

MAYOR AND CABINET			
Report Title	Surrey Canal Triangle Draft Design Framework Supplementary Planning Document		
Key Decision	Yes		Item No.
Wards	New Cross		
Contributors	Executive Director for Housing, Regeneration and Environment		
Class	Part 1	Date: 5 February 2020	

1. Purpose

- 1.1 The purpose of this report is to provide the Mayor and Cabinet with the information needed to adopt the draft Surrey Canal Triangle Design Framework Supplementary Planning Document (draft SCT SPD).

2. Summary

- 2.1 This report sets out the background, need and policy context for the draft SCT SPD, reports back on the pre-production consultation and public consultation carried out by officers, and summarises the draft SPD's contents.

3. Recommendations

- 3.1 Mayor and Cabinet are recommended to;
- Note the findings of the Strategic Environmental Assessment (SEA) screening report in Appendix 2
 - Note the responses to the pre-production consultation in Appendix 3
 - Note the responses to the public consultation in Appendix 5
 - Take account of any comments received from the meeting of Sustainable Development Select Committee held on 21st January 2020
 - Adopt the Surrey Canal Triangle Design Framework Supplementary Planning Document – Appendix 1
 - Note the financial and legal implications set out in section 9 and 10
 - Note that with the adoption of the Surrey Canal Triangle Design Framework Supplementary Planning Document the Conditional Land Sale Agreement between the Council and Renewal Group Limited will be terminated in accordance with the resolution of the Mayor and Cabinet at its meeting on 10 October 2019
 - Authorise the Executive Director for Housing, Regeneration and Environment to make minor textual or format changes to the SPD prior to publication.

4. Background

- 4.1 On 10 October 2019 Mayor and Cabinet resolved that the Conditional Land Sale Agreement entered into on 20 December 2013 between the Council and Renewal Group Limited be terminated conditional upon the adoption of a Surrey Canal Triangle Design Framework as a Supplementary Planning Document. This report brings forward for consideration the final version of Surrey Canal Triangle Design Framework, seeking a resolution for its adoption as a Supplementary Planning Document.
- 4.2 The draft SPD has been produced to provide further guidance on the comprehensive regeneration of the Surrey Canal Triangle, as allocated for redevelopment in the LB Lewisham Core Strategy 2011.
- 4.3 The Development Area, known as Surrey Canal Triangle, is identified in the Adopted Core Strategy as Strategic Site Allocation 3 (SSA3). It covers an area of more than 10 hectares of land in the north west of the Borough. The land is bounded by railway lines and bisected by Surrey Canal Road. Millwall Football Stadium occupies a key site in the north east of the development area.
- 4.4 The regeneration of the site is strategic in nature and considered essential to the delivery of the existing Core Strategy. It is important that the site is developed comprehensively to ensure a coordinated outcome, setting high standards of design quality and deliverability. Individual planning applications should comply with the objectives of the Design Framework set out in the draft SPD. Proposals which fail to respond to the draft SPD or which undermine the delivery of a comprehensive outcome will not be supported.
- 4.5 Outline planning permission was granted in March 2012 for the redevelopment of the entire Development Area (known then as New Bermondsey), under reference DC/11/76357. A subsequent S73 planning approval was granted on 18 December 2015 under reference DC/13/085143 to amend Condition 3 of the DC/11/76357 outline permission. In granting the DC/11/76357 outline permission, the Council allowed a period of up to 10 years for the submission of subsequent reserved matters applications, recognising the scale of the development and its proposed phasing and delivery. This planning permission is extant and applications for reserved matters approval can be submitted no later than 30 March 2022.
- 4.6 The draft SPD has been prepared by the council in collaboration with key stakeholders, Renewal Limited and Millwall FC, to ensure that the future redevelopment of the site is guided by a set of shared principles agreed by the principal parties. It is recognised by all parties that this draft SPD sets an important strategic design framework for unlocking development and delivering a successful regeneration of this part of the borough.

