

Planning Board	Agenda Item: 4
2 February 2020	Reference Nos: 20/3455/MA

Applicant: Linea Homes

Agent: HGH Consulting

Site Address: 39 Greenwich High Road, Greenwich, London, SE10 8JL	Ward: West Greenwich Application Type: Minor Material Amendment
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I.0 Recommendation

I.1 The Board is requested to resolve to grant conditional Planning Permission, as outlined below:

- An application submitted under Section 73 of the Town & Country Planning Act 1990 for a minor material amendment in connection with the planning permission 19/3038/F, dated 21/08/20 for the demolition of existing building and redevelopment of the site to provide a five-storey mixed-use scheme comprising flexible commercial floorspace (A1/A2/B1/D1) at ground floor and 20 residential units above as well as associated plant, cycle storage and refuse provision, to allow amendments to the internal layout and approved unit mix, together with changes to the external brick finish and other minor fenestration amendments.

I.2 Subject to:

- (i) The conditions set out in Appendix 2 of this report;
- (ii) The prior completion of a Deed of Variation to the Section 106 Legal Agreement dated 21 August 2020 containing the planning obligations as summarised in the heads of terms set out in Section 16 of this report, any addendums and the minutes of this Planning Board meeting;
- (iii) To authorise the Assistant Director of Planning & Building Control to:
 - a. make any minor changes to the detailed wording of the recommended conditions as set out in this report (Appendix 2) and its addendums, where the Assistant Director of Planning & Building Control considers it appropriate, before issuing the decision notice; and

- b. finalise the detailed terms of the planning obligations pursuant to the deed of variation s106 legal agreement, as set out in this report (Section 16) and its addendums.
- (iv) In the event that the Deed of Variation Section 106 Agreement is not completed within three (3) months of the date of this Planning Board meeting, to authorise the Assistant Director of Planning & Building Control to consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured, and if so, to determine the application with reasons for refusal which will include the following:

In the absence of a legal agreement to secure Affordable Housing and financial and non-financial contributions including for Employment, Skills and Training, Highways, Energy and delivering public realm improvements, the development fails to maximise the delivery of affordable housing and fails to mitigate its impact on local services, amenities and infrastructure contrary to policies H3, IM1 and EA(c) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (Adopted July 2014) and the Planning obligations (s106) Guidance SPD (Adopted July 2015).

2.0 **Summary**

2.1 Detailed below is a summary of the application:

The Site	
Site Area (m ²)	443m ²
Heritage Assets	<ul style="list-style-type: none"> – Grade II Listed Mumford’s Mills located approximately 67m to the west; – Grade II Listed 2 Burgos Grove approximately 40m to the south; and – Grade II Miller General Hospital approximately 55m to the west.
Tree Preservation Order	No
Flood Risk Zone	Zone 3 - Area benefiting from flood defences

Housing		
Density	Habitable Unit/Hectare	451 u/ha
	Habitable Rooms/ Hectare	1295 hr/ha

Dwelling Mix	1-bed (no. / %)	4 / 20%
	2-bed (no. / %)	14 / 70%
	3-bed (no. / %)	2 / 10%
Affordable Housing / Tenure Split	Overall Affordable Housing (no. / %)	10 / 50%
	Social Rent (no. / %)	7 / (70% of AH)
	Intermediate / Shared Ownership (no. / %)	3 / 10% (30% of AH)
	Private (no. / %)	10 / 50%
	Commuted Sum	N/A
Housing Standards	Complies with Technical housing standards – nationally described space standard and London Plan standards?	Development is considered generally compliant bar a few minor shortfalls. See Section 12 for full discussion.

Non-Residential Uses
Proposed ground floor commercial use is unchanged in the current submission (Consented for A1/A2/B1/D1 uses).

Public Consultation	
Number in support	0
Number of objections	1
Number of comments	0
Main issues raised by objectors - These are addressed in Section 6 (Consultations) and throughout Sections 9-19 (Main Considerations).	Encroachment of proposed building into adjacent property.

