

STRATEGIC PLANNING COMMITTEE

SUPPLEMENTARY

AGENDA

Date of Meeting: **WEDNESDAY, 14 OCTOBER 2020 TIME 7.30 PM**

PLACE: **REMOTE VIA MICROSOFT TEAMS - THE PUBLIC ARE WELCOME TO OBSERVE VIA THE COUNCIL'S WEBSITE AT WWW.LEWISHAM.GOV.UK**

Members of the Committee are summoned to attend this meeting

Kim Wright
Chief Executive
Lewisham Town Hall
London SE6 4RU
Date: 13 October 2020

For further information please contact:
Jasmine Kassim
Telephone No: 0208 314 8577
Email: jasmine.kassi@lewisham.gov.uk

	Order Of Business		
Item No	Title of Report	Ward(s)	Page No.
3.	SELCHP Waste To Energy Facility, Landmann Way, London SE14 5RS: <ul style="list-style-type: none">This addendum report updates the suggested conditions for both applications, which were subject to negotiation with the applicant given the pre-commencement nature of the conditions.	New Cross and Evelyn Wards	1 - 4

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Committee	STRATEGIC PLANNING COMMITTEE	
Report Title	MINUTES	
Ward	Evelyn	
Class	PART 1	Date: 14 October 2020

MINUTES

To approve the Minutes of the meeting of the Strategic Planning Committee held on 3 September 2020.

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MINUTES OF THE STRATEGIC PLANNING COMMITTEE

Thursday, 3 September 2020 at 7.30 pm

PRESENT: Councillors John Paschoud (Chair), Leo Gibbons (Vice-Chair), Kevin Bonavia, Andre Bourne, Aisling Gallagher, Olurotimi Ogunbadewa, Sakina Sheikh and James-J Walsh

ALSO PRESENT:

Under Standing Orders:
Councillor Silvana Kelleher

Presenting Officers:

Service Group Manager, Major & Strategic Projects Manager, and Senior Planning Officer.

Legal Representation:

Charles Merrett, Francis Taylor Building – on behalf of Lewisham Council.

At the start of the meeting, the Chair, Councillor John Paschoud announced that external participants should follow the proceedings via the public webcast, and would be invited into the meeting when the Committee starts consideration on item(s) of particular interest to them. It was stated that external participants would remain in the meeting until the conclusion of those item(s) for which they had registered to speak on.

Apologies for absence were received from Councillor Suzannah Clarke and Councillor Liam Curran.

1. **Declarations of Interests**

No interest was declared at the meeting.

2. **Minutes**

RESOLVED that minutes of meetings of the Strategic Planning Committee held on 9 June 2020 and 30 July 2020 be confirmed as correct records, subject to amendments agreed with the Chair, Councillor John Paschoud, prior to the start of the meeting.

3. **Temporary changes to the Scheme of Delegation - update**

The Service Group Manager introduced the report and highlighted to Members reasons for a decision to temporarily amend matters in the Council's Scheme of Delegation (SoD) that were reserved to Planning Committees A, B and C, and to Strategic Planning Committee. It was stated that the current proposal recommended that the temporary measures, which were initially agreed on 9 June for a period of three months should be extended to 10 March 2021. The Officer

stated that the extended timeline would enable the Planning Service to continue to operate efficiently and ensure that it remains able to meet its statutory responsibility to determine the full range of planning applications in a timely fashion.

The Committee noted the report and the rationale for the proposal. It was understood that the changes to the Council's Statement of Community Involvement, which were made at the time the initial temporary measures were agreed, would continue to remain effective throughout the extended period.

In response to questions raised, the Officer reiterated to Members that the changes and extended timeline were publicised on the Council's internet. In addition to that, key stakeholders were notified. It was stated that a number of responses were received, and the concerns which they raised were reproduced in the addendum report. Members also received confirmation that the safeguards initially implemented would remain throughout the extended period, in order to ensure transparency and democratic accountability in decision making.

Continuing with his response, the Officer advised Members that arrangements for considering planning applications during the current crisis would vary because each council had to identify its own threshold markers for referring planning applications to committees. However, Lewisham's thresholds were lower in comparison to many other London boroughs, but the temporary proposed measures had brought it in line with the general picture across London boroughs.

Councillor Kevin Bonavia, a Member of the Committee, and also Cabinet Member for Democracy, Refugees and Accountability, emphasised that the system in place should remain accountable in light of recommendations from the Council's recent review on local democracy. Councillor Bonavia stated that it was vital for Members and officers to actively consult and liaise with objectors and applicants at the outset, and consider feedback and responses in time, with a view to submitting improved applications to planning committees. Commenting on restrictions relating to face-to-face contacts as a result of the current pandemic, Councillor Bonavia suggested that residents and local amenity groups could lobby on planning applications via the telephone, emails, and/or make appointments for virtual meetings with their respective ward councillors.

In considering submissions made at the meeting, Members agreed that the Council should be supported to continue meeting its statutory duties. However, the temporary measures should not be viewed as a precedent. Views expressed by Councillor Bonavia that residents and local amenity societies should continue to be consulted about development proposals was also echoed.

The Committee voted on the proposals and

RESOLVED

Unanimously

That the following be agreed for a time-limited 6 months' period expiring on 10th March 2020:

- AUTHORISE the temporary amendment of the list of matters that are reserved to Planning Committee's A, B and C and to Strategic Planning Committee in the Council's Scheme of Delegation set out on page 311 of the Council's Constitution to enable the following matters to be delegated to officers (unless the recommendation is for refusal):
- APPROVE the threshold of objections for applications being required to go to Planning Committee for decision to be raised from 3 to 5
- APPROVE that any application with an amenity society objection to be subject to case review with Chair to determine whether it is referred to planning committee for a decision
- APPROVE that applications with 5-9 objections to be subject to case review with Chair to determine whether it is referred to planning committee for a decision.

4. Land and Property Comprising Silwood Street, London, SE16

The Planning Officer gave an illustrative presentation to the report, recommending to the Committee to approve planning application for the construction of a mixed-use development to deliver at Silwood Street, SE16. It was confirmed that the proposed development comprised of four (4) building blocks, A, B and C, with heights ranging between five to nine (5-9) storeys, including associated landscaping with street trees, play space, public realm improvements, and service facilities.

The Committee noted the report, and that the proposal would deliver sixty-one (61) residential dwellings, including commercial, business and service floorspaces. It was recognised that Block A would be nine (9) storeys in height, with no affordable units. The Committee understood that the affordable units would be located predominantly in Blocks B and C. It was noted that Blocks B to D would stretch the remainder of the proposed site, and would provide commercial uses at the ground and first floors.

In response to questions raised the Officer advised the Committee that the Council had made no request for further contribution from the applicant for additional play space because the provision was considered at pre-application stage as adequate for the type of development. However, in regards to older children, the expectation was that they would visit public parks close to the application site to hang-out and play. It was stated that the applicant had also proposed to provide a table tennis facility on-site which older children could use.

Continuing with her response, the Officer informed the Committee that empirical evidence had shown that railway arches were attractive for business operations, and that it was not unusual to have higher buildings close them in a London urban area. Thus, it was unlikely that the proposal would prevent future entrepreneurs from using the railway arches at Silwood Street.

In a follow-up question to the latter, the Officer gave an assurance to the Committee that the anticipation to increase footfall at Silwood Street and its environs would be realised because the proposal aimed to deliver open and accessible outside areas, with a view to attract businesses to operate from the

railway arches at the back of the proposed buildings. It was stated that the spaces at the back of the proposed buildings in the design illustrations were considered adequate for potential customers to move about in with ease. Members were advised that it was likely that the business potentials would result in increased job opportunities once the development becomes operational.

The Committee also received clarification from the Officer that car-free development schemes were not unusual in a London urban setting. Therefore, it had come with no surprise that objections were not raised by the Council's Highway Team and officials at Transport for London (TfL) regarding plans by the applicant to deliver a car-free development, with the exception of six (6) blue badge spaces for potential disabled occupants.

In light of a concern expressed by Members, the Officer reiterated that it was unlikely that the development would impact adversely on potential occupants to the family units given that the applicant had proposed to deliver two (2) loading bays and restricted parking instructions for deliveries and servicing activities. The Committee heard that Lewisham, along with other London boroughs, had joined up to the flexible Zip-Car scheme. In addition to that, potential occupants could sign up to the local Enterprise car-sharing scheme. The Committee's attention was also drawn to the fact that the location of the proposed site was in close proximity to walking paths, and that pedestrian routes and footways along Silwood Street would remain a minimum of two metres in width. The Committee was also asked to note that PTAL rating would be substantially be increased in the area when the new additional bus route becomes operational, and upon implementation of the overground railway station that had been proposed for operation in the vicinity of Silwood Road.

The meeting was also addressed by the agent to the applicant. He highlighted the benefits of the proposed development in terms of its sustainability, the delivery of affordable homes to include family units, the potential for new businesses and increased job opportunities, and the delivery of new community space with landscaped public realm. The Committee was advised that the density and massing of the proposed buildings were arranged in accordance with the land context to maximise the impact of the site, without detracting from the character of the Silwood Street environment. The Committee also received confirmation that the applicant had agreed to a financial contribution towards lighting provision under the railway arches for improved security at the back of the proposed buildings.

In response to questions raised, the agent informed the Committee that the applicant would not deliberately segregate areas within the proposed development and limit spaces to benefit potential private occupants, other than for security or design reasons. It was confirmed that the apportionment of amenity space across blocks B to D in terms of scale would be larger because affordable units with family units would be contained within them. Notwithstanding that, there should be no reason why the applicant would not be willing to work with Council officers and the police to ensure access for all residents to all the amenity areas across the proposed development, subject to 'secured by design' considerations.

The meeting was also addressed by a resident as the Chair of the Bermondsey South Homeowners Association (BSHA). The representative informed the Committee that residents welcomed plans to develop Silwood Road. However, given the substantial nature of the plans, residents were concerned that the proposal constituted an over-development because the bulk and mass would impact inappropriately on existing dwellings in regard to overshadowing, loss of light, and privacy. Thus, residents' physical and mental wellbeing would be will be adversely affected. It was also the view of the representative that the transport assessment was based on an inconsistent assumption, and the PTAL rating for the area had ignored individuality. The representative stated that because the applicant had made non-constructive and minimal engagement, residents felt that their concerns were not taken into account, or adequately addressed. Thus, the Committee should defer consideration of the proposal to allow time for residents and the applicant to work out a compromise.

In light of issues raised by the BSHA representative, the Committee asked questions and received clarification from the Officer that the density metrics calculations, although slightly higher, was considered appropriate for delivering a mixed-use development. The Committee was further advised that the distances from the application site to existing dwellings were also assessed as adequate for the type of scheme, particularly that the proposed building blocks would be set back in a step-elevated design within the context of the site.

The Committee also received representation made by Councillor Silvana Kelleher on behalf of her constituents in the Evelyn Ward. Councillor Kelleher stated that she was supportive of the proposal because it would help to reduce social housing pressures for residents in Lewisham. Councillor Kelleher commended the applicant for delivering on his promise to provide a development that was sympathetic to the local community, and one that would increase job opportunities and enhance the environment at Silwood Street.

In considering submissions made at the meeting, Members reiterated that the Council was committed to community engagement and democratic accountability.

Specific to the proposal, Members stated that they were not convinced that the car-club schemes would alleviate burdens of lack of parking spaces at Silwood Street. It was the view of Members that a reliance on public transport was often frustrated by inconsistent operating schedules, particularly at weekends when needed by families. Thus, while a car-free development was attractive, the cumulative effect of moving towards such a trend was a concern. Members suggested that in developing future schemes, applicants should consider limitations of car-free proposals, particularly when delivering homes for families.

Members also welcomed the provision of affordable, and that the proposed development included family unites, however, information that some amenity spaces would not be accessible by all residents was unacceptable. Members stated that steps should therefore be taken to ensure equality of access by all potential residents all communal areas, subject to security issues. Members suggested that the play areas should also be sufficient for children of all ages, including teenagers.

Members' summations were captured and read out at the meeting by the Service Group Manager.

The Committee endorsed the statements as read by the Officer, and suggested that they should be finalised in consultation with legal officers for implementation as a condition. Thereafter, Councillor James-J Walsh moved the recommendations outlined in the report, and in light of the statements read out at the meeting. The recommendations were seconded by Councillor Olurotimi Ogunbadewa.

The Committee voted on the recommendations and

RESOLVED unanimously

That it be agreed to:

- AUTHORISE officers to negotiate and complete a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the principal matters set out in Section 11 of this report, including such other amendments as considered appropriate to ensure the acceptable implementation of the development.
- AUTHORISE the Head of Planning to GRANT PERMISSION to conditions set out in the report and the addendum to it subject to completion of a satisfactory legal agreement,
- INCLUDE additional condition following discussions at the meeting that all of the external amenity spaces within the development, including the roof-top amenity space on Block A shall be made accessible to all residents of the entire development at all times for the duration of the development, unless a report has been submitted to, and approved by the Local Authority, prior to first occupation of the development, detailing how such a requirement would prevent the development from achieving 'secured by design' certification.

Meeting closed at 21.16pm.

Chair

Committee	STRATEGIC PLANNING COMMITTEE	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 14 October 2020

Declaration of interests

Members are asked to declare any personal interest they have in any item on the agenda.

Personal interests

There are two types of personal interest :-

- (a) an interest which you must enter in the Register of Members' Interests*
- (b) an interest where the wellbeing or financial position of you, (or a "relevant person") is likely to be affected by a matter more than it would affect the majority of inhabitants of the ward or electoral division affected by the decision.

*Full details of registerable interests appear on the Council's website.

("Relevant" person includes you, a member of your family, a close associate, and their employer, a firm in which they are a partner, a company where they are a director, any body in which they have securities with a nominal value of £25,000 and (i) any body of which they are a member, or in a position of general control or management to which they were appointed or nominated by the Council, and (ii) any body exercising functions of a public nature, or directed to charitable purposes or one of whose principal purpose includes the influence of public opinion or policy, including any trade union or political party) where they hold a position of general management or control

If you have a personal interest you must declare the nature and extent of it before the matter is discussed or as soon as it becomes apparent, except in limited circumstances. Even if the interest is in the Register of Interests, you must declare it in meetings where matters relating to it are under discussion, unless an exemption applies.

Exemptions to the need to declare personal interest to the meeting

You do not need to declare a personal interest where it arises solely from membership of, or position of control or management on:

- (a) any other body to which you were appointed or nominated by the Council
- (b) any other body exercising functions of a public nature.

In these exceptional cases, unless your interest is also prejudicial, you only need to declare your interest if and when you speak on the matter .

Sensitive information

If the entry of a personal interest in the Register of Interests would lead to the disclosure of information whose availability for inspection creates or is likely to create a serious risk of violence to you or a person living with you, the interest need not be

entered in the Register of Interests, provided the Monitoring Officer accepts that the information is sensitive. Where this is the case, if such an interest arises at a meeting, it must be declared but you need not disclose the sensitive information.

Prejudicial interests

Your personal interest will also be prejudicial if all of the following conditions are met:

- (a) it does not fall into an exempt category (see below)
- (b) the matter affects either your financial interests or relates to regulatory matters
 - the determining of any consent, approval, licence, permission or registration
- (c) a member of the public who knows the relevant facts would reasonably think your personal interest so significant that it is likely to prejudice your judgement of the public interest.

Categories exempt from being prejudicial interest

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception)

Effect of having a prejudicial interest

If your personal interest is also prejudicial, you must not speak on the matter. Subject to the exception below, you must leave the room when it is being discussed and not seek to influence the decision improperly in any way.

