

ROYAL BOROUGH OF GREENWICH

PLANNING BOARD

17 MARCH 2020 AT 6.30PM

MINUTE

PRESENT:

Members:

Councillor Sarah Merrill (Chair); Councillors Olu Babatola, Peter Brooks, Gary Dillon and Nigel Fletcher

Officers:

Assistant Director Planning & Building Control, Planning Manager (Major Developments), Principal Planning Officer, Senior Planning Officer, Planning Officer (Major Developments), Legal Counsel and Corporate Governance Officer

Under Standing Orders:

At the commencement of the meeting, the Chair announced the procedure which would be followed for considering the item(s) before the Board. The Chair confirmed the names of members of the public who had registered to speak on the item(s) and clarified that only those members of the public included on the register would be called to address the Planning Board. The Chair advised that all attendees were welcome to film, record, blog or tweet during the meeting so long as this did not disturb proceedings and flash photography was not permitted. The Chair advised that Board Members would be using electronic devices to access the agenda, reports and documents published and submitted for consideration at the meeting.

Item

No.

1. Apologies for Absence

Apologies for absence were received for Councillors Linda Bird, Geoffrey Brighty, Angela Cornforth, Adel Khaireh, Clive Mardner and Linda Perks,

2. Urgent Business

The Planning Board noted and accepted the Planning Officers' Addendum Report's, circulated in advance of the meeting, in relation to;
Item 6 – Saxons Wharf, Greenwich. Ref: 18/1594/F
Item 7 – Plot 202, Parcel 2, Greenwich Millennium Village. Ref: 19/3063/R
Item 8 – Former Valley House, Charlton. Ref: 18/4094/MA
Item 9 – 1 Brood Street, Greenwich. Ref: 19/0939/F

Further, that public submissions had been circulated, in advance of the meeting, in relation to item 5 – Garages to the rear of 2 Southspring.

The Chair advised that she was changing the running order of the Agenda and would be taking Item 9 as the first item of business, then items 8, 5, 7 and 6, in that order.

3. Declarations of Interest

Resolved –

That the list of Councillors' memberships as Council appointed representatives on outside bodies, joint committees and school governing bodies be noted.

4. Minutes

Resolved –

That the minute of the meeting of the Planning Board held on 7 January 2020 be agreed and signed as a true and accurate record.

5. Garages to the rear of 2 Southspring, Avery Hill, DA15 8DX – Ref: 19/3932/F

The Chair noted that the Planning Board had received an illustrative officers report, as part of the presentation of this application to the Planning Board meeting of 3 March 2020. Members confirmed that they did not feel it necessary to receive the full illustrative presentation again.

The Planning Officer (Major Developments) advised that the addendum report clarified the position that the development would result in the permanent loss of right of access to the garage associated with 40 Greenhite Close. She advised that a lock had been fitted to the garage area entrance in 2015 and no vehicle access had been possible from that time. She noted that the garage could be accessed by a rear door by the occupants of 40 Greenhite Closed and, therefore, it was considered that there would be no

loss of access to the garage by way of the proposed development. That, in respect of the application before them any right of way, that may or may not exist, was not a material consideration.

In response to Members questions the Planning Officer (Major Developments) confirmed that no vehicles had had access to the site since the lock was fitted in 2015.

A Members sought clarification to the position in that, if the Council granted planning permission for construction of the garage did that not also include vehicle right of access. The Council's Legal Counsel clarified that there was a distinction between the Council as land owner and Council as the Planning Authority. That in this case the Planning Board Members were required to consider the planning application only, as any consideration of right of way would be dealt with separately.

The Planning Board accepted an address from the occupant of 40 Greenhite Close, who stated that the access path to the garage ran parallel to the proposed development and his garden wall and was marked by two cut former concert fence boundary stones, which had been cut back to ground level to allow access to the garage. That this access path been his land since 1979, which he could evidence, and the Council were attempting to build on it.

The Legal Counsel to the Planning Board confirmed that they were aware of the land issue and both land registry titles and plans had been considered by the Council's legal department. He advised that the issue of right of the right of way and land ownership was not a matter for determination by the Planning Board.

The Planning Officer (Major Developments) advised that the proposed development would retain the gap between the development site and are allowing access to the garage door.

In response to members questions the garage owner confirmed that he could still access the garage door but the Council (*as the planning applicant*) was insisting that the garage door be removed, and the area sealed up. He advised that this was not practicable as this was the route through the garage to the bin and was how they removed garden refuse. He continued that his solicitors had addressed this issue, as his legal right to access to the garage should be retained.