2.2 The application is considered acceptable and is recommended for approval, subject to the conditions listed in Appendix 2 and satisfactory completion of a deed of variation to the legal agreement.

3.0 Site and surroundings (in detail)

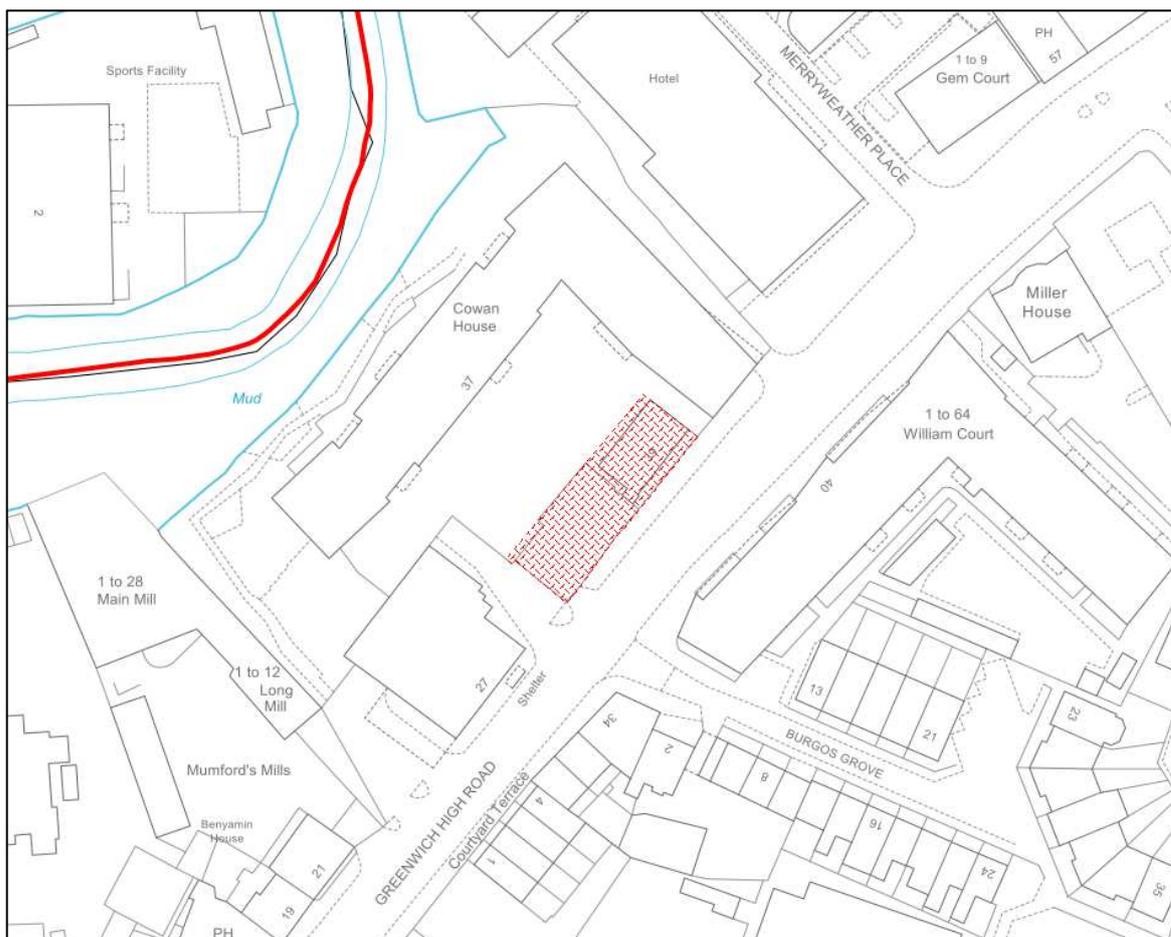


Figure 1: Site Plan

- 3.1 The application site is located to the south of Deptford Creek (a Site of Nature Conservation Importance) and fronts onto the northern side of Greenwich High Road. The site is roughly rectangular in shape, covering an area of 0.044ha and lies on a northeast/southwest axis. Greenwich Town Centre is located some 900 metres to the east.
- 3.2 The site is currently occupied by a three-storey office building on its north eastern half, with associated car parking located to the south west of this. The building is currently occupied by Live in Guardians following issues with squatters. Prior to this the building was vacant for several years.
- 3.3 Direct pedestrian and vehicular access is gained from Greenwich High Road. The car park is predominately hard surfaced.
- 3.4 The site benefits from a relatively high level of public transport provision and pedestrian routes, with a Public Transport Accessibility Level (PTAL) of 5, on a scale of 0-6b with 6b being the most accessible. It is situated approximately 214m from Deptford Bridge DLR Station, which is a 4-minute walk to the south-west, providing services to Bank and Lewisham. In addition, the site is

located approximately 600m (7-minute walk) from Greenwich DLR station and Greenwich mainline railway station providing services to Central London, Dartford, Luton and Rainham. The nearest bus stops on Greenwich High Road are located within 60m, serving Route 177, which provides services to Thamesmead and Peckham. A more varied number of routes are available adjacent to Deptford Bridge Station.

- 3.5 The site is located within the Greenwich Town Centre Controlled Parking Zone (CPZ) which operates Monday-Saturday between the hours 09.00-17.00 and on Sundays between 09.00 and 18.00. It is not located within a conservation area, but is sited opposite the Ashburnham Triangle Conservation Area. There are also several listed buildings within the immediate vicinity of the site. There are no relevant Article (4) Directions in place.
- 3.6 The immediate surrounding area comprises predominantly residential properties to the south and east, made up of three and four storey flatted developments. The area is characterised by a range of building styles and heights. Nearby land uses include retail, residential, commercial, leisure and tourism, community and education. The area is generally urban in character.