5. Policy context

- 5.1 A Supplementary Planning Document (SPD) adds further detail to adopted policies in the Local Plan. Following adoption the SPD will become a material consideration in the determination of planning applications but will not be a part of the statutory Local Plan. In this instance the SPD will give design guidance on the implementation of the Strategic Site Allocation 3 (SSA3) within Lewisham's adopted Core Strategy 2011.
- 5.2 Strategic Site Allocation 3: Surrey Canal Triangle is allocated for mixed-use development. The SSA seeks a comprehensive phased approach to redevelopment in line with an approved Masterplan that delivers the following priorities:
- "A new 'destination' development that capitalises on the opportunities presented by Millwall Stadium ensuring that the existing football and sports facilities are enhanced and made accessible to the public, including appropriate supporting uses in support of this aim.
 - Provides at least 20% of the built floorspace developed on the site (excluding the Millwall Stadium area) for a mix of business space (B1(c), B2, B8) as appropriate to the site and its wider context.
 - Creates a sustainable high density residential environment at a density commensurate with the existing PTAL (public transport accessibility) rating for the site or the future PTAL rating achieved through investment in transport infrastructure and services.
 - Provides for a mix of dwelling types accommodating, subject to an acceptable site layout, scale and massing, up to 2,500 new homes (C3) with a proportion of on-site affordable housing.
 - Makes provision for the Surrey Canal Road Overground Station which will be located to the south of Surrey Canal Road and a new pedestrian and cycle bridge adjacent to the East London Line Phase 2 extension.
 - Provides retail uses to serve local needs that do not adversely impact existing town centres (A1, A2).
 - Provides for a mix of restaurant, food and drink uses to serve the site and immediate neighbourhood.
 - Enhances Bridge House Meadows and provides appropriate amenity open space within the development including children's play space to provide health and recreational opportunities for new residents.
 - Improves connectivity of the site and locality to the other strategic sites, the rest of the borough and adjoining sites within the London Borough of Southwark, through the provision of new pedestrian and cycling facilities and public transport services to increase permeability and accessibility.
 - Ensures the design enables the continued functioning of the adjoining Surrey Canal Road Strategic Industrial Location, including the waste transfer and processing uses on Surrey Canal Road.
 - Ensures appropriate noise mitigation against the surrounding railway viaducts
 - Take opportunities to use power generated by the South East London Combined Heat and Power Station (SELCHP) for district heating or other suitable sources of decentralised energy".

- 5.3 In addition to the above, SSA3(2) identifies the following urban design principles as key features of any Masterplan for the Site:
- “The layout of the development will ensure that the new business and industrial uses are capable of minimising disturbance to the occupiers of the residential portions of the site.
 - The layout will also ensure that Millwall Stadium can continue to function as a mass spectator destination with appropriate access for emergency services and evacuation arrangements and that disturbance to residents is minimised.
 - The commercial industrial units should be designed to ensure viability and flexibility of use with appropriate floor to ceiling heights, internal space layouts and partitioning, and delivery and goods handling arrangements.
 - The location and design of buildings will need to respond to the height of the railway viaducts surrounding the site and the location of the SELCHP facility to the east of the site.
 - Access and links to the site should be improved”.
- 5.4 A detailed review of the policy context can be found within Section 3 of the draft SPD in appendix 1 to this report.
- 5.5 The SPD will support delivery of the Council’s Corporate Strategy 2018-22 at all stages of its development. Through early engagement with local residents in producing the SPD, public consultation, and by using the SPD to help the Council apply its policies appropriately and secure high quality development the proposal would help deliver the following Priorities:
- Open Lewisham - Lewisham is a welcoming place of safety for all, where we celebrate the diversity that strengthens us.
 - Tackling the housing crisis - Everyone has a decent home that is secure and affordable.
 - Building an inclusive local economy - Everyone can access high-quality job opportunities, with decent pay and security in our thriving and inclusive local economy.
 - Making Lewisham greener - Everyone enjoys our green spaces, and benefits from a healthy environment as we work to protect and improve our local environment.
 - Building safer communities - Every resident feels safe and secure living here as we work together towards a borough free from the fear of crime.

6. Pre-production Consultation

- 6.1 The consultation process for planning policy documents such as this SPD is set out in the Statement of Community Involvement. This requires a pre-production consultation to be undertaken which includes a scoping report that documents the evidence base and provides an outline of the issues.