Exception

The exception to this general rule applies to allow a member to act as a community advocate notwithstanding the existence of a prejudicial interest. It only applies where members of the public also have a right to attend to make representation, give evidence or answer questions about the matter. Where this is the case, the member with a prejudicial interest may also attend the meeting for that purpose. However the member must still declare the prejudicial interest, and must leave the room once they have finished making representations, or when the meeting decides they have finished, if that is earlier. The member cannot vote on the matter, nor remain in the public gallery to observe the vote.

Prejudicial interests and overview and scrutiny

In addition, members also have a prejudicial interest in any matter before an Overview and Scrutiny body where the business relates to a decision by the Executive or by a committee or sub committee of the Council if at the time the decision was made the member was on the Executive/Council committee or sub-committee and was present when the decision was taken. In short, members are not allowed to scrutinise decisions to which they were party.

Committee	STRATEGIC PLANNING COMMITTEE	
Report Title	SELCHP WASTE TO ENERGY FACILITY, LANDMANN WAY, LONDON, SE14 5RS	
Ward	New Cross and Evelyn Wards	
Contributors	Lewis Goodley	
Class	PART 1	14 OCTOBER 2020

Reg. Nos. (A) DC/20/117728

Application dated 17.07.2020

Applicant Veolia ES (UK) Ltd.

Proposal The construction of a below ground decentralised heating network pipeline (main route via Folkstone Gardens and Blackhorse Road) between SELCHP, Landman Way SE14 and Convoys Wharf, SE8.

Background Papers

- (1) This is Background Papers List
- (2) Case File DE/131/A/TP
- (3) Local Development Framework Documents
- (4) The London Plan

Designation Area of Archaeological Priority, Air Quality Action Area, Strategic Industrial Land; Flood Risk Zone 2, Flood Risk Zone 3, Thames Tideway Tunnel Safeguarding Route, Site of Local Importance for Nature Conservation.

Screening Screening Opinion: DC/20/116342: Not EIA Development, 06/04/2020.

1 SUMMARY

- 1 The application is to be considered by the Strategic Planning Committee given the strategic importance of the proposed development.

2 SITE AND CONTEXT

Site description and current use

- 2 The application site relates to a route from the South East London Combined Heat and Power (SELCHP) plant, connecting SELCHP to the Convoy's Wharf development site.
- 3 The route would extend below ground from Landman Way, Surrey Canal Road, Folkstone Gardens, Blackhorse Road, Dragoon Road.

Character of area

- 4 The site is characterised by a mix of uses, with a prevalence of industrial and commercial uses and residential uses. The site includes Folkstone Gardens an important area of local open space.
- 5 The site and area itself has a unique and diverse maritime and industrial history. Located underground the development would follow historic routes comprising road and pedestrian links.
- 6 Landmann Way contains Safeguarded Waste Sites on both sides
- 7 The segment of the route along Landmann Way to the eastern end of Blackhorse Road is either within or adjacent to Strategic Industrial Locations
- 8 The route overlaps with the Thames Tideway Tunnel Safeguarding designation at Evelyn Street
- 9 The route runs immediately south of the Oxestalls Road Strategic Site Allocation (former Deptford Timber Yard being developed by Lendlease)
- 10 The listed building 'Gate Piers to former Naval Dockyard', listing no. 1358998, is located near the eastern end of the proposed route;
- 11 The entire route is within an Air Quality Management Area
- 12 The entire route traverses multiple Areas of Archaeological Priority
- 13 The entire route traverses Flood Zone 3 (areas benefitting from flood defences) as mapped by the Environment Agency
- 14 Convoy's Wharf is an ancient scheduled monument.
- 15 The route would also partly follow the route of the former Surrey Canal, infilled in the 1970s.
- 16 Folkestone Gardens forms an Site of Local Importance for Nature Conservation (SLINC) and a public open space.

3 RELEVANT PLANNING HISTORY

- 17 DC/20/116342 - Screening Opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (as amended) (the Regulations) in respect of the construction of a buried decentralised heating network pipeline (main route) between SELCHP and Convoys Wharf, Lewisham.
- 18 Not EIA Development: 06 April 2020.

4 CURRENT PLANNING APPLICATION

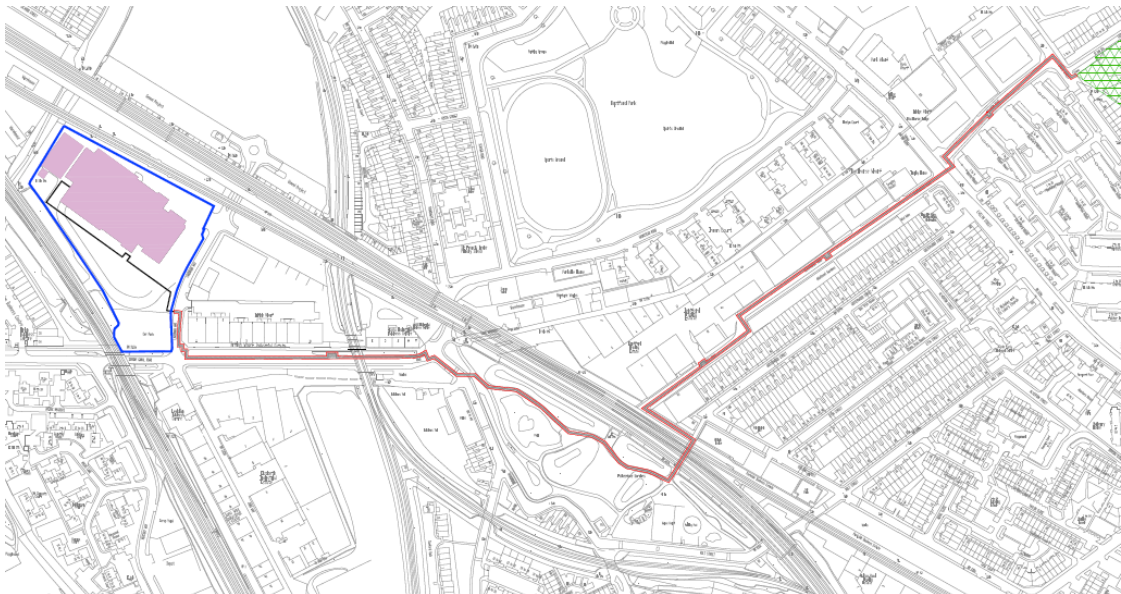
4.1 THE PROPOSALS

- 19 Permission is sought for the construction of a below ground decentralised heating network pipeline connecting SELCHP and Convoys Wharf.

20 The proposed pipeline would provide a direct connection to the Convoys Wharf development, enabling development here to connect to the heat network. Heat from SELCHP would provide space heating and water heating for development at Convoys Wharf.

21 The proposed development would form the 'spine' of a network which has the potential to extend and provide heat to existing and proposed development in the area, utilising heat generated at the SELCHP plant, providing low carbon heat within the Borough of Lewisham.

22 The site would run underground following the route shown in Figure 1.



23 This would comprise:

- South along **Landmann Way** for approximately 60m;
- East along **Surrey Canal Road** for approximately 270m, passing under the East London Railway Line;
- South for approximately 50m along a section **Trundleys Road** before crossing **into Folkestone Gardens** opposite the entrance to Juno Way;
- South east for approximately 250m **through Folkestone Gardens along or adjacent to an existing path;**
- **under the South Eastern Railway Line** following the approximately 40m long pedestrian access **archway between Folkestone Gardens and Gosterwood Street;**
- at the exit of the pedestrian access archway the route turns left for approximately 70m along **Gosterwood Street** and parallel to the rail corridor towards Blackhorse Road;
- East along **Blackhorse Road** for approximately 410m before crossing **Evelyn Street** (approximately 20m) and east for approximately 170m along Dagoon Road; and

- south for approximately 30m along Grove Street before terminating at a point within the Convoys Wharf development to enable future connection within the boundary of the development site.

24 This application is the 'preferred route'. An application, reference DC/20/117685 was submitted alongside this application for an alternative route.

25 Two applications were submitted to ensure that an alternative route is available in the event the main 'preferred' route is not deliverable.

5 CONSULTATION

5.1 PRE-APPLICATION ENGAGEMENT

26 The Applicant undertook discussions with Lewisham Highways to discuss potential highways and transport implications of the development.

27 No other pre-application engagement is known to have taken place with residents or local businesses.

5.2 APPLICATION PUBLICITY

28 Site notices were displayed on 26/08/2020 and a press notice was published on 26/08/2020.

29 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 27/08/2020.

30 1 number responses received, comprising 0 objections, 0 support and 1 comment.

5.2.1 Comments in objection

31 No comments in objection were received.

5.2.2 Comments in support

32 No comments in support were received.

5.2.3 Neutral comments

33 One neutral comments was raised as follows:

- Consideration of works and impact on deliveries to local businesses.

5.3 INTERNAL CONSULTATION

34 The following internal consultees were notified on 21/08/2020.

35 Ecological Regeneration Manager: No objection , subject to the imposition of conditions.

36 Environmental Protection Team (Air Quality): No objection, note that the operation of SELCHP is operated by the Environment Agency and that this applications does not seek to change operations at SELCHP.

- 37 Environmental Protection Team (Contamination): No objection subject to the imposition of conditions see contamination section of the report below.
- 38 Environment Resilience/ Sustainability: Strong support the application, and note that the proposals accord with the Council's Climate Action plan (March 2020) and the Memorandum signed with the Council and Veolia to explore creating a district heat network, stating that it underpins key elements of the Climate Emergency Action Plan and if successful it will unlock additional routes, resulting in significant carbon emissions reductions derived from heating people's homes.
- 39 Highways: No Objection, subject to the imposition of conditions. See transport section of the report below
- 40 Conservation: No objection. See Design and Conservation section of the report below.

5.4 EXTERNAL CONSULTATION

- 41 The following External Consultees were notified on 21/08/2020.
- 42 Historic England Archaeology: No objection subject to the imposition of conditions.
- 43 Environment Agency: No objection, subject to the imposition of a contamination condition.
- 44 London City Airport: No objection.
- 45 London Overground: No objections received.
- 46 Network Rail: No objections – comments raised relating to asset protection. See relevant section of the report below.
- 47 SELCHP: No objections.
- 48 TfL – Surface and Spatial Planning: No objection, concerns related to impacts on highway network, including 255 bus and Cycleway 4. See relevant section of report below.
- 49 Thames Tideway Tunnel and Safeguarding: No objections received.
- 50 Thames Water: No objection.
- 51 UK Power Network. No objection received. Comments asking if the route would affect a UK Power Network substation received. See section 7.6 of report below.
- 52 The following External Consultees were notified on 09/09/2020.
- 53 Deptford Neighbourhood Action: No comments received.
- 54 Deptford Folk: No comments received.
- 55 The Deptford Society: No comments received.
- 56 Voice for Deptford: No comments received.

6 POLICY CONTEXT

6.1 LEGISLATION

57 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

58 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

6.2 MATERIAL CONSIDERATIONS

59 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.

60 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

61 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the test of reasonableness.

6.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

6.4 DEVELOPMENT PLAN

62 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)

6.5 SUPPLEMENTARY PLANNING GUIDANCE

63 London Plan SPG/SPD:

- Sustainable Design and Construction (April 2014)
- The control of dust and emissions during construction and demolition (July 2014)

6.6 OTHER MATERIAL DOCUMENTS

- Draft London Plan: The Mayor of London published a draft London Plan on 29 November 2017. The Examination in Public was held between 15th January and 22nd May 2019. The Inspector's report and recommendations were published on 8 October 2019. The Mayor issued to the Secretary of State (SoS) the Intend to Publish London Plan on 9th December 2019. The SoS issued a letter on 13 March 2020 directing modifications to the Local Plan, and the Mayor of London responded on 24 April 2020 indicating he will work with the SoS to achieve the necessary outcomes. Notwithstanding these requested modifications, this document now has some weight as a material consideration when determining planning applications.
- Draft Surrey Canal Triangle SPD (December 2019).

7 PLANNING CONSIDERATIONS

64 The main issues are:

- Principle of Development
- Urban Design and Heritage Impact
- Impact on Adjoining Properties
- Transport
- Sustainable Development

7.1 PRINCIPLE OF DEVELOPMENT

General policy

- 65 The National Planning Policy Framework (NPPF) at Paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.
- 66 Paragraph 154 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should (a) not require applicants to demonstrate the overall need for renewable or low carbon energy... (b) approve the application if its impacts are (or can be made) acceptable.
- 67 Policy 5.5(a) of the London Plan (LP) states that The Mayor expects 25 per cent of the heat and power used in London to be generated through the use of localised decentralised energy systems by 2025. In order to achieve this target the Mayor prioritises the development of decentralised heating and cooling networks at the development and area wide levels, including larger scale heat transmission networks.
- 68 The creation of a decentralised heat network is identified as being of strategic importance within the Core Strategy (CS) Spatial Policy 2.
- 69 Paragraph 6.45 of the CS states that the quantum of development opportunities proposed, and the concentration of this growth within the three main localities of Deptford/New Cross and the Lewisham and Catford town centres, allows the provision of a renewable source of energy via a local energy network (or decentralised energy) which could include the use of SELCHP. The CS identifies that this would help ensure that the area becomes an environmentally sustainable part of London and energy self-sufficient.
- 70 Paragraph 6.47 of the CS states that the waste recovery from SELCHP has the equivalent energy consumption of 48,000 homes. While the plant currently exports electricity to the grid, its surplus heat is not extracted for use in Lewisham. The CS states that the Council will work with developers to install a district heating pipe to distribute heat from the plant and district heating networks could be established to serve development at Convoys Wharf and the larger Mixed Employment Locations at Surrey Canal Triangle, Oxestalls Road and Plough Way.
- 71 DM Policy 1 of the Development Management Local Plan states that 'when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to find solutions which mean that proposals secure development that improves the economic, social and environmental conditions of the borough'.
- 72 The Council in its Climate Emergency Action Plan was approved by Mayor and Cabinet on 11th March 2020. The Action Plan identifies that in 2018 Lewisham and Veolia signed a Memorandum of Understanding to work in partnership to develop opportunities for heat networks in the borough. In 2020 Veolia received £5.5m funding from central government to build a heat network to connect waste heat from the South East London Combined Heat and Power (SELCHP) facility to 3,500 homes in the north of the borough.
- 73 Actions to decarbonise heat that are reliant on the construction of this district heat pipe are identified in the Climate Emergency Action Plan. 2.6.1 states:

74 “Work with Veolia to implement the joint memorandum of understanding agreed with the Council to deliver opportunities to utilise unused heat from the SELCHP facility to supply local homes.”

75 2.6.2 of the Action Plan states:

“Work with Lewisham Homes to evaluate the potential for connecting properties to a network supplied with heat from SELCHP.”

