

STRATEGIC PLANNING COMMITTEE

Date of Meeting: **THURSDAY, 30 JULY 2020 TIME 7.30 PM**

PLACE: **MICROSOFT TEAMS VIRTUAL MEETING**

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**John Paschoud (Chair)
Leo Gibbons (Vice-Chair)
Kevin Bonavia
Andre Bourne
Suzannah Clarke
Liam Curran
Aisling Gallagher
Olurotimi Ogunbadewa
Sakina Sheikh
James-J Walsh**

The public are welcome to attend our committee meetings, however, occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

**Kim Wright
Chief Executive
Lewisham Town Hall
London SE6 4RU
Date: Date Not Specified**

**For further information please contact:
Claudette Minott, Committee Officer
5th Floor Laurence House
Catford Road SE6 4RU**

**Telephone No: 0207 314 3417
Email:**



	Order Of Business		
Item No	Title of Report	Ward	Page No.
2.	Minutes - To Follow		1 - 8
3.	<p>LAND ON THE CORNER OF BRIANT AND BESSON STREET, LONDON, SE14</p> <ul style="list-style-type: none"> The report to this Supplementary Agenda has been prepared as additional representations have been received since publication of the agenda. 		9 - 12

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**LEWISHAM COUNCIL
STRATEGIC PLANNING COMMITTEE
RESUMED MEETING
MONDAY, 22 JUNE 2020 AT 7.30 PM
MINUTES**

PRESENT: Councillors John Paschoud (Chair), Leo Gibbons (Vice-Chair), Paul Bell, Kevin Bonavia, Suzannah Clarke, Liam Curran, Aisling Gallagher Olurotimi Ogunbadewa and James-J Walsh.

Under Standing Orders:

Councillor of Evelyn Ward: Silvana Kelleher.

OFFICERS: Director of Planning (DoP), Head of Programmes: Complex Projects (HPCP), Major and Strategic Projects Manager (MSPM), Planning Development Management Team Leader (DMTL), Senior Conservation Officer (SCP), Planning Officer (Officer) and Committee Officer.

EXTERNAL LEGAL REPRESENTATIVE: Charles Merrett, Barrister, Francis Taylor Building.

**Item
No.**

1 Declarations of Interest

None received.

2 Minutes

RESOLVED that the minutes of the meeting of the Planning Committee A held on 14 November 2019 be agreed and signed as a correct record.

3 PLOT 15, CONVOYS WHARF, LONDON, SE8 3JH

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for the Approval of Reserved Matters (layout, scale, appearance, access and landscaping) for Plot P15 (Phase 1) comprising:

- the construction of a development plot ranging from four to nine storeys in height, proposing 124 affordable homes, 800 sq. m (GEA) of office use (Class B1), 300 sq. m (GEA) of retail uses (Class A), parking,

landscaping and other details pursuant to conditions 20(i) and 21(i) together with discharge/approvals under condition 3(ii) (Microclimate: Wind), condition 7 (Building Design Statement), condition 8(i) (Reconciliation Document), condition 10 (Housing 'Residential Space Standards'), condition 13 (Heritage Statement), condition 14(i) (Biodiversity), condition 15 (Energy Strategy), condition 19 (Drainage and Flood Risk), condition 30(i) (Residential Open Space), condition 42 (i) (Public Open Space and Landscaping), condition 45(i) (Contaminated Land) of Outline Planning Permission ref. DC/13/83358 for the comprehensive redevelopment of Convoys Wharf, Prince Street, London, SE8 3JH.

The committee noted the report and that the main issues were:

- Compliance with the Approved Development Parameters
- Reserved Matters
 - Layout
 - Scale
 - External
 - Access
 - Landscaping
- Other details under Condition 20, Condition 21 and other conditions
- Environmental Considerations
- Other Matters and Response to Objections

Following the presentation, members' enquiries related to 'poor doors', pepper potting and affordability, disabled access, entry phone charges, landscaping, stairs, site plans, cycle storage, items for approval under the current application, cultural strategy, construction and traffic impacts, thermal massing, green roofs, parking, play spaces and daylight.

