



Strategic Planning Committee

Report title:

**164-196 TRUNDLEY'S ROAD AND 1-9 SANFORD STREET, LONDON,
SE8 5JE**

Date: 06 October 2022

Key decision: No.

Class: Part 1

Ward(s) affected: Evelyn

Contributors: Thomas Simnett

Outline and recommendations

This report sets out the Officer's recommendation of approval for the below proposal subject to the conditions and informatives as set out in this report.

The report has been brought before Committee for a decision at the request of the Director of Planning, given the Committee's interest in the amenity space to each cluster flat when the planning permission to which this application relates to was approved.

Application details

Application reference number(s): DC/22/127348

Application Date: 27 June 2022

Applicant: Isobel Patterson of Avison Young on behalf of Tribe Student Housing Ltd

Proposal: Application submitted under Section 96a of the Town & Country Planning Act 1990 (as amended) for a non-material amendment to planning permission DC/20/117966 dated 5 November 2021 in order to allow for an increase of 9no. student rooms, taking the total from 393 to 402 rooms proposed; amalgamate the smaller clusters to create 9-bed clusters in direct response to the preference of universities; increase in the number of studio units to increase the choice of accommodation and a reduction in the size of Cluster A from 8-bed to 7-bed; increase in the shared amenity space at ground, basement and first floor levels; and increase of 7no. additional long-stay cycle parking spaces at basement level at 164-196 Trundley's Road and 1-9 Sanford Street, SE8.

Background Papers: (1) Submission Drawings
(2) Submission technical reports and supporting documents

Designation: PTAL 1b
Flood Risk Zone 3
Flood Risk Zone 2
Area of Archaeological Priority
Air Quality
Not in a Conservation Area
Not a Listed Building
London Underground Zone
Strategic Industrial Location

Screening: N/A

1 SITE AND CONTEXT

- 1 The Site itself lies south-west of Deptford Park, adjacent to Folkestone Gardens and extends to approximately 0.38ha (0.94 acres). The Site is bound by Trundley's Road to the east, Sanford Street to the south, railway lines and a Transport for London (TfL) operations building (substation) to the west and Juno Way to the north. The Site benefits from a long frontage to Folkestone Gardens.
- 2 The existing site is comprised of three main elements:
 - 1) A brick warehouse which runs along Trundley's Road used for car servicing and MOT testing;