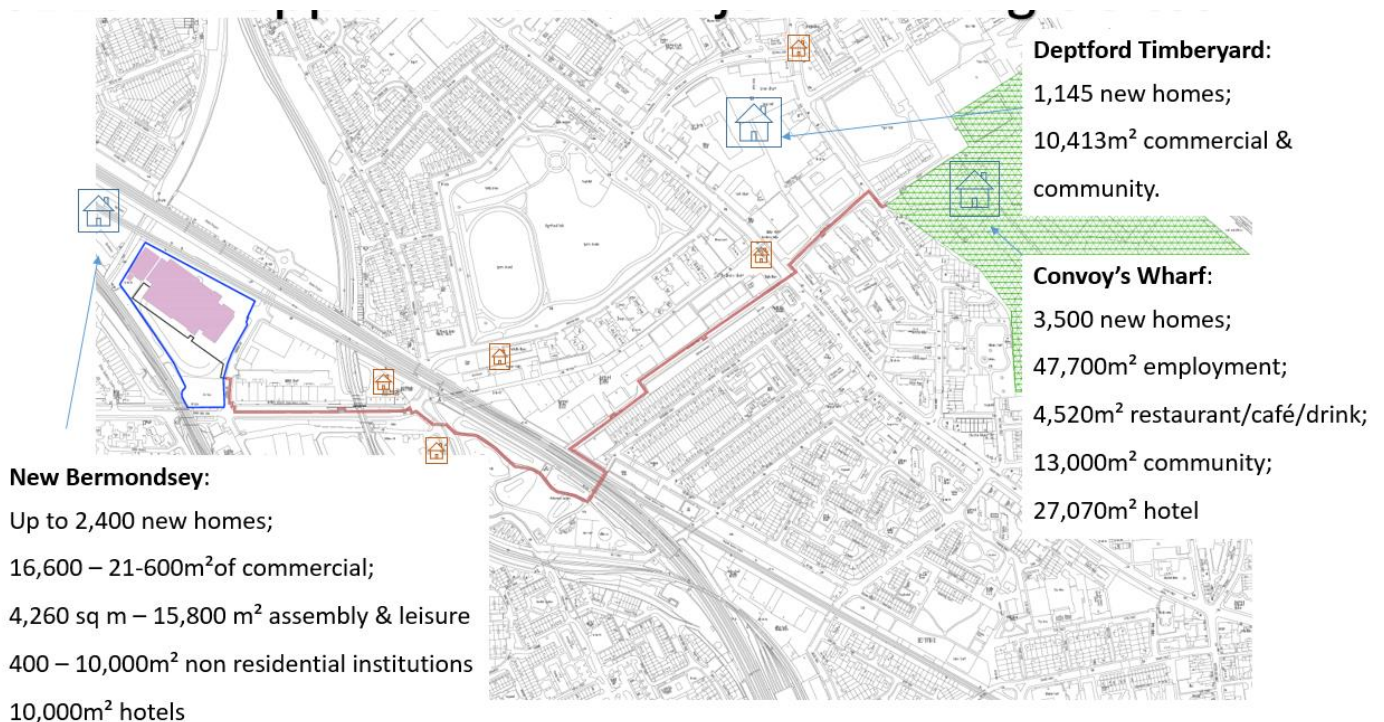
7.1.1 Principle of development conclusions

76 National, Regional and Local policy supports the provision of infrastructure which supports reductions in carbon emissions. District heat networks are supported within the London Plan whilst the adopted Core Strategy explicitly supports the creation of a heat network to capture heat associated with operations at SELCHP.

77 Lewisham Council, as Local Planning Authority has been applying LP Policy 5.5 (d) consistently and has required developers to prioritise connection to existing or planned decentralised energy networks where feasible. This includes Convoys Wharf, planned strategic development and recently completed development within the north of the Borough.

78 Domestic gas used for heating homes accounts for 31.5% of the borough’s carbon emissions and is by far the largest single contributor. A key strategy for reducing emissions from this source is the construction of heat networks. Heat networks allow for the use of heat from waste sources such as SELCHP and data centres. They also make it easier to transition from gas fired boilers to electric heat sources such as heat pumps that take heat from the air, water of the ground. With the eventual decarbonisation of the grid these forms of heat will in effect be low carbon.

79 Potential connection sites include but are not limited to:



80 A further number of recently consented and completed developments also have legal requirements to provide passive connections to a future district heat network. These include (but are not limited to):

- Plough Way - comprised of Cannon Wharf, Marine Wharf East, Marine Wharf West and sites along Yeoman Street (1,500 homes and 11,759m² commercial);
- Neptune Wharf (198 homes, 1,973m² town centre uses);
- Scott House (137 homes and 944m² commercial).

Potential future development sites (adopted site allocations and draft site allocations)

- New Bermondsey/ Surrey Canal Triangle (3,504 homes employment, leisure and industrial uses)
- Surrey Canal Road and Trundleys Road (189 homes and employment floorspace)
- Riverside Youth Club and 2000 Community Centre (118 homes and 1,646 non-residential town centre uses);
- Apollo Business Centre (147 homes and 3,396m² employment)
- Evelyn Court Evelyn Court at Surrey Canal Strategic Industrial Location (95 homes, 2,183m² employment)

- 81 The Applicant (Veolia) have confirmed that the core scheme is the end to end delivery of a new heat network which delivers 25 GWh initially and up to 30GWh of heat to over 5,000 residential properties and commercial space within Lewisham.
- 82 The Applicant also confirmed that the current strategy is to eventually connect to circa 10,000 homes within Lewisham and some commercial spaces. The Anchor Load (Convoys Wharf - this application) would provide potential additional connections which can be built to supply.
- 83 The Applicant has confirmed that the SELCHP plant itself has a design life of 25-30 years but that this can easily extend beyond this with maintenance and part replacement. The plant will continue to operate as long as there is a need for it and in the absence of another solution for residual waste within London.
- 84 As identified in the Council's Climate Action Plan (March 2020) there is also work with Lewisham Homes to identify connecting existing estates in the area. This could include nearby housing estates within the north of the Borough.
- 85 Further expansion of the network could see the connection of other existing and planned developments, further reducing carbon emissions within the Borough, facilitating sustainable development.
- 86 The evidence base study conducted to support the Action Plan estimated the construction of this pipe to serve Convoys Wharf and Neptune Wharf would result in a reduction in carbon emissions of 3,161 tonnes every year once both sites are fully built out. If a wider strategic network were then built it would result in a further reduction in carbon emissions of 2,570 tonnes every year. This figure is conservative as it does not include the majority of Lewisham Homes properties in the proximity of the potential future network.
- 87 The creation of a decentralised heat network in the north of the Borough would help ensure that the national, regional and local objectives to reduce carbon emissions would be realised. A connection to planned development at Convoys Wharf, as the largest

development in the borough, would see development here utilise heat captured from existing activities at SELCHP.

- 88 As identified in the Core Strategy the creation of a heat network in this location would help create a locally energy self-sufficient area of London. Subject to the necessary permission(s) the proposed development would allow for additional future connections, providing a 'spine' to an enlarged underground network.
- 89 If this route is successful it will strengthen the case to construct another spine towards New Cross which could result in a reduction of carbon emissions of 1,109 tonnes every year by connecting existing private developments that currently use gas fired CHP and parts of Goldsmiths University.
- 90 Long term the aspiration would be to retrofit communal heating to all suitable Lewisham Homes blocks near the proposed spine district heat pipe and connect to SELCHP. This would allow for the removal of 1000s of individual gas fired boilers.
- 91 As identified within the NPPF, the London Plan and the Core Strategy low carbon technologies and decentralised heat networks provide an important opportunity to reduce reliance on fossil fuels and provide long-term reductions in carbon emissions. Subject to the material considerations discussed below the proposed development would accord with the Development Plan and provides a unique and important opportunity to establish a district heat network and help reduce carbon emissions locally.

7.3 URBAN DESIGN AND HERITAGE IMPACT

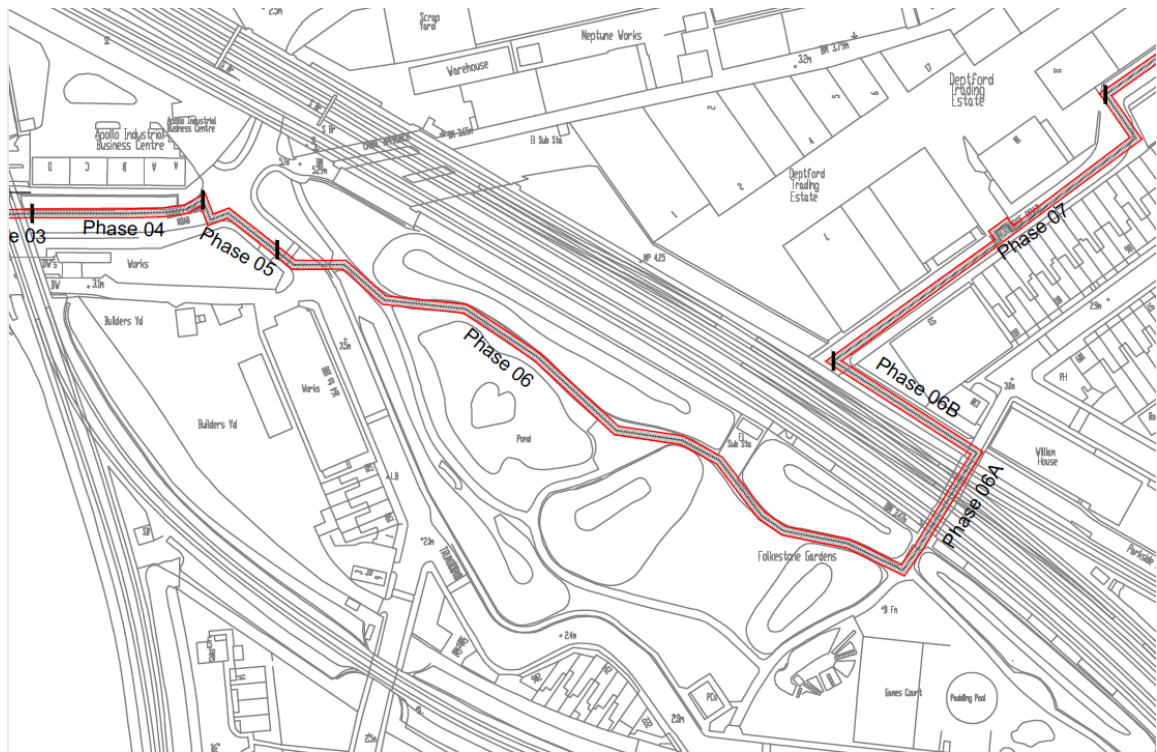
General Policy

- 92 The NPPF at para 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 93 CS Policy 15 states that the Council will ensure any development conserves and enhances the borough's heritage assets, and the significance of their settings, such as conservation areas, listed buildings, registered parks and gardens, scheduled monuments.
- 94 Development Management (DM) Policy 35 requires development within public spaces to be designed to a safe, inclusive and accessible standard. DM 35 states that the Council will require street paving and furniture, public art and street signage to: (a) be well designed and generously sized using high quality materials; (b) harmonise with the street scene; (c) be sited to minimise visual clutter; (d) provide legible signage; (e) allow level and safe passage for all including people with disabilities including the careful design of shared surfaces with cyclists; and (f) conserve and enhance any historic fabric, features and assets.

7.3.1 Appearance and character

Discussion

- 95 The proposed development would provide an underground heat network. The construction method would see the excavation of existing roads, pavements, footpaths and areas of soft landscaping. Once laid the heat network would be covered and all surfaces restored to their previous state and gradient.
- 96 To ensure that the finish is of a high-quality and that the proposed works do not lead to the visual disruption of areas that have high-quality or historic surface finishes it is recommended that a condition is imposed requiring all surface finishes to be restored to an equal finish and standard prior to development.
- 97 This is of particular importance when the route enters Folkstone Park, as this area provides an important area of public open space and public realm works have recently been completed at the entrance with Trundleys Road. Such a condition would also ensure that areas of public realm or highway do not become inaccessible for those with reduced mobility as a result of the proposed development.



Route through Folkestone Gardens

- 98 A Construction Management Plan would also be secured by condition. Such a condition would ensure that access to the café, skate park and play facilities is maintained and accommodated for during the phased construction. This is discussed within the transport section below.
- 99 The Applicant would be required to gain the necessary consent(s) from Lewisham Highways to undertake works on adopted public highways. This will ensure that any works are undertaken in a safe manner that does not diminish the safety of users of the highway.

7.3.2 Impact on Heritage Assets

Policy

- 100 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.
- 101 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 102 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 103 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset’s conservation, when considering the impact of a proposed development on

the significance of a designated heritage asset. Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.

- 104 NPPF paragraph 189 says applicants should provide an archaeological assessment if their development could affect a heritage asset of archaeological interest. Applicants should also improve knowledge of assets and make this public.
- 105 Paragraph 194 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.
- 106 Paragraph 196 of the NPPF states that less than substantial harm to designated heritage assets should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 107 Paragraph 197 of the NPPF states that the effect of proposal on non-designated heritage asset should be taken into account; a balanced judgement should have regard to scale of harm or loss and the significance of the heritage asset.
- 108 Policy 7.8 of the London Plan make the conservation of archaeological interest a material planning consideration.
- 109 LP Policy 7.8 states that development should among other things conserve and incorporate heritage assets where appropriate. Where it would affect heritage assets, development should be sympathetic to their form, scale, materials and architectural details.
- 110 CS Policy 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.
- 111 DM Policy 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.
- 112 DM Policy 37 sets out a framework for the protection of the borough's non-designated heritage assets.

Discussion

- 113 The applicant has provided substantive evidence of the wider public benefits of the proposal. Principally the development proposals, as outlined above, would contribute to the creation of a district heat network, reducing carbon emissions and improving energy self-sufficiency.
- 114 The planning application lies in an area of archaeological interest. The Applicant has submitted an archaeological technical assessment (dated 22 July 2020, authored by ARUP).
- 115 Historic England confirm that upon review of the proposal and at the Greater London Historic Environment Record that the development could cause harm to archaeological remains. However the significance of the asset and scale of harm to it is such that the effect can be managed using a planning condition.

- 116 Historic England have confirmed that they agree with the conclusions of the technical assessment and confirm that a condition should be imposed requiring a watching brief and written scheme investigation (WSI).
- 117 This pre-commencement condition is necessary to safeguard the archaeological interest on this site. Approval of the WSI before works begin on site provides clarity on what investigations are required, and their timing in relation to the development programme.
- 118 The proposed route would at the start, follow the route of the former Grand Surrey Canal. Although not visually present Conservation Officers have expressed that the Surrey Canal is considered to be a Non-Designated Heritage Asset (NDHA). This NDHA is of moderate historic significance but due to it having been infilled in the 1970s it does not have a visible presence other than the associated bridges and mooring bollard.
- 119 The route would terminate by the Grove Street Gates to the Convoys site, listed at Grade II.
- 120 The Convoys site itself is of high significance and should be treated as a scheduled ancient monument (as per NPPF footnote 63 which states Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets).
- 121 The proposed route would have an impact on the structure of the Surrey Canal, likely to partially truncate a retaining wall and any upstand and adjacent paved surfaces. Officers consider that this would cause harm at the lower end of less than substantial.
- 122 There is a potential for the Grove Street listed gate piers and adjoining walls to be damaged by the proposals. These are currently undergoing stabilisation and part rebuilding and so they should be in a more robust condition by the time these works are undertaken however. Full details of the proximity of the pipeline to the wall should be provided to enable the impact to be assessed. It is therefore recommended that their protection from accidental damage should also be secured by condition.
- 123 Officers conclude the public benefits do not outweigh the less than substantial harm identified above.

Summary

- 124 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would, subject to conditions, preserve the Listed Building or its setting and the associated special architectural and historic interests. There are mitigating benefits to outweigh this harm and therefore this is not a reason for refusal.

7.3.3 Urban design conclusion

- 125 The proposed development, located underground would not result in any harmful impacts on the public realm or appearance of the built environment along the route, subject to the imposition of a condition relating to surface finish.
- 126 The proposed development, subject to the imposition of conditions would result in less than significant harm to designated and non-designated heritage assets, including archaeological remains.

127 **TRANSPORT IMPACT**

General policy

128 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para 102. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.

129 Para 109 states “Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

130 Regionally, the Mayor’s Transport Strategy (‘the MTS’, GLA, March 2018) sets out the vision for London to become a city where walking, cycling and green public transport become the most appealing and practical choices. The MTS recognises links between car dependency and public health concerns.

131 The Core Strategy, at Objective 9 and CSP14, reflects the national and regional priorities.

Discussion

132 The main route option would extend from Landman Way, Surrey Canal Road, Folkstone Gardens, Blackhorse Road, Dragoon Road.

