



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.

This report has been brought before Committee for a decision at the request of the committee's chair when the planning permission to which this application relates to was approved.

Application details

Application reference number(s): DC/22/127349

Application Date: 27 June 2022

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

Proposal: 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.

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;
 - 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

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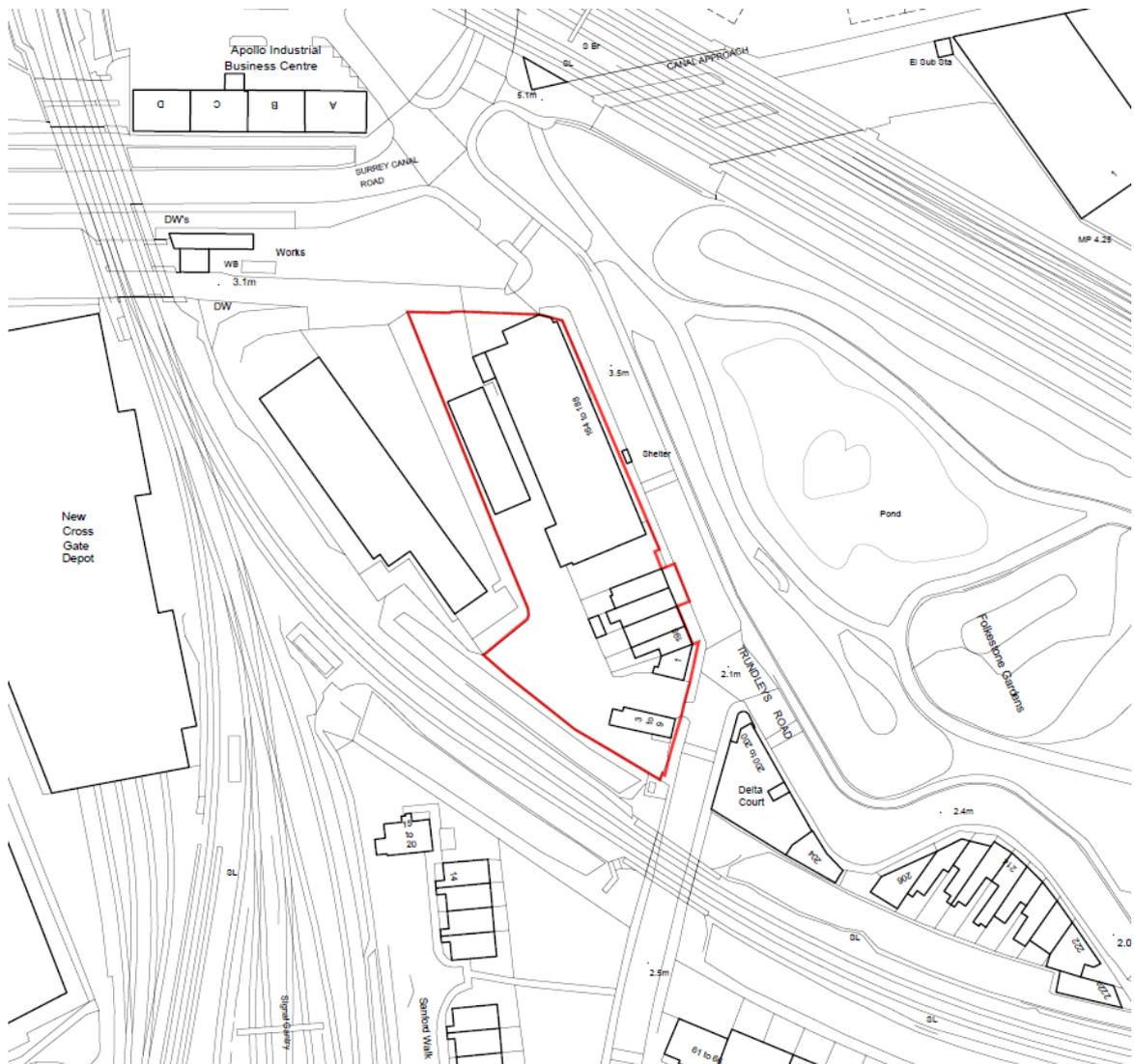
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the Site. However, the emerging context is largely characterised by new mixed-use employment and residential developments that are forthcoming in the vicinity of the Site.

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 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.

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- 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 bedspaces (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 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.
- 10 **DC/22/127348:** 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. **Yet to be determined**

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 11 This application relates to 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.