- 3.7 Immediately to the north and east of the site, is the recently completed Hope Wharf development. The relevant planning permission was issued on 7th March 2017 for “Redevelopment of the site to provide 125 residential units, 513 sqm of commercial floor space (use classes A1, A2, A3, B1 or D1), ranging from 4 to 14-storeys and a stand-alone commercial unit; 24 car parking spaces (including car club and accessible provision), private and communal landscaped amenity areas, secure cycle parking and other associated development” (ref. 16/1792/F).
- 3.8 To the south and west is a five-storey residential building at 27 Greenwich High Road, which is separated from the shared boundary by a small access road serving the neighbouring site. Opposite on the other side of Greenwich High Road is a four-storey flatted development, known as William Court.
- 3.9 As noted above, the site is located in close proximity to several Grade II Listed buildings, of which the most notable of these is Mumford’s Mills to the south-west, which consists of an eleven storey Grade II Listed former grain silo that has been converted into residential accommodation. The other nearby Listed Buildings comprise Miller House (Grade II) to the east and 2 Burgos Grove (Grade II) to the south.

3.10 The site is in close proximity to community open space, including Broadway Fields, located south of Deptford Bridge Railway Station, approximately a five-minute walk away. Greenwich Park and Blackheath Park are approximately 20 minutes' walk away.

3.11 *Relevant Mapping Overlays and Policy*

- The application site is located within the Boundary of the Deptford Creek/Greenwich Riverside Opportunity Area, which has an indicative employment capacity of 4,000 and a minimum target of 5,000 new homes;
- The Environment Agency Flood Maps identify the site as within Flood Zone 3 and as an area benefiting from Flood Defences;
- The Core Strategy Policy Maps identifies the site as a flood risk area;
- Greenwich High Road is identified as a Local Road;
- The site is located within a District Park Deficiency Area;
- The PTAL of the site is 5 (in which 0 is the lowest, and 6b is the highest rated location in terms of distance from frequent public transport services);
- The site is located within the Greenwich Town Centre Controlled Parking Zone (CPZ) which operates from Monday to Saturday between 9am and 5pm, and on Sundays between 9am and 6pm;
- The Deptford Creek, located to the north of site, is identified as a “Site of Nature Conservation Importance”;
- The site is adjacent to the Ashburnham Triangle Conservation Area;
- The site is located within the London City Airport Safeguarding Map as identified in Figure 8 of the Core Strategy; and
- The site is within an Area of High Archaeological Potential as defined by DH(m) of the Core Strategy.

