

<b>Item No:</b>	<b>Classification</b>	<b>Committee:</b>	<b>Date:</b>
	Open	Planning Committee	20 December 2011
<b>From:</b> Head of Development Management		<b>Title of Report:</b> <b>Addendum</b> Late observations, consultation responses, and further information.	

## **PURPOSE**

- 1 To advise Members of observations, consultation responses and further information received in respect of the following planning application 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 this 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:

### **3.1 Item 8.1: LONDON BRIDGE STATION**

### **3.2 Additional submissions received**

### **3.3 Statutory**

#### English Heritage:

In their letter of 13 December English Heritage (EH) confirmed that they do not intend to raise any objection to conditional approval of the current applications for listed building consent and planning permission.

In relation specifically to the conservation area consent for the demolition of the unlisted building (64-84 Tooley Street), EH recognise that matters like pedestrian movement, safety management, cost and security are important but conclude that they are not satisfied that the demolition of this unlisted building is necessary to deliver the substantial public benefits.

Officers have reviewed the material submitted with the application which sets out the justification for the proposed demolition and take the view that that this is sufficient to meet the test set out in PPS5 and the council's policies and that the granting of Conservation Area Consent can be justified. EH's own guidance states: "*For the loss to be necessary there will be no other reasonable means of delivering similar public benefits, for example through different design or development of an appropriate alternative site.*"

In broad terms the overwhelming public benefits of this proposal - not just the practical benefits of enhanced security and safety management of the station - but the delivery of a substantial public space and a signature mainline station on Tooley Street, cannot be separated from the necessity to demolish this unlisted building in this location. Its retention in

this location would materially alter the presence and functionality of the new station on Tooley Street and cannot be delivered through similar public benefits elsewhere.

Department of Culture, Media, and Sport:

- The Victorian Society had requested a review of the decision not to list 64-84 Tooley Street
- The Minister for Tourism and Heritage advised that he considered all the review evidence submitted for the review and the further advice from English Heritage (EH). He has decided to accept the advice of EH and uphold the earlier decision not to list the Former South Eastern Railway Offices.

### **3.4 Submission – for comment**

Railworld:

- Withdrawing offer to take on train shed roof

Solicitors on behalf of Britain at War Museum:

- Despite offer of space in new station to be offered to the Museum, Network Rail are seeking to gain possession of the premises with the aim of avoiding to offer space in the new station; the proposed leisure space being provided as part of the new station is substantially below what is currently existing; the additional information submitted regarding 64-84 Tooley Street does not refer to the museum; comments made on GLA Stage 1 report; applicant has failed to explain fully the alternative traffic proposals; request adequate provisions for re-location of existing tenants; leisure space currently proposed is secondary space to the prime space occupied currently and if the museum moves it may suffer financially.

Ward Cllrs Gettleson and Al-Samerai:

- Ongoing concerns regarding the redevelopment; despite best efforts to negotiate with Network Rail prior to planning stage, aspects of the scheme have not been sufficiently addressed prior to submission of the application; as an alternative solution, urge the following items for inclusion as planning conditions.
- Traffic Management: Prior to the commencement of work and the closure of Stainer Street, St Thomas' Street and Weston Street, a proper transport management plan must have been implemented for the surrounding roads. Part of this plan must include protection of Bermondsey Street and safety improvements on Tower Bridge Road.
- Cyclists: The agreements between Network Rail and local cyclists should be written in to the planning permission. Cycle parking provision is also a key concern.
- Re-housing local businesses: Network Rail be required to re-house Southwark Playhouse, On Your Bike and the Britain at War Exhibition in secure premises in the vicinity of London Bridge for the short and long term on leases with similar terms and conditions to their current arrangements.

### **3.5 Submission – in objection**

Bermondsey Village Action Group (BVAG):

- State that the train shed wall and 64-84 Tooley Street can be retained as part of the new station; very little local support for demolition of buildings; proposed development is compromised by preservation of London Dungeon in present location; new station is compromised by building around a tourist attraction as it moves the centre of gravity of the station to the east and necessitates closure of two streets; ribbon platform canopies leave commuters open to the elements; justification of the demolition of the

train shed wall and 64-84 Tooley Street is insufficient; existing shed wall makes transition from recently listed St Thomas Street arches to the Shard; proposed new St Thomas Street elevation has no architectural integrity.