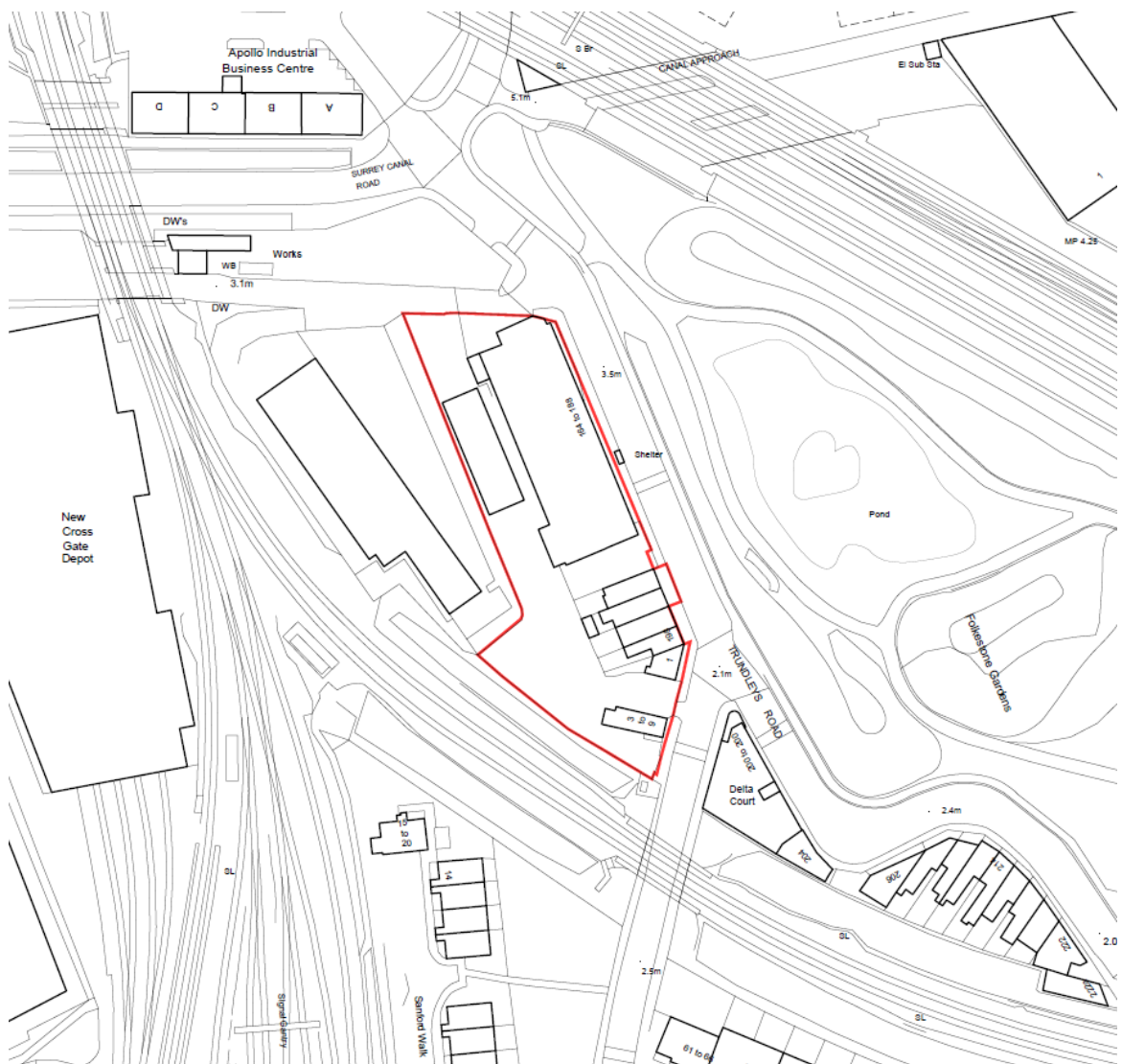
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- 2) A terrace of two storey buildings which also run along Trundley's Road with commercial uses at ground floor level and residential above (3 no. 1 bed & 3 no. 2 bed flats);
 - 3) A smaller warehouse to the west of the site and industrial building to the south of the site associated with a recycling yard;
- 3 The surrounding area is characterised by a mix of uses, with residential dwellings predominantly situated to the north, east and south, and employment uses to the west of the Site. However, the emerging context is largely characterised by new mixed-use employment and residential developments that are forthcoming in the vicinity of the Site.
- 4 The application site is outlined in Image 1 below:

Figure 1 – Site Location Plan



- 5 The Site is located within the south-east section of the Surrey Canal Strategic Industrial Location (SIL). The Lewisham Employment Land Study (2019) recommends that the site is designated for co-location of employment uses and other uses including residential. Further to this, the site is recommended for co-location of residential and industrial uses in the new draft Local Plan, which was published for public consultation 15th January 2021- 11 April 2021. At the current time, the draft Local Plan does not carry weight in

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decision making as the consultation period has yet to conclude and the plan has not been through examination to be found 'sound' in accordance with para 35 of the NPPF.

- 6 The Site is also located within an Area of Archaeological Priority and to the west boundary, the Site adjoins the railway which is designated as a Green Corridor and Site of Importance for Nature Conservation. Folkestone Gardens to the east of the Site is designated as Public Open Space and a Site of Nature Conservation Importance.
- 7 The site falls within the Lewisham, Catford and New Cross Opportunity Area for which the London Plan sets an indicative capacity of 13,500 new homes and 4,000 new jobs over the plan period. The site has relatively low access to public transport with a Public Transport Accessibility Level (PTAL) of 1a to 2. The site is located in Flood Zone 3 as identified by the Environment Agency, as well as an Air Quality Management Area.

