

Item No: 6.	Classification: Open	Date: 21 November 2020	Meeting Name: Planning Committee
Report title:		Addendum report Late observations and further information	
Ward(s) or groups affected:		Borough and Bankside South Bermondsey	
From:		Director of Planning	

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 each item in reaching their decision.

KEY ISSUES 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 – 20/AP/1537 - Blackfriars Crown Court, 1-15 Pockock Street, London SE1 0BT

Update to the summary of consultation responses

4. At the time of publishing the committee report, 27 unique comments had been received: three in objection, 23 in support and one neutral. The committee report refers to these 27 representations in paragraphs 4, 68, 381 and 382. The representations are also listed in Appendix 1 of the Committee Report.
5. Since the publication of the committee report, 11 additional comments have been received: two in objection and nine in support. The two objections did not raise any material planning considerations additional to those raised by other previous public representations, and as discussed in the committee report. Provided below is an amended version of the table

at paragraph 68 of the committee report, capturing these additional representations:

Consultation responses: Summary table		
No. of representations: 38		No. of unique representations: 37
Of the unique representations:		
In objection: 5 All 5 came from addresses within Southwark	Neutral: 1 This comment came from an address within Southwark	In support: 31 Of which, 20 came from addresses within Southwark

Clarification to paragraph 38 of the committee report

6. Paragraph 38 of the committee report provides an area schedule for the proposed development. In addition to the internal spaces (expressed in GIA), the schedule includes the external spaces associated with each land use (expressed in NIA). For the avoidance of doubt, the applicant has asked that the following be clarified:
 - The external spaces are actually measured by surface area, not in NIA, and in total comprise 3,836 square metres;
 - The total internal floorspace is 34,264 square metres GIA.

Correction to paragraph 96 of the committee report

7. Paragraph 96 states that the finer details of the Public Access and Management Strategy will be secured by condition. However, the Public Access and Management Strategy will actually be secured in the Section 106 Agreement.

Clarification to paragraphs 269 to 286 (Heritage Implications assessment) of the committee report

8. The committee report omitted to mention that, in assessing the proposal, the Local Planning Authority took into consideration paragraphs 194 and 196 of the NPPG. Paragraphs 194 and 196 require clear and convincing justification where any harm would be caused to heritage assets and that where *“a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”*.
9. In case there is any doubt, and as justified in the committee report (specifically paragraphs 269 to 286), the Local Planning Authority considers that the public benefits delivered by the scheme outweigh the less than substantial harm to heritage assets.

Correction to paragraph 307 of the committee report

10. Paragraph 307 of the committee states that compliance with the energy strategy will be secured by condition. This is incorrect. Compliance will in fact be secured in the Section 106 Agreement.

Update to paragraph 371 (Planning Obligations table) of the committee report

11. Due to ongoing negotiations with the developer since the publication of the committee report, there are three updates to the 'Planning Obligations' table. Details are given below.
12. Operation of the Atrium Concourse: It has been agreed that the atrium may be closed to the public for a maximum of 7 days each year for private events (in addition to closure on Christmas Day, Boxing Day and New Year's Day, as already agreed and referred to in the committee report).
13. Transport and Highways: A contribution towards local bus services is no longer sought, as Transport for London has now confirmed that local bus services would not experience undue capacity pressure as a result of the proposed development.
14. Affordable Workspace: The applicant has requested that the fit-out of the affordable workspace units be permitted to deviate from the Council's minimum specification if the alternative specification would better meet the tenant's needs. The alternative specification will still require the Local Planning Authority's advance approval.

Correction to paragraph 385 of the committee report

15. There is an erroneous double negative in the fourth bullet point under paragraph 247 of the committee report. The sentence in question should read *"On this basis, there is nothing to suggest that pre-existing medical conditions such as asthma among the local population would not be worsened as a result of the proposed development."*

Amendment to Condition 4 'CEMP' and Condition 5 'CLP'

16. Following a request from the applicant, it is recommended that each of these conditions is sub-divided into two parts, to reflect the construction work contracts on site. This will enable the applicant to discharge each condition in two phases, with the trigger to be:
 - *"prior to commencement (including demolition), the applicant shall submit a CEMP for the enabling works (demolition, below ground works and construction of ground floor slab and cores)..."*; and
 - *"prior to above grade works (excluding demolition), the applicant shall submit a CEMP for the main works (construction of building frame to completion)..."*

Amendment to Condition 14 ‘Hard and Soft Landscaping’ condition, and deletion of Condition 9 ‘Green Walls’

17. The applicant has asked that Condition 9 ‘Green Walls’ on the draft decision notice be incorporated into Condition 14 ‘Hard and Soft Landscaping’. In its newly expanded form, Condition 14 would read as follows (the elements relating to green walls are highlighted in bold):

*“Before any above grade work hereby authorised begins (excluding demolition), detailed drawings of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including cross sections, surfacing materials of access, pavements and edgings and details of any planters, greening of plant enclosures and tree pits), **together with details of the green walls including a strategy for their continued maintenance and irrigation**, shall be submitted to and approved in writing by the Local Planning Authority.*

The landscaping shall not be carried out other than in accordance with any such approval given and shall be retained for the duration of the use. The planting 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 the same size and species in the first suitable planting season. Planting shall comply to 'BS: 4428 Code of practice for general landscaping operations', 'BS: 5837 (2012) Trees in relation to demolition, design and construction' and 'BS 7370-4:1993 Grounds maintenance: Recommendations for maintenance of soft landscape (other than amenity turf)'.