The Officer confirmed there were two residential doors providing access to the scheme with equal access and access to landscape to the rear. The alternative would be a single corridor which would result in a very long corridor, which was contrary to the policy set out in the London Plan, which requires no more than 8 units per core. The Officer acknowledged that

'poor doors' provided disadvantaged access by design or location, so those affected would not have equal access to amenities, which was not the case in this development. It was advised that 'poor doors' were not acceptable to Lewisham council planning policy and as such, would not be approved.

The Officer informed Members that the concept of pepper potting was in general resisted by Registered Providers. This was in order to keep service charges to a minimum and therefore ensure affordability.

The Officer advised the Committee the architects and the design team had designed 10% of the development to be compliant with Part 4.3 of the building regulations, to ensure the delivery of wheelchair accessible units. In addition parking spaces would be provided on a 1 to 1 basis.

With regard to entry phone charges and service charge. It was also advised the Section 106 agreement required that charges would be kept to a minimum. This would ensure optimisation of affordability of the proposed units. The Officer advised the Committee that Members would be minded to add an informative stating that no charges should be added to entry phones.

The Officer stated that the landscaping reserve applications full details of landscape had not yet been drawn up in detail, and would be part of a future submission at a later date for determination at Strategic Planning Committee, in relation to the number of objections received, or if Members were to request otherwise. The Officer noted the Members concerns regarding resident segregation and, assured the Committee there would be no room for segregation via landscaping.

The Officer provided clarification regarding stairs advising that these were in fact drawings of cycle storage. It was confirmed that there would not be any direct access between the developments two cores. It was confirmed there was direct access to the amenity space and to the rear of the development from both cores. The Officer advised that between the developments two cores, there was an A1 commercial unit and, a B1 commercial unit.

It was advised that that cycle parking would be accessible from the street, the parking area and via the communal amenity area to the rear of the development. The Officer confirmed that the cycle storage would be part of a future application. This would enable the application for the cycle storage to be more detailed, providing details of access points, for example. The

Officer confirmed the cycle store would be for the affordable rent units. It was reiterated there would be no encouragement of resident segregation.

The HPCP advised Members that the applicant had submitted the start of an enhanced proposal for community engagement. The proposal was currently with officers for consideration. The HPCP stated the past view of the process being inadequate, was largely upheld by the feedback received from local community interest groups and, the local general public. It was confirmed more work was required in this area. The HPCP advised an initial cultural strategy was refused after being described as 'inadequate'. An amendment was made in 2018 which was also refused. In Dec 2019, new consultants were appointed. A draft was circulated informally within the council and, also shared with the Cultural Steering Group (CSG). A more positive response was received.

The applicants had since started the process of seeking a reconvened meeting with the CSG, to consider securing the agreement to go out to wider public consultation based on the latest version of the strategy. This happened prior to the Corona Virus lockdown. Since the last SPC meeting, the applicants have contacted the CSG requesting a date to reconvene the meeting to push the process forward. HPCP advised Members this will make progress over the coming weeks and months.

The HPCP advised that he would be happy to share the draft cultural strategy information with Members. It was advised that in terms of attendance to the CSG there are very strict conditions regarding membership to the group.

The DoP advised the Committee that the original outline permission included a lot of detail around the impact on the local area. It was advised that a large part of that was about construction and, traffic impacts. On the outline permission there was condition 44. It was advised that in 2017, a site wide general code of construction practice was agreed. The next stages would be for phased, plot specific code of construction practice to come forward. This would also outline construction traffic and use of the River. The Officer informed the Committee that in regard to thermal massing and the heat impact, an environment impact assessment report was submitted at outline stage. It was not possible to reopen and reassess the application at this stage with regard to thermal massing.

The Officer acknowledged that it was possible for bio diverse (BD) roofs and solar panels to co-exist. It was confirmed that the energy strategy agreed by the applicant focused on green roofs. The applicant had proposed the scheme in accordance with the Outline Planning Permission (OPP) parameters. There was no reason why the applicant could not now go

forward and propose bio diversity panels. But to refuse the application due to the lack of bio diversity panel provision would not be possible.