2 RELEVANT PLANNING HISTORY

- 8 **DC/20/117966:** Demolition of existing buildings and redevelopment of the site for two new buildings comprising flexible commercial floorspace (Use Class E(g)(iii)/B2/B8) at ground and mezzanine floors and residential units (Use Class C3) and purpose-built student accommodation bed spaces (Use Class Sui Generis) above, with associated access and highway works, amenity areas, cycle, car parking and refuse/recycling stores at 164-196 Trundley's Road and 1-9 Sanford Street, SE8 5JE. **Granted**
- 9 **DC/22/125701:** An application submitted under Section 96a of the Town & Country Planning Act 1990 for a non-material amendment in connection with the planning permission (DC/20/117966) dated 5th November 2021 for the demolition of existing buildings and redevelopment of the site for two new buildings comprising flexible commercial floorspace (Use Class E(g)(iii)/B2/B8) at ground and mezzanine floors and residential units (Use Class C3) and purpose-built student accommodation bed spaces (Use Class Sui Generis) above, with associated access and highway works, amenity areas, cycle, car parking and refuse/ recycling stores at 164-196 Trundley's Road and 1-9 Sanford Street, SE8 **in order to seeks the following amendments:**
- Increase of 11no. student rooms, taking the total from 393 to 404 rooms proposed;
 - Amalgamation of the smaller clusters to create larger 10-bed clusters;
 - An increase in the number of studio units and a reduction in the size of Cluster A from 8-bed to 7-bed;
 - Increase in the shared amenity space at ground, basement and first floor levels; and
 - Increase of 9no. additional long-stay cycle parking spaces at basement level.
- 10 **The above application was withdrawn by the applicant following concerns raised by Officers regarding the amenity of students within 10-bed clusters.**
- 11 **DC/22/127349:** Details submitted pursuant to Condition 53 part a (Retention of Amenity Spaces) of planning permission DC/20/117966 dated 5 November 2021 at 164-196 Trundley's Road and 1-9 Sanford Street, SE8. **Yet to be determined**
- 12 Following the grant of planning permission in 2021, a number of applications have been submitted to discharge the planning conditions and Section 106 agreement obligations.

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3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 13 This application is submitted under Section 96a of the Town & Country Planning Act 1990 (as amended) for a non-material amendment to planning permission DC/20/117966 dated 5 November 2021 in order to allow for an increase of 9no. student rooms, taking the total from 393 to 402 rooms proposed; amalgamate the smaller clusters to create 9-bed clusters in direct response to the preference of universities; increase in the number of studio units to increase the choice of accommodation and a reduction in the size of Cluster A from 8-bed to 7-bed; increase in the shared amenity space at ground, basement and first floor levels; and increase of 7no. additional long-stay cycle parking spaces at basement level at 164-196 Trundley's Road and 1-9 Sanford Street, SE8.
- 14 The changes to the scheme proposed are as follows:
- Increase of 9no. student rooms, taking the total from 393 to 402 rooms proposed;
 - Amalgamation of the smaller clusters to create 9-bed clusters in direct response to the preference of universities;
 - An increase in the number of studio units to increase the choice of accommodation and a reduction in the size of Cluster A from 8-bed to 7-bed;
 - Increase in the shared amenity space at ground, basement and first floor levels; and
 - Increase of 7no. additional long-stay cycle parking spaces at basement level.
- 15 The changes are limited to the student accommodation in Block A. There is no change to the residential (C3) accommodation, nor is there any change proposed to the quantum or quality of the commercial floorspace. Furthermore, the quantum of disabled car parking spaces remains as consented, with minor changes to the cycle parking layout to provide a policy compliant level which are designed in accordance with the requirements of the London Cycle Design Standards.

3.2 PREVIOUS SCHEME

- 16 An earlier NMA application was submitted in February 2022 (ref NO. DC/22/125701) which was subsequently withdrawn following discussions with Officers. This application included the amalgamation of the 5- and 6-bed clusters to create a larger 10-bed cluster which will share a single communal kitchen. Officers raised concerns regarding the amenity of students within the 10-bed cluster and therefore in response, this application seeks to reduce the size of the cluster to 9-beds and creating an additional studio unit. This therefore reduces the number of cluster units sharing the single kitchen to 9no. in total as the studio unit has its own cooking and laundry facilities. These amendments are discussed in further detail below.