4 CONSULTATION

4.1 APPLICATION PUBLICITY

- 12 No public consultation is required to discharge conditions.

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5 POLICY CONTEXT

5.1 LEGISLATION

- 13 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).
- 14 The consented scheme ref. DC/20/117966 was determined in accordance with the statutory development plan and taking into account all material planning considerations. This application for Approval of Details is not a planning application, the legislation for this application is under S74A (2) of the TCPA 1990. This section applies to a condition which—
- (a) has been imposed on the grant of planning permission for the development of land in England, and
 - (b) requires the consent, agreement or approval of a local planning authority to any matter, and
- 15 The application was received on 27 June 2022 and the LPA must give notice to the applicant of their decision on the application within a period of 8 weeks beginning with the day immediately following that on which the application is received by the authority, or such longer period as may be agreed by the applicant and the authority in writing
- 16 Where a local planning authority fails to determine an application for approval under a planning condition within the prescribed period, the applicant is treated as having received that approval from the local planning authority, subject to certain exemptions (deemed discharge). (Part 5 Town and Country Planning (Development Management Procedure) (England) Order 2015 (SI 2015/595))
- 17 The condition in this case seeks for specific information in relation to amenity space. The details are assessed below.

5.2 MATERIAL CONSIDERATIONS

- 18 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.
- 19 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.
- 20 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.

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5.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

5.4 DEVELOPMENT PLAN

21 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)

6 PLANNING CONSIDERATIONS

22 Condition 53 is attached to the planning permission which was granted on 05 November 2021 (planning reference DC/20/117966). The wording of the relevant condition is set out below:

a) Prior to occupation of the Student Housing, details of all communal space, including but not limited to kitchens, lounges, launderette, study/workspace and outdoor spaces shall be submitted to and approved by the local planning authority. The development shall be constructed and retained in accordance with the approved details permanently for the benefit of the student occupiers.

b) The whole of the residential amenity spaces (including balconies and terraces) of the Affordable Housing approved shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

Reason: In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with Policy 15 High quality design for Lewisham of the Lewisham Core Strategy (June 2011) and DM Policy 32 Housing Design, layout and space standards of the Development Management Local Plan (November 2014).

6.1.1 Condition 53 (Retention of Amenity Spaces)

23 To discharge this condition the applicant submitted a design statement which included details of the amenity spaces to each cluster unit, shared amenity spaces including games room, study areas, garden space and shared cooking areas.

24 Officers note that for the design of student amenity areas there is no universally agreed standards, however an industry standard of 1-1.5sqm per student is often considered an acceptable standard. This sets a standard of 1.5sqm of internal amenity space per student for schemes of under 400 units and of 1.25sqm for schemes which include 400 or more bedspaces which benefit from economies of scale. The design and use of the amenity areas depends upon the quality of the design and the creation of well-laid out spaces that enhance and add to the student experience.

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- 25 According to the submitted design statement the design of the student amenity areas for the approved scheme it has been reviewed against the TRIBE design matrix as well as HMO, London Plan and relevant design standards. The current scheme proposal would provide a shared student amenity area ratio per student of 1.3sqm, and an overall quantum of amenity area of 5.2sqm per student bed space.
- 26 The proposals seek to provide a range of high quality communal amenity space for students all of which have been designed to a high quality by an interior architect and use high quality furniture and finishes.
- 27 The design statement includes photographs of the amenity areas of the student accommodation, they clearly demonstrate that the amenity areas will be of a very high design quality and have an appropriate level of space per cluster flat.
- 28 The details submitted cover the following shared amenity areas:
- Student lounge at ground floor;
 - Games area at Level 1;
 - Study rooms at Level 1;
 - External amenity space at Level 1;
 - Gaming/gamer room at Level 1;
 - Laundry facilities;
 - Communal kitchens serving the cluster units
- 29 The studio units have access to their own cooking facilities within the unit itself, whereas the units within a cluster will share kitchen facilities with other units within their cluster.
- 30 The size of cluster units are a range of 6-, 7- and 8- and 9-bed clusters across the scheme. The larger cluster units are in direct response to the preferences of universities who 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 encourages social interaction and reduces the possibility for social isolation.
- 31 Officers note that the communal kitchens have been designed in accordance with the guidance for HMOs to ensure that there are sufficient facilities and amenities for the number of people using the kitchen, including in terms of the number of ovens, fridges and dining furniture for example. All cluster units are served by at least 4sqm of communal amenity space for that unit (when taking into account the communal kitchens and laundry facilities) and the average across the scheme is 4.6sqm per student (1,590sqm of amenity space at upper floors shared between 339 units). The largest of the cluster units (9-bed) is served by 46sqm of communal amenity space, equating to 5.1sqm per unit.
- 32 All units will also have access to the shared amenity spaces at ground and first floor level as highlighted above. These spaces have been designed to be of a high quality, flexible and usable for future residents and equates to a total of 515sqm
- 33 It should be noted that this application to discharge Condition 53 is submitted in conjunction with a non-material amendment application (DC/22/127348) to increase the number of student bedspaces to 402 and therefore the benchmark of 1.25sqm applies. The proposals exceed this by providing 1.3sqm of internal communal amenity space per student when taking into account the amenity spaces at basement, ground and first floor

