

Committee	STRATEGIC PLANNING COMMITTEE	
Report Title	ADDENDUM REPORT - LEWISHAM GATEWAY, LEWISHAM HIGH STREET, LONDON, SE13	
Ward	Lewisham Central / Blackheath	
Contributors	Gareth Clegg	
Class	PART 1	14 FEBRUARY 2019

Reg. Nos.

DC/18/109819

Application dated

29.11.2018

Applicant

Richard Hesketh, Quod on behalf of Lewisham Gateway Developments Ltd

Proposal

Approval of Reserved Matters for Blocks C (part 3/10/12 storeys), D1 (16-19 storeys), D2 (30 storeys) and E (4 storeys) to provide a total of 530 residential units (comprising 16 studio units, 238 one-bedroom units, 271 two-bedroom units and 5 three-bedroom units), 6,308m² (GEA) of co-living floorspace (comprising 119 co-living units and communal facilities (Use Class sui generis)), 4,381m² (GEA) of retail/restaurant/cafe, floorspace (Use Class A1 and/or A3), 1,525m² (GEA) of co-working floorspace (Use Class B1), a cinema, (2,472m² GEA) and gym (1,606m² GEA) (Use Class D2), and associated hard and soft landscaping works, pursuant to condition 2, relating to layout, scale, appearance and landscaping for the comprehensive mixed use redevelopment of the outline approval DC/18/105218 (granted on 29 November 2018) under Section 73 of the Town & Country Planning Act 1990 as a Minor Material Amendment in connection with the planning permission DC/06/62375 (granted on 8 May 2009) for the comprehensive mixed use redevelopment of the Lewisham Gateway Site, SE13 (land between Rennell Street and Lewisham Railway Station) for up to 100,000m² comprising retail (A1, A2, A3, A4 and A5), offices (B1), hotel (C1), residential (C3), education/health (D1) and leisure (D2) with parking and associated infrastructure, as well as open space and water features.

Background Papers

- (1) Case File LE/152/Z/TP
- (2) Local Development Framework Documents
 - Core Strategy
 - Development Management Local Plan
 - Lewisham Town Centre Local Plan

- (3) The London Plan
- (4) NPPF

Designation

Core Strategy – Strategic Site Allocation 6, Lewisham Town Centre, Area of Archaeological Priority, Flood Risk Zones 2 and 3, Major District Centre

Screening

Scoping Note on reserved matters EIA Conformity Report issued by Applicant 26 September 2018. Response issued 17 October 2018.

1.0 Introduction

- 1.1 This addendum report outlines additional consultee comments received following the publication of the Committee Report.

2.0 Additional Representations

- 2.1 Following publication of the Committee Report, a further response from Transport for London (TfL) was received. This was in response to the Planning Clarifications document (Public Realm Access & Cycle Strategy, 22 January 2019) that the applicant submitted in response to TfL's comments on the application (as reported within the Committee Report).
- 2.2 TfL have confirmed that the Planning Clarifications document addresses the majority of issues raised within their comments. TfL have indicated that they would be pleased to review future applications to discharge relevant conditions, particularly in relation to the Waste Strategy (2018 s.73 permission, Condition 45) and the Detailed Servicing and Management Strategy (Reserved Matters application, proposed Condition 5).
- 2.3 TfL note that the east-west route that runs through Confluence Place connecting Molesworth Street to Lewisham High Street would operate as a shared space for both pedestrians and cyclists, and that the cycle dismount strategy would not apply to this route. TfL do however express disappointment that this would not also apply to the north-south Retail Street route. In relation to this, Officers do not consider that the provision of a shared space to Retail Street is necessary to facilitate effective cycle access through the site, recognising that alternative north-south routes exist via Molesworth Street and Lewisham High Street. The new east-west route through Confluence Place will significantly improve cyclist movement between these existing routes and Lewisham Station / DLR. In addition, recognising the limited width of Retail Street, combined with the level of pedestrian throughflow anticipated, and the extent of active frontage established via the proposed retail units fronting this route, it is considered that it is appropriate to require cyclists to dismount when moving through Retail Street.
- 2.4 TfL also restate their previous comments in relation to the lack of provision of dedicated long stay cycle parking for future residents. As set out within the

Committee Report (paragraph 7.130), this approach was previously agreed in relation to Phases 1A and 1B, and it is for this reason that the s.106 agreement makes provision for folding bicycles to be provided to each of the residential apartments. Given the constraints of the site, this is accepted by officers.

3.0 Equalities Considerations and Human Rights

3.1 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.

3.2 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.

3.3 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.

3.4 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>

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

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

- 3.6 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>
- 3.7 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 no impact on equality.

Human Rights Implications

- 3.8 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:-
- Right to a fair trial
 - Respect for your private and family life, home and correspondence
 - Peaceful enjoyment of one's property
- 3.9 The main and 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.
- 3.10 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with 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.
- 3.11 This application has the legitimate aim of providing residential uses. The rights potentially engaged by this application, are not considered to be unlawfully interfered with by this proposal.

4.0 Other Matters

- 4.1 The Committee Report states at paragraph 2.1 that the Phase 2 reserved matters application comprises an area of approximately 1.56 hectares. The applicant has confirmed that this figure is an error, and that the Phase 2 reserved matters application comprises an area of approximately 1.09 hectares. This is highlighted for the purposes of factual accuracy only, and there are no implications of this correction for the assessment of the application or the Officer recommendation.

5.0 Conclusion

- 5.1 It is not considered that TfL's additional comments raise considerations which have not already been taken in to account as part of the Officer's appraisal of this application, as set out within the Committee Report. As such no changes to the Officer recommendation or conditions are considered necessary.