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4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

17 The applicant engaged with the LPA to discuss the proposals prior to the submission of a planning application, Officer's advice at the time of the pre-application meeting was that the proposed amendments were likely to result in a marginal improvement in the provision of amenity floor space per unit in each cluster and changes to cluster sizes is largely considered acceptable.

4.2 APPLICATION PUBLICITY

18 No consultations are required to be undertaken for an application made under Section 96a of the Town and Country Planning Act 1990 (as amended).

5 POLICY CONTEXT

5.1 LEGISLATION

19 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).

20 S96A of the 1990 act allows changes to existing permissions providing they are considered to be non-material. In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.

21 If a non-material amendment application is successful, no new planning permission will be created. The original planning permission will still be valid but will be modified as detailed by the non-material amendment decision. Therefore, both decisions will need to be read together

5.2 National Planning Policy Guidance

22 'National Planning Policy Guidance- Flexible Options for Planning Permission states there is no statutory definition of 'non-material'. A determination as to what is material will be dependent upon the context of the overall scheme as an amendment that is non-material in one context may be material in another. The Local Planning Authority must have regard to the effect of the change, together with any previous changes made under Section 96a.

5.3 Local policy

23 In each case whether a change is material is a judgment based on fact and degree, as well as an assessment of the impact of the change on the local environment. The judgment on materiality is always based on the original planning permission. Materiality is considered against the development as a whole, not just part of it. The cumulative

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effects of any previous amendments to the original permission also need to be assessed against the original permission.

24 Officers consider amendments to be non-material if:

- there is no material impact on any neighbours or other statutory or non-statutory bodies, and the amended scheme would still fall within the description of development on the original decision notice and would still comply with our development plan
- there is a reduction in size (in any dimension) and the design and appearance is not compromised
- there is a reduction in the number and size or location of any openings, and this does not compromise the overall design and appearance, particularly in conservation areas.

25 Proposed amendments would not be non-material if:

- they would alter the nature or description of development
- there would be an increase in size (by volume and/or height) to the extent where this would have a material impact on the design, external appearance and/or local amenity
- there would be an increase in the number of openings, or a noticeable increase in size and/or the location of openings, which would affect the proposal's external appearance or result in loss of privacy or amenity to neighbours
- there would be a reduction in design quality owing to a loss of detail or lower quality materials that would affect visual amenity
- the scheme becomes contrary to the Lewisham Development Plan
- it would conflict with any existing planning conditions.

5.4 MATERIAL CONSIDERATIONS

26 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.

27 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.

28 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 aforementioned directions and the test of reasonableness.

5.5 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2021 (NPPF)

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

5.6 DEVELOPMENT PLAN

29 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

5.7 SUPPLEMENTARY PLANNING GUIDANCE

30 London Plan LPG:

- Large-scale Purpose-built Shared Living (draft, 2022)

31 Officers note that the above London Plan Guidance has yet to be formally adopted, consultation on the LPG was carried out between 27 January 2022 and 27 March 2022. The guidance provides information on how to apply London Plan Policy H16 to ensure these developments are of acceptable quality, well-managed and integrated into their surroundings.

32 Given the LPG has yet to be formally adopted the above guidance is given limited weighting in assessing this application.

6 PLANNING CONSIDERATIONS

6.1.1 Summary of main issues

33 The main issues to consider is whether the below amendments would be considered to be non-material:

- Increase of 9no. student rooms, taking the total from 393 to 402 rooms proposed;
- Amalgamation of the smaller clusters to create 9-bed clusters in direct response to the preference of universities;
- An increase in the number of studio units to increase the choice of accommodation and a reduction in the size of Cluster A from 8-bed to 7-bed;
- Increase in the shared amenity space at ground, basement and first floor levels; and
- Increase of 7no. additional long-stay cycle parking spaces at basement level.

