

MINUTES OF THE STRATEGIC PLANNING COMMITTEE

Monday, 12 June 2023 at 7.00 pm

PRESENT: Councillors Peter Bernards (Chair), Liam Curran, John Paschoud, Kim Powell, and Aliya Sheikh.

MEMBER(S) OF THE COMMITTEE JOINING THE MEETING VIRTUALLY: None.

MEMBERS PRESENT IN PERSON UNDER STANDING ORDERS:
Councillor Will