133 The roads has been divided into the following works phases

- Phase 1 – Landmann Way
- Phase 2 – Surrey Canal Road (west of the Overground bridge)
- Phase 3 – Surrey Canal Road (section under the Overground bridge)
- Phase 4 – Surrey Canal Road (east of the Overground bridge)
- Phase 5 – Surrey Canal Road / Trundleys Road junction and Trundleys Road section
- Phase 6 – Folkestone Gardens
- Phase 6A – Arch access northeast of Folkestone Gardens (section under the arch)
- Phase 6B – ArchCo
- Phase 7 – Blackhorse Road (southern section)
- Phase 8 – Blackhorse Road (northern section)
- Phase 9 – Evelyn Street to Dragoon Road
- Phase 10 – Dragoon Road (eastern section)

- Phase 11 – Grove Street.

- 134 The pipeline would be constructed in multiple phases with up to two open trenches worked along the proposed development route at a time.
- 135 The majority of the pipeline would be laid in either the footway or existing carriageway.
- 136 The total width of a typical working zone would be approximately 3.2m.
- 137 Single lane carriageway closures are proposed along the routes to accommodate the construction activity, and traffic would be allowed to pass through under temporary traffic signal control. Suitable measures for pedestrian and cycle routes would be maintained.
- 138 Each phase would be split into segments of worksites that are approximately 40m long and each segment would be 'open' for up to four weeks. It has been assumed that an additional 10m for signal controls at either end of the worksites will be needed beyond the 40m worksite to allow traffic to manoeuvre around the signal control safely.
- 139 A small mobile compound would accompany each work area. This unit, which would be moved along the route as the work areas progress, it would provide workers with access to basic welfare facilities.
- 140 The works would have a variety of temporary impacts on the operation of the Highway network. The impacts will include the following:
- Impacts on pedestrian and cycle movement
 - Bus and driver delay
 - Suspension of on-street parking and loading facilities
- 141 Phase 6A on Folkestone Gardens arches path is part of the Quietway 1, which passes beneath the arches in Folkestone Gardens, it will be temporarily closed to cyclists for a period of approximately four-five weeks. The likely diversion route, via along Childers Street and Rolt Street, will result in an additional distance of approximately 310m compared to the existing route,
- 142 This is considered unlikely to result in significant adverse effects on pedestrians and cyclists. This has been confirmed by Highways Officers.
- 143 Highways Officers state that the Transport Statements submitted with the application does not provide detailed construction and traffic management information. Highways Officers therefore request that detailed Construction Management Plans (CMP) and Full details of the Traffic Management (TMP) should be submitted prior to the commencement of each phase of the works, secured by planning condition.
- 144 Officers would ensure that any details submitted as part of the CMP and TMP condition would provide suitable space for safe social distancing of pedestrians and cyclists alike.
- 145 The excavation works on the highways will impact on the integrity / condition of the Highway. Highways Officers advise that a condition surveys should be undertaken prior to commencements of the works, the surveys should include structural, and photographic surveys. This requirement should be secured by condition. Reinstatement works will also be required for Folkestone Gardens, secured by planning condition.
- 146 To undertake works on the public Highway the applicant will be required to enter into a S278 Agreement with the Highway Authority. The S278 Agreement will include a

requirement to undertake temporary and permanent reinstatement works to the Highway following the completion of the excavation works. The requirement to enter into the S278 Agreement.

- 147 Evelyn Street is part of the Strategic Road Network (SRN). Transport for London (TfL) is the Traffic authority for the SRN, and will be concerned about any proposal which may affect the performance and/or safety of the SRN. TfL is also responsible for overseeing potential impacts on bus services.
- 148 TfL were consulted in line with statutory requirements. TfL acknowledge the strategic importance of the proposed development and do not object.
- 149 TfL did however raise concern about surface transport impacts. These are: Delays to the 255 bus service on Trundleys Road; Temporary closure of Quietway 1; Delays to the buses on Evelyn Street when the works cross or go along this highway; Impacts on Cycleway 4 when the works cross it or go along Evelyn Street; and More generally impacts on pedestrians and cyclists
- 150 TfL state that they would expect the CMP/TMP proposed by LBL Highways (outlined above) to help address these safety and convenience concerns and delays as they impact sustainable and active travel.
- 151 The proposed route would pass under the railway line. Consultation with Network Rail and all other necessary rail operators was undertaken.
- 152 Network rail confirmed that the development passes under Network Rail's land and the operational railway, as a result, Network Rail strongly the applicant engages with Network Rail's Asset Protection and Optimisation (ASPRO) prior to works commencing. Network Rail confirmed that their Asset Protection team will ensure the works are completed without posing a risk to the railway and that the applicant may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works.

7.3.4 Transport impact conclusion

- 153 The proposal would not result in long term harm to the local highway network, rail network or pedestrian or highway safety subject to the imposition of conditions. Whilst impacts to the operation of the highway network would occur the impacts can be sufficiently controlled and mitigated with appropriate phasing of works, provision of diversions and adequate provision for cyclists and pedestrians, details which can all be secured via planning condition.
- 154 Officers consider this should be afforded considerable weight In light of the proposed public benefits of the development.

7.4 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 155 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 180 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.
- 156 This is reflected in relevant policies of the London Plan (LP7.6), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA).

Discussion

- 157 Located underground, the proposed development would not result in any materially harmful impacts on the amenity of the occupants or users of any nearby or adjoining property by reason of impact on outlook, privacy, daylight or sunlight.
- 158 Construction noise levels have been assessed to be greater than significant observed adverse effect level, the level above which significant adverse effects on health and quality of life occur. For short periods (less than three days at the worst-case) and therefore, given the relatively short duration of the effect, no significant effects to noise sensitive receptors are predicted.
- 159 Construction vibration levels are expected to exceed the criteria for human comfort, however vibration induced by the proposed development are very localised and expected to be short in duration.
- 160 A Construction Management Plans (CMP) and Traffic Management (TMP) will require details of mitigation measures to be agreed prior to construction. This will ensure that impacts are further mitigated and controlled.

161 NATURAL ENVIRONMENT

7.5 NATURAL ENVIRONMENT

7.5.1 Ground pollution

Policy

- 162 The NPPF at para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil pollution. Development should help to improve local environmental conditions.
- 163 The NPPF states decisions should contribute to and enhance the natural and local environment by remediating and mitigating contaminated land, where appropriate (para 170). Further, the NPPF at para 178 and NPPG states decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination.
- 164 The test is that after remediation, land should not be capable of being determined as “contaminated land” under Part 2A of the Environmental Protection Act 1990.
- 165 LPP 5.21 reflects national policy. DMP 28 further reflects national policy and seeks to ensure that future residents are protected from exposure to contaminants.
- 166 Further guidance is given in *Contaminated Land Statutory Guidance* (Defra, 2012)

Discussion

- 167 Environmental Protection Officers have confirmed that the principle of the submitted Phase 1 report are accepted. It is confirmed that there is a very high probability that extensive contamination will be present along the route would agree with the report recommendation that a Phase 2 intrusive investigation should be undertaken.
- 168 A condition requiring a land contamination report would need to be imposed to ascertain likely risks.
- 169 The recommended condition would align with the consultation responses received from Environmental Protection and the Environmental Agency, which have requested further information relating to land contamination.

7.5.2 Air pollution

Policy

- 170 The NPPF at para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality.
- 171 Proposals should be designed and built to improve local air quality and reduce the extent to which the public are exposed to poor air quality.
- 172 LP Policy 7.14 states new development amongst other requirements must endeavour to maintain the best ambient air quality (air quality neutral) and not cause new exceedances of legal air quality standards.

- 173 Further guidance is given in the Mayor of London's Air Quality Strategy.
- 174 Core Strategy Policy 7: Climate change and adapting to the effects, Core Strategy Policy 9 and DM Policy 23 provide the local plan policy basis for assessing development proposals.
- 175 The Council's Air Quality Management Plan identifies AQMA3 Deptford to be an area where exceedances of vehicle emissions PM10 particles and NO2 have been modelled to be present. Air quality is actively monitored in the area as a whole.

Discussion

- 176 The proposed development would see the laying of a decentralised heat network. The network would utilise heat already generated at SELCHP. Consequently the proposed development would not result in the additional generation of emissions or pollutants from the operation of SELCHP. Instead, the heat would be used within the Convoys site, reducing local emissions.
- 177 The proposed development would also see strategic development sites and existing developments connected. As identified in Section 7.1 of the proposed development would provide an important, strategic opportunity to reduce local emissions associated with natural gas boilers and combined heat and power systems which use natural gas. This would help improve air quality locally whilst also reducing carbon emissions.
- 178 The development, during construction, would see some local increases in airborne dust associated with construction work. This impact would be temporary and would occur as construction traverses the proposed route. Consequently, it is not considered that impacts on air quality would justify a condition for details relating to construction. It is noted that utility companies could undertake similar works without such a requirement.
- 179 A condition, as outlined above, should be imposed for further information relating to a Construction Management Plan (CMP). The CMP will require details of mitigation to help control dust and reduce vehicle trips associated with construction.
- 180 Environmental Protection Officers do however note that toxic/harmful fugitive dusts that could affect nearby receptors when contamination is present/disturbed during construction.
- 181 Given the large geographical distance of the line/proposed route, it is envisaged as work progresses considerable contamination will be encountered. Therefore, it will be crucial that the Local Authority is continually updated when contamination has been found and what remedial actions will take place to mitigate it before further works continue.
- 182 Officers therefore recommend a condition is imposed, as is standard practice, to ensure that the necessary investigations, controls, mitigations and reporting are in place to ensure that there is no unacceptable risk to human health or the local environment.
- 183 This approach is corroborated by the Applicant's Phase 1 report that recommends a Phase 2 intrusive investigation should be undertaken prior to construction.

7.5.3 Noise and light pollution

- 184 The proposed development would not result in any increase in noise pollution during operation. Construction would take place within statutorily prescribed times. The proposals would result in no additional light pollution.

7.5.4 Ecology and biodiversity

- 185 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard to the purpose of conserving biodiversity.
- 186 The NPPF at para 170 states decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. At para 175, it sets out principles which LPAs should apply when determining applications in respect of biodiversity.
- 187 LPP 7.19 seeks wherever possible to ensure that development makes a positive contribution to the protection, enhancement, creation and management of biodiversity.
- 188 CSP 12 recognises the importance of the natural environment and environmental assets and requires the conservation and enhancement of these assets.
- Discussion
- 189 The site includes Folkestone Park. This park is a highly landscaped park. It contains several features of wildlife value, most notably a large pond with dense vegetation and is used by nesting birds, and a range of insects. The site also contains a significant area of flower-rich grasslands and scattered trees, which supports a range of rare fauna, birds, insects and invertebrates, including species uncommon in Lewisham and London.
- 190 The remainder of the development site includes tarmacked or bare land.
- 191 The Preliminary Ecological Appraisal desktop study found records of notable/protected species of invertebrates, birds, one species of reptile and one species of bat, within 1km of the site.
- 192 The Council's Ecological Regeneration Officers have confirmed that they agree with the findings of the ecological reports and do not object to the proposals, subject to the imposition of conditions.
- 193 Surveys found no evidence of birds currently nesting within the site; however, precautionary measures are recommended as several tree canopies overhang the site within Folkestone Gardens, and where the footpath runs under South East railway through a tunnel, there is potential to provide nesting opportunities for a variety of common bird species.
- 194 The Applicant confirmed that the trees do not support foraging, commuting and roosting bats.
- 195 The Appraisal also states that prior to construction works commencing within Folkestone Gardens SLINC, a suitably experienced ecologist should be consulted in order to agree areas of amenity grassland to be used by plant machinery as they manoeuvre to access the site. Furthermore, if additional vegetation clearance is required, such as to ornamental planting, it should only be undertaken after consultation with a suitably experienced ecologist.
- 196 Tree canopies overhanging the site should be protected from damage from machinery, such as diggers and trucks, wherever practicable, in particular within Folkestone Gardens SLINC where low branches may need to be cleared. This should be in accordance with good practice¹⁴. Provisions may include temporary trunk protection, protected and areas zoned off as required following specialist advice from the

arboriculturalist. Any essential remedial work to trees adjacent to construction activity should be carried out by suitably trained or experienced personnel.

197 It is recommended by Officers that these measures are secured by condition.

198 In accordance with the NPPF, the proposed development should avoid adverse impact to the biodiversity interest of the site and deliver ecological enhancements. This, subject to the imposition of conditions has been demonstrated.

199 On this occasion given the underground nature of the development and the limited impact the development proposals would have on identified habitats and species Officers do not consider it proportionate to require measures for habitat creation or biodiversity enhancement in this instance.

7.5.5 Flood Risk

200 LPP 5.12 requires the mitigation of flooding, or in the case of managed flooding, the stability of buildings, the protection of essential utilities and the quick recovery from flooding. LPP 7.13 expects development to contribute to safety, security and resilience to emergency, including flooding.

201 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.

202 Further guidance is given in the London Plan's Sustainable Design and Construction Supplementary Planning Guidance.

Discussion

203 The site is located in Flood Zone 3, but is identified as an area benefitting from flood defences. Flood Zone 3 is land assessed as being at high risk of flooding from rivers and the sea, with a 1% or greater Annual Exceedance Probability (AEP) of river flooding or a 0.5% or greater AEP of sea flooding.

204 The Environment Agency (EA) flood maps show the extent of flood risk zones, but do not take into account the Thames Tidal Defences (TTD), which offers much of central London (including the site) protection to at least the 0.1% AEP event up to year 2030.

205 Considering the above information, the risk of flooding from fluvial/tidal sources is low.

206 The Flood Risk Assessment submitted by the Applicant confirms that the risk of sewer, artificial sources and groundwater flooding is considered low. The EA have confirmed that they have no objections to the proposed development in relation to flooding.

207 The site is considered to be a low risk of flooding for all flood sources assessed. The proposed development by its nature would also not result in a harmful increase in flooding.

7.5.6 Natural Environment conclusion

208 Subject to the imposition of conditions the proposed development would not result in the unacceptable impact on the local environment or to human health. The proposed development, once operational, could result in an overall reduction in local emissions.

7.6 OTHER MATTERS

7.6.1 Land Ownership

209 Transport for London and UK Power Networks both raised points relating to landownership.

210 Landownership and matters relating to access to infrastructure assets are a civil matters and do not form material planning considerations. These matters are therefore not considered in this report. The applicant would be bound by relevant statutory and legal requirements to ensure that other infrastructure assets are protected.

8 LOCAL FINANCE CONSIDERATIONS

211 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

- a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

212 The weight to be attached to a local finance consideration remains a matter for the decision maker.

213 The CIL is therefore a material consideration.

214 The proposed development is not defined as chargeable development. Therefore the development is not Lewisham CIL or MCIL liable.

9 EQUALITIES CONSIDERATIONS

215 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

216 In summary, the Council must, in the exercise of its function, 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 persons who do not share it.

217 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

218 The Equality and Human Rights Commission has recently 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/publication-download/technical-guidance-public-sector-equality-duty-england>

219 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

220 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>

221 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

10 HUMAN RIGHTS IMPLICATIONS

- 222 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:
- Protocol 1, Article 1: Right to peaceful enjoyment of your property
- 223 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.
- 224 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 225 This application has the legitimate aim of providing a decentralised heat network to provide low carbon heating to the planned development at Convoys Wharf and nearby planned and existing development from the existing operations at SELCHP. The rights potentially engaged by this application, including the right to peaceful enjoyment of your property are not considered to be unlawfully interfered with by this proposal.

11 LEGAL AGREEMENT

- 226 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:
- (a) Necessary to make the development acceptable
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development
- 227 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.
- 228 Officers do not consider that any legal obligations are required for this development and all matters to make the development satisfactory can be dealt with via planning conditions.