6.1.2 Assessment of the proposed changes

34 The proposal includes a number of internal alterations to the approved development, Officers note that the proposed amendments would have no impact on the external envelope of the approved building or its design.

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Quantum and mix of student accommodation

- 35 This application seeks to increase the number of student bedspaces from 393 to 402, this would be the result of minor internal reconfiguration to the size of cluster flats.
- 36 The proposals also seek to provide additional studio units, where students would have larger accommodation with their own kitchen facilities, bathroom and washer/dryer plus an amendment to the consented cluster accommodation. The proposals seek to increase the range of student accommodation available. The original scheme included a mix of cluster and studio units, with the majority of units being situated within clusters of between 5-8 bedspaces.
- 37 According to the planning statement and letter from Homes for Students submitted alongside this application, universities prefer larger clusters of units which share a single communal kitchen, particularly for first year students, as this helps foster a greater sense of community, encourage social interaction and reduces the possibility for social isolation. Clusters of 10 -12 bedspaces have become the industry standard.
- 38 As a direct response to this, the proposals seek to amalgamate the 5- and 6-bed clusters on 2-12th floors to create 9-bed clusters which would share a single communal kitchen.
- 39 Officers note that this is a reduction in the size of the proposed cluster when compared to the previous non-material amendment application (ref DC/22/125701) which was withdrawn following concerns raised by Officers regarding the quality of the amenity space for this cluster; due to its overly large size.
- 40 A comparison between the consented and proposed accommodation mix is set out in Table 1:

Scheme	Number of cluster units	Number of studio units	Total number of units
Consented	365	28	383
Proposed	328	74	402

Table 1 – Comparison between the consented and proposed accommodation in Block A

- 41 Officers consider that the proposals therefore seeks to ensure the accommodation better responds to both the needs of universities and students by providing a greater choice of accommodation types.
- 42 Officers consider given the amalgamation of the 5- and 6-bed clusters on 2-12th floors to create 9-bed clusters would not result in any noticeable external changes and as a result would be non-material in nature. The clear preference from a registered student accommodation provider provides evidence for the requirement of bigger clusters, which is considered acceptable.

Student communal amenity space

- 43 As previously discussed in para 39, as a direct result of concerns raised and discussion at pre-application stage amendments were submitted which amalgamated the 5- and 6-bed clusters on 2-12th floors to create a 9-bed cluster rather than 10-bed cluster in order to reduce the number of students sharing a single kitchen.

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- 44 It should be noted that in the consented scheme, the units within the 5- and 6-bed clusters on 2-12th floors had access to 5.5sqm and 5.4sqm of communal amenity space per unit respectively.
- 45 The proposed 9-bed cluster would have access to a total of 46sqm communal amenity space (comprising shared kitchen & dedicated laundry room). This therefore equates to 5.1sqm per student within this cluster, which is a very minor decrease from the consented position.
- 46 Officers highlight that a cluster with 9-beds is only 1 more unit than the 8-bed clusters which were approved as part of the original planning consent. The 9-bed cluster proposed would also have access to a greater quantum of communal amenity space per room than the units within the 8-bed clusters which benefit from economies of scale: Cluster A has access to 24sqm communal amenity space which equals 3sqm per room and Cluster D has access to 29sqm which equals 3.6sqm per room. Officers recognise that this is a consented position and as such previously considered acceptable.
- 47 Together with the above amendments, the proposal also seeks to increase in the amount of communal amenity space for all clusters to ensure all cluster units have access to a minimum of 4sqm communal amenity space per room. Officers recognise this is a planning benefit which would improve the student communal amenity space throughout block A, and as such is given moderate weight in the planning balance.
- 48 In addition to the above, all units also have access to shared amenity space at basement, ground and first floor level. The proposals seek to increase the amount of shared amenity space in part by introducing a gamer/gaming room at basement floor level, which Officers consider acceptable and non-material. It should be noted that this takes the total shared amenity space at lower floors from 485sqm consented to 515sqm proposed.
- 49 It is important to recognise that there is no universally agreed or used standard for determining the quantum of student amenity space, however the industry standard is typically between 1 – 1.5sqm per student. The applicant has their own design guidance which informs their student schemes, which is detailed in the planning statement submitted alongside this application. The current proposals to increase the number of student bedspaces to 402 exceed the Tribe design guidance, providing 1.3sqm of internal communal amenity space per student when taking into account the amenity spaces at basement, ground and first floor level. Including the external amenity space (203sqm) in this calculation takes the ratio to 1.8sqm.
- 50 Given this application is accompanied by a Letter of Support from Homes for Students who have been advising the applicant on the changes to the scheme since the resolution to grant, Officers consider the proposed amendments to be necessary and non-material in nature.

