of the London Plan 2021; P56 (Protection of Amenity) and P66 (Reducing Noise Pollution and Enhancing Soundscapes) of the Southwark Plan 2022.

31. ENERGY ASSESSMENT UPDATE: PRE-OCCUPATION BE LEAN ASSESSMENT (FOR DOMESTIC USES ONLY)

Prior to first occupation of the development hereby approved, an updated 'Be Lean' Assessment relating only to the domestic uses within the development, shall be submitted to and approved in writing by the Local Planning Authority (in liaison with, if appropriate, the GLA's Energy Team). The submitted 'Be Lean' Assessment shall demonstrate that the Be Lean target of 10% over Part L 2021 has been met in respect of the domestic uses.

REASON:

To ensure that all practicable opportunities are taken to optimise the Be Lean performance of the consented development, and to ensure that the Mayor's minimum target beyond the baseline is achieved, in accordance with: the National Planning Policy Framework 2023; and Policy SI 2 (Minimising Greenhouse Gas Emissions) of the London Plan 2021; and Policy P70 (Energy) of the Southwark Plan 2022.

32. ENERGY ASSESSMENT UPDATE: PRE-OCCUPATION BE LEAN ASSESSMENT (FOR NON-DOMESTIC USES ONLY)

Prior to first occupation of the development hereby approved, an updated 'Be Lean' Assessment relating only to the non-domestic uses within the development, shall be submitted to and approved in writing by the Local Planning Authority (in liaison with, if appropriate, the GLA's Energy Team). The submitted 'Be Lean' Assessment shall demonstrate that the Be Lean target of 15% over Part L 2021 has been met in respect of the non-domestic uses.

REASON:

To ensure that all practicable opportunities are taken to optimise the Be Lean performance of the consented development, and to ensure that the Mayor's minimum target beyond the baseline is achieved, in accordance with: the National Planning Policy Framework 2023; and Policy SI 2 (Minimising Greenhouse Gas Emissions) of the London Plan 2021; and Policy P70 (Energy) of the Southwark Plan 2022.

33. TRAVEL PLAN AND TRANSPORT METHODS SURVEY

a) Before the first occupation of any part of the development hereby approved, a Final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out the measures to be taken to encourage the use of modes of transport other than the car by all users of the building, and shall give particular focus to active travel measures. The Final Travel Plan shall be based on the principles set out in the Draft Travel Plan, which is contained within the following approved document:

- Transport Statement - Dated February 2022 - Produced by Vectos

b) At the start of the second year of operation of the approved Final Travel Plan, a detailed Transport Methods Survey showing:

- the methods of transport used by all those users of the development to and from the site;
- how those results compares with the methods envisaged in the Final Travel Plan; and

- any additional measures to be taken to encourage the use of public transport, walking and cycling to the site;

shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out other in accordance with any such approval given.

REASON:

In order that the use of non-car based travel is encouraged in accordance with: the National Planning Policy Framework 2023; Policies GG3 (Creating a Healthy City), T4 (Assessing and Mitigating Transport Impacts) of the London Plan 2021, and; Policies P45 (Healthy Developments), P50 (Highways Impacts), P51 (Walking) and P53 (Cycling) of the Southwark Plan 2022..

34. URBAN GREENING CERTIFICATION

a) Before the first occupation of any part of the development hereby consented, an interim report/letter (together with any supporting evidence) from a suitably qualified landscape specialist shall be submitted to and approved in writing by the Local Planning Authority. The report/letter shall confirm that sufficient progress has been made in terms of detailed design, procurement and construction to be reasonably well assured that the development hereby approved will, once completed, achieve the agreed UGF score of 0.40.

b) Within six months of first occupation of the development hereby permitted, a post construction certificate prepared by a suitably qualified landscape specialist (or other verification process agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed UGF score of 0.40 has been met.

REASON:

To ensure the proposal complies delivers the agreed UGF score, in accordance with: the National Planning Policy Framework 2023; Policy G5 (Urban Greening) of the London Plan 2021; and Policies SP6 (Climate Emergency), P13 (Design of Places), P59 (Green Infrastructure), P60 (Biodiversity) and P65 (Improving Air Quality) of the Southwark Plan 2022.