The applicant's agent advised that the boundary layout was informed by way of Ordinance Survey Map's and the existing garage boundary. That the strip

of land in question, to the north of the site allowing access to the garage in question, was to be retained. She clarified that there was nothing in their application requiring the removal of the garage door, nor right of way access.

She confirmed that the garden wall and cycle storage associated with the development would be the closest elements to the garage.

A Member commented that as all parties were in attendance if it was reasonable to ask them to reach an agreement, acceptable to all parties, to replace garage door with a suitably large enough door to allow access through to the bin area.

The Assistant Director Planning and Building Control advised that, given the information in the committee report in respect of the garage, this was not a material planning consideration nor a matter that the Planning Board could condition.

Members accepted the Assistant Directors advice and encouraged both parties to enter into further discussions, outside of the meeting, to find a way forward on this point.

In determining the application before them, the Planning Board Members made the following comments.

A Member felt that it was a difficult position but that the discussions regarding the access area would form part of any party wall discussions and were not an issue to the Planning Board to make a decision on.

The Chair concurred with the comments agreeing that boundary disputes and party wall discussions were outside of the remit of the Planning Board to determine.

A Member noted that the garage was clearly not used for vehicle access and that whilst there would be some loss of amenity there has been no vehicle access to the garage since 2015 and foot access could be mitigated. He noted that, whilst the situation was outside of the remit of the Planning Board he asked that both parties discussed this further, to reach an amicable resolution.

The Chair put the Planning Officers recommendation to grant planning consent to the vote with 4 Member in favour, 0 against and 1 abstention.

Resolved -

That planning permission be granted for the demolition of existing garages and construction of two, two storey dwelling houses (2 x 2 bed) (Use Class C3) and associated landscaping, amenity space, bin and cycle store and two parking spaces.

That planning permission be granted subject to;

- 1 The conditions in appendix 2, to be detailed in the notice of determination; and
2. The authorisation of the Assistant Director of Planning & Building Control to make any minor changes to the detailed wording of the recommended conditions as set out in this report and its addendums, where the Assistant Director of Planning & Building Control considers it appropriate, before issuing the decision notice.

6. Saxon Wharf, Norman Road, Greenwich, SE10 – Ref: 18/1594/F

The Chair noted that the Planning Board had received an illustrative report, as part of the presentation of this application to two previous Planning Board meetings. Members confirmed that they did not feel it necessary to receive the full illustrative presentation again.

The Principal Planning Officer advised that the application before them sought amendment to the S106 agreement in relation to the proposed clause to restrict occupants from making noise complaints against Brewery Wharf. Further guidance indicated that this would not be lawful and should not be included in the agreement. She drew Members attention to the addendum report which set out further considerations in relation to the agent of change principle and the reasons why the clause restricting nuisance claims would not be considered appropriate as, well as proposed amendments to the conditions detailed in the main report. The Port of London Authority's (PLA's) objections and the Environmental Health Officer's response to these having been outlined in full in the main report.

The Planning Board members moved directly to determining the application noting that the Port of London Authority concerns had been considered and there were no ground for refusal.

The Chair put the Planning Officers recommendation to grant full planning permission for the development to the vote with 5 Member in favour, 0 against and 0 abstentions.

Resolved unanimously –

That full planning permission be granted for the demolition of existing structures and the construction of a part 13 / part 17 storey building to provide 401sqm (GEA) of B1 (a, b and c) and A3 floorspace at lower and upper ground floor level and 145 residential units with associated refuse and recycling storage, cycle parking, car parking, access, provision of public realm and landscaping.

That planning permission be granted Subject to:

1. The prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) containing the planning obligations as summarised in Section 31 of the Planning Board Report dated 19 December 2018 with the modifications detailed in the Planning Board on 18 November 2019 as amended by the published addendum and according to the conditions to be detailed in the notice of determination.
 2. The Assistant Director of Planning & Building Control being authorised to:
 - a. make any minor changes to the detailed wording of the recommended conditions as set out in this report 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 Section 106 of the Town and Country Planning Act 1990 (as amended), as set out in this report (Section 27) and its addendums.
- 7. Plot 202, Parcel 2, Greenwich Millennium Village, 3-5 Peartree Way, Greenwich, SE10 – Ref: 19/3063/R**

The Principal Planning Officer gave an illustrative presentation of the application. In responding to Members questions she confirmed that the outdoor play space meet statutory requirements and additional provisions were being provided by way of a management plan.