Cycle Parking

- 51 Officers note in light of the increase in student accommodation bedspaces, the proposals seek to provide an additional 7no. long-stay cycle parking spaces at basement level to ensure the provision of 0.75 spaces per bedroom is maintained in accordance with London Plan Policy T5.
- 52 These spaces will be required to be designed in accordance with the London Cycle Design Standards, a LCDS compliance statement is submitted as part of this application;

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although Officers note that the planning condition relating to cycle storage attached to DC/20/127349 has yet to be discharged, as such Officers make no comment on the acceptability of the cycle storage.

53 The provision of 7no. additional long-stay cycle is considered non-material in nature and could have been provided as part of details submitted for Condition 42 - Cycle Parking.

Affordable Housing Contribution

54 Officers note that the consented scheme (DC/20/117966) included the following:

- 58 conventional C3 residential dwellings (all of which are affordable on a tenure split of 70% low cost rent and 30% intermediate)
- 393 student bedspaces (sui generis) of which 138 were affordable (35% by unit and habitable room)

55 It should be noted that with regards to the affordable offer, the scheme was considered as a whole and achieved 53% affordable housing by unit and 54% by habitable room.

56 There are no proposed changes to the affordable provision as part of the proposed scheme on the basis the scheme as a whole continues to maintain an affordable provision in excess of 50%.

57 The two below tables are extracts of the cover letter submitted by the applicant:

	Student Accommodation		Residential dwellings	Total
	Bedspaces	Equivalent provision (2.5:1 ratio)		
Total no. of units	402	161	58	219 (161 + 58)
Total no. of affordable units	138	55	58	113 (55 + 58)
Affordable percentage by unit				51.6%

Table 2 – Proposed affordable provision by unit

58 The above table sets out the percentage of affordable housing when measured by unit as 51.6%. This has been calculated on the basis that 2.5 student bedspaces are equivalent to 1 residential C3 dwelling, which is the ratio included in the London Plan and draft Lewisham Local Plan. While the proposed affordable provision by unit is slightly lower than the approved scheme 53% vs 51.6% (approved scheme vs proposed scheme), it would still maintain an affordable provision in excess of 50% which is above policy requirement.

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	Student Accommodation	Residential dwellings	Total
Total no. of hab rooms	402	165 (from 58 units)	567
Total no. of affordable hab rooms	138	165	303
Affordable percentage by habitable rooms			53.4%

Table 3 – Proposed affordable provision by habitable room

- 60 Officers note that the number of habitable rooms for the 58 residential dwellings remains as per the consented scheme. The affordable provision across the scheme by habitable room is 53%.
- 61 Officers consider that the proposed affordable housing offer is acceptable on the basis that the overall scheme exceeds the 50% requirement for affordable housing and it is noted that Block B continues to comprise 100% affordable housing.
- 62 There is also no requirement for a deed of variation to the s106 as the legal agreement secures 138 affordable student housing units, and these would continue to be provided.
- 63 There would also be no change to the location of the affordable units which are located on floors 1-5, the affordable units are not disproportionately affected by the proposed amendments.

7 LOCAL FINANCE CONSIDERATIONS

- 64 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).
- 65 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 66 The CIL is therefore a material consideration.
- 67 £1,777,778 Lewisham CIL and £622,222 MCIL (including affordable relief) is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

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8 EQUALITIES CONSIDERATIONS

68 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.