- 6.2 A baseline analysis of the site and a SEA screening report formed the basis of the scoping and the pre-production consultation took place during the period of 16 September to 21 October 2019 - over a 5-week period.
- 6.3 In accordance with our statement of community involvement and for the 5 week duration; all pre-production documentation was displayed at Deptford and Lewisham Libraries, Lewisham Council's planning information office and also made available on the Lewisham Council's website in the 'consultation hub' section. A brief questionnaire was also made available in paper form and online. Statutory and community organisation letters were also sent via email to all relevant parties. All relevant Councillors were notified including the Mayor.

Notification of pre-production consultation was also provided in the all members briefing on 23rd July 2019.

- 6.4 A summary of the consultation responses can be found in Appendix 3.

7. Public Consultation process for the draft SPD

7.1 The consultation process for the draft SPD was carried out in accordance with Lewisham's Statement of Community Involvement. The consultation process ran for six weeks between 13 November 2019 and 5 January 2020.

7.2 The consultation programme is set out at Appendix 4 to this report.

7.3 It should be noted that items nine to twelve of the consultation programme are not a requirement of the current SCI but given the significance of the proposals, it was felt important that further opportunity to engage should be explored and would be useful.

7.4 A summary of responses from all parties engaged in the consultation process is attached at Appendix 5 to this report, these will also be published on the Council's website shortly in accordance with the requirements of Lewisham's Statement of Community Involvement;

8. SPD Summary

8.1 As outlined above, the draft SPD has been produced to provide a comprehensive design framework for Surrey Canal Triangle, as allocated for redevelopment in the LB Lewisham Core Strategy 2011.

8.2 The document has eight sections:

1. **Introduction** - Outlining the role of the SPD, the background and the sites history.

2. **The Surrey Canal Triangle Development Area Today** – Providing a baseline analysis of the site ranging from the wider strategic development context to existing land uses, movement and open space networks.
3. **Strategic Planning Objectives** – Outlining the planning policy context and key planning objectives from national, regional and local level.
4. **The Urban Design Framework** – This section of the SPD reflects on the key principles set out in Policy SSA3 of the Core Strategy, and other identified constraints and opportunities, to create an urban design framework for comprehensive development.
5. **Character Areas** – Providing further detail on the key character areas of the framework and setting out the aspirations and design principles for each.
6. **Delivery and requirements** – Outlining information on delivery such as landownership, phasing and infrastructure requirements.
7. **Statutory Considerations**
8. **Appendices**

9. Financial implications

- 9.1 There are no direct financial implications arising from this report. The SPD will be published electronically on the Council's website and only limited hard copies will be produced, these being funded from within the agreed Planning Service budget.

10. Legal Implications

- 10.1 Pursuant to section 19(2) of the Planning and Compulsory Purchase Act 2004, when preparing a SPD, the council must have regard to:
 - national policies and advice contained in guidance issued by the Secretary of State;
 - the spatial development strategy if the authority are a London borough;
 - any other local development document which has been adopted by the authority;
 - the resources likely to be available for implementing the proposals in the document;
 - such other matters as the Secretary of State prescribes
- 10.2 Furthermore, the council must comply with their Statement of Community Involvement which sets out how the authority will consult and engage with individuals, communities and other stakeholders: section 19(3) of the Planning and Compulsory Purchase Act 2004
- 10.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 sets out the main steps in the procedure for the production and adoption of planning documents, as explained in section 6 of this report.
- 10.4 Section 9D of the Local Government Act 2000 states that any function of the local authority which is not specified in regulations under subsection (3) is to be the responsibility of an executive of the authority under executive arrangements. The Local authorities (Functions and Responsibilities (England) Regulations 2000

specifies that certain functions relating to Development Plan documents are by law the responsibility of the Council. No specific reference is made to the preparation of an SPD in the Regulations and as it is not a Development Plan Document it is therefore an executive function.

11. Crime and Disorder Implications

- 11.1 There are no direct implications relating to crime and disorder issues.

12. Equalities Implications and Human Rights

- 12.1 The Council's Comprehensive Equality Scheme for 2016-20 provides an overarching framework and focus for the Council's work on equalities and helps ensure compliance with the Equality Act 2010.
- 12.2 The Surrey Canal Triangle is a site allocated in the Borough's core strategy (policy SSA3) and as such, potential impacts have been considered and tested in the Local Plan process. A screening report (SEA assessment) attached as appendix two, has also been produced for the SPD area. The Surrey Canal Triangle SPD is exclusively a design framework setting out the parameters for the scale of new development and makes no policy changes to the strategic site allocation in the Council's Core Strategy and therefore does not have any direct equalities implications.
- 12.3 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 12.4 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
- 12.5 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed at 10.4 above.