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level. Including the external amenity space (203sqm) in this calculation takes the ratio to 1.8sqm.

- 34 Furthermore, when taking into account all other amenity spaces (including shared kitchens, laundry rooms and external amenity space), the quantum of amenity space equates to 5.2sqm per student bedspace.
- 35 The games space has been located and orientated to maximise views of Folkestone Gardens and provide a good outlook and amenity for future residents. While the study rooms will include desk and computer space for private workspace, as well as flexible spaces and meeting rooms for opportunities for larger group work.
- 36 Officers are satisfied that the submitted details demonstrates that the approved student accommodation would be of a high design quality and provide a level of amenity which is now regarded as standard in the student accommodation sector.

7 LOCAL FINANCE CONSIDERATIONS

- 37 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).

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

39 The CIL is not liable on this application and as such is not a material consideration.

8 EQUALITIES CONSIDERATIONS

40 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.

41 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.

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- 42 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.
- 43 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>
- 44 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
- 45 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>
- 46 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

- 47 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

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- 48 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.
- 49 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.
- 50 The rights potentially engaged by this application, including Article 8: Respect for your private and family life, home and correspondence; Protocol 1, Article 1: Right to peaceful enjoyment of your property are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

- 51 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 52 In assessment of the details submitted to discharge Condition 53 Officers consider that the overall amenity space offer for students is of a high quality and successfully responds to the needs of future occupiers.

11 RECOMMENDATION

- 53 That the Committee resolve to **GRANT** discharge of Condition 53 (Retention of Amenity Spaces) subject to the informatives as set out in this report.

11.1 INFORMATIVES

- 1) Please be advised that the drawings submitted for this application, namely the design statement have been assessed only in relation to the conditions as referred to on this application and do not provide acceptance or otherwise pertaining to any other outstanding conditions or subsequent applications.
- 2) **Remaining Conditions to be Discharged**

The applicant is reminded that the following conditions are still outstanding and needs to be discharged:

 - Condition 4 - Materials
 - Condition 5 - Soft Landscaping
 - Condition 6 Hard Landscaping (excluding Section 278 works)
 - Condition 8 - Commercial Frontage Design
 - Condition 9 - Details of Screening (Student and Residential Amenity Interface)
 - Condition 12 (b) – Details of Demolition, Excavation and Construction Works;
 - Condition 12 (b) – Details of Demolition, Excavation and Construction Works
 - Condition 23 – Site Contamination (remaining parts)

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- Condition 24 - Thames Water (Waster Water)
- Condition 25 - Thames Water (Water)
- Condition 26 - Secured by Design
- Condition 28 - Fire Statement
- Condition 31(c) - Living Roof Details
- Condition 33 - Lighting Strategy
- Condition 34 - Lighting Strategy
- Condition 35 - Ecological Benefits
- Condition 38 - Refuse Management Plan
- Condition 40 - Delivery and Servicing Management Plan
- Condition 41 - Electric Vehicle Charging Points
- Condition 42 - Cycle Parking
- Condition 43 - Heat Interface Unit Specification
- Condition 44 - Mechanical Ventilation System
- Condition 45 - Details of Shutters
- Condition 47 - Fixed Plant Nose Control
- Condition 49 - Winter Garden Screens
- Condition 50(b) - BREEAM (Commercial Units)
- Condition 50(c) - BREEAM (Commercial Units)
- Condition 54 - Open Space Management and Maintenance Plan
- Condition 53 - Details of Drainage
- Condition 57 - Resident's Information Pack
- Condition 58 - Dust, Noise and Vibration Management Plan
- Condition 61(c)&(d) – Radio & GSMR infrastructure

12 BACKGROUND PAPERS

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

13 REPORT AUTHOR AND CONTACT

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