The agent for the applicant, addressed the Committee, advising the applicant had complied with the obligations set out in the outline permission that set out the layout for Plot 15. The agent stated the design and access panel endorsed the design and, that officers confirmed the design layout was an appropriate response to the significance of the site and, that the layout and internal living conditions were acceptable. The agent confirmed negotiations were being followed with officers and, that the Plot 15 affordable housing had been brought forward earlier than consented. This included social rent which was an improved offer from the s106 Community consultation, which was also under review for improvement. The agent assured Members that design quality was consistent across all tenures with no entry phone charge. The Committee were advised due to the requirement for 2 cores due to the maximum 8 units per core, the scheme was deemed by officers to be policy compliant. With regard to traffic impact, the agent advised that Condition 44 and 54 would be considered in due course. The agent also advised that some of the residential car parking would also be allocated to business use. The agent concluded that BD panels on the roof would be given further consideration.

Following members enquiries relating to the developments separate cores, registered providers, pepper potting and management, the agent advised that the applicant had been in discussions with registered social landlords, which had not yet concluded. The Committee were advised the confines of planning policy guidance, meant 2 cores were required. The agent promised Members that pepper potting would be given 'serious consideration' with officers in regard to future development plots.

Representatives speaking for Voices4Depford, Pepys Community Forum and, Alliance for Childhood (AfC), addressed the Committee, advising of objections relating to affordability, shared ownership, social rented housing, design and appearance, amenities, play space and young people.

Questions were raised by Members relating to children's play space and, community engagement.

The representative for Alliance for Childhood advised that the criteria of 10 square metres required for play space, was provided by the London Plan which now was planning policy. It was advised it gave an indication of play space allowed for all children, not just under 5's. The policy appeared to

allow for children up to 11 years to be onsite and not in local parks. The aim was for children to have play space within sight of their own homes, within 400 metres.

The representatives for Voices4Deptford Pepys Community Forum and AfC, advised Members that local engagement had been very remote. It was hoped through better community engagement, benefits would be achieved. The representative stressed the groups being represented were not against redevelopment. The ideal would be for a quality development with respect for the history of the site and the environment. It was also noted that Covid-19 highlighted that BAME communities were more disadvantaged, so it would be key to obtain BAME views on key policies. The Chair assured the representative that if the CSG strategy consultation did not include measures to involve young people, the applicant would be willing to make amendment to work with officers to ensure young people were included in the consultation process.

Evelyn Ward Councillor Silvana Kelleher addressed the Committee, under Standing Orders. Focus was given to community engagement, regarding the past, present and future of the development site. Developers were encouraged to take initiative to make positive change.

The meeting was adjourned at 9.40pm and reconvened at 9.47 pm.

The MSPM advised that it was possible to amend the resolution before Members to add the clause that would require the developer to use all reasonable endeavours to promote pepper potting liaising with a registered provider setting out how pepper potting would be possible. The MSPM stated the clause would not be absolute. The MSPM advised the clause inserted into the legal agreement would have legal force. This would ensure the developer would use every route possible with a register provider to promote pepper potting. The Chair agreed a clause in the Section 106 agreement would have more weight than an informative.

The MSPM also discussed the layout of the building, to explain the reason for the 2 cores. It was advised this was designed on good housing design practice. This approach was taken to prevent more than 8 units per core, gigantic corridors, heat loss and, environmental issues. To do this would create secondary problems that Officers would not be able support.

The Legal Representative provided advice to the Committee, confirming the Section 106 agreement was enforceable and would provide the ability to

scrutinize the endeavours made by the applicant in seeking to promote pepper potting.

It was agreed a clause should be put into the Section 106 agreement to encourage pepper potting. The Chair commented if it was possible to pepper pot the units then the split core would not matter. If pepper potting was achievable this would be the best option. It would be required that trust was exercised between the local authority and the developer. Members expressed a collective interest in being kept informed of the progress of pepper potting of the development.

A Member discussed the Lennox Project, to which the DoP provided assurances to the Member and, advised she would be willing to discuss the Lennox Project outside of the meeting, as it was not directly relevant to the current application under consideration.

Other Members conveyed a strong desire to see measures added to the Section 106 agreement in regard to photovoltaic panels, car parking and protection for commercial units from being converted to residential use. Officers agreed to word informatives in regard to car parking, photovoltaic panels and entry phones.

The Committee

RESOLVED - Unanimously

That it be noted that the Committee agreed to:

- A. **GRANT** Reserved Matters approval in respect of layout, scale, appearance and access in relation to Plot 15 subject to the following conditions and informatives and completion of the legal agreement proposed at recommendation e);
- B. **APPROVE DETAILS UNDER/DISCHARGE** conditions 3(ii), 7, 8, 13, 14, 15, 19, 21(b),(c),(d),(e) and (f), 45(i), and 50(i) in relation to Plot 15 only;
- C. **DISCHARGE** all other details and matters required to be approved under Condition 20(i) relation to Plot 15;
- D. **PARTIALLY** discharge Condition 21(a) (to exclude details relating to plant and bus stops and associated passenger facilities in relation to Plot 15.