4.0 **Relevant Planning History**

I9/3038/F – Demolition of existing building and redevelopment of the site to provide a five-storey mixed-use scheme comprising flexible commercial floorspace (A1/A2/B1/D1) at ground floor and 20 residential units above as well as associated plant, cycle storage and refuse provision. **Approved**, 21/08/2020.

5.0 **Proposal**

5.1 The application is seeking a minor material amendment to the approved scheme in which the approved unit mix would be altered as outlined below:

Unit Type	Previously Approved	Currently Proposed
1B2P	4	4
2B3P	12	14
3B4P	4	2
Total	20	20

5.2 The proposal would see an increase of affordable housing on site, increasing from 35% to 50%. It is also noted that the amendment will facilitate the purchase of the property to the registered social housing provider Optivo, who intend on using the entire site as de facto affordable housing.

5.3 In addition to the above, the applicant also seeks minor changes to the internal layout to improve accessibility, as well as the replacement of the external protruding brick banding with an alternative decorative brick banding design and minor changes to the approved fenestration.

6.0 Consultation

6.1 Since being submitted in July 2020 the application has been subject of public consultation, comprising of 84 individual letters sent to neighbouring properties, together with a site notice erected to the front of the site. Statutory and internal bodies were also consulted, in addition to local amenity groups.

6.2 A press notice was also published on 06th December 2020 and a site notice erected outside the site on 14th September 2020.

6.3 Statutory Consultees

A summary of the consultation responses received along with the officer comments are set out in table below:

Details of Representation	Summary of Comments	Officer's comments
Local Ward Councillors	No comments received.	N/A

6.4 Internal Consultees

A summary of the consultation responses received from internal parties, along with the Officer comments are set out in table below:

Details of Representation	Summary of Comments	Officer's Comments
Housing	Housing supports the revised unit & tenure mix following the increase to 50%.	Noted.
Occupational Therapists	There are 46 people on the 1-bed wheelchair waiting list and 44 people on the 2-bed list.	Noted.

6.5 Local amenity groups

The Greenwich Society and Greenwich Conservation Group were consulted. No responses were received.

6.6 Local Residents

6.6.1 84 neighbouring addresses were consulted as well as site and press notices. A single letter of objection was received from a neighbouring occupier in which they asserted that the brick course on each floor of the proposed development would overhang onto 27 Greenwich High Road. The objector sought clarification as to whether there was any legal recourse to “stop our airspace being encroached upon in this way?”.

6.6.2 While the above matter essentially relates to a party wall matter dispute, the applicant agreed to remove the protruding brick banding and replace it with a alternative recessed decorative brick banding design.

7.0 Planning Context

7.1 This application needs to be considered in the context of a range of national, regional and local planning policies and Supplementary Planning Guidance / Documents.

- **National Planning Policy Framework (NPPF – 2019)**
- **The London Plan (March 2016)** - Full details of relevant policies refer to Appendix 3.
- **The Royal Greenwich Local Plan: Core Strategy with Detailed Policies (“Core Strategy” – 2014)** - Full details of relevant policies refer to Appendix 3.

- 7.2 For full details of relevant SPD / Documents refer to Appendix 3.
- 7.3 In addition to the above, Officers also have regard to the Approved for Publication Draft London Plan, which has been formally approved by the Mayor. This is a new, stand-alone publication version of the Plan and has been prepared to address the Secretary of State's ("SoS") directions of 13th March 2020 and 10th December 2020 to the Intend to Publish London Plan. The Approved for Publication Draft London Plan replaces the Intend to Publish version as the most up to date Draft London Plan.
- 7.4 The policies in the Approved for Publication version are considered to have substantial weight as a material consideration in the determination of planning applications.

