

<b>Item No:</b> 7.2	<b>Classification</b> : Open	<b>Date:</b> 2 N o v e m b e r 2022	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>		<b>Addendum report</b> Late observations and further information	
<b>Wards or groups affected:</b>		Chaucer	
<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 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 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. Report clarifications are required in respect of the following planning application on the main agenda, and additional information has been received:

**Item 7.2 – 21/AP/4297: The Council’s Statement of Case for an appeal in relation to Avonmouth House, 6 Avonmouth Street, London, SE1 6NX (a storey scheme)**

### Report Clarifications and/or Additional Information

4. Corrections to the following paragraphs of the committee report should be noted by the Planning Committee. Paragraph 1 refers to application reference 18/AP/4039 which is not of relevance to this appeal.
5. Paragraph 15 of the committee report details a summary of the proposal, it is of note that this paragraph refers to the 14 storey scheme which is currently being determined by Officers (ref: 22/AP/2227). The summary of the application should therefore read as follows:

*The application proposed the demolition of the existing buildings and the*

*construction of a part two, part seven, part 14 and part 16 storey building. A two storey basement is also proposed, though the lower part would only cover part of the site. The basements, ground and first floor would provide a mix of storage facilities (cycle and refuse), lobbies and a flexible non-residential space which the appellant would use as education/employment floorspace or a health hub. The floors above are proposed as student accommodation with most of the accommodation - 217 rooms - being in the form of cluster flats, 16 studios are proposed with 12 of these being accessible units.*

6. Paragraph 11 of the committee report refers to the location of the surrounding buildings, however the directions are incorrect and reference to Coburg House is also incorrect. Coburg House is located at No. 63-76 Newington Causeway and is located to the west of the application site. No 69-71 Newington Causeway is location to the south-west, and No 73-75 Newington Causeway is also to the south-west. The Southwark Theatre 77-85 Newington Causeway is located to the west. The Ceramic Building 87 Newington Causeway is located to the south.
7. Paragraph 20 of the committee report outlines the proposed cycle parking provision on site, however the report refers to an incorrect number of cycle parking spaces. Following the adoption of the New Southwark Local Plan, the applicant has agreed to increase the number of cycle parking spaces on site to accord with the standards in Policy 53 (Cycling). Therefore a total of 302 spaces will be provided, including 30 Sheffield racks providing 60 spaces, and 3 disabled and 3 cargo bicycle spaces. A condition has been suggested to the Inspector to secure this.
8. Paragraph 51 refers to Policy P14 "Design quality", to clarify, this policy seeks to ensure high standards of design including building fabric function and composition, and must provide innovative design solutions that are specific to that site's historic context, topography and constraints.

### Additional consultation responses received - objectors

9. Subsequent to the publishing of the committee report three objections were received on 31 October 2022 from the landowners of sites next to the application site at:
  - 63-67 Newington Causeway
  - 73-77 Newington Causeway and
  - 49-51 Tiverton Street
10. These sites, along with 69-71 Newington Causeway, and the appeal site-Avonmouth House, form site allocation NSP 46.

11. The objections are similar and concentrate on the impact that development on Avonmouth House may have on the development potential of their sites. The objections are for both the 16 storey appeal scheme (21/AP/4297) and the 14 storey scheme (22/AP/2227) that is still under consideration. In summary the points raised are:

- Matter 1: The planning applications on Avonmouth House were made on the assumption that the sites forming the rest of the site allocation would be developed as one. This is not now the case and constitutes a fundamental change which means the approach to the development on Avonmouth House needs to be adjusted.
- Matter 2. The 4m set back of the upper floors of the appeal scheme within the Avonmouth House site (from its western boundary) is not sufficient to allow reasonable development to take place on the neighbouring sites. Objectors assert that a setback of 10.5m should be required on Avonmouth House for 21m separation distance referred to in the residential design standards to be shared equally between the sites.
- Matter 3: The masterplan submitted for the appeal scheme has failings on other regards for development on the other sites separately.
- Matter 4: That considering the above the council include the following reason for refusal:

The development would unreasonably compromise development on neighbouring sites, contrary to New Southwark Plan Policy 18 and has no regard for Residential Design Standards.

12. Another point made regarding the 14 storey application (which officers plan to present to members with a recommendation for approval on 29 November) is that it is likely to result in grounds for a Judicial Review if the points in the objections aren't addressed. This is not a relevant point for the appeal scheme which will be determined by a Planning Inspector. The matters summarised above are discussed in detail below.
13. The three objections have been sent to the appellant's agent and they have provided a response to the matters raised. They have confirmed that the masterplan contained within the Design and Access Statement is

illustrative and do not believe that the development at Avonmouth House would compromise reasonable development opportunity on the rest of the site allocation.

Matter 1: The 16 storey appeal scheme's submission was made on the assumption that the rest of the allocation site would be delivered as one this now being unlikely constitutes a fundamental change.

14. The Design and Access Statement for the appeal scheme includes drawings showing the neighbouring sites separately in a 'masterplan' so it seems that separate development was in the mind of the applicant at the time of submission. As highlighted above, the appellant's agent has confirmed that the masterplan is illustrative.
15. Officers were in early pre-application discussions with representatives of the neighbouring sites about a comprehensive development. On 18 October, their agent informed officers that one comprehensive redevelopment is not likely to take place.
16. A comprehensive redevelopment of the rest of the site allocation would offer more opportunities and provide fewer constraints for development on an amalgamated site. The change in circumstances for neighbouring landowners does not mean that the appeal scheme would preclude development on the neighbouring sites separately, which is examined in more detail in relation to matter 2 below.

