

PLANNING APPLICATIONS COMMITTEE 14TH SEPTEMBER 2021
FIRST ADDENDUM: AMENDMENTS AND ADDITIONAL INFORMATION ON SHAKESPEARE ROAD APPLICATION

ITEM 3				
Shakespeare Road				
Report Section	Report Changes	Decision Letter Changes		
8.8 – Public Responses	Page 24 of the report includes a public comment under the heading of Residential Amenity – “There are too many single aspect units”. The officer response that states the development will achieve 80% dual aspect units. This should be 77% to be consistent with paragraph 14.7 of the report, where this is discussed in more detail.	No		
Appendix 1: Draft Decision Notice	<p>Update to Condition 4 (Compensatory Waste Capacity)</p> <p><u>Condition 4:</u></p> <p>Updates to the wording of the condition to improve its ability to secure compensatory waste capacity.</p> <p>The condition shall read as follows:</p> <table border="1" data-bbox="443 837 1690 1206"> <tr> <td style="text-align: center;">4</td> <td> <p>Compensatory Waste Capacity</p> <p>There shall be no commencement of the development hereby approved until a scheme has been approved in writing by the local planning authority that secures to its satisfaction compensatory waste capacity within the borough with a minimum annual throughput of 21,151 Tonnes Per Annum.</p> <p>Reason: To safeguard waste capacity within the borough and wider London in accordance with policy SI9 of the London Plan (2021) and policy EN7 of the Lambeth Local Plan (2015) and Draft Revised Lambeth Local Plan (2020).</p> </td> </tr> </table>	4	<p>Compensatory Waste Capacity</p> <p>There shall be no commencement of the development hereby approved until a scheme has been approved in writing by the local planning authority that secures to its satisfaction compensatory waste capacity within the borough with a minimum annual throughput of 21,151 Tonnes Per Annum.</p> <p>Reason: To safeguard waste capacity within the borough and wider London in accordance with policy SI9 of the London Plan (2021) and policy EN7 of the Lambeth Local Plan (2015) and Draft Revised Lambeth Local Plan (2020).</p>	Yes – see new condition wording.
4	<p>Compensatory Waste Capacity</p> <p>There shall be no commencement of the development hereby approved until a scheme has been approved in writing by the local planning authority that secures to its satisfaction compensatory waste capacity within the borough with a minimum annual throughput of 21,151 Tonnes Per Annum.</p> <p>Reason: To safeguard waste capacity within the borough and wider London in accordance with policy SI9 of the London Plan (2021) and policy EN7 of the Lambeth Local Plan (2015) and Draft Revised Lambeth Local Plan (2020).</p>			

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	<p>Condition 1 – Time Period</p> <p>There is a legislative requirement to include a condition on a planning permission that sets a time limit within which the development must begin. The Planning Practice Guidance on the use of conditions states the following:</p> <p><i>The relevant time limit for beginning the development is not later than the expiration of:</i></p> <ul style="list-style-type: none"> • 3 years beginning with the date on which the permission is granted, or; • such other period (whether longer or shorter) as the local planning authority may impose. <p><i>The local planning authority may wish to consider whether a variation in the time period could assist in the delivery of development.</i></p> <p>Officers have met the legislative requirement with the inclusion of condition 1 in the draft decision notice in Appendix 1 of the PAC report.</p>	
	<p>Examples of mechanisms to secure waste capacity</p> <p>To assist in understanding the recommended mechanism to secure compensatory waste capacity, the following examples are provided of proposals that involve a waste site being released for a different use and the mechanism that was used to secure compensatory waste capacity. These examples are as follows:</p> <p><u>Example 1</u></p> <p><u>Site:</u> Ruby Triangle Site, Land Bounded By Old Kent Road, Ruby Street And Sandgate Street, London Se15 1lg</p> <p><u>Borough:</u></p>	N/A