E. **AUTHORISE** the Director of Planning to negotiate and complete a deed of variation to the Section 106 Agreement dated 15 March 2015, under Section 106 of the 1990 Act (and other appropriate powers) so as to secure 65 London Affordable Rent units within Plot 15 and so that Plot 15 is delivered concurrently with Plot 08.
Subject to conditions and informatives outlined in the report. And the requirement that

The Committee also authorise the Director of Planning to finalise and issue the decision notice in relation to the application and to include such amendments as may be considered appropriate to ensure the acceptable implementation of the development.

Officers should formulate clauses and, conditions under the Section 106 agreement, in relation to:

- Require all reasonable endeavours to promote pepper potting of the LAR units amongst the intermediate units, following liaison with Registered Providers and a submission to be made to the Council for approval.
- Ensure the developer demonstrates reasonable endeavour to meet their obligations, as defined by case law.

Add informatives to cover the following:

- That commercial units may benefit from car parking allocation for servicing
- To advise the developer to consider photovoltaic panels at roof level to the consented living roofs
- That entry phone would not be subject to additional service charge fees.

The meeting closed at 10.18 pm.

Chair

Committee	STRATEGIC PLANNING COMMITTEE (ADDENDUM)
Report Title	Land on the corner of Briant and Besson Street, London, SE14
Ward	Telegraph Hill
Contributors	David Robinson

Reg. Nos.

DC/19/114805

1.0 INTRODUCTION

- 1.1 This report has been prepared as additional representations have been received since publication of the agenda. Representations have been received from the operators of The Music Room at 116-118 New Cross Road and the Music Venue Trust.

2.0 SUMMARY OF ADDITIONAL RESPONSES

- 2.1 The additional response from the operators of The Music Room is summarised as follows:

- Welcome that any resolution to grant consent will be subject to a Section 106 Agreement that both requires the applicant to enter into a Deed of Easement of Noise with The Music Room in relation to the whole of the development site and, secondly, that the Council will commission its own independent noise assessment to ensure that noise emitting from The Music Room has been properly assessed, whether additional noise mitigation measures may be necessary, and if so for these to be fully implemented. These provisions are welcomed, and go a considerable way towards meeting The Music Room's concerns.
- It would be more appropriate that the Council's Noise Survey is undertaken and the results understood before a decision is taken on the application. Information arising from the further survey commissioned by the Council is clearly relevant information for the Committee to consider.
- Recognition that this application has been with the Council for a considerable period of time and that there is time pressure to determine the application not least given the significant housing development and GP surgery it will deliver. Nevertheless express a preference would be for the noise survey to be undertaken prior to determination.
- If the application is to be determined request that it be a requirement that the Council's Noise Survey is undertaken within a period of 2 months from that date and that it should be carried out in conjunction and consultation with both The Music Room and Grainger.
- The Deed of Easement should relate to the non-residential uses as well as residential uses.

- 2.2 The representation from the Music Venue Trust is summarised as follows:

- The applicants have not considered changes recommended by the Greater London Authority or the Agent of Change principle
- The proposals are contrary to national policy, the London Plan and Lewisham's Local Plan

- The trust have concerns over the adequacy of the survey undertaken to date. The survey was undertaken in winter and the beer garden was not in use and a relatively quiet theatre group were using the studios
- The third party noise survey must be undertaken prior to making a decision

