



CONSTANTINE

Planning Consultations
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Southwark Council
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26 June 2018



Dear Sirs

Planning application 18/AP/0897 Ruby Triangle, London SE15 1LE

We write further to the letter dated 17 May 2018 from our planning consultant, MAF Limited, and to the meeting which we had with you on Monday 11 June 2018 to discuss the planning matters including this application. We wish to emphasise the following points following that meeting.

Our business

1. The Constantine group operates a business providing market-leading Fine Art logistics services from an office building which is located within the boundary of the application site and three warehouses in its immediate vicinity. Constantine has invested heavily to create an integrated business over its four buildings, which provide employment for 130 highly skilled employees.
2. The office building is owned on a lease which has another 10 years left to run. Two of the warehouses are also owned on leases of similar length and the third is owned freehold. The annual rent liability on all these sites is around £1.3m, added to which is the cost of rates. Constantine therefore has a total property liability of at least £18m over the next 10 year period.

No surrender until able to fully relocate the entire business

3. Not only has the applicant made no attempt to put forward a considered solution to relocate Constantine from its office building within the application site, but Constantine is not prepared to agree to a surrender of one only of the leases of its integrated business, without a proposal to surrender them all and move to alternative suitable premises. Constantine does not envisage that it will be feasible to relocate its business before December 2022 at the earliest, due to the shortage of suitable sites and the need to construct bespoke warehouse buildings and then carefully manage the relocation of the artwork under storage.
4. Constantine recognises that the OKR area has been identified for re-development and is making strenuous efforts to prepare for this. It has already acquired a replacement operational site near Heathrow airport and is enlarging its Glasgow facility but so far has been unable to find an alternative site in central London. An alternative London site is essential if

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the company is to retain its 130 highly skilled employees based in Southwark (who are also a vital ancillary resource for its client Tate, London's most important tourist attraction). Constantine wishes to co-operate with LBS in its plans for urban renewal and is therefore actively progressing relocation plans of its own initiative. Constantine is targeting December 2022 as the date by which it will have vacated its OKR base, but cannot relocate any earlier than this. Whether this target date can be met is subject to identification of suitable alternative premises, and subject to its landlords offering suitable surrender terms on the existing premises.

Failure to comply with GLA recommendations

5. The Stage 1 Report issued by the Greater London Authority says, at paragraph 20, that "the applicant must take all reasonable steps to facilitate the successful relocation of existing occupiers". Clearly the applicant has failed to do so in our case (and indeed has not even made any attempt to help us find alternative premises). Only one meeting has taken place with the applicant, at which illustrations were presented regarding a different scheme. No attempt has been made by the applicant to put forward a considered solution for Constantine, our comments on our likely minimum length of stay were not taken into account in the formulation of the programme for the application as submitted, and none of this constitutes "all reasonable steps" as expected by the GLA. Any development of this site must take into account the needs of the existing businesses which provide important employment.

Planning application not implementable within indicated timetable

6. The planning application is therefore not implementable within the timescale indicated in the application documents. Constantine's office building occupies the southern part of Block B, which at Ground Floor level is proposed to be the foyer of the Sports Hall and a fitness studio, and at below ground level forms part of a basement shared between Blocks B and A. The indicative programme for development in the submitted Construction Management Plan (section 3.0) identifies the Constantine building as due to be demolished between July and December 2019, with the shared basement to be constructed by December 2020 and Block B to be built between 2022 and 2025. Clearly none of this will be possible.
7. Whilst we appreciate the urgent pressures on London Borough of Southwark to see more residential housing constructed, it is unlikely that approval of the current application will lead to completion of the proposed development, at least in its current form, within the timescale indicated. We consider that this is highly material to the planning committee's decision-making when what the applicant in effect is doing by this application is asking for permission for accelerated residential development in the area ahead of the normal planning timetable. We refer further in this regard to the representations regarding prematurity made in our planning consultant's letter of 17 May 2018.

Need for planning conditions if approval is granted

8. Finally, if the planning committee is minded to grant planning permission despite the fact that the plans as submitted cannot be implemented whilst we remain in occupation of an important part of the site until at least December 2022, the planning committee must impose robust planning conditions to mitigate the impact on our staff and business from such other parts of the works as the applicant may commence before we are able to relocate.

9. The committee should be aware that the developer has made little effort to engage with Constantine to date and doing so in the future, and listening to Constantine's concerns, should be made a condition of consent. The committee has power to impose such a condition and other local planning authorities do so. We refer, by way of example, to the planning permission granted by Westminster City Council under ref: 16/0354/FULL, a copy of which is enclosed for your reference, which contains the following condition, at condition 30:

"You must not start any work on the demolition or construction works until you have provided evidence that you have agreed measures with the [neighbour] to mitigate the impact of demolition and construction works on the operation of the [adjacent property]".

10. The committee should therefore oblige the developer to consult with Constantine directly and
- (i) to implement all appropriate mitigation against noise, vibration and nuisance to Constantine's employees so that they are able to continue to work without any impact on their health or well-being (the leading case being *Hiscox v Pinnacle* [2008] EWHC 145 (Ch));
 - and (ii) to agree with Constantine to provide 24/7 access off Sandgate Street to its warehouse at Wevco Wharf.
11. Further conditions should also be imposed to ensure that before commencement of any works, the developer should submit the following documents to you for approval (and then only carry out the works in accordance with the approved plans).
- a) a piling method statement, minimising inconvenience to neighbouring occupiers;
 - b) a construction logistics plan to manage all loading and unloading and ensure 24/7 access to our warehouse off Sandgate Street
 - c) a construction management plan including a scheme to protect nearby residents and commercial occupiers from noise, vibration, dust and other environmental effects of the works.

We would also expect suitable conditions to be imposed in relation to approval of wind mitigation proposals; noise and vibration and fume extract arrangements from the completed development; and loading/unloading proposals relating to the completed development which will see a more intense use of the site.

12. We would appreciate the opportunity to comment on a draft of any proposed planning permission as to the suitability of any conditions intended to be imposed. The above list is not intended to be an exhaustive one.

If we can be of any further assistance, please do not hesitate to contact us.

Yours faithfully,

Nigel Prescott
Chief Executive
Constantine Group Limited