12 CONCLUSION

- 229 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 230 The development proposals would establish a decentralised heat network, utilising heat generated from the existing activities and operations of SELCHP. The heat network would provide low carbon heating and hot water to planned development at Convoys Wharf. The development would also establish the spine of a network which could be expanded to other planned and existing development in the north of the Borough, providing energy resilience and reducing carbon emissions. This represents a significant public benefit.
- 231 The evidence base study conducted to support the Action Plan estimated the construction of this pipe to serve Convoys Wharf with an extension to Neptune Wharf would result in a reduction in carbon emissions of 3,161 tonnes every year once both sites are fully built out. If a wider strategic network were then built it would result in a further reduction in carbon emissions of 2,570 tonnes every year. This figure is conservative as it does not include the majority of Lewisham Homes properties in the proximity of the potential future network.
- 232 It has been demonstrated that the proposed development would not result in the significant harm to any designated heritage assets and would cause only temporary highways impacts which can be controlled and mitigated with planning conditions.
- 233 The proposed development would not result in long-term harmful impacts on existing residents or occupiers and development would, subject to conditions the development would safeguard the natural environment.
- 234 The proposed development therefore accord with the development plan.

13 RECOMMENDATION

235 That the Committee resolve to **GRANT** planning permission subject the following conditions and informatives set out below and with such amendments as are considered appropriate to ensure the acceptable implementation of the development:

13.1 CONDITIONS

1) **FULL PLANNING PERMISSION TIME LIMIT**

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

2) **Approved Plans**

The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

VES_TD_SELCHPDH_200_001; VES_TD_SELCHPDH_200_002.

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

3) **Archaeology**

No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and (A) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works (B) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: To ensure adequate access for archaeological investigations and to comply with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy 7.8 of the London Plan (July 2016).

4) **Construction Management and Traffic Management Plan**

No development, in any phase, shall commence on site until such time as a Construction Management and Traffic Management Plan, for a phase or phases, has been submitted to and approved in writing by the local planning authority. The plan shall cover:-

(a) Details of Temporary Traffic Regulation Orders.

- (b) Details of how traffic lights will be controlled, signals will have to be manually controlled at certain times of day.
- (c) The provision of temporary cycle and pedestrian diversions.
- (d) Dust mitigation measures.
- (e) Method of excavation.
- (f) Details on number of segments in each phase, and number of teams working on each phase. The length of carriageway being worked on at any time should be limited to one segment (not phase) being open at any one time to reduce congestion as much as possible.
- (g) The location and operation of plant and wheel washing facilities
- (h) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (i) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity. The programme for the works should have regard for the committed developments in the vicinity of the works to avoid cumulative adverse construction effects in the local area.
 - (iii) Measures to deal with safe pedestrian movement.
 - (iv) Measures to prevent general traffic and HGVs rat-running through residential roads to avoid traffic queues
- (j) Security Management (to minimise risks to unauthorised personnel).
- (k) Details of the training of site operatives to follow the Construction Management Plan requirements.
- (l) A communication strategy which should include details of how residents, businesses, nearby schools, and users of the cycle routes would be notified of the works and associated timescales.
- (m) Confirmation that the contractor will participate in the Evelyn Street Construction Forum

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2016).

5) **Site Contamination**

- (a) No development or phase of development (including demolition of existing buildings and structures, except where prior agreement with

the Council for site investigation enabling works has been received) shall commence until :-

- (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
 - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted, (including subsequent correspondences as being necessary or desirable for the remediation of the site) to and approved in writing by the Council.
- (b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.
- (c) The development or phase of development shall not be occupied until a closure report for the development or phase has been submitted to and approved in writing by the Council.

This shall include verification of all measures, or treatments as required in (Section (a) i & ii) and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full.

The closure report shall include verification details of both the remediation and post-remediation sampling/works, carried out (including waste materials removed from the site); and before placement of any soil/materials is undertaken on site, all imported or reused soil material must conform to current soil quality requirements as agreed by the authority. Inherent to the above, is the provision of any required documentation, certification and monitoring, to facilitate condition requirements.

Reason: To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply with Saved Policy ENV.PRO 10 Contaminated Land in the Unitary Development Plan (July 2004).

6) **Surface Condition and Materials**

(a) Prior to the commencement of any works, in any phase, a conditions survey of all surfaces and areas including street furniture and play equipment, to be developed must be undertaken and details and provided to the Local Planning Authority. Details shall include photographs and a description detailing the condition of all surfaces, hard and soft, through the proposed route where excavation will occur.

(b) Each phase of development shall be returned and reinstated to its original condition upon completion of that phase. Evidence of this shall be provided upon the completion of each phase and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed works provide a satisfactory external appearance and that the quality of the public realm is maintained in accordance with Core Strategy Policy 15 of the Core Strategy (2011) and DM Policy 35 and DM Policy 36 of the Development Management Local Plan (2014).

7) **Piling Operations**

(a) No piling or any other foundation designs using penetrative methods shall take place, other than with the prior written approval of the local planning authority

(b) Details of any such operations must be submitted to and approved in writing by the local planning authority prior to commencement of development on site and shall be accompanied by details of the relevant penetrative methods.

(c) Details of protection and stabilisation measures to ensure that there is no harm or impact on the Grade II Listed piers and wall at Grove Street, prior to any works in that phase.

(d) Any such work shall be carried out only in accordance with the details approved under part (b) and (c).

Reason: To prevent pollution of controlled waters and to comply with London Plan (2016) Policy 7.8, Core Strategy (2011) Policy 15 and Development Management Local Plan (November 2014) DM Policy 36 and DM Policy 37.

8) **Arboriculture**

(a) No development, in any phase, shall take place until a full Arboricultural Impact Assessment (AIA) has been submitted to and approved in writing by the local planning authority. Such study shall consider the exact relationship between the proposed development and any existing trees on the site, in line with the recommendations of BS 5837:2012 (Trees in Relation to design, demolition and construction - Recommendations).

The AIA should include survey data on all trees on the site, with reference to the British Standard and assess all interfaces between the development and trees, their root zones and their crowns and branches, i.e.:-

- Protection of trees within total exclusion zones.
- The location and type of protective fencing.

- The location of the main sewerage and water services in relation to trees.
- The location of all other underground services, i.e. gas, electricity and telecommunications.
- The locations of roads, pathways, parking and other hard surfaces in relation to tree root zones.
- Provision of design and engineering solutions to the above, for example, thrust boring for service runs; the use of porous surfaces for roads etc. and the remedial work to maintain tree health such as irrigation and fertilisation systems; the use of geotextile membranes to control root spread.
- Suggested locations for the site compound, office, parking and site access.
- The replacement planting necessary to compensate for any necessary losses.

(b) Drawings should also be submitted to show the location of any protective fencing, site compounds, means of access etc. and the study should contain a method statement for arboricultural works which would apply to the site.

(c) The development shall be implemented in accordance with the approved AIS.

Reason: To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

13.2 INFORMATIVES

- 1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.
- 2) The land contamination condition requirements apply to both whole site and phased developments.

Applicants are advised to read 'Contaminated Land Guide for Developers' (London Borough's Publication 2003), on the Lewisham web page, before complying with the above condition. All of the above must be conducted in accordance with DEFRA and the Environment Agency's (EA) - Model Procedures for the Management of Land Contamination.

Applicants should also be aware of their responsibilities under Part IIA of the Environmental Protection Act 1990 to ensure that human health, controlled waters and ecological systems are protected from significant harm arising from contaminated land. Guidance therefore relating to their activities on site, should be obtained primarily by reference to DEFRA and EA publications.

All development and required information relating to contamination should be undertaken and provided in accordance with the Council's 'Developers Guide for Potentially Contaminated Land Guide (July 2020)'.

- 3) A Section 278 Agreement for works to the Highway must be entered into and agreed prior to any operations or works being commenced or undertaken.
- 4) The written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).
- 5) Network Rail strongly advise the applicant to engages with Network Rail's Asset Protection and Optimisation (ASPRO) team via AssetProtectionLondonSouthEast@networkrail.co.uk prior to works commencing.

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Committee	STRATEGIC PLANNING COMMITTEE	
Report Title	SELCHP WASTE TO ENERGY FACILITY, LANDMANN WAY, LONDON, SE14 5RS	
Ward	New Cross and Evelyn Wards	
Contributors	Lewis Goodley	
Class	PART 1	14 OCTOBER 2020

Reg. Nos. (A) DC/20/117685

Application dated 17.07.2020

Applicant Veolia ES (UK) Ltd.

Proposal The construction of a below ground decentralised heating network pipeline (alternative route via Grinstead Road) between SELCHP, Landman Way SE14 and Convoys Wharf, SE8.

Background Papers (1) This is Background Papers List
(2) Case File DE/131/A/TP
(3) Local Development Framework Documents
(4) The London Plan

Designation Area of Archaeological Priority, Air Quality Action Area, Strategic Industrial Land; Flood Risk Zone 2, Flood Risk Zone 3, Thames Tideway Tunnel Safeguarding Route.

Screening Screening Opinion: DC/20/116343: Not EIA Development, 06/04/2020.

1 SUMMARY

1 The application is to be considered by the Strategic Planning Committee given the strategic importance of the proposed development.

2 SITE AND CONTEXT

Site description and current use

2 The application site relates to a route from the South East London Combined Heat and Power (SELCHP) plant, connecting SELCHP to the Convoy's Wharf development site.

3 The route would extend below ground from Landman Way, Surrey Canal Road, Grinstead Road, Evelyn Street and Dragoon Road.

Character of area

- 4 The site is characterised by a mix of uses, with a prevalence of industrial and commercial uses and residential uses.
- 5 The site and area itself has a unique and diverse maritime and industrial history. Located underground the development would follow historic routes comprising road and pedestrian links.
- 6 Landmann Way contains Safeguarded Waste Sites on both sides
- 7 The segment of the route along Landmann Way to the eastern end of Blackhorse Road is either within or adjacent to Strategic Industrial Locations
- 8 The route overlaps with the Thames Tideway Tunnel Safeguarding designation at Evelyn Street
- 9 The route runs immediately south of the Oxestalls Road Strategic Site Allocation (former Deptford Timber Yard being developed by Lendlease)
- 10 The listed building 'Gate Piers to former Naval Dockyard', listing no. 1358998, is located near the eastern end of the proposed route;
- 11 The entire route is within an Air Quality Management Area
- 12 The entire route traverses multiple Areas of Archaeological Priority
- 13 The entire route traverses Flood Zone 3 (areas benefitting from flood defences) as mapped by the Environment Agency
- 14 Convoy's Wharf is an ancient scheduled monument.

3 RELEVANT PLANNING HISTORY

- 15 DC/20/116343 - Screening Opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (as amended) (the Regulations) in respect of the construction of a buried decentralised heating network pipeline (alternative route) between SELCHP and Convoys Wharf, Lewisham.
- 16 Not EIA Development: 06 April 2020.

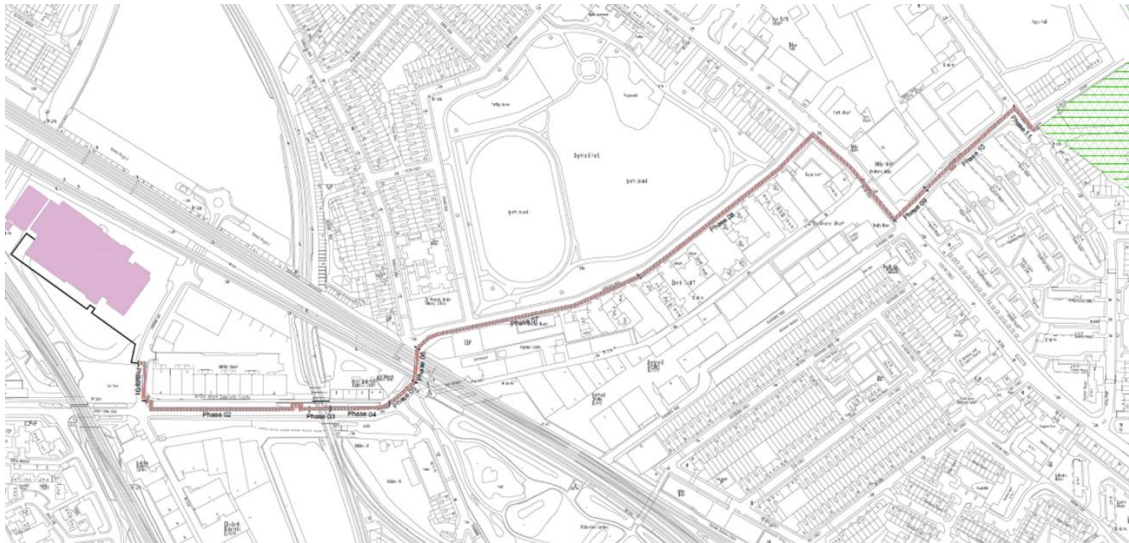
4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSALS

- 17 Permission is sought for the construction of a below ground decentralised heating network pipeline connecting SELCHP and Convoys Wharf.
- 18 The proposed pipeline would provide a direct connection to the Convoys Wharf development, enabling development here to connect to the heat network. Heat from SELCHP would provide space heating and water heating for development at Convoys Wharf.

19 The proposed development would form the 'spine' of a network which has the potential to extend and provide heat to existing and proposed development in the area, utilising heat generated at the SELCHP plant, providing low carbon heat within the Borough of Lewisham.

20 The site would run underground following the route shown in Figure 1.



21 This would comprise:

- south along Landmann Way for approximately 60m;
- east along Surrey Canal Road for approximately 320m, passing under the East London Railway Line and the South Eastern Railway Line;
- east along Grinstead Road for approximately 490m to the junction with Evelyn Street;
- south along Evelyn Street for approximately 135m;
- cross Evelyn Street and travel east along Dragoon Road for approximately 170m; and
- south along Grove Street for approximately 30m, before terminating at a point within the Convoys Wharf development to enable future connection within the boundary of the development site.

22 This application is the 'alternative route'. An application, reference DC/20/117728 was submitted alongside this application for a preferred route.

23 Two applications were submitted to ensure that an alternative route is available in the event the main 'preferred' route is not deliverable.

5 CONSULTATION

5.1 PRE-APPLICATION ENGAGEMENT

24 The Applicant undertook discussions with Lewisham Highways to discuss potential highways and transport implications of the development.

25 No other engagement is known to have taken place with residents or local businesses.

5.2 APPLICATION PUBLICITY

26 Site notices were displayed on 26/08/2020 and a press notice was published on 26/08/2020.

27 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 27/08/2020.

28 0 number responses received.

5.3 INTERNAL CONSULTATION

29 The following internal consultees were notified on 21/08/2020.

30 Ecological Regeneration Manager: No objection , subject to the imposition of conditions.

31 Environmental Protection Team (Air Quality): No objection, note that the operation of SELCHP is operated by the Environment Agency and that this applications does not seek to change operations at SELCHP.

32 Environmental Protection Team (Contamination): No objection subject to the imposition of conditions see contamination section of the report below.

33 Environment Resilience/ Sustainability: Strong support the application, and note that the proposals accord with the Council's Climate Action plan (March 2020) and the Memorandum signed with the Council and Veolia to explore creating a district heat network, stating that it underpins key elements of the Climate Emergency Action Plan and if successful it will unlock additional routes, resulting in significant carbon emissions reductions derived from heating people's homes.

34 Highways: No Objection, subject to the imposition of conditions, strong preference for the implementation of the main route given weekend closures associated with the alternative route. See transport section of the report below

35 Conservation: No objection. See Design and Conservation section of the report below.

5.4 EXTERNAL CONSULTATION

The following External Consultees were notified on 21/08/2020:

36 Historic England Archaeology, No objection subject to the imposition of conditions.

37 Environment Agency: No objection, subject to the imposition of a contamination condition.

38 London City Airport: No objection.

39 London Overground: No objections received.

40 Network Rail: No objections, comments raised relating to asset protection. See relevant section of the report below.

41 SELCHP: No objections.

42 TfL – Surface and Spatial Planning: No objection, concerns related to impacts on highway network, including 255 bus and Cycleway 4. See relevant section of report below.