8.0 Planning Considerations

8.1 The planning considerations relevant to this minor material amendment application are as follows:

- Principle of Development
- Proposed Unit Mix
- Affordable Housing
- Standard of Accommodation
- Design and Heritage
- Neighbouring Amenity
- Legal Agreement

9.0 Principle of Development

- 9.1 Core Strategy Policy EA(a) seeks to maximise the contribution to employment from sites in existing or previous employment use.
- 9.2 The Approved for Publication Draft London Plan Policy HI sets out the Borough's housing target of 28,240 new dwellings between 2019/20-2028/29. Of these, Core Strategy Policy HI supporting text para 4.1.8 expects at least 99% to be delivered on previously developed land.
- 9.3 The assessment of the original consented scheme sets out that the principle of development was acceptable in respect of the above-mentioned policies. Despite the changes currently proposed, the revised development would still deliver the same amount of commercial floorspace (263 square metres for A1/A2/B1/D1 purposes) and the same number of residential units (20). Given this, coupled with there being no material change in relevant policies, the principle of development remains acceptable.

10.0 Proposed Unit Mix

- 10.1 London Plan Policy 3.8 and draft London Plan Policy H10 promote housing choice in terms of the mix of housing sizes and types. Policy H2 of the Core Strategy outlines that a mix of housing types and sizes will be required in all developments including conversions and should contain a proportion of 3, 4 and 4+ bedroom units. It continues, stating that the exact mix on each site will vary according to the location of the development and the character of the surrounding area and will be affected by factors such as; the need to protect small and medium sized family dwellings from sub-division and conversion, the level of accessibility to public transport, schemes for special needs groups, or where there is a poor external environment.
- 10.2 The consented scheme consisted of 4 x 1-bedroom 2 person units, 12 x 2-bedroom 3 person units and 4 x 3-bedroom 5 person units. Whilst the mix did feature a high concentration of 2-bedroom units, it was considered on balance that this was acceptable, given the development would deliver 35% affordable housing.
- 10.3 The current proposal seeks to replace two of the 3-bedroom units with 2 x 2-bedroom units. This would alter the mix to the following:

Unit Type	Previously Approved	Currently Proposed
1B2P	4	4
2B3P	12	14
3B4P	4	2
Total	20	20

- 10.4 The rationale put forward for the change is that the revised 2x 1-bedroom units could be utilised as M4(3) wheelchair user dwellings, where in the consented scheme, the wheelchair units would be from the 1-bedroom unit stock. The applicant has asserted that due to the size of the consented 1-bedroom units, they would not be deliverable as M4(3).
- 10.5 Having discussed the proposal with the Council's Occupational Therapist, it was advised that a similar number of residents in the borough are on the Council's waiting list for 1-bedroom wheelchair units as are on the 2-bedroom waiting list, with approximately 45 people on both lists. As such the proposed change, whilst delivering larger wheelchair user units, was not considered to be sufficient to justify the loss of the 2x three-bedroom units or the resultant increase in 2-bedroom units to the mix. This is especially the case given the borough's need for family sized (3+ bedroom) units.

- 10.6 The above was relayed to the applicant, who subsequently made an offer to increase the affordable housing provision on site from 35% to 50%, and for this to be secured through a S106 legal agreement. The applicant also confirmed that Optivo, a registered social housing provider operating in the borough, intend to buy the development and operate the market units as affordable housing products in the form of London Affordable Rent. Whilst the site would be used as de facto 100% affordable housing, Optivo confirmed that they were only able to commit to 50% in the S106, as any further provision would impact the land value of the site and on the viability of purchasing the site.
- 10.7 Given the increase in the affordable housing from 35% to 50% which will be secured through the accompanying legal agreement, it is considered that there would be sufficient public benefit to support the revised unit mix, and the resultant high proportion of 2-bedroom units. The Council's Housing Team were consulted and concurred with this view, confirming their support following the increased affordable housing offer.