Prior to first occupation of any part of the development hereby approved, the green walls shall be installed strictly in accordance with the approved details and shall be maintained in accordance with the approved details thereafter. The walls shall not be used as an amenity space and shall only be used in the case of essential maintenance or repair, or escape in case of emergency”.

Amendment to Condition 26 ‘Cycle Storage and Associated Facilities’

18. For the avoidance of doubt, the wording of Condition 26 should be expanded as follows: “...the cycle storage facilities **(including changing**

facilities, showers, lockers and dryers) shall be provided to the specification and in the locations shown...”.

Amendment to Condition 36 ‘Noise Levels in Private and Communal External Amenity Spaces’

19. The Council’s Environmental Protection Team has agreed that unamplified live music without use of percussive instruments would be acceptable on the terraces, having regard to the agreed closing time of 10pm. To account for this, Condition 36 is to be amended as follows:

~~*“All private and communal external amenity areas shall be designed to attain 50dB(A) LAeq throughout the full period of the permitted hours of use/opening.*~~

Background music in any external areas (including rooftop terraces) shall not be played other than in accordance with the limitations set out in the approved Noise Impact Assessment (Revision 4 - dated 28.05.2020 - produced by Scotch Partners LLP). No music shall be played in any of the external terraces outside of the consented opening hours of the applicable terrace.

*No live music/performances/events, **other than unamplified live music without use of percussive instruments**, shall take place within any external areas (including on the rooftop terraces)”.*

Additional condition to require obscure glazing on the west elevation

20. For the avoidance of doubt, a condition shall be attached of the following wording

All glazing on the west elevation of the approved building shall be obscure glazed and fixed shut and shall not be replaced or repaired other than with obscure and fixed shut glazing.

Reason:

In order to protect the privacy and amenity of the occupiers and users of the nearby properties to the west from undue overlooking, in accordance with: the National Planning Policy Framework 2019; Strategic Policy 13 (High Environmental Standards) of the Core Strategy 2011, and; Saved Policy 3.2 (Protection of Amenity) of the Southwark Plan 2007.

Additional condition at the request of Thames Water

21. Due to negotiations with the applicant being ongoing, Thames Water has requested the following condition be attached relating to off-site potable water infrastructure network impacts:

Prior to first occupation of the development hereby approved, evidence to confirm that either:

- a) all water network upgrades required to accommodate the additional flows to serve the development have been completed; or*
- b) a Development and Infrastructure Phasing Plan has been agreed with Thames Water to enable the development to be occupied;*

shall be submitted to and approved in writing by the Local Planning Authority (in liaison with Thames Water).

Where a Development and Infrastructure Phasing Plan is required, occupation of the development shall not take place other than in accordance with the agreed Development and Infrastructure Phasing Plan.

Reason:

Additional demand will arise from the development hereby consented, which may result in low or no water pressures, and as such the provision of reinforcement works are anticipated to ensure there is sufficient capacity within the off-site water infrastructure network, in accordance with: the National Planning Policy Framework 2019, and; Policy 5.15 (Water Use and Supplies) of the London Plan 2016.

Conclusion of the Director of Planning

22. Having taken account of the additional consultation responses and the minor changes set out in this report, the conclusion remains that planning permission should be granted, subject to conditions (including those amended above) completion of the s106 agreement, and referral to the Mayor of London.

Item 6.2 – 20/AP/0269 - Garages adjacent to Trevithick House, Rennie Estate, Galleywall Road, London, Southwark

Update to planning obligations

23. The Legal Agreement shall include a contribution to the local bus network as required by Transport for London and the Greater London Authority in their Stage 1 comments. This contribution is for £2,700 per proposed unit, and equates to a total sum of £132,300 (One Hundred and Thirty Two Thousand, Three Hundred Pounds). This sum has been agreed by the applicant.

Update to Condition 11

24. Condition 11 to read (insertion in bold):

*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 not covered by buildings (including cross sections, surfacing materials of any parking, access, or pathways layouts, materials and edge details), shall be submitted to and approved in writing by the Local Planning Authority. **The landscaping scheme shall include the provision of the replacement tree to ensure no canopy cover is lost as a result of the development.** The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use. 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 the same size and species in the first suitable planting season. Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction and BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf).*

Reason:

So that the council may be satisfied with the details of the landscaping scheme, in accordance with: Chapters 8, 12, 15 and 16 of the National Planning Policy Framework 2019; Strategic Policies 11 (Open Spaces and Wildlife), 12 (Design and conservation) and 13 (High Environmental Standards) of The Core Strategy 2011, and; Saved Policies 3.2 (Protection of Amenity), 3.12 (Quality in Design) 3.13 (Urban Design) and 3.28 (Biodiversity) of the Southwark Plan 2007.

New compliance condition to be included in recommendation

25. The North-East facing windows of the kitchen/dining/living areas of the twelve storey *block shall be obscured glazed and fixed shut (except for maintenance purposes).*

Reason

To protect the privacy of nearby occupants in accordance with the NPPF 2019, and Saved Policy 3.2 [Protection of Amenity] of the Southwark Plan 2007.

Conclusion of the Director of Planning

26. Having taken account of the additional consultation responses and the minor changes set out in this report, the conclusion remains that planning permission should be granted, subject to conditions (including those amended above) completion of the s106 agreement, and referral to the Mayor of London.

REASON FOR URGENCY

27. 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

28. The new information, comments reported 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 objections and comments made.

BACKGROUND DOCUMENTS

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