Merlin Entertainment (London Dungeons):

- Concerned over impacts of construction as they are to remain in place during construction; wish to see measures included in 2003 legal agreement also included in any new agreement; raise an objection in the absence of such provisions

60 Frankfurt Road, SE24:

- Object to the demolition of 64-84 Tooley Street

24 Southwood Avenue, Coulsden CR5:

- Object to the demolition of 64-84 Tooley Street; adverse impact on Tooley Street Conservation Area; walls of train shed should be retained; support restoration of St Thomas Street arches

Email:

- 64-84 Tooley Street should be retained as part of the development

Conran Holdings:

- Object to the demolition of train shed and 64-84 Tooley Street

Email:

- Object to demolition of 64-84 Tooley Street and train shed wall

7 Kellow House, Tennis Street SE1:

- Object to demolition of 64-84 Tooley Street and train shed; do not agree with terrorism risk justification for demolition of 64-84 Tooley Street; concern over traffic impacts

The Theatres Trust:

- Although understand that Southwark Playhouse is to be re-accommodated, until they have had confirmation of the lease and fit out they will maintain their objection

19 Braganza Street, SE17:

- Whilst support internal design, exterior is underwhelming, ineffective and lacking gravitas, natural way-finding and public realm generosity

Email:

- 64-84 Tooley Street should be retained and incorporated into the new station

Flat 11, 140 Abbey Street SE1 (2x letters received):

- Object to demolition of 64-84 Tooley Street; expect Home Office to present at committee a report regarding terrorism justification for 64-84 Tooley Street demolition; disagree that bollards will stop terrorist attacks as there are no bollards; disagree that open land is needed for emergency evacuation; disagree that the site of 64-84 Tooley Street is needed for construction; insufficient investigation of alternative proposals to retain building; disagree that the new Tooley Street entrance will be the busiest; no document counts or estimates numbers of people using the current or proposed entrances; retention of 64-84 Tooley Street is more important than getting natural light into the concourse; do not agree that demolition will enhance the conservation area; obsession with light is why there are canopies and not roof; design is architecturally boring; scheme lacks ambition; station should have a roof; passengers will be exposed to the elements; the sun will not reach the new public realm; existing layout has people using overpasses whereas new layout will have people coming out onto Tooley Street which is potentially dangerous; despite the blandness, the new station

will degrade the view from the City of London; chaotic nature of the existing station is a positive; the new station will threaten the Tower of London's world heritage status; comments made by Design Review Panel not incorporated into scheme; DRP should have ignored the 2003 planning permission; object to proposed road layouts; no reference to the Quill; closure of St Thomas Street will create a rat run on Long Lane; Network Rail should not evict current tenants until it has received planning permission; there is a six-fold increase in retail; insufficient leisure space is being provided; new scheme does not need a north east entrance/exit; retaining 64-84 Tooley Street would be a more imposing entrance; 64-84 Tooley Street is a landmark that people use to navigate from; design aspirations to be included in the legal agreement are subjective; design should be rejected if not good enough; do not believe there will be an acceptable solution for the London Dungeon queues

### 3.6 Submission – petition

The Council has received a petition with 1,845 names objecting to the demolition of the train shed wall and 64-84 Tooley Street.

### 3.7 Additional conditions

The following additional conditions are proposed to 11-AP-1987:

38. Twenty percent (20%) of the car parking spaces shown on the drawings hereby granted shall be provided with eclectic vehicle charging facilities together with passive provision for a further twenty percent (20%) of the car parking spaces to provide for the future installation of electric vehicle charging facilities the provision of which shall be determined through the travel plan monitoring. Details of the electric vehicle charging facilities both active and passive provision shall be submitted to and approved by the local planning authority and installed in accordance with the approved details prior to the car park being brought into use.

Reason,

In order to provide facilities to allow the eclectic vehicles charging in order to support their use and to comply with London Plan Policy 6.13 Parking.