11.0 Affordable Housing

- 11.1 Policy H3 of the Core Strategy outlines that developments of 10 or more homes will be required to provide at least 35% affordable housing, with the precise percentage, distribution and type of affordable housing determined by the particular circumstances and characteristics of the site and of the development, including financial viability.
- 11.2 As outlined in Section 10 above, the revised proposal would see 50% affordable housing secured through a S106 legal agreement, with the de facto operation of the site being as 100% affordable. The increase in affordable housing will lead to the following changes in the affordable housing mix which will be secured in the S106 legal agreement:

Unit Type	Approved Affordable Housing Mix		Proposed Affordable Housing Mix		Difference
	London Affordable Rent (Social)	Shared Ownership	London Affordable Rent (Social)	Shared Ownership	
1B2P	1	2	2	2	+1
2B3P	0	0	3	1	+4
3B4P	4	0	2	0	-2
Total	5	2	7	3	+3

- 11.3 The remaining 10 x 2-bedroom 3 person units will be market rate.
- 11.4 Given the proposal would see an increase in affordable housing provided on site, well in excess of the relevant policy requirement, no objections are raised. The Council's Housing Team have also confirmed their support for the proposal.

12.0 Standard of Accommodation

- 12.1 Approved for Publication Draft London Plan Policy D6 requires all housing developments to be of the highest quality internally, externally and in relation to their context and to the wider environment, taking account of strategic policies. Table 3.1 of the Approved for Publication Draft London Plan outlines the relevant standards for residential developments in London, while the Nationally Described Space Standards set out the national requirements. This is supported by Core Strategy Policy H5.
- 12.2 All proposed units with the exception for four would either meet or exceed the relevant floor space standards. The four units which would fall short (Units A-0x.5) would do so by just 0.4sqm which, as was the case for the original proposal, which is considered negligible.
- 12.3 Minor changes are proposed to the fenestration of the building, comprising a reduction in size to windows now serving bathrooms for north-western units (A-0x.1) and realignments of windows within the principle elevation. Said changes would have no material impact to the privacy for future occupier by way of overlooking in comparison to the original consented scheme. The number of single and dual aspect units would also remain unchanged.
- 12.4 With regard to built-in storage, the developer is reliant upon the installation of built-in wardrobes in order to meet the minimum requirements. In order to ensure these are installed, the previously proposed condition to secure evidence of this is to be maintained.
- 12.5 For the majority of the units there would be little to no impact in respect of the proposed standard of accommodation in comparison to the consented scheme. The two 3-bedroom units which are to be changed to 2-beds would see their respective gross internal floor areas increase significantly above the minimum requirements, which would in turn provide a higher standard of living for future wheelchair users. Final details of the layout of the M4(3) accessible units will be secured via planning condition.

12.5 Other minor internal changes to the proposed building include:

- The internal core across all floors has been amended to separate the stairs and lift to allow for better circulation and disabled access.

12.6 In light of the above, no objections are raised to the proposed standard of accommodation.

13.0 Design and Heritage

13.1 Approved for Publication Draft London Plan Policy D3 requires developments be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.

13.2 Policies DH1 and H5 of the adopted Royal Greenwich Local Plan Core Strategy with Detailed Policies (2014) require proposals to have a high quality of design and to be limited to a scale and design appropriate to the building and locality.

13.3 In respect of external changes, the applicant has amended the decorative brick banding design so it is now recessed to ensure it does not overhang the boundary. This is in response to an objection from a neighbouring occupier regarding the proposed banding encroaching onto their site. Whilst this would in fact represent a party wall matter, the developer has chosen to simply amend the contested brickwork.

13.4 In design terms, the revised brick design is considered to represent a non-material change to the consented scheme and would have little to no impact on the overall appearance of the building. Final details of the brick and all other external materials and finishes are to be secured by condition, as was the case for the original application.

13.5 Changes proposed to the approved fenestration are minor in nature and would have no material impact to the appearance of the consented scheme. All other external features of the building would remain unchanged.

13.6 In addition to the above-mentioned policies, given the site's proximity to various heritage assets, Officers also have regard Core Strategy Policy DH3 (Heritage Assets). Policy DH3 seeks to preserve and enhance the character and appearance of the borough's heritage assets, taking into account local scale, the established pattern of development and landscape, building form and existing materials, and is supported by Policy HCI of the Approved for

Publication Draft London Plan. Policy DH(i) of the Core Strategy further states that developments which would detract from the setting and proportions of a Listed Building or group will be resisted.