43 Thames Tideway Tunnel and Safeguarding: No objections received.

44 Thames Water: No objection.

45 UK Power Network: No objection received.

The following External Consultees were notified on 09/09/2020:

46 Deptford Neighbourhood Action: No comments received.

47 Deptford Folk: No comments received.

48 The Deptford Society: No comments received.

49 Voice for Deptford: No comments received.

6 POLICY CONTEXT

6.1 LEGISLATION

50 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

51 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

6.2 MATERIAL CONSIDERATIONS

52 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.

53 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

54 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the test of reasonableness.

6.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

6.4 DEVELOPMENT PLAN

55 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)

6.5 SUPPLEMENTARY PLANNING GUIDANCE

56 London Plan SPG/SPD:

- Sustainable Design and Construction (April 2014)
- The control of dust and emissions during construction and demolition (July 2014)

6.6 OTHER MATERIAL DOCUMENTS

- Draft London Plan: The Mayor of London published a draft London Plan on 29 November 2017. The Examination in Public was held between 15th January and 22nd May 2019. The Inspector's report and recommendations were published on 8 October 2019. The Mayor issued to the Secretary of State (SoS) the Intend to Publish London Plan on 9th December 2019. The SoS issued a letter on 13 March 2020 directing modifications to the Local Plan, and the Mayor of London responded on 24 April 2020 indicating he will work with the SoS to achieve the necessary outcomes. Notwithstanding these requested modifications, this document now has some weight as a material consideration when determining planning applications.
- Draft Surrey Canal Triangle SPD (December 2019).

7 PLANNING CONSIDERATIONS

57 The main issues are:

- Principle of Development
- Urban Design and Heritage Impact
- Impact on Adjoining Properties
- Transport
- Sustainable Development

7.1 PRINCIPLE OF DEVELOPMENT

General policy

- 58 The National Planning Policy Framework (NPPF) at Paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.
- 59 Paragraph 154 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should (a) not require applicants to demonstrate the overall need for renewable or low carbon energy... (b) approve the application if its impacts are (or can be made) acceptable.
- 60 Policy 5.5(a) of the London Plan (LP) states that The Mayor expects 25 per cent of the heat and power used in London to be generated through the use of localised decentralised energy systems by 2025. In order to achieve this target the Mayor prioritises the development of decentralised heating and cooling networks at the development and area wide levels, including larger scale heat transmission networks.
- 61 The creation of a decentralised heat network is identified as being of strategic importance within the Core Strategy (CS) Spatial Policy 2.
- 62 Paragraph 6.45 of the CS states that the quantum of development opportunities proposed, and the concentration of this growth within the three main localities of Deptford/New Cross and the Lewisham and Catford town centres, allows the provision of a renewable source of energy via a local energy network (or decentralised energy) which could include the use of SELCHP. The CS identifies that this would help ensure that the area becomes an environmentally sustainable part of London and energy self-sufficient.
- 63 Paragraph 6.47 of the CS states that the waste recovery from SELCHP has the equivalent energy consumption of 48,000 homes. While the plant currently exports electricity to the grid, its surplus heat is not extracted for use in Lewisham. The CS states that the Council will work with developers to install a district heating pipe to distribute heat from the plant and district heating networks could be established to serve development at Convoys Wharf and the larger Mixed Employment Locations at Surrey Canal Triangle, Oxestalls Road and Plough Way.
- 64 DM Policy 1 of the Development Management Local Plan states that 'when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to find solutions which mean that proposals secure development that improves the economic, social and environmental conditions of the borough '.
- 65 The Council in its Climate Emergency Action Plan was approved by Mayor and Cabinet on 11th March 2020. The Action Plan identifies that in 2018 Lewisham and Veolia signed a Memorandum of Understanding to work in partnership to develop opportunities for heat networks in the borough. In 2020 Veolia received £5.5m funding from central government to build a heat network to connect waste heat from the South East London Combined Heat and Power (SELCHP) facility to 3,500 homes in the north of the borough.
- 66 Actions to decarbonise heat that are reliant on the construction of this district heat pipe are identified in the Climate Emergency Action Plan. 2.6.1 states:

67 “Work with Veolia to implement the joint memorandum of understanding agreed with the Council to deliver opportunities to utilise unused heat from the SELCHP facility to supply local homes.”

68 2.6.2 of the Action Plan states:

69 “Work with Lewisham Homes to evaluate the potential for connecting properties to a network supplied with heat from SELCHP.”

7.1.1 Principle of development conclusions

70 National, Regional and Local policy supports the provision of infrastructure which supports reductions in carbon emissions. District heat networks are supported within the London Plan whilst the adopted Core Strategy explicitly supports the creation of a heat network to capture heat associated with operations at SELCHP.

71 Lewisham Council, as Local Planning Authority has been applying LP Policy 5.5 (d) consistently and has required developers to prioritise connection to existing or planned decentralised energy networks where feasible. This includes Convoys Wharf, planned strategic development and recently completed development within the north of the Borough .

72 Potential connection sites include but are not limited to:



73 A number of recently consented and completed developments also have legal requirements to provide passive connections to a future district heat network. These include (but are not limited to):

- Plough Way - comprised of Cannon Wharf, Marine Wharf East, Marine Wharf West and sites along Yeoman Street (1,500 homes and 11,759m² commercial);
- Neptune Wharf (198 homes, 1,973m² town centre uses);
- Scott House (137 homes and 944m² commercial).

Potential future development sites (adopted site allocations and draft site allocations)

- New Bermondsey/ Surrey Canal Triangle (3,504 homes employment, leisure and industrial uses)
- Surrey Canal Road and Trundleys Road (189 homes and employment floorspace)
- Riverside Youth Club and 2000 Community Centre (118 homes and 1,646 non-residential town centre uses);
- Apollo Business Centre (147 homes and 3,396m² employment)
- Evelyn Court Evelyn Court at Surrey Canal Strategic Industrial Location (95 homes, 2,183m² employment)

74 The Applicant (Veolia) have confirmed that the core scheme is the end to end delivery of a new heat network which delivers 25 GWh initially and up to 30GWh of heat to over 5,000 residential properties and commercial space within Lewisham.

75 The Applicant also confirmed that the current strategy is to eventually connect to circa 10,000 homes within Lewisham and some commercial spaces. The Anchor Load (Convoys Wharf - this application) would provide potential additional connections which can be built to supply.

76 The Applicant has confirmed that the SELCHP plant itself has a design life of 25-30 years but that this can easily extend beyond this with maintenance and part replacement. The plant will continue to operate as long as there is a need for it and in the absence of another solution for residual waste within London.

77 As identified in the Council's Climate Action Plan (March 2020) there is also work with Lewisham Homes to identify connecting existing estates in the area. This could include nearby housing estates within the north of the Borough

78 Further expansion of the network could see the connection of other existing and planned developments, further reducing carbon emissions within the Borough, facilitating sustainable development.

79 The evidence base study conducted to support the Action Plan estimated the construction of this pipe to serve Convoys Wharf and Neptune Wharf would result in a reduction in carbon emissions of 3,161 tonnes every year once both sites are fully built out. If a wider strategic network were then built it would result in a further reduction in carbon emissions of 2,570 tonnes every year. This figure is conservative as it does not include the majority of Lewisham Homes properties in the proximity of the potential future network.

80 The creation of a decentralised heat network in the north of the Borough would help ensure that the national, regional and local objectives to reduce carbon emissions would be realised. A connection to planned development at Convoys Wharf, as the largest development in the borough, would see development here utilise heat captured from existing activities at SELCHP.

81 As identified in the Core Strategy the creation of a heat network in this location would help create a locally energy self-sufficient area of London. Subject to the necessary permission(s) the proposed development would allow for additional future connections, providing a 'spine' to an enlarged underground network.

- 82 If this route is successful it will strengthen the case to construct another spine towards New Cross which could result in a reduction of carbon emissions of 1,109 tonnes every year by connecting existing private developments that currently use gas fired CHP and parts of Goldsmiths University.
- 83 Long term our aspiration would be to retrofit communal heating to all suitable Lewisham Homes blocks near the proposed spine district heat pipe and connect to SELCHP. This would allow for the removal of 1000s of individual gas fired boilers.
- 84 As identified within the NPPF, the London Plan and the Core Strategy low carbon technologies and decentralised heat networks provide an important opportunity to reduce reliance on fossil fuels and provide long-term reductions in carbon emissions. Subject to the material considerations discussed below the proposed development would accord with the Development Plan and provides a unique and important opportunity to establish a district heat network and help reduce carbon emissions locally

7.3 URBAN DESIGN AND HERITAGE IMPACT

General Policy

- 85 The NPPF at para 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 86 CS Policy 15 states that the Council will ensure any development conserves and enhances the borough's heritage assets, and the significance of their settings, such as conservation areas, listed buildings, registered parks and gardens, scheduled monuments.
- 87 Development Management (DM) Policy 35 requires development within public spaces to be designed to a safe, inclusive and accessible standard. DM 35 states that the Council will require street paving and furniture, public art and street signage to: (a) be well designed and generously sized using high quality materials; (b) harmonise with the street scene; (c) be sited to minimise visual clutter; (d) provide legible signage; (e) allow level and safe passage for all including people with disabilities including the careful design of shared surfaces with cyclists; and (f) conserve and enhance any historic fabric, features and assets.

7.3.1 Appearance and character

Discussion

- 88 The proposed development would provide an underground heat network. The construction method would see the excavation of existing roads, pavements, footpaths and areas of soft landscaping. Once laid the heat network would be covered and all surfaces restored to their previous state and gradient.
- 89 To ensure that the finish is of a high-quality and that the proposed works do not lead to the visual disruption of areas that have high-quality or historic surface finishes it is recommended that a condition is imposed requiring all surface finishes to be restored to an equal finish and standard prior to development.
- 90 Such a condition would also ensure that areas of public realm or highway do not become inaccessible for those with reduced mobility as a result of the proposed development.
- 91 The Applicant would be required to gain the necessary consent(s) from Lewisham Highways to undertake works on adopted public highways. This will ensure that any works are undertaken in a safe manner that does not diminish the safety of users of the highway.

7.3.2 Impact on Heritage Assets

Policy

- 92 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.
- 93 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

- 94 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 95 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset's conservation, when considering the impact of a proposed development on the significance of a designated heritage asset. Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.
- 96 NPPF paragraph 189 says applicants should provide an archaeological assessment if their development could affect a heritage asset of archaeological interest. Applicants should also improve knowledge of assets and make this public.
- 97 Paragraph 194 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.
- 98 Paragraph 196 of the NPPF states that less than substantial harm to designated heritage assets should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 99 Paragraph 197 of the NPPF states that the effect of proposal on non-designated heritage asset should be taken into account; a balanced judgement should have regard to scale of harm or loss and the significance of the heritage asset.
- 100 Policy 7.8 of the London Plan make the conservation of archaeological interest a material planning consideration.
- 101 LP Policy 7.8 states that development should among other things conserve and incorporate heritage assets where appropriate. Where it would affect heritage assets, development should be sympathetic to their form, scale, materials and architectural details.
- 102 CS Policy 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.
- 103 DM Policy 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.
- 104 DM Policy 37 sets out a framework for the protection of the borough's non-designated heritage assets.
- Discussion*
- 105 The applicant has provided substantive evidence of the wider public benefits of the proposal. Principally the development proposals, as outlined above, would contribute to the creation of a district heat network, reducing carbon emissions and improving energy self-sufficiency.
- 106 The planning application lies in an area of archaeological interest. The Applicant has submitted an archaeological technical assessment (dated 22 July 2020, authored by ARUP).

- 107 Historic England confirm that upon review of the proposal and at the Greater London Historic Environment Record that the development could cause harm to archaeological remains. However the significance of the asset and scale of harm to it is such that the effect can be managed using a planning condition.
- 108 Historic England have confirmed that they agree with the conclusions of the technical assessment and confirm that a condition should be imposed requiring a watching brief and written scheme investigation (WSI).
- 109 This pre-commencement condition is necessary to safeguard the archaeological interest on this site. Approval of the WSI before works begin on site provides clarity on what investigations are required, and their timing in relation to the development programme.
- 110 The route would terminate by the Grove Street Gates to the Convoys site, listed at Grade II.
- 111 The Convoys site itself is of high significance and should be treated as a scheduled ancient monument (as per NPPF footnote 63 which states Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets).
- 112 The proposed route would have an impact on the structure of the Surrey Canal, likely to partially truncate a retaining wall and any upstand and adjacent paved surfaces. Officers consider that this would cause harm at the lower end of less than substantial.
- 113 There is a potential for the Grove Street listed gate piers and adjoining walls to be damaged by the proposals. These are currently undergoing stabilisation and part rebuilding and so they should be in a more robust condition by the time these works are undertaken however. Full details of the proximity of the pipeline to the wall should be provided to enable the impact to be assessed. It is therefore recommended that their protection from accidental damage should also be secured by condition.
- 114 Officers conclude the public benefits do not outweigh the less than substantial harm identified above.

Summary

- 115 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would, subject to conditions, preserve the Listed Building or its setting and the associated special architectural and historic interests. There are mitigating benefits to outweigh this harm and therefore this is not a reason for refusal.

7.3.3 Urban design conclusion

- 116 The proposed development, located underground would not result in any harmful impacts on the public realm or appearance of the built environment along the route, subject to the imposition of a condition relating to surface finish.
- 117 The proposed development, subject to the imposition of conditions would result in less than significant harm to designated and non-designated heritage assets, including archaeological remains.

118 **TRANSPORT IMPACT**

General policy

- 119 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para 102. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.
- 120 Para 109 states “Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 121 Regionally, the Mayor’s Transport Strategy (‘the MTS’, GLA, March 2018) sets out the vision for London to become a city where walking, cycling and green public transport become the most appealing and practical choices. The MTS recognises links between car dependency and public health concerns.
- 122 The Core Strategy, at Objective 9 and CSP14, reflects the national and regional priorities.

Discussion

- 123 The main route option would extend from Landman Way, Surrey Canal Road, Folkstone Gardens, Blackhorse Road, Dragoon Road.
- 124 The roads has been divided into the following works phases
- Phase 1 – Landmann Way
 - Phase 2 – Surrey Canal Road (west of the Overground bridge)
 - Phase 3 – Surrey Canal Road (section under the Overground bridge)
 - Phase 4 – Surrey Canal Road (east of the Overground bridge)
 - Phase 5 – Surrey Canal Road / Trundleys Road junction and Trundleys Road section
 - Phase 6 – B207 Trundleys Road to Grinstead Road (section under the bridge)
 - Phase 7 – Grinstead Road (western section)
 - Phase 8 – Grinstead Road (eastern section) to Evelyn Street
 - Phase 9 – Across Evelyn Street to Dragoon Road (western section)
 - Phase 10 – Dragoon Road (eastern section) to Grove Street
 - Phase 11 – Grove Street to Convoys Wharf development. The pipeline would be constructed in multiple phases with up to two open trenches worked along the proposed development route at a time.
- 125 The majority of the pipeline would be laid in either the footway or existing carriageway.