- 12.6 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 12.7 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:
- <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>
- <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>
- 12.8 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty: A guide for public authorities
 4. Objectives and the equality duty. A guide for public authorities
 5. Equality Information and the Equality Duty: A Guide for Public Authorities
- 12.9 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:
- <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

If the development proceeds as anticipated there will be more housing for the vulnerable and disabled, and retained employment space for businesses.

- 12.10 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights (ECHR). Various convention rights may be engaged in the adoption of this SPD such as Article 1 of the First Protocol (Peaceful enjoyment of one's property) and Article 8 (Right to respect for private and family life, home and correspondence) of the Convention.
- 12.11 The European Court has recognised that 'regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole'. Both public and private interests are to be taken into account in the exercise of the council's powers and duties as a local planning authority. Any interference with a convention right must be necessary and proportionate.
- 12.12 Council officers have carefully considered the balance to be struck between individual rights and the wider public interest. The rights of the landowner have been considered under the Human Rights Act 1998, in particular those contained within Article 1 of the First Protocol the Convention which relates to the protection of property, Article 6 (Right to a fair trial) and Article 8 (Right to private and family life). The effect of the SPD and benefits are explained above. It is not considered that the SPD engages any convention rights.

13. Environmental Implications

- 13.1 It is not necessary to undertake a Sustainability Appraisal to accompany the production of a SPD. It is however necessary to assess the need to undertake a Strategic Environmental Assessment (SEA).
- 13.2 A SPD screening report was prepared to identify if a Strategic Environmental Assessment (SEA) would be required, and statutory consultation was undertaken concurrently with the statutory consultation for the Conservation Area boundary changes and Appraisal. The responses from the statutory consultees are set out in the final screening report, attached as Appendix 2.
- 13.3 Based on our assessment and the comments national statutory bodies, the council will not undertake a full SEA.

14. Conclusion

- 14.1 The Council has consulted widely on the draft Supplementary Planning Document and submitted the document to the Council's Sustainable Development Select Committee on two occasions. Changes to the draft document have been made to take account of comments received, before bringing it back to the Mayor and Cabinet for adoption.
- 14.2 Mayor and Cabinet is recommended to;

- a. Note the findings of the Strategic Environmental Assessment (SEA) screening report in Appendix 2
- b. Note the responses to the pre-production consultation in Appendix 3
- c. Note the responses to the public consultation in Appendix 5
- d. Take account of any comments received from the meeting of Sustainable Development Select Committee held on 21st January 2020
- e. Adopt the Surrey Canal Triangle Design Framework Supplementary Planning Document – Appendix 1
- f. Note the financial and legal implications set out in section 9 and 10
- g. Note that with the adoption of the Surrey Canal Triangle Design Framework Supplementary Planning Document the Conditional Land Sale Agreement between the Council and Renewal Group Limited will be terminated in accordance with the resolution of the Mayor and Cabinet at its meeting on 10 October 2019
- h. Authorise the Executive Director of Housing, Regeneration and Environment to make minor textual or format changes to the SPD prior to publication.

15. Background documents and originator

Short Title Document	Date	File Location	File Reference	Contact Officer	Exempt
Planning & Compulsory Purchase Act 2004	2004	Laurence House	Planning Policy	David Syme	No
Localism Act 2011	2011	Laurence House	Planning Policy	David Syme	No
National Planning Policy Framework (NPPF) 2012	2012	Laurence House	Planning Policy	David Syme	No
Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)	2012	Laurence House	Planning Policy	David Syme	No

If you have any queries on this report, please contact David Syme, Strategic Planning Manager, or Viv Evans, Head of Programmes, 5TH floor Laurence House, 1 Catford Road, Catford SE6 4RU, telephone 020 8314 7400.

Appendix 1: Surrey Canal Triangle Design Framework Supplementary Planning Document (the draft SPD)

Appendix 2: SEA Screening Opinion

Appendix 3: Results of the Pre-production Consultation

Appendix 4: Consultation Programme

Appendix 5: Issues raised from the consultation exercise