13.7 As outlined above, the proposed external alternations would amount to a non-material change. It is therefore considered that the development would have no greater impact on the neighbouring heritage assets than the consented scheme.

13.8 In light of the above, no objection is raised on heritage or design grounds.

14.0 Neighbouring Amenity

14.1 Royal Greenwich Local Plan; Core Strategy with Detailed Policy (2014) Policy DH(b) states that developments will only be permitted where it can be demonstrated that the proposal does not cause an unacceptable loss of amenity to adjacent occupiers by reducing the amount of daylight, sunlight or privacy they enjoy or result in an un-neighbourly sense of enclosure. This is supported by London Plan Policy 7.6.

14.2 The overall height, scale and bulk of the development has not been materially affected by the proposed changes. The proposed changes to the approved fenestration would be minor and would have no greater impact on the amenities of neighbouring occupiers. As such the proposed changes would not result in a loss of outlook, increased sense or enclosure or loss of daylight and sunlight than that previously considered under the consented scheme.

15.0 CIL

15.1 As no additional floor space is proposed, the relevant CIL charges would remain unchanged from the initial consent.

16.0 Legal Agreement

16.1 Policy IM1 of the Royal Greenwich Local Plan sets out that all qualifying developments will provide for the infrastructure, facilities, amenities and programmes that are considered necessary to support and serve the development and offset any harm. When applicable, this is in addition to the Community Infrastructure Levy.

16.2 The proposed development has already been the subject of a A106 legal agreement as part of the original consent (ref: 19/3038/F). In this instance it is considered that the majority obligations and clauses within the original S106 legal agreement would remain valid. The propose changes would therefore

cover the change in unit mix and affordable housing provision. For clarity, the obligations are as follows:

- Affordable Housing and Wheelchair Units
 - Provision of:
 - 7no. Social Rented Units
 - 3no. Intermediate Units
 - 10% Wheelchair accessible units
 - Provision of an affordable housing delivery plan
 - Provision of an affordable housing marketing plan
 - Provision of an affordable housing lettings plan
 - Agreement protocol for the Council to advertise to individuals living and /or working in the Borough in the first instance
 - To use reasonable endeavours to keep service charges for affordable tenants to a minimum
 - Provision of affordable housing in perpetuity
 - Provision to permit occupiers of whole development (affordable and private) access to all communal areas, including play spaces.
 - Early review mechanism to ensure that the scheme delivers the maximum amount of affordable housing and maximum S106 contributions required to achieve a policy compliant scheme if not commenced within two years.
- Highways
 - Alteration of existing vehicle crossover to form a smaller 'pram crossing' ramp (at developer's expense).
 - Alteration of Traffic Order controlling the CPZ (at developer's expense) to ensure that future occupiers are not eligible for parking permits.
 - Contributions towards improving cycle facilities in the area and toward cycle training consistent with the Council's Cycling Strategy and SPD requirements.
 - A commitment to extending existing car club (nearest on-street car club spaces are in Egerton Drive), with the first 5 years of membership paid by the developer in line with SPD requirements.
 - Provision of a disabled parking space off-site (at developer's expense).
- Employment Training contribution including GLLAB
- Trees
 - Payment of £25,000 towards tree planting programme to compensate for the loss of the existing tree adjacent to the site.

- Carbon Offset Payments
 - Details of precise payments to be secured by condition.
- Monitoring and Legal Costs

17.0 Conclusion

17.1 The proposed changes constitute a minor material amendment to the original consented scheme, with the impacts of the said changes considered to bring about sufficient public benefits for the Royal Borough to support the proposal. On this basis it is recommended that permission be granted for application reference 20/3455/MA, subject to the conditions outlined in Appendix 2 and satisfactory completion of a deed of variation to the original SI06 legal agreement.

Background Papers:

Planning (Listed Building and Conservation Areas) Act 1990

National Planning Policy Framework (2018)

The London Plan (2016)

Approved for Publication London Plan December 2020

Royal Greenwich Local Plan; Core Strategy with Detailed Policies (2014)

Responses from consultation

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