- 126 The total width of a typical working zone would be approximately 3.2m.
- 127 Single lane carriageway closures are proposed along the routes to accommodate the construction activity, and traffic would be allowed to pass through under temporary traffic signal control. Measures for pedestrian and cycle routes would be maintained.
- 128 Each phase would be split into segments of worksites that are approximately 40m long and each segment would be 'open' for up to four weeks. It has been assumed that an additional 10m for signal controls at either end of the worksites will be needed beyond the 40m worksite to allow traffic to manoeuvre around the signal control safely.
- 129 A small mobile compound would accompany each work area. This unit, which would be moved along the route as the work areas progress, it would provide workers with access to basic welfare facilities.
- 130 The works would have a variety of temporary impacts on the operation of the Highway network. The impacts will include the following:
- Impacts on pedestrian and cycle movement
 - Bus and driver delay
 - Suspension of on-street parking and loading facilities
- 131 Phase 6 pedestrians and cyclists will be unable to pass underneath the railway bridge on the B207 Trundleys Road. The diversion route is anticipated to result in an additional distance of approximately 1,300m compared to the existing route. Whilst this would impact pedestrian movements and cycle movements on weekends over a four to six-week period construction would be limited. The diversion would ensure that pedestrians and cyclists have continued access during the temporary construction phase.
- 132 During Phase 6 Trundleys Road will be subject to weekend closures for a period of four to six weeks. The weekend closures of Trundleys Road would impact on the operation of bus route 225. The weekend closures of Trundleys Road during Phase 6 will require temporary traffic diversions.
- 133 Given the significant impacts associated with the alternative route option, the Highway Authority confirmed that it would prefer the implementation of the main route option.
- 134 Highways Officers state that the Transport Statements submitted with the application does not provide detailed construction and traffic management information. Highways Officers therefore request that detailed Construction Management Plans (CMP) and Full details of the Traffic Management (TMP) should be submitted prior to the commencement of each phase of the works, secured by planning condition.
- 135 The excavation works on the highways will impact on the integrity / condition of the Highway. Highways Officers advise that a condition surveys should be undertaken prior to commencements of the works, the surveys should include structural and photographic surveys. This requirement should be secured by condition.
- 136 To undertake works on the public Highway the applicant will be required to enter into a S278 Agreement with the Highway Authority. The S278 Agreement will include a requirement to undertake temporary and permanent reinstatement works to the Highway following the completion of the excavation works.
- 137 Evelyn Street is part of the Strategic Road Network (SRN). Transport for London (TfL) is the Traffic authority for the SRN, and will be concerned about any proposal which may

affect the performance and/or safety of the SRN. TfL is also responsible for overseeing potential impacts on bus services.

- 138 Evelyn Street is part of the Strategic Road Network (SRN). Transport for London (TfL) is the Traffic authority for the SRN, and will be concerned about any proposal which may affect the performance and/or safety of the SRN. TfL is also responsible for overseeing potential impacts on bus services.
- 139 TfL were consulted in line with statutory requirements. TfL acknowledge the strategic importance of the proposed development and do not object.
- 140 TfL did however raise concern about surface transport impacts. These are: Delays to the 255 bus service on Trundleys Road; Temporary closure of Quietway 1; Delays to the buses on Evelyn Street when the works cross or go along this highway; Impacts on Cycleway 4 when the works cross it or go along Evelyn Street; and More generally impacts on pedestrians and cyclists
- 141 TfL state that they would expect the CMP/TMP proposed by LBL Highways (outlined above) to help address these safety and convenience concerns and delays as they impact sustainable and active travel.
- 142 The proposed route would pass under the railway line. Consultation with Network Rail and all other necessary rail operators was undertaken.
- 143 Network rail confirmed that the development passes under Network Rail's land and the operational railway, as a result, Network Rail strongly the applicant engages with Network Rail's Asset Protection and Optimisation (ASPRO) prior to works commencing. Network Rail confirmed that their Asset Protection team will ensure the works are completed without posing a risk to the railway and that the applicant may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works

7.3.4 Transport impact conclusion

- 144 The proposal would not result in long term harm to the local highway network, rail network or pedestrian or highway safety subject to the imposition of conditions. Whilst impacts to the operation of the highway network would occur the impacts can be sufficiently controlled and mitigated with appropriate phasing of works, provision of diversions and adequate provision for cyclists and pedestrians, details which can all be secured via planning condition.
- 145 Officers consider this should be afforded considerable weight In light of the proposed public benefits of the development.

7.4 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 146 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 180 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.
- 147 This is reflected in relevant policies of the London Plan (LP7.6), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA).

Discussion

- 148 Located underground, the proposed development would not result in any materially harmful impacts on the amenity of the occupants or users of any nearby or adjoining property by reason of impact on outlook, privacy, daylight or sunlight.
- 149 Construction noise levels have been assessed to be greater than significant observed adverse effect level, the level above which significant adverse effects on health and quality of life occur. For short periods (less than three days at the worst-case) and therefore, given the relatively short duration of the effect, no significant effects to noise sensitive receptors are predicted.
- 150 Construction vibration levels are expected to exceed the criteria for human comfort, however vibration induced by the proposed development are very localised and expected to be short in duration.
- 151 A Construction Management Plans (CMP) and Traffic Management (TMP) will require details of mitigation measures to be agreed prior to construction. This will ensure that impacts are further mitigated and controlled.

7.5 NATURAL ENVIRONMENT

7.5.1 Ground pollution

Policy

- 152 The NPPF at para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil pollution. Development should help to improve local environmental conditions.
- 153 The NPPF states decisions should contribute to and enhance the natural and local environment by remediating and mitigating contaminated land, where appropriate (para 170). Further, the NPPF at para 178 and NPPG states decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination.
- 154 The test is that after remediation, land should not be capable of being determined as “contaminated land” under Part 2A of the Environmental Protection Act 1990.
- 155 LPP 5.21 reflects national policy. DMP 28 further reflects national policy and seeks to ensure that future residents are protected from exposure to contaminants.
- 156 Further guidance is given in *Contaminated Land Statutory Guidance* (Defra, 2012)

Discussion

- 157 Environmental Protection Officers have confirmed that the principle of the submitted Phase 1 report are accepted. It is confirmed that there is a very high probability that extensive contamination will be present along the route would agree with the report recommendation that a Phase 2 intrusive investigation should be undertaken.
- 158 A condition requiring a land contamination report would need to be imposed to ascertain likely risks.
- 159 The recommended condition would align with the consultation responses received from Environmental Protection and the Environmental Agency, which have requested further information relating to land contamination.

7.5.2 Air pollution

Policy

- 160 The NPPF at para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality.
- 161 Proposals should be designed and built to improve local air quality and reduce the extent to which the public are exposed to poor air quality.
- 162 LP Policy 7.14 states new development amongst other requirements must endeavour to maintain the best ambient air quality (air quality neutral) and not cause new exceedances of legal air quality standards.
- 163 Further guidance is given in the Mayor of London’s Air Quality Strategy.

164 Core Strategy Policy 7: Climate change and adapting to the effects, Core Strategy Policy 9 and DM Policy 23 provide the local plan policy basis for assessing development proposals.

165 The Council's Air Quality Management Plan identifies AQMA3 Deptford to be an area where exceedances of vehicle emissions PM10 particles and NO2 have been modelled to be present. Air quality is actively monitored in the area as a whole.

Discussion

166 The proposed development would see the laying of a decentralised heat network. The network would utilise heat already generated at SELCHP. Consequently the proposed development would not result in the additional generation of emissions or pollutants from the operation of SELCHP. Instead the heat would be used within the Convoys site, reducing local emissions.

167 The proposed development would also see strategic development sites and existing developments connected. As identified in Section 7.1 of the proposed development would provide an important, strategic opportunity to reduce local emissions associated with natural gas boilers and combined heat and power systems which use natural gas. This would help improve air quality locally whilst also reducing carbon emissions.

168 The development, during construction, would see some local increases in airborne dust associated with construction work. This impact would be temporary and would occur as construction traverses the proposed route. Consequently, it is not considered that impacts on air quality would justify a condition for details relating to construction. It is noted that utility companies could undertake similar works without such a requirement.

169 A condition, as outlined above, should be imposed for further information relating to a Construction Management Plan (CMP). The CMP will require details of mitigation to help control dust and reduce vehicle trips associated with construction.

170 Environmental Protection Officers do however note that toxic/harmful fugitive dusts that could affect nearby receptors when contamination is present/disturbed.

171 Given the large geographical distance of the line/proposed route, it is envisaged as work progresses considerable contamination will be encountered. Therefore, it will be crucial that the Local Authority is continually updated when contamination has been found and what remedial actions will take place to mitigate it before further works continue.

172 Officers therefore recommend a condition is imposed, as is standard practice, to ensure that the necessary investigations, controls, mitigations and reporting are in place to ensure that there is no unacceptable risk to human health or the local environment.

173 This approach is corroborated by the Applicant's Phase 1 report that recommends a Phase 2 intrusive investigation should be undertaken prior to construction.

7.5.3 Noise and light pollution

174 The proposed development would not result in any increase in noise pollution during operation. Construction would take place within statutorily prescribed times. The proposals would result in no additional light pollution.

7.5.4 Ecology and biodiversity

- 175 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard to the purpose of conserving biodiversity.
- 176 The NPPF at para 170 states decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. At para 175, it sets out principles which LPAs should apply when determining applications in respect of biodiversity.
- 177 LPP 7.19 seeks wherever possible to ensure that development makes a positive contribution to the protection, enhancement, creation and management of biodiversity.
- 178 CSP 12 recognises the importance of the natural environment and environmental assets and requires the conservation and enhancement of these assets.
- Discussion
- 179 The site includes tarmacked or bare land.
- 180 Deptford Park is adjacent to Grinstead Road, and contains a line of mature London plane trees which run parallel to the site. These trees are separated from the site by a metal fence; however, they provide nesting habitat for a range of common bird species and maintain a visual barrier between Grinstead Road and amenity space within the Park.
- 181 The preliminary bat roost assessment sought to check the bat roost potential of trees and structures on the site according to good practice guidelines¹². There are no suitable foraging habitats on the site. There are two bridges which run over the site, one on Surrey Canal Road to the west, and the South East railway bridge over Surrey Canal Road where it meets Grinstead Road.
- 182 The bridge over Surrey Canal Road to the west was assessed to have negligible potential to support roosting bats as there are no PRFs due to the metal structure and extensive artificial lighting.
- 183 The South East railway bridge over Surrey Canal Road where it meets Grinstead Road was assessed to have low potential to support roosting bats as there are PRFs where gaps exist between brickwork and bird abatement, as well as under metal reinforcements to the bridge arch. A subsequent dusk emergence survey conducted on 25 June 2020 in accordance with good practice guidance. The weather was warm. No bats were recorded.
- 184 The Preliminary Ecological Appraisal and the desktop study found records of notable/protected species of invertebrates, birds, one species of reptile and one species of bat within 1km of the site. No evidence was recorded to indicate bats are roosting within the site.
- 185 The Applicant confirmed that the trees do not support foraging, commuting and roosting bats.
- 186 The Council's Ecological Regeneration Officers have confirmed that they agree with the findings of the ecological reports and do not object to the proposals, subject to the imposition of conditions.

- 187 Given the lack of suitable habitat within the site, it is highly unlikely any protected or notable species are present within the site. Therefore, no further surveys are recommended.
- 188 Tree roots running beneath the site should be protected from damage by machinery during excavations, in particular the London plane trees within Deptford Park which run parallel to the site. This should be in accordance with good practice¹³. Provisions may include temporary trunk protection and protected areas zoned off as required following specialist advice from the arboriculturalist.
- 189 Details of tree protection measures should therefore be secured via planning condition.
- 190 In accordance with the NPPF, the proposed development should avoid adverse impact to the biodiversity interest of the site and deliver ecological enhancements. This, subject to the imposition of conditions has been demonstrated.
- 191 On this occasion given the underground nature of the development and the limited impact the development proposals would have on identified habitats and species Officers do not consider it proportionate to require measures for habitat creation in this instance.

7.5.5 Flood Risk

- 192 LPP 5.12 requires the mitigation of flooding, or in the case of managed flooding, the stability of buildings, the protection of essential utilities and the quick recovery from flooding. LPP 7.13 expects development to contribute to safety, security and resilience to emergency, including flooding.
- 193 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.
- 194 Further guidance is given in the London Plan's Sustainable Design and Construction Supplementary Planning Guidance.

Discussion

- 195 The site is located in Flood Zone 3, but is identified as an area benefitting from flood defences. Flood Zone 3 is land assessed as being at high risk of flooding from rivers and the sea, with a 1% or greater Annual Exceedance Probability (AEP) of river flooding or a 0.5% or greater AEP of sea flooding.
- 196 The Environment Agency (EA) flood maps show the extent of flood risk zones, but do not take into account the Thames Tidal Defences (TTD), which offers much of central London (including the site) protection to at least the 0.1% AEP event up to year 2030.
- 197 Considering the above information, the risk of flooding from fluvial/tidal sources is low.
- 198 The Flood Risk Assessment submitted by the Applicant confirms that the risk of sewer, artificial sources and groundwater flooding is considered low. The EA have confirmed that they have no objections to the proposed development in relation to flooding.
- 199 The site is considered to be a low risk of flooding for all flood sources assessed. The proposed development by its nature would also not result in a harmful increase in flooding.

7.5.6 Natural Environment conclusion

200 Subject to the imposition of conditions the proposed development would not result in the unacceptable impact on the local environment or to human health. The proposed development, once operational, could result in an overall reduction in local emissions.

7.6 OTHER MATTERS

7.6.1 Land Ownership

201 Transport for London and UK Power Networks both raised points relating to landownership.

202 Landownership and matters relating to access to infrastructure assets are a civil matters and do not form material planning considerations. These matters are therefore not considered in this report. The applicant would be bound by relevant statutory and legal requirements to ensure that other infrastructure assets are protected.

8 LOCAL FINANCE CONSIDERATIONS

203 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

- a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

204 The weight to be attached to a local finance consideration remains a matter for the decision maker.

205 The CIL is therefore a material consideration.

206 The proposed development is not defined as chargeable development. Therefore the development is not Lewisham CIL or MCIL liable.

9 EQUALITIES CONSIDERATIONS

207 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

208 In summary, the Council must, in the exercise of its function, 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 persons who do not share it.

209 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

210 The Equality and Human Rights Commission has recently 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/publication-download/technical-guidance-public-sector-equality-duty-england>

211 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

212 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>

213 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

10 HUMAN RIGHTS IMPLICATIONS

- 214 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:
- Protocol 1, Article 1: Right to peaceful enjoyment of your property
- 215 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.
- 216 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 217 This application has the legitimate aim of providing a decentralised heat network to provide low carbon heating to the planned development at Convoys Wharf and nearby planned and existing development from the existing operations at SELCHP. The rights potentially engaged by this application, including the right to peaceful enjoyment of your property are not considered to be unlawfully interfered with by this proposal.

11 LEGAL AGREEMENT

- 218 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:
- (a) Necessary to make the development acceptable
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development
- 219 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.
- 220 Officers do not consider that any legal obligations are required for this development and all matters to make the development satisfactory can be dealt with via planning conditions.

12 CONCLUSION

- 221 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 222 The development proposals would establish a decentralised heat network, utilising heat generated from the existing activities and operations of SELCHP. The heat network would provide low carbon heating and hot water to planned development at Convoys Wharf. The development would also establish the spine of a network which could be expanded to other planned and existing development in the north of the Borough, providing energy resilience and reducing carbon emissions. This represents a significant public benefit.
- 223 The evidence base study conducted to support the Action Plan estimated the construction of this pipe to serve Convoys Wharf with an extension to Neptune Wharf would result in a reduction in carbon emissions of 3,161 tonnes every year once both sites are fully built out. If a wider strategic network were then built it would result in a further reduction in carbon emissions of 2,570 tonnes every year. This figure is conservative as it does not include the majority of Lewisham Homes properties in the proximity of the potential future network.
- 224 It has been demonstrated that the proposed development would not result in the significant harm to any designated heritage assets and would cause only temporary highways impacts which can be controlled and mitigated with planning conditions.
- 225 The proposed development would not result in long-term harmful impacts on existing residents or occupiers and development would, subject to conditions the development would safeguard the natural environment.
- 226 The proposed development therefore accord with the development plan.

