

MINUTES OF THE PLANNING COMMITTEE B

Thursday, 13 June 2024 at 7.00 pm

PRESENT: Councillors Jack Lavery (Chair), John Muldoon, Stephen Penfold and James Rathbone

MEMBER(S) OF THE COMMITTEE ATTENDING REMOTELY: Councillor Hau-Yu Tam.

MEMBERS ATTENDING UNDER STANDING ORDERS: Councillor Rosie Parry, and Councillor Mark Ingleby.

OFFICERS PRESENT IN PERSON: Head of Legal Services & Deputy Monitoring Officer, Planning Team Leader, Principal Planning Officer, Committee Officer and Senior Committee Manager.

Apologies for absence were received from Councillor Oana Olaru-Holmes, Councillor Suzannah Clarke and Councillor Sophie Davis.

1. Minutes

RESOLVED that minutes of meeting of 29 February 2024 and 27 March 2024 be confirmed and agreed as accurate records.

2. Declarations of Interests

There was no interest declared at the meeting. It was however noted that the Chair, Councillor Jack Lavery, received documents via email in relation to Item 3, "5-9 Creekside, London, SE8 4SA" which he advised were shared to Members of the Committee prior to the meeting. Councillor John Muldoon stated that he also received an email from the applicant in relation to the Item prior to the meeting.

3. 5-9 CREEKSIDE, LONDON SE8 4SA

3.1 The Principal Planning Officer presented the report at the meeting and gave an illustrative outline of the context of the aerial site's plan and the environmental surrounds,

3.1.1 The Officer advised the Committee that the proposal was for the demolition of existing buildings at 5-9 Creekside, SE8, and to redevelop the site thereafter. It was stated that the redevelopment of the proposed site would deliver a part5/ part7-storey building, together with public realm works and landscaping measures with the following specifications:

- 3101sqm employment floor space
- 231 student bedspaces, of which 35% would be affordable
- 172 long and short stay cycle parking spaces
- On-street loading bay

- 2 Blue Badge parking bays
- 3.2. The Committee noted the report and the relevant planning considerations specific to the proposal. T
- 3.2.1 The Committee also noted that the following updates and amendments were contained in the addendum to the main report:
- An affordability workspace on-site financial contribution by the applicant of £130,556 to replace the original offer of the 10% provision that was proposed under paragraph 264 in the original report;
 - The provision of a Community Art Fund contribution of £20,000 by the applicant which would be secured in a Section 106 Agreement;
 - The addition of planning Condition 60, which required the submission of details of a fire hydrant on the proposed site; and
 - Amendments to the winter readings in paragraphs 485-487 in the main report.
- 3.3 Speaking on the proposal, the Committee asked questions on the following matters:
- (a) *Timeframe for delivering affordable workspace.* The Officer advised the Committee as follows:
- That affordable workspace rents would be maintained below the market rate in perpetuity, and the discounted arrangements for that would be secured by a Section 106 Agreement.
- (b) *To clarify how affordable rent as outlined in the report would apply to the students' accommodation.* The Officer advised the Committee as follows:
- That the arrangement complied with the London Plan policy because the units to be delivered at the rental cost for the academic year would equal to or set below 55% of the maximum income which a full-time student studying in London and living away from home would receive under the Government's initiative.
- (c) *Whether there was a particular need in Lewisham for students' accommodation, as opposed a London-wide need.* The Officer advised the Committee as follows:
- That the London Plan specified a target of achieving three and a half thousand bedspaces per annum, but with no particular cap. Thus, each London borough should decide how to contribute to the annual target. Considering that, the provision of accommodation in Lewisham included students' dwellings, and that formed part of the Council's core strategy for delivering bedspaces in Lewisham.

(d) *To clarify statement about groundwater flood risk as outlined under paragraph 597 in the main report.* The Officer advised the Committee as follows:

- That the Lewisham Strategic Flood Risks Assessment identified that “no significant known issues with groundwater flooding had been identified across the Borough.”
- That following extensive pre-application discussions relating to flood risk, the Council and the Environment Agency raised no objection because they were satisfied that the details submitted by the applicant were adequate. Notwithstanding that, the Council had decided to the details by imposing Condition 15 to mitigate against any potential flood risk.

(e) *Concerns by Thames Water regarding the supply of water to the proposed development.* The Officer advised the Committee as follows:

- That except for Enabling Works, Condition 42 would ensure that the proposed construction work would not commence until impact studies of the existing water supply infrastructure had been undertaken by the applicant and submitted to the Council.
- That the Council would use the details of the findings from the studies to be undertaken by the applicant to further consult with Thames Water.
- That once Thames Water was satisfied that the requirements of the water supply network system had been complied with, the Council would approve the discharge of the water supply infrastructure.

(f) *Clarification of statement under paragraph 407 of the main report in relation to parking provision for designated wheelchairs on the proposed site.* The Officer advised the Committee as follows:

- That the proposed development would be car free.
- That the London Plan had no requirement to secure Blue Badge bays for students’ accommodation and provided no guidance for prohibiting the delivery of such provision.