69 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.

70 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.

71 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>

72 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

73 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>

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74 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.

9 HUMAN RIGHTS IMPLICATIONS

75 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:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

76 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.

77 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.

78 This application has the legitimate aim of providing a new building with employment and residential uses. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

79 This application has been considered in the light of policies set out in the development plan and other material considerations.

80 The proposed amendments are limited and are considered to fall within the scope of a non-material amendment. They would not have a material impact upon the nature of the existing planning permission and as such should be approved.

11 RECOMMENDATION

81 That the Committee resolve to **GRANT** a non-material amendment subject to the following conditions and informatives:

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11.1 CONDITIONS

1) DEVELOP IN ACCORDANCE WITH APPROVED PLANS

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

Proposed Plans: 3650-A-04-151 REV P5; 3650-A-04-152 REV P4; 3650-A-04-153 REV P6; 3650-A-04-154 REV P6; 3650-A-04-155 REV P6; 3650-A-04-156 REV P6; 3650-A-04-157 REV P6; 3650-A-04-158 REV P5; 3650-A-04-159 REV P4; 3650-A-04-150 REV P11; 3650-A-04-280 REV P4; 3650-A-04-281 REV P4; 3650-A-04-282-REV P4; 3650-04-283 REV P3; 3650-A-04-150 REV P11; 3650 REV E (Schedule of Accommodation) (Received 29 June 2022)

Which replace,

Approved Plans: 3650-A-04-171 REV P2; 3650-A-04-172 REV P2; 3650-A-04-173 REV P2; 3650-A-04-174 REV P2; 3650-A-04-175 REV P2; 3650-A-04-176 REV P2; 3650-A-04-177 REV P2; 3650-A-04-178 REV P2; 3650-A-04-179 REV P2; 3650-A-04-170 REV P4; 3650-A-04-180 REV P2; 3650-A-04-181 REV P2; 3650-A-04-182 REV P2; 3650-A-04-183 REV P2; 3650-A-04-170 REV P4 (Approved under s96a Ref: DC/21/124255 dated 11 January 2022)

6809-D2900 REV 06 (Schedule of Accommodation) (Approved Ref. DC/20/117966 dated 05 November 2021)

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.

2) CYCLE PARKING

- a) Notwithstanding the hereby approved plans, prior to first occupation, full details of the cycle parking facilities for all uses (long stay and short stay) shall be submitted to and approved in writing by the local planning authority.
- b) All cycle parking spaces shall be provided and made available for use prior to first occupation of the development and maintained thereafter.

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy T5 cycling and Table 10.2 of the London Plan (March 2021) and Policy 14: Sustainable movement and transport of the Core Strategy (2011).

11.2 INFORMATIVES

- 1) The applicant is advised that this permission forms part of the original permission **DC/20/117966** dated **05 November 2021** and the subsequent s96a **DC/21/124255** dated **11 January 2022** all other conditions attached to those permissions are still applicable to the amended scheme.

Furthermore for the avoidance of doubt the following plans and documents attached to the original permission are still relevant:

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3650-A-03-100; 6809-D1100 REV 00; 6809-D1101 REV 00; 6809-D1700 REV 00;
3650-A-04 195; 3650-A-04-196; 3650-A-04-197; 3650-A-04-198; 3650-A-06-220;
3650-A-06-221; 3650-A-06-22; 3650-A-06-223; 3650-A-05-320; 3650-A-05-321;
3650-A-05-322; 6809-D9602 REV 00; 6809-SK-023 REV 00; 6561-SK-024 REV
00; 6561-SK-025 REV 00;
17.334-P-200 REV M; 17.334-P-201 REV F; 17.334.P-202 REV D; 17.334-P-203
REV D; 17.334-P-204 REV A; 20.040-BOSK-00 DR-L-1001; 20.040-BOSK-00-
DR-L-1003 REV P01

12 BACKGROUND PAPER

- (1) Submission Drawings
- (2) Submission technical reports and supporting documents

13 REPORT AUTHOR AND CONTACT

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