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	<p>Southwark</p> <p><u>Development:</u></p> <p>Demolition and redevelopment to provide 1,152 residential dwellings, retail, business and community spaces (Classes A1, A2, A3, A4, B1(a),(b),(c) and D1), public sports hall and gym (Class D2), public and private open space, other associated works.</p> <p><u>Date of permission:</u></p> <p>06 Jun 2019</p> <p><u>Mechanism to secure waste capacity:</u></p> <p>The mechanism used to secure compensatory waste capacity is an obligation in the s106 legal agreement. The s106 heads of terms indicated in Southwark's Committee Report includes: "<i>Obligation ensuring that compensatory waste provision would be provided before Southwark Metals leave the application site</i>". The s106 is not available online. Southwark's Committee Report explains that the London Borough of Southwark had been given approval to purchase land near the application site on which compensatory provision for waste capacity would be provided. It goes on to state that "<i>As required by the London Plan (2016) policy, this would be addressed through LDF (Local Development Framework) preparation and secured in the final OKR AAP (Old Kent Rd Area Action Plan). It is also worth noting that the Council have agreed on a cross borough level how waste apportionment will be managed.</i>"</p> <p><u>Example 2</u></p> <p><u>Site:</u></p> <p>Land at Benedict Wharf, Mitcham</p>	

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	<p><u>Borough:</u> London Borough of Merton (GLA acted as LPA because the application was called in by the Mayor at the Stage 2 referral)</p> <p><u>Development:</u> Outline planning application (with all matters reserved) for the redevelopment of the site comprising the demolition of existing buildings and development of up to 850 new residential dwellings (Class C3 use) and up to 750 sq.m. of flexible commercial floorspace (Class A1-A3, D1 and D2 use), together with associated car parking, cycle parking, landscaping and infrastructure.</p> <p><u>Date of Permission:</u> 3 August 2020</p> <p><u>Mechanism:</u> The mechanism used to secure compensatory waste capacity is an obligation in the s106 legal agreement, which restricts development from commencing at Benedict Wharf until a replacement waste management facility at has been completed and is fully operational. The GLA Stage 2 report explains that LB Merton is in the South London Waste Planning Authority (SLWPA), which also includes LB Sutton. The applicant had identified that a replacement waste facility located at 79-85 Beddington Lane, which is in LB Sutton and owned by the same applicant, had already gained planning permission. The obligation in the s106 states the following:</p> <p><u>Waste management capacity</u> <i>The Owner covenants with the GLA and the Council as follows:</i></p>	

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	<p>1. <i>No development aside from Enabling Works shall Commence at the Site until replacement waste management capacity has been delivered at 79-85 Beddington Lane, Beddington CR0 4TH in the London Borough of Sutton as approved under planning permission reference DM2018/01865 for the construction and operation of the Beddington Lane Resource Recovery Facility</i></p> <p><u>Officer commentary:</u></p> <p>The mechanism to secure compensatory capacity at Ruby Triangle is a simple s106 planning obligation that requires compensatory waste capacity to be provided before the waste operation ceases at the site. The Ruby Triangle site was included in an opportunity area identified for redevelopment. Southwark Council was providing the land for compensatory waste capacity and they were looking to formalise the arrangements as part of their plan making process. The LPA therefore had a good level of security of its delivery.</p> <p>The mechanism for Benedict Wharf is a simple, straightforward link between the two applications / sites, which is made possible due to the sites being within the same ownership, in the same waste authority, and the site providing the compensatory waste capacity already benefiting from planning permission. The LPA therefore had a good level of security in its delivery.</p> <p>The applications in the examples provided are not directly comparable to the application at Shakespeare Road. On the advice of counsel, officers recommend the use of a Grampian Condition in tandem with s106 obligations to secure compensatory waste capacity for the Shakespeare Road site. This is considered to be suitable for this site, within this borough, and in the circumstances surrounding the application, including consideration of the</p>	

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	guidance within the Waste Evidence Base (2020), which is up to date and has informed the Draft Revised Lambeth Local Plan that has passed the Secretary of State's examination.	