3.4 The Committee also noted representations made on behalf of the applicant as follows:

- That the proposal stemmed from findings relating to conditional structural surveys which highlighted the fact that the existing building on the proposed site had passed its lifespan and was in disrepair.
- That the financial contribution by the applicant under Section 106 Agreement would benefit local people in Lewisham because of the proposed development.
- That the scope of engagement activities undertaken by the applicant included consultations with ward Councillors, and relevant

businesses in the local community, including Lewisham Council officers, and officials at the Art Hub Studios and the Trinity Laban establishment.

- That the applicant hoped that the Committee should approve the recommendation and grant the planning permission because concerns which arose from the consultations about the height of the proposed building, and daylight and sunlight levels were considered, and adjustments had been made to ensure compliance with the relevant planning policies.

3.5 The representatives of the applicant made clarifications to the Committee regarding the following matters:

(a) *The number of accessible affordable units to be delivered in the overall scheme should a wheelchair student require the use a mobility vehicle.* The representatives advised the Committee as follows:

- That it was normal that a very low percentage of wheelchair users required accommodation across the applicant's portfolio of 4000 beds. However, the applicant was committed to inclusivity and equality and would provide 35% of the wheelchair affordable units across the scheme.

(b) *The scope of implementing the proposed purpose-built students' affordable units.* The representatives advised the Committee as follows:

- That the applicant recognised that the demand for purpose-built students' affordable units across the country was creating shortages of family homes. It was stated that the reason for that was because students were resorting to live in Houses of Multiple Occupations (HMOs).
- That although the applicant had committed to partner with Trinity Laban for 26 years, given that the demand for students' accommodation outweighed the supply, the proposal would not be restricted in ways to exclude students from other educational establishments across Lewisham and the neighbouring boroughs, including Greenwich University.

3.6 The meeting was addressed by two individuals on behalf of Artist at *Perpetuity Trust (APT)*. The representatives advised the Committee that they were objecting to the proposal because of the following reasons:

- That the applicant failed to sustain a meaningful relationship with APT Studios, despite suggestions by the local Planning Authority for that to happen.
- That despite marking APT Studios as a key stakeholder in one of their glossy brochures, the applicant had ignored concerns and

suggestions expressed by artists and officials at APT Studios during pre-application discussions.

- That the sunlight and daylight details relied upon in the report was misleading because distorted images were used in assessing the aerial view of APT's Studios premises.
- That the proposal failed to demonstrate how the basement excavation work to be carried out on the proposed site would prevent long-term groundwater flooding in the area.

3.6.1 The objectors from APT Studios also responded to questions raised by clarifying the following to the Committee:

- That when they requested a copy of the sunlight/daylight report, the applicant's response was that there was no obligation to provide the details because APT Studios were operating a commercial business.
- That when APT Studios got sight of the sunlight/daylight report, it was found that Google Earth Satellite Computer Graphic Images (CGIs) were relied upon. Thus, the assessment failed to show that the premises of APT Studios had unique levels of natural daylight.
- That APT Studios had initial discussions with the applicant for compensation because of the following reasons:
 - Loss of sunlight and daylight. It was stated that APT Studios would require new brighter gallery lighting / studios to assist them enhance the light internal areas where overshadowing would occur because of the proposed development.
 - Loss of earnings. It was stated that APT Studios relied on the income received through artists hiring the gallery to exhibit work, and from tenants. Thus, APT Studios were concerned their income generating programmes would be adversely affected by traffic, noise, and dust levels because of their premises would be closed for a significant amount of time because of the proposed development works.

3.7 The meeting was also addressed by Councillor Rosie Parry in her capacity as a Deptford Ward Member. Councillor Parry pointed out that she was not speaking as an advocate on behalf of Art Hub Studios and Gallery but recognised that they were the first to reach out to ward Councillors with concerns that they would forfeit affordable work spaces because of the proposed development taking place.

3.7.1 Councillor Parry expressed satisfaction of that consultation by the applicant's team was satisfactory, and that she was pleased with efforts by Council staff who were involved in exploring options to mitigate against the impact of the proposed development on local art galleries and studios. She stated that she was therefore assured that a lot of discussions took place between residents and the applicant's team. Councillor Parry requested that the notwithstanding that, she Committee should ensure a workable and sustainable situation for funding to keep studios and gallery spaces likely to

be affected by the proposed development in operation as vital community assets in Lewisham.

3.8 In deliberating on submissions made, the Committee sought further clarifications from the applicant's team, including their Sunlight/Daylight expert, the objectors, and Officers. The following were considered:

(a) *Whether the applicant would consider making a financial contribution to APT Studios because of potential detriment of daylight and sunlight into their art galleries.* The applicant's team responded to the Committee as follows:

- That after extensive studies by experts, there was no evidence to contradict the details outlined in the daylight-sunlight report submitted with the planning application.
- That the applicant had been open and honest with APT Studios that there was no legal requirement to necessitate the testing of daylight and sunlight impact on commercial buildings. Therefore, the applicant could not justify in planning policy terms why a Section 106 contribution should be made to APT Studios who were operating as a business entity in non-residential premises.