35. FINAL DELIVERY AND SERVICING MANAGEMENT PLAN

Before the first occupation of any part of the development hereby approved, a Final Delivery and Servicing Management Plan (DSP) detailing how all parts of the site are to be serviced shall be submitted to and approved in writing by the Local Planning Authority. The Final DSP shall be based on the principles set out in the Draft Delivery and Servicing Management Plan, which is contained within the following approved document:

- Transport Statement - Dated February 2022 - Produced by Vectos

The Final DSP should include:

- a review of possible locations for additional loading facilities to be provided within the vicinity of the site (necessary in the event that there is higher than anticipated demand from deliveries, servicing and/or move-ins), together with an analysis/scoring of which would be most suitable to serve any additional demands arising from the development; and
- details of how one or more of the additional bays could be implemented should it/they be required.

Consolidation of deliveries through this development's facilities management and/or off-site consolidation centres plus 'just in time' deliveries, in accordance with Transport for London's guidance, is encouraged.

The development shall not be carried out other than in accordance with the approval given.

REASON:

To ensure deliveries and servicing of the development is managed effectively and without detriment to the highways network and residential amenity, in accordance with: the National Planning Policy Framework 2023; Policies T6 (Assessing and Mitigating Transport Impacts) and T7 (Deliveries, Servicing and Construction) of the London Plan 2021; and Policies P50 (Servicing), P62 (Reducing Waste) and P66 (Reducing Noise Pollution and Enhancing Soundscapes) of the Southwark Plan 2022.

36. FINAL SURFACE WATER DRAINAGE STRATEGY

Prior to the commencement of any development hereby consented (with the exception of demolition to slab level and site investigation works), full details of the proposed Final Surface Water Drainage Strategy incorporating SuDS shall be submitted to and approved in writing by the Local Planning Authority, including detailed design, size and location of attenuation units and details of flow control measures. The strategy should achieve a reduction in surface water runoff rates during the 1% Annual Exceedance Probability (AEP) event plus climate change allowance, as detailed in the Flood Risk Assessment and Drainage Strategy (Rev 05) prepared by Expedition Engineering (dated 13 July 2023). In constructing the development, the applicant shall comply with the Greenfield Strategy submitted at application stage by limiting surface water runoff rates to the greenfield runoff rate of 7.7 l/s. The applicant must demonstrate that the site is safe in the event of blockage/failure of the system, including consideration of exceedance flows. The site drainage must be constructed to the approved details.

REASON:

To minimise the potential for the site to contribute to surface water flooding, in accordance with: the National Planning Policy Framework; Policy SI 13 (Sustainable Drainage) of the London Plan 2023; Policy P68 (Reducing Flood Risk) of the Southwark Plan 2022; and Southwark's Strategic Flood Risk Assessment 2017.

37. FINAL SURFACE WATER DRAINAGE VERIFICATION REPORT

Before the first occupation of any part of the development hereby consented, a Final Surface Water Drainage Verification Report prepared by a suitably qualified engineer shall be submitted to and approved in writing by the Local Planning Authority. The Verification Report shall:

- provide evidence that the drainage system (incorporating SuDS) has been constructed according to the approved details and specifications (or detail any minor variations where relevant) as detailed in the 79-161 Ilderton Road Flood Risk Assessment and Drainage Strategy (Rev 05) prepared by Expedition Engineering (dated 13 July 2023);
- include plans, photographs and national grid references of key components of the drainage network such as surface water attenuation structures, flow control devices and outfalls; and
- include details of the responsible management company.

REASON:

To ensure the surface water drainage complies with the approved Final Surface Water Drainage Strategy, in accordance with: the National Planning Policy Framework 2023; Policy SI 13 (Sustainable Drainage) of the London Plan 2021; Policy P68 (Reducing Flood Risk) of the Southwark Plan 2022; and Southwark's Strategic Flood Risk Assessment 2017.