Matter 2: Set back and the potential compromising of reasonable development on neighbouring sites.

17. The proposed development is set back from its western boundary, above the second storey, by 4m at its closest point.

**3<sup>rd</sup> – 6<sup>th</sup> floor plan for the appeal scheme showing the narrowest set back for a window.**

18. The objectors say that the appeal scheme should be set further back to the east so it is 10.5m from the site boundary, which will allow a 21m separation distance to be met, provided that development on the neighbouring site be set back by the same distance.
19. They go on to say that were the 4m set back observed by a development on neighbouring sites, the separation distance of 8m would be 13m shorter than the 21m referred to in the Residential Design Standards SPD or the normally accepted 18m. The latter seems to be a reference to the

Mayor's Housing SPG that recommends a minimum distance of 18-21m for visual separation. Southwark's Residential Design Standards SPD says:

"To prevent unnecessary problems of overlooking, loss of privacy and disturbance, development should achieve the following distances:

- A minimum distance of 12 metres at the front of the building and any elevation that fronts onto a highway
- A minimum distance of 21 metres at the rear of the building

Where these minimum distances cannot be met, applicants must provide justification through the Design and Access Statement."

20. Usually this guidance and that in the Mayor's SPG is applied to a development that would affect an existing neighbour and where such distances cannot be met, mitigation can be provided. Mitigation could range from that suggested in the Mayor's SPG for avoiding windows that directly face each other where distances are tight, to proposed windows being angled away from existing windows and the use of screening to protect privacy.
21. At present, there are no definitive proposals before the council for development on the neighbouring sites against which to judge these guidelines. A minimum distance to protect privacy of 21-18m in this context is not an absolute and there are design interventions that development on the neighbouring sites could take to mitigate the impact on privacy.
22. The assertion from the objectors is that the 4m set back into the site would compromise reasonable development coming forward on neighbouring sites and they reference the masterplan developed by the appellant's architect:

**Extract from objections showing heights and distances. Avonmouth House is shown as a 14 storey scheme here.**

23. This 'masterplan', though included in the Design and Access Statement in a similar form does not have any weight in planning terms. It was provided by the appellant's architect to illustrate what the development of the sites in separate land ownership might look like in the context of the development of Avonmouth House. The development on Avonmouth House does provide a constraint on the neighbouring sites but this constraint would not unreasonably compromise development, as mitigation to manage any impact on privacy can be designed into any future development.

24. NSP 46 has an indicative residential capacity of 93 homes with its site requirements being:

Redevelopment of the site must:

- Provide at least the amount of employment floorspace (E(g), B class) currently on the site or provide at least 50% of the development as employment floorspace, whichever is greater; and
- Retain the existing theatre use or provide an alternative cultural use (D2); and
- Provide active frontages including ground floor retail, community or leisure uses (as defined in the glossary) on Newington Causeway.

Redevelopment of the site should:

- Provide new homes (C3).

Redevelopment of the site may:

- Provide a new community health hub (E(e)).

25. Officers are satisfied that these requirements can still be delivered across the remaining land ownerships, in particular the first series of bullet points that must be delivered.

### Matter 3: Other failings of the masterplan

26. The comments on the rest of the 'masterplan' are about how the massing and development proposed would work in reality and the objectors say that it is not something that can be delivered. This is not a matter of material significance to the appeal being comment about theoretical developments that an architect has indicated on sites their client have no control over.

### Matter 4: Additional reason for refusal

27. Officers have detailed above why the appeal scheme would not compromise reasonable development on neighbouring sites and provided advice on the guidelines in the Residential Design Standards SPD and their application for the appeal scheme. The Statement of Case has been submitted to the Inspector with the three putative reasons for refusal referenced in the main report and are not recommending that members add in the reason for refusal suggested by objectors.
28. A Planning Inspector will decide the appeal and the council cannot make a decision on the appeal scheme. The objectors have been directed to make their representations on the appeal to the Inspector as the appropriate decision maker.

### Additional consultation responses received – Ward Councillors

29. We would like to advise members that comments have been received from Ward Councillors Joseph Vambe and Laura Johnson in relation to the appeal scheme. They are both unable to attend the planning committee meeting this evening.
30. In summary Cllr Vambe has commented that the proposal fails to provide a mix of uses and would like to see an allocated space for community groups. Officer's response is that there is no policy requirement for community use space to be provided on site, nor is it identified as a requirement of the site allocation NSP46.
31. Cllr Johnson also agrees with the points raised by Cllr Vambe and has also commented on the impact on the Rockingham Estate residents who will directly border the proposed site. Concerns have been raised in relation to impact on natural light to the properties and increased noise and disturbance caused by the students. Paragraphs 67-70 of the committee report outlines officers assessment in relation to daylight and sunlight and concludes that the impacts are considered to be acceptable. In relation to noise and disturbance a condition has been suggested to require approval of a detailed Student Accommodation Management Plan

prior to occupation.

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

32. Having taken into account the additional consultation responses and additional information, the recommendation remains that members consider and endorse the Statement of Case that has been submitted to the Planning Inspectorate which proposed three putative reasons for refusal.

## **REASON FOR URGENCY**

33. Applications are required by statute to be considered as speedily as possible. The applications have 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**

34. The additional information and responses have been received since the original reports were published. They all relate to an item on the agenda and members should be aware of the comments made.

## **BACKGROUND DOCUMENTS**

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