(b) *Whether APT Studios had provided a quotation about the amount of financial compensation required to mitigate against the impact of the proposed development on their business.* The objectors responded to the Committee as follows:

- That at the first meeting with the applicant's representatives, APT Studios discussed some of their concerns, and suggested a few considerations that could help to mitigate the impact of the proposed development on their business. However, the issue about compensation was not brought up as those discussions were part of the initial thought process.

(c) *An assurance that groundwater flooding and potential loss of daylight/sunlight had been adequately considered.* The Officer responded to the Committee as follows:

- That Condition 15 required that no development above ground level would commence on site until a scheme for surface water management, including specifications of the surface treatments and sustainable urban drainage solutions were submitted to, and approved in writing by local Planning Authority.
- That an assessment was made of commercial buildings likely to be affected by the proposed development following discussions at local meetings last year, and specific to APT premises it was concluded:
 - That the plastic nature of the roof material would not be taken into consideration as they were slanted and not

facing towards the proposed site. Therefore, it was unlikely that studios and galleries would be overshadowed because of the proposed development.

- That the Building Research Establishment (BRE) guidelines required that consideration should not be given to employment and commercial premises, and the Council had no policy contrary to that.

3.8.1 In light of a comment by the Committee to an earlier submission by the applicant's team, the objectors made further clarifications as follows:

- That the CGIs relied upon in the daylight/sunlight report failed to show the glass windows through which natural light rays penetrated the premises of APT Studios via the roof top because they were captured at a time when the building's solid metal roof shutters were closed.
- That the artists totally relied on light. Therefore, light quality was important at APT Studios.
- That APT Studios were operating to a gallery that was free to access by members of the public.

3.8.2 The following summations for a decision on the application were noted at the meeting:

- (a) The Committee pointed out that the disabled parking bay, which the report stated would be delivered by the applicant was misleading because it was on the public highway and owned by the Lewisham Council. Therefore, it could not be reserved for potential occupants. However, although the provision was desirable to be delivered on the proposed site, it would be unrealistic at the point in time to suggest that the applicant should revise the building design at this stage.
- (b) The Committee was unconvinced that the concern about groundwater flooding would be resolved solely by Condition 15 requirements, and it suggested that Condition 33 should form part of the mitigation measures. Considering that, the Committee suggested that word, "groundwater", should be added to both conditions as an assurance that the applicant would consider the potential for flooding onto neighbouring buildings during evacuation works on the proposed site.
- (c) The Committee was convinced that there would be detrimental effects to APT Studios' operations during construction on the proposed site. Considering that, and acknowledging that it was not legally enforceable, the Committee felt that it would be reasonable to expect that the applicant would continue dialogue with APT Studios, with a view to agreeing a financial compensation to mitigate against the detrimental impacts as a matter of goodwill.

3.8.3 Following a direction from the Chair, Councillor Muldoon proposed the recommendations in the report subject to suggestions for funding to

mitigate against the risks of groundwater flooding, and that a dialogue would continue for an agreement to be reached regarding compensation for detrimental impacts on APT's business operations because of the proposed development. The motion was seconded by Councillor Penfold and voted upon.

The Committee

RESOLVED unanimously to **GRANT** planning permission subject to the completion of a S106 Legal Agreement, and the conditions and informatives outlined in the report, subject to the following requirements:

1. To revise conditions 15 and 33 to ensure that when undertaking the proposed excavation works, the applicant consider the impact of ground water a result of the proposals on the proposed site and onto neighbouring properties.
2. To add an informative so that the applicant will continue dialogue with officials at the Art in Perpetuity Trust Agency, with a possibility to agree a financial compensation for the impact on light and inconvenience that might arise as a result of the proposed development and during the construction of works.

4. 135 MINARD ROAD, LONDON, SE6 1NN

- 4.1 The Committee received an illustrative presentation to the report by the Principal Planning Officer, with a suggestion that it should grant for retrospective planning permission for the erection of a single storey rear extension at 135 Minard Road SE6 1NN.
- 4.2 In discussing the proposal, the Committee heard objections by a resident who addressed the meeting via remote access, and submissions made by Councillor Mark Ingleby as a Member of the Hither Green Ward.
- 4.3. In considering the report and submissions made at the meeting, the Committee expressed a view that the application was not in compliance to policy requirements regarding design quality and height. Considering that, , Councillor James Rathbone proposed that the Committee should refuse the application. The proposal was seconded by Councillor Stephen Penfold and voted upon.

The Committee

Unanimously RESOLVED to REFUSE retrospective planning application for the erection of a single storey rear extension at 135 Minard Road SE6 1NN on the basis:

1. That the extension exceeds the Council's Supplementary Planning Documents in relation to building heights' recommendation for rear extensions in conjunction to poor design quality, use of inappropriate

materials and overall, not in keeping with the design of the host property and properties in the wider terrace.

2. That the excessive height and scale of the extension impact on the neighbouring amenity of the adjoining residential properties in terms of loss of daylight/sunlight and outlook.

The meeting closed at 9.25pm

Chair