- 39 (a) Before any new concourse work hereby authorised begins, an acoustic report detailing the rated noise level from any plant, together with any associated ducting (which shall be 10 dB(A) or more below the measured  $L_{A90}$  level at the nearest noise sensitive premises) shall be submitted to and approved in writing by the Local Planning Authority and the method of assessment is to be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. Prior to occupation or commencement of the use hereby permitted, the plant and equipment shall be installed and constructed in accordance with any such approval given and shall be permanently maintained thereafter and the development shall not be carried out otherwise than in accordance with any such approval given.

(b) Within one month of the installation of the plant and equipment, a further acoustic report to demonstrate compliance with the requirements approved at (a) shall be submitted to and approved in writing by the Local Planning Authority, and the report shall include:

- i) A schedule of all plant and equipment installed;
- ii) Location of the plant, associated ducting, attenuation and damping equipment;
- iii) Manufacturer specifications of sound emissions in octave or third octave detail;
- iv) Location of the most affected noise sensitive receptor locations and most affected windows;

- v) Distance between plant, equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location/s;
- vi) The lowest existing LA90, T measurement as already established;
- vii) Noise monitoring data, measurement evidence, calculations demonstrating compliance with this condition.

Reason

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance from plant and machinery in accordance with saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007) and PPG24-Planning and Noise.

40. The station public address system (including voice alarm system) shall be designed and operated so that the sound level solely caused by the public address system as measured outside the facade of the nearest residential premises is no greater than the concurrent sound level due to other noise sources including trains. The sound level of the public address system shall be expressed as the LAeq 1 minute and the concurrent sound level excluding the sound of the PA system shall be measured as LA90 5 minute when no train noise is occurring and as LAeq 1 minute during the passage of trains through the station.

Reason

To ensure that the occupiers adjoining the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with saved Policies 3.1 Environmental Effects and 3.2 Protection of Amenity of The Southwark Plan 2007 and PPG 24 Planning and Noise.

41. The measures identified to avoid and/or mitigate impacts on Black Redstarts identified in the Environmental Statement Appendix 6.2 recommendations will be implemented in full prior to the start of the new development or in accordance with the timetable detailed in the approved scheme.

Reason

In order to protect the conservation status of protected species in compliance with the [*Wildlife & Countryside Act 1981 (as amended) / Badgers Act*], PPS9 policy 3.28 of the Southwark Plan and Strategic Policy 11 of the Southwark Core strategy

42. Details of Black Redstart breeding habitat site creation shall be submitted to and approved in writing by the local planning authority, consisting of at least 3 sites to be incorporated into the new development or an agreed suitable local location.

Reason

In order to protect the conservation status of protected species in compliance with the [*Wildlife & Countryside Act 1981 (as amended) / Badgers Act*], PPS9 policy 3.28 of the Southwark Plan and Strategic Policy 11 of the Southwark Core strategy

43. Details of two interpretive architectural models detailing the varied historical layout of the station shall be submitted to and approved by the planning authority and shall be installed and permanently displayed within the upper and lower concourses prior to completion of the station.

Reason

To ensure there is a historical display of the station's history in the interest of the historic qualities of the station in accordance with PPS5, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.15

Conservation of the Historic Environment; 3.16 Conservation Areas; 3.17 Listed Buildings; of The Southwark Plan 2007.

- 44 The measures identified to mitigate impacts in relation to air quality identified in the paragraph 4.4.4 of the Environmental Statement Chapter 4 Air Quality will be implemented and complied with in full prior to and during construction.

**Reason**

To ensure that adjoining occupiers of the development do not suffer a loss of amenity by reason of pollution in accordance saved Policy 3.2 Protection of Amenity of the Southwark Plan 2007.

### 3.8 Amended condition

Condition 17 revised to read:

Details of any external lighting, both within the platforms and externally [including design, power and position of luminaries], shall be submitted to and approved by the Local Planning Authority in writing prior to completion of external works. The development shall not be carried out otherwise in accordance with any such approval given.

**Reason**

In order that the Council may be satisfied as to the details of the development in the interest of the visual amenity of the area, the safety and security of persons using the area and the amenity and privacy of adjoining occupiers in accordance with Strategic Policy 12 – Design and Conservation and Strategic Policy 13 – High environmental standards of The Core Strategy 2011 and saved Policies 3.2 Protection of Amenity and 3.14 Designing out crime of the Southwark Plan 2007.