The Planning Board members moved directly to determining the application, noting that this was consent for part of a wider development and there were no ground for refusal.

The Chair put the Planning Officers recommendation to grand conditional reserved matters consent to the vote with 5 Member in favour, 0 against and 0 abstentions.

Resolved unanimously –

That conditional reserved matters consent be granted according to the conditions to be detailed in the notice of determination for the submission of Reserved Matters (Appearance, Layout, Scale and Landscaping) pursuant to condition 2 of Planning Permission dated 14/11/2019 (Reference: 19/1545/MA) for the construction of 122 residential dwellings, 152 sqm GEA Class A3 Cafe, 500 sqm Class D1 nursery, plus associated infrastructure, landscape and car parking on Plot 202.

That the Assistant Director of Planning & Building Control being authorised to make any minor changes to the detailed wording of the recommended conditions as set out in this report and its addendums, where the Assistant Director of Planning & Building Control considers it appropriate, before issuing the decision notice.

8. Former Valley House, 445 Woolwich Road, Charlton, SE7 7AP – Ref: 18/4094/MA

The Principal Planning Officer gave an illustrative presentation of the application drawing the Board's attention to the addendum, circulated in advance of the meeting, which set out proposed additional conditions. She clarified that the existing units were effectively one-bed not studio units and the proposal would see the installation of solid partition walls between rooms.

The Planning Board accepted an address from the Charlton Central Residents Association (CCRA) Chair who, in speaking in objection to the application stated that since 2016 the CCRA had concerns. They noted that the initial BREEAM rating was excellent but now was only good. That one of the lift blocks was being removed, reducing the service to one lift. Further, that the application would see changes to the agreed scheme which would create a population increase by stealth.

The applicant's agent was in attendance and stated that they were putting in solid room partitions and there would be no increase in density. The provision of one lift was compliant with the London Plan. He clarified that the BREEAM rating had reverted to its original very good status, as they had

inherited the scheme and there were constraints which could not be overcome.

The applicant's agent responded to Members that she did not have details of what the changes were that altered the rating from excellent to very good. That the building occupancy would be between 140 – 150 people.

A Member questioned if one lift would be sufficient for the number of families that would occupy the upper floors. They noted that the lift could not be used in the case of fire and sought information as to whether a sprinkler system would be installed and if so, in individual units or communal areas. To which the applicant's agent stated that the building complied with fire regulations and all the works necessary to gain Fire Officer approval had been undertaken.

The applicant's agent advised that the changes to the wheelchair access ramp arose as a result of having to make changes to the design of the building frontage access to accommodate the electric sub-station. Further, that the change of materials for the balconies, from steel to concrete, was at the preference of the developer.

In determining the application Members made the following comments.

Members expressed their disappointment and frustration at a retrospective application being submitted and that the applicant had not spoken with Planning before continuing with building works.

It was considered that the Planning Board need to make it clear that they did not approve of retrospective applications and at some point, they would strongly consider refusal. In this case, it was noted that the Planning Officers recommend agreement as the amendments were considered minor but advised that they would expect the applicant to speak to Planning Officers before making any further changes.

The Chair noted the Planning Board's displeasure with the, apparent, assumption made that consent would be granted and that no one was present, for the applicant, with the background information to respond to public and Members' questions.

The Chair put the Planning Officer's recommendation to grant minor amendment consent to the vote with 4 Member in favour, 0 against and 1 abstention.

Resolved –

That a retrospective consent be granted for a Section 73 Minor Material Amendment for an application submitted under Section 73 of the Town & Country Planning Act 1990 for a minor material amendment in connection with the planning permission 16/0132/F, dated 19/09/2016 for the demolition of existing building and construction of buildings up to 7-storeys in height to provide 73 new residential dwellings and one ground floor flexible Use Class A1/A2/A3 or A4 unit with associated car and cycle parking at basement level, access, landscaping and amenity space to allow:

- A variation of Condition 1 (Approved Drawings) to provide for various internal and external changes to the approved plans including: 22 studio flats to be converted into 1-bed flats, changes in size and layout of approved units, removal of Block A/B concierge, relocation of Block A/B refuse store to basement, changes to wheelchair ramp access on Woolwich Road frontage, removal of access from street to duplexes and replaced by amenity spaces to three apartments, alteration to Block C access to provide ramp to new lobby area, removal of bollards and on-site loading bay, removal of internal lift within Block A, replacement of steel balconies with concrete balconies, relocation and alterations to sub-station resulting in change to Gallions Road facade, provision of external wheelchair ramp and steps at entrance to Block C, changes to windows; alterations to ground floor access arrangements to rear of Blocks A/B and C; addition of balconies to two apartments to rear of Block A (6th floor); changes to roof plant configuration; and changes to floor to ceiling heights within the building revised layout and reduction in size of commercial (Flexible Use Class A1/A2/A3/A4) unit from 275sqm to 257.287sqm; relocation of visitor bike stands;
- A variation of Condition 14 (BREEAM) to alter wording from 'Excellent' to 'Very Good';
- Removal of Condition 2 in respect of the affordable housing mix;
- A variation of Condition 32 (Use of commercial floor space) to reflect the reduction in the amount of commercial floorspace and;
- A variation of Condition 49 (Mechanical Ventilation and Plant) with regard to the timing of the submission of details to ensure that no Class A3 or A4 use commences until details of the extract and ventilation system for the commercial unit have been submitted and approved.

That retrospective consent be granted subject to:

1. The prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) containing the planning obligations as summarised in the heads of terms set out in this report (Section 27), its addendums, and according to the conditions to be detailed in the notice of determination.
2. The Assistant Director of Planning & Building Control being authorised to:
 - a. make any minor changes to the detailed wording of the recommended conditions as set out in this report 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 Section 106 of the Town and Country Planning Act 1990 (as amended), as set out in this report (Section 27) and its addendums.
3. That in the event that the 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 financial and non-financial contributions including for Employment, Skills and Training, Highways and Air Quality 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, EA(c), IM1, IM4, IM(a), IM(b) and E(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).

9. I Boord Street, Greenwich, London, SE10 0PU – Ref: 19/0939/F

The Planning Officer gave an illustrative presentation of the application advising the Board that the application before them was of a more contemporary design than that which had been previously refused. The site was considered as appropriate for a hotel development.

Members moved straight to determining the application, making the following comments.

The site was appropriate for a tall building and Members were pleased that the applicant had taken the previous comments of the Board and created an innovative design.

Several Members considered the new design as a landmark building more suitable as the first building seen when exiting Blackwall Tunnel.

The Chair put the Planning Officers recommendation to grant planning consent to the vote with 5 Member's in favour, 0 against and 0 abstentions.

Resolved unanimously –

That full planning permission be granted for the construction of a building of up to 18-storeys (plus basement level and rooftop plan enclosure), to provide a 300 bed hotel with ancillary A1/A2/A3/B1/D2 provision, associated access, car and cycle parking, servicing and delivery areas, following the demolition of existing buildings.

That planning permission consent be granted subject to:

1. Referral of the application to the Mayor of London as required under the terms of the Town and Country Planning (Mayor of London) Order 2008.
2. To resolve to grant conditional planning permission subject to the prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) containing the planning obligations as summarised in the heads of terms set out in this report (Section 25), its addendums, and according to the conditions (Appendix 2) to be detailed in the notice of determination.
3. 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 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 Section 106 of the Town and Country Planning Act 1990 (as amended), as set out in this report (Section 25) and its addendums.

4. In the event that the 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:
- (i) In the absence of a legal agreement to secure a connection to the nearby district heating network, the proposal would fail to achieve sufficient carbon dioxide reductions and would therefore be contrary to Policies 5.2 and 5.3 of the London Plan and Policy EI of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies.
 - (ii) In the absence of a legal agreement to secure street-level upgrades and improvements to the public realm, the proposal would fail to improve the pedestrian environment and appearance of the local streetscene, thereby failing to encourage active modes of transport, contrary to Policies 7.2, 7.4 and 7.5 of the London Plan and Policy DHI of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies.
 - (iii) In the absence of a legal agreement to protect the delivery of the Silvertown Tunnel DCO, the proposal would potentially prejudice a nationally significant infrastructure project, and would therefore be contrary to Policies 6.1, 6.4, 6.11 and 6.12 of the London Plan and Policy IM3 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies.
 - (iv) In the absence of a legal agreement to secure contributions for employment, skills and training, the proposal would fail to provide training and skills opportunities for local people and would therefore be contrary to Policy EA(c) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies.

The meeting closed at 07:48pm

Chair