3.0 CONSIDERATIONS

- 3.1 The Officer Report outlines that the relevant policies and Agent of Change principles have been met with regard to the relationship of the proposed development and the operation and existing use at 116-118 New Cross Road, as well as other noise generating uses in the vicinity of the site.
- 3.2 Officers have been cognisant of the need to address potential noise pollution from The Music Room throughout the development of a residential-led scheme for the Land at Besson Street. Officers first raised the relationship with The Music Room as a key consideration with the proposed development in the first pre-application meeting held with the applicant in January 2019.
- 3.3 The proposed development has been subject to an iterative and evolving design approach that has sought to minimise the number of residential units in close proximity to existing noise generating uses in the vicinity of the site. The outcome of this has been to locate commercial and shared amenity spaces in proximity to existing noise generating businesses and uses in order to minimise any likely conflict between residents and existing businesses.
- 3.4 The scheme has been developed with the relationship with The Music Room in mind and the application has been submitted with a comprehensive Noise Assessment, which assesses external noise levels at the site (including other noise sources in addition to The Music Room) to determine the mitigation that would need to be incorporated into the proposed scheme to achieve levels inside the development that meet national and local planning requirements. The assessment demonstrates this could be achieved through construction materials, high specification glazing and mechanical ventilation. The application would be conditioned to ensure that the development would be constructed as per the recommendations of the assessment.
- 3.5 In response to concerns over the timing of the applicant's noise assessment (2019), the applicant has also incorporated data from a noise assessment undertaken on behalf of the Music Room in 2017 to ensure that the noise generation anticipated is robust and reflective of the worst case scenario.
- 3.6 In addition to this, and contrary to representations received, following recommendations within the Greater London Authority Stage 1 response, the applicant has offered to provide additional mitigation in the form of solid balustrades for the 10 units within Block A1 that are closest to Music Room London. The application would be conditioned to secure the installation of these solid balustrades.
- 3.7 On the above basis, the proposed development satisfies the Agent of Change principle as per Policy D13 of the Intend to Publish London Plan and is compliant with the Development Plan and the NPPF on this matter. The Greater London Authority have confirmed in writing that they are satisfied with the applicant proposals in this regard.
- 3.8 In addition to the above, and as a further measure of protection to The Music Room's operation, the applicant has outlined that they are prepared to enter into a Deed of Easement in favour of The Music Room. This is a legal document that would be

conditional upon implementation of planning permission for the proposed development, and would grant The Music Room defined rights over the whole of the application site by allowing it to produce noise up to specified levels during its permitted hours of operation. The relevant hours and the related noise levels would be a matter of detail to be picked up in the deed of easement itself. The Council would not be a party to this deed: it would be a bi-lateral agreement between The Music Room and the applicant.

- 3.9 Such an easement would provide an additional layer of protection to the Music Room in that easement would not just cover the 10 units closest to the music rehearsal venue but would extend across the entire development and be conditional upon implementation of the planning permission. In effect, this would preclude all future occupants from objecting to any potential noise nuisance generated by Music Room London, so long as it operates within the noise limits and hours of operation to be specified in the deed. The terms of an easement are subject to ongoing discussion between the parties.
- 3.10 As a final additional measure of protection to The Music Room, it is recommended that an independent third party assessment is secured by legal agreement. This assessment would be commissioned by the Council, at the applicant's expense and any additional mitigation identified within the assessment would be required to be implemented prior to occupation of the proposed residential units. Given the comprehensive surveys to date it is not anticipated that further mitigation would be required; rather, the purpose of this 3rd party assessment would be to ratify the results of the noise surveys already undertaken.
- 3.11 It is not considered necessary nor reasonable that this report is carried out prior to determination or within two months of a committee hearing as requested, given the comprehensive noise surveys that have already been undertaken by the applicant as well as the use of data from a noise survey undertaken by The Music Room in 2017. A recommended and reasonable trigger for the undertaking of the noise assessment would be "prior to commencement of development" as this would leave sufficient time to design any additional mitigation identified (if any) as being required by the third party assessment.
- 3.12 With regard to the request for the Deed of Easement covering residential and non-residential uses, officers clarify that the Deed of Easement offered by the applicant would extend across all uses and cover the entire site. In light of this and discussion above, the recommended S106 Heads of Terms in relation to the Deed of Easement has been amended as follows:

Noise and Deed of Easement

- The applicant shall enter into a Deed of Easement with the operators of The Music Room in relation **to the entire development site**
- The applicant shall fund an independent third party noise assessment in relation to noise generated by The Music Room **to be carried out prior to commencement of works on the development site** and any additional mitigation identified within this report shall be implemented prior to occupation of the residential units

4.0 CONCLUSION

- 4.1 The additional comments received have been reviewed and are not considered to change the assessment undertaken or the conclusion and recommendation of the

officer report to committee. The recommended Heads of Terms for the Section 106 agreement have been amended as above.