### **Revised Reasons for Approval**

- Particular regard was had to the principle of the proposed uses which were considered to be acceptable considering the limitations of the site and the new concourse, and which will provide an acceptable mix to support the regeneration of the London Bridge Opportunity Area, with particular reference to the Strategic Cultural Area.
- It is considered that the new station has been designed in a sensitive and sympathetic manner that integrates with the surrounding area, subject to conditions of consent in particular in relation to materials and detailing. The development is not considered to harm the amenities of surrounding residents, including but not limited to considerations of noise and vibration and air quality.
- The impact on the setting of nearby conservation areas and listed buildings has been taken into consideration and it is considered that the views and settings would be respected appropriately and there will be no adverse impact on the character and appearance of the conservation area or nearby listed buildings.
- Particular regard was had to the loss of heritage assets that would result from the proposed development but it was considered that this would be outweighed by the immense improvements to public transport, obligations to preserve historical artifacts, and provision of new public open space that would follow from the delivery of the new station.
- Consideration was had for potential archaeological artifacts which will be addressed through appropriate recording and preservation conditions
- The impact in relation to flood risk has been satisfactorily addressed subject to conditions.
- The proposal is considered to provide for sustainable development through the appropriate consideration of measures such as energy efficiency, waste management, CEEQUAL 'Excellent' certification, inclusive design, local employment

and training opportunities and including other measures which will be secured through conditions of consent and planning obligations.

- Transport and highways impacts of the scheme are considered to be acceptable in relation to the construction period and operation subject to relevant monitoring and mitigation measures secured through planning obligations.
- Effects of the scheme on the surroundings of the site and public realm have been addressed satisfactorily, subject to conditions of consent relating to submission and implementation of a landscape plan as well as planning obligations for maintenance and public access.
- Planning obligations are secured to offset the impact of the development in accordance with the Supplementary Planning Document on Planning Obligations.
- In coming to a decision on this application the Council took full account of the Environment Statement submitted in accordance with the Town and Country Planning (Environmental Impact Assessment) England and Wales Regulations 2011 and all submissions relating to considerations in the Environmental Statement. Particular regard was had to transport, historic environment and townscape, noise and vibration, air quality, ground conditions and contamination, ecology and biodiversity, archaeology. Following mitigation measures, there are likely to be some adverse impacts during the construction phase with regards to traffic, heritage and townscape, noise and vibration, air quality and archaeology whilst the scheme will have major long-term beneficial impacts of improved public transport links across London and the South East.
- Other policies have been considered, but in this instance were not considered to have such weight as to justify a refusal of permission. It was considered that the benefit to the wider community and London as a whole, would outweigh any adverse impacts of the proposed development. It was therefore considered appropriate to grant planning permission having regard to the policies considered and any other material planning considerations.

### 3.9 Additional Section 106 provisions

- London Dungeon queuing: requirement for the submission and approval of a Pedestrian Management Plan in relation to queues for the London Dungeon
- London Dungeon construction: clauses within the agreement to use best endeavours during the months of April to October (inclusive) in any year to ameliorate the likely effects of construction work upon the Dungeon where capable of being ameliorated at reasonable cost and without adverse effect or consequence upon Network Rail's construction programme
- Network Rail to investigate mitigation measures to improve re-radiated noise within the Bermondsey Street tunnel and to implement measures where practicable

### 3.10 Other

#### London Dungeon queuing:

The applicant has advised that they and Merlin Entertainments Group are actively engaged in discussions to ensure firstly protection during the programme of works and then potential improvements to their attraction post development. There are a number of issues being discussed which include access, signage, servicing arrangements, means of escape and queue management and further discussions will progress in the New Year.

Network Rail advise it is considering various options for ameliorating the queuing outside London Dungeon which could involve the use of space within the arches which may be in other units or at mezzanine level

### 3.11 Comments by the Head of Development Management:

The additional and revised conditions, additional planning obligations, and revised reasons for granting permissions are recommended to be added to the planning permission. The officer recommendation remains to approve subject to referral to the Mayor, to conditions and the completion of a legal agreement.