13 RECOMMENDATION

227 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informatives set out below and with such amendments as are considered appropriate to ensure the acceptable implementation of the development:

13.1 CONDITIONS

1) **FULL PLANNING PERMISSION TIME LIMIT**

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

2) **Approved Plans**

The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

VES_TD_SELCHPDH_200_003; VES_TD_SELCHPDH_200_004;

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

3) **Archaeology**

No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and (A) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works (B) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: To ensure adequate access for archaeological investigations and to comply with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy 7.8 of the London Plan (July 2016).

4) **Construction Management and Traffic Management Plan**

No development, in any phase, shall commence on site until such time as a Construction Management and Traffic Management Plan, for a phase or phases, has been submitted to and approved in writing by the local planning authority. The plan shall cover:-

(a) Details of Temporary Traffic Regulation Orders.

- (b) Details of how traffic lights will be controlled, signals will have to be manually controlled at certain times of day.
- (c) The provision of temporary cycle and pedestrian diversions.
- (d) Dust mitigation measures.
- (e) Method of excavation.
- (f) Details on number of segments in each phase, and number of teams working on each phase. The length of carriageway being worked on at any time should be limited to one segment (not phase) being open at any one time to reduce congestion as much as possible.
- (g) The location and operation of plant and wheel washing facilities
- (h) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (i) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity. The programme for the works should have regard for the committed developments in the vicinity of the works to avoid cumulative adverse construction effects in the local area.
 - (iii) Measures to deal with safe pedestrian movement.
 - (iv) Measures to prevent general traffic and HGVs rat-running through residential roads to avoid traffic queues
- (j) Security Management (to minimise risks to unauthorised personnel).
- (k) Details of the training of site operatives to follow the Construction Management Plan requirements.
- (l) A communication strategy which should include details of how residents, businesses, nearby schools, and users of the cycle routes would be notified of the works and associated timescales.
- (m) Confirmation that the contractor will participate in the Evelyn Street Construction Forum

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2016).

5) **Site Contamination**

- (a) No development or phase of development (including demolition of existing buildings and structures, except where prior agreement with the Council for site investigation enabling works has been received) shall commence until :-

- (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
 - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted, (including subsequent correspondences as being necessary or desirable for the remediation of the site) to and approved in writing by the Council.
- (b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.
- (c) The development or phase of development shall not be occupied until a closure report for the development or phase has been submitted to and approved in writing by the Council.

This shall include verification of all measures, or treatments as required in (Section (a) i & ii) and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full.

The closure report shall include verification details of both the remediation and post-remediation sampling/works, carried out (including waste materials removed from the site); and before placement of any soil/materials is undertaken on site, all imported or reused soil material must conform to current soil quality requirements as agreed by the authority. Inherent to the above, is the provision of any required documentation, certification and monitoring, to facilitate condition requirements.

Reason: To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply with Saved Policy ENV.PRO 10 Contaminated Land in the Unitary Development Plan (July 2004).

6) **Surface Condition and Materials**

(a) Prior to the commencement of any works, in any phase, a conditions survey of all surfaces and areas including street furniture and play equipment to be developed must be undertaken and details and provided to the Local Planning Authority. Details shall include photographs and a description detailing the condition of all surfaces, hard and soft, through the proposed route where excavation will occur.

(b) Each phase of development shall be returned and reinstated to its original condition upon completion of that phase. Evidence of this shall be provided upon the completion of each phase and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed works provide a satisfactory external appearance and that the quality of the public realm is maintained in accordance with Core Strategy Policy 15 of the Core Strategy (2011) and DM Policy 35 and DM Policy 36 of the Development Management Local Plan (2014).

7) **Piling Operations**

- (a) No piling or any other foundation designs using penetrative methods shall take place, other than with the prior written approval of the local planning authority
- (b) Details of any such operations must be submitted to and approved in writing by the local planning authority prior to commencement of development on site and shall be accompanied by details of the relevant penetrative methods.
- (c) Details of protection and stabilisation measures to ensure that there is no harm or impact on the Grade II Listed piers and wall at Grove Street, prior to any works in that phase.
- (d) Any such work shall be carried out only in accordance with the details approved under part (b) and (c).

Reason: To prevent pollution of controlled waters and to comply with London Plan (2016) Policy 7.8, Core Strategy (2011) Policy 15 and Development Management Local Plan (November 2014) DM Policy 36 and DM Policy 37.

8) **Arboriculture**

- (a) No development, in any phase, shall take place until a full Arboricultural Impact Assessment (AIA) has been submitted to and approved in writing by the local planning authority. Such study shall consider the exact relationship between the proposed development and any existing trees on the site, in line with the recommendations of BS 5837:2012 (Trees in Relation to design, demolition and construction - Recommendations).

The AIA should include survey data on all trees on the site, with reference to the British Standard and assess all interfaces between the development and trees, their root zones and their crowns and branches, i.e.:-

- Protection of trees within total exclusion zones.
- The location and type of protective fencing.
- The location of the main sewerage and water services in relation to trees.
- The location of all other underground services, i.e. gas, electricity and telecommunications.
- The locations of roads, pathways, parking and other hard surfaces in relation to tree root zones.
- Provision of design and engineering solutions to the above, for example, thrust boring for service runs; the use of porous surfaces for roads etc. and the remedial work to maintain tree health such as irrigation and fertilisation systems; the use of geotextile membranes to control root spread.
- Suggested locations for the site compound, office, parking and site access.

- The replacement planting necessary to compensate for any necessary losses.

(b) Drawings should also be submitted to show the location of any protective fencing, site compounds, means of access etc. and the study should contain a method statement for arboricultural works which would apply to the site.

(c) The development shall be implemented in accordance with the approved AIS.

Reason: To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

13.2 INFORMATIVES

- 1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.

- 2) The land contamination condition requirements apply to both whole site and phased developments.

Applicants are advised to read 'Contaminated Land Guide for Developers' (London Borough's Publication 2003), on the Lewisham web page, before complying with the above condition. All of the above must be conducted in accordance with DEFRA and the Environment Agency's (EA) - Model Procedures for the Management of Land Contamination.

Applicants should also be aware of their responsibilities under Part IIA of the Environmental Protection Act 1990 to ensure that human health, controlled waters and ecological systems are protected from significant harm arising from contaminated land. Guidance therefore relating to their activities on site, should be obtained primarily by reference to DEFRA and EA publications.

All development and required information relating to contamination should be undertaken and provided in accordance with the Council's 'Developers Guide for Potentially Contaminated Land Guide (July 2020)'.

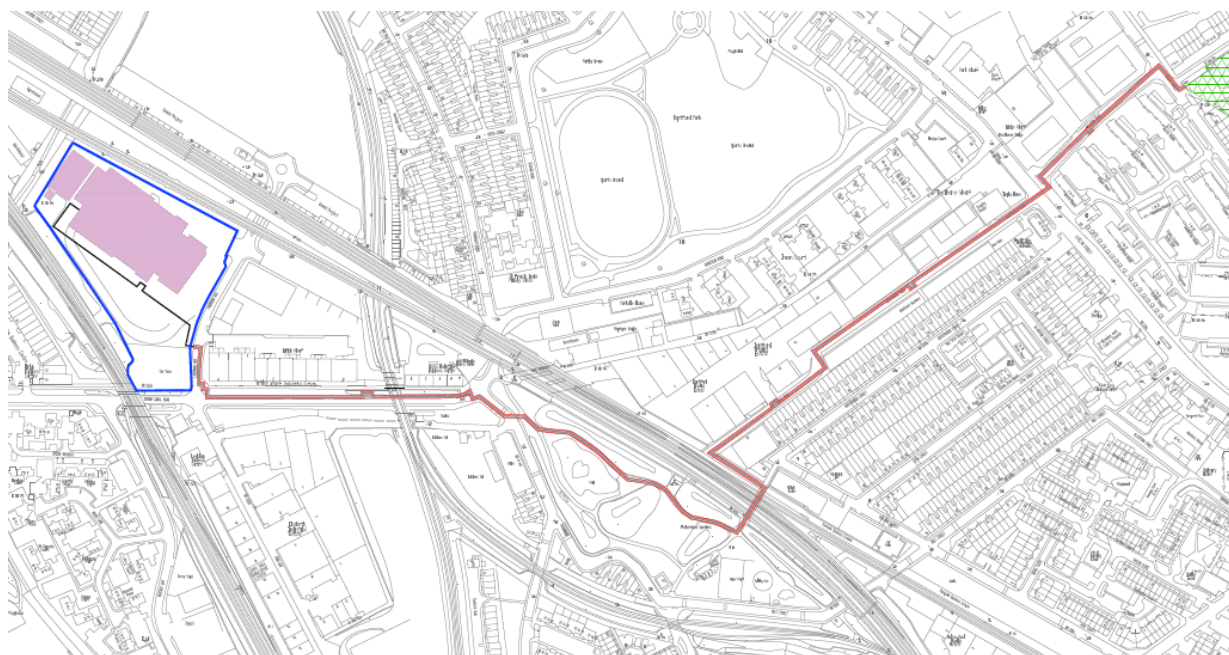
- 3) A Section 278 Agreement for works to the Highway must be entered into and agreed prior to any operations or works being commenced or undertaken.
- 4) The written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule

6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

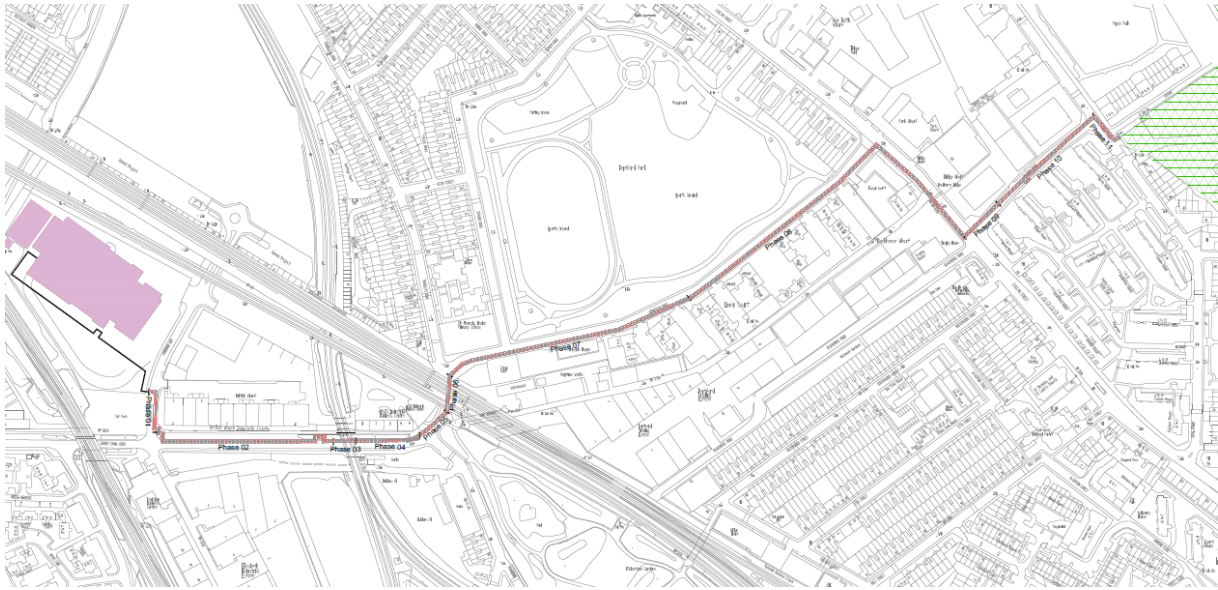
- 5) Network Rail strongly advise the applicant to engages with Network Rail's Asset Protection and Optimisation (ASPRO) team via AssetProtectionLondonSouthEast@networkrail.co.uk prior to works commencing.

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DC/20/117728 – Main Route – Site Location Plan



DC/20/117685 – Alternative Route – Site Location Plan



Committee	STRATEGIC PLANNING COMMITTEE
Report Title	ADDENDUM
Contributors	Lewis Goodley
Date	13 October 2020

1 **ADDENDUM**

1 This report sets out an addendum to the committee agenda published on 06 October 2020 in respect of Strategic Planning Committee on 14 October 2020.

2 The report updates the suggested conditions for both applications, which were subject to negotiation with the Applicant given the pre-commencement nature of these conditions.

2 **AGENDA ITEM 3 – SELCHP WASTE TO ENERGY FACILITY, LANDMANN WAY, LONDON, SE14 5RS.**

3 Further discussions with the Case Officer and the Applicant, with additional review from the Council’s Environment Protection Team resulted in changes to the following suggested conditions:

4 Application DC/20/117728 (Main/ preferred route)

Condition 5 ‘Site contamination’ and Condition 6 ‘Surface Condition and Materials’ (Pages 43, 44 and 45).

5 Application DC/20/117685 (Alternative Route)

Conditions 5 ‘Site Contamination’ and Condition 6 ‘Surface Condition and Materials’ (Pages 79, 80 and 81).

6 The suggested conditions for both applications respectively read:

7 Condition 5 ‘Site Contamination’

8 (a) The development shall be constructed in full accordance with the recommendations stated in section 6.2 of the Phase 1 Ground Contamination Desk Study report ARP/REP/273882/001, Issue 1 , (24 July 2020) are followed as specified.

9 (b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and a site investigation report shall be submitted to the Local Planning Authority to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered. No further works shall take place on that part of the site or adjacent areas affected, until the requirements have been complied with in relation to the new contamination.

10 (c) The development or phase of development shall not be used until a closure report for the development or phase has been submitted to and approved in writing by the Council.

- 11 This shall include verification of all measures, or treatments as required in Section (a) and relevant correspondence (including from other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full.
- 12 The closure report shall include verification details of both the remediation and post-remediation sampling/works, carried out (including waste materials removed from the site); and before placement of any soil/materials is undertaken on site, all imported or reused soil material must conform to current soil quality requirements as agreed by the authority. Inherent to the above, is the provision of any required documentation, certification and monitoring, to facilitate condition requirements.
- 13 Reason: To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply DM Policy 28 of the Development Management Local Plan (2014).
- 14 Condition 6 'Surface Condition and Materials'
- 15 The land associated with each phase of development shall be returned and reinstated to its original condition upon completion of that phase. Evidence of this shall be provided upon the completion of each phase and approved in writing by the Local Planning Authority.
- 16 Reason: To ensure that the proposed works provide a satisfactory external appearance and that the quality of the public realm is maintained in accordance with Core Strategy Policy 15 of the Core Strategy (2011) and DM Policy 35 and DM Policy 36 of the Development Management Local Plan (2014).

Officer Response

- 17 As required by The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 the Local Authority must have written confirmation from the applicant for any conditions it wishes to impose when granting planning permission.
- 18 In this instance, the Applicant did not agree with the proposed pre-commencement conditions relating to land contamination and surface condition and materials.
- 19 The Applicant stated that part (a) of Condition 5 'Land contamination' as originally proposed was onerous and would duplicate work and recommendations already provided in the submitted 'Phase 1 Ground Contamination Desk Study report ARP/REP/273882/001, Issue 1 , (24 July 2020)'.
- 20 Further discussions with the Council's Environmental Protection Team took place and it was confirmed that the construction in accordance with the recommendations of the submitted 'Phase 1 Ground Contamination Desk Study report ARP/REP/273882/001, Issue 1, (24 July 2020)' would be sufficient to safeguard health.
- 21 The Applicant stated that part (a) of Condition 6 'Surface Condition and Materials' would be too onerous and costly. A simple compliance condition is now

proposed. This would ensure that all surface materials would be finished to match existing. The Applicant would still need to enter a 278 Highways Agreement for works to the highway.

- 22 No new material considerations that have not been fully considered or addressed within the published committee report arise from the changes to the suggested conditions for both applications.
- 23 The matters relating to contamination, urban design and surface finish within the Committee Reports are unchanged.

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