### 3.12 Item 8.2: BANKSIDE HOUSE

#### 3.13 Section 106 obligations

Correction to table at paragraph 99. Admin fee for both columns should be £6,763, making the total for each column £344,923.

#### 3.14 Comments by the Head of Development Management

The revised planning obligation administration fee and total contribution figure is to be added to the planning permission and the recommendation remains approval subject to conditions and the completion of a legal agreement.

### 3.15 Item 8.3: DOCKLANDS SETTLEMENTS

#### 3.16 Corrected S106 table:

A minor error on the S.106 table has been corrected, and is shown on the table below. This would result in the applicant paying a slightly lower admin charge

<b>Topic area</b>	<b>S106 SPD</b>	<b>Applicant's S106 offer</b>
Education	£79,536	£79,536
Employment during construction	£19,527	£19,527
Employment during construction management fee	£1,505	£1,505
Public open space	£8,928	£0,00
Children's play equipment	£4,293	£0,00
Sports development	£21,786	£0,00
Transport Strategic	£14,244	£14,244
Transport Site Specific	£14,000	£14,000
Lower Road Gyratory	£0,00	£14,650
Public Realm	£21,000	£21,000
Health	£28,711	£28,711
Community Facilities	£4,612	£0,00
Admin charge	£4,363	£3,863.46
<b>Total</b>	<b>£222,505</b>	<b>£197,036.46</b>

#### 3.18 S106 payment

Paragraph 70 of the report refers to the creation of a lay-by off Salter Road to provide parking for a servicing vehicle and a disabled bay. In order to facilitate this provision, an amendment

to the Traffic Management Order will be required, which will require a sum of £2,750 to be paid. This is incorporated within the Site Specific Transport Contribution offered by the applicant.

3.19 Update on control of rent levels for Affordable Rent units

As referred to in paragraph 45 of the report, Family Mosaic have offered the rent levels for the affordable rent units to be secured in the legal agreement, and the legal agreement will therefore be drafted on this basis. Terms will also be included to ensure that any new tenancy agreement maintains the specified rental levels.

3.20 Further update on tree matters

As paragraph 90 of the report refers, two trees are proposed to be removed. These are a Willow and a Cherry tree. In order to adequately compensate for this loss, replacement tree planting will need to be secured by condition. The trunk girth size for replacement trees should be a minimum of 219cm, since this is the combined girth of the existing trees. It is therefore suggested that this requirement be made clear within condition 9, which relates to the submission of landscape details. The suggested minor change to the wording is set out below:

Condition 9 Landscaping

*Before any above grade work hereby authorised begins, detailed drawings of a hard and soft landscaping scheme showing the treatment of all parts of the site, including communal areas, not covered by buildings (including surfacing materials of any parking, access, or pathways layouts, materials, access routes from residential and commercial elements and edge details and material samples of hard landscaping), shall be submitted to and approved in writing by the Local Planning Authority and the landscaping shall not be carried out otherwise than in accordance with any such approval given. Details shall also be provided of the childrens play area within the communal garden, and of the species, and size in terms of trunk girth (with a minimum trunk girth of 219cm) of all replacement trees.*

*The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season. Planting shall comply to BS:4428 Code of practice for general landscaping operations, BS:3996 Nursery stock specification, BS:5837 Trees in relation to construction and BS:7370 Recommendations for establishing and managing grounds maintenance organisations and for design considerations related to maintenance.*

*Reason*

*So that the Council may be satisfied with the details of the landscaping scheme in accordance with Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies 3.12 Quality in Design and 3.13 Urban Design in the Southwark Plan 2007.*

3.21 Comments from the Head of Development Management

Taking into account these additional matters, the recommendation remains that planning permission be granted subject to conditions and completion of the legal agreement.

**REASON FOR LATENESS**

4. The comments reported above have all been received since the agenda was printed. They all relate to an item on the agenda and Members should be aware of the objections and comments made.

## REASON FOR URGENCY

- 5 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 Sub-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/enforcements and would inconvenience all those who attend the meeting.

Lead Officer: Gary Rice - Head of Development Management

Background Papers: Individual case files.

Located at: 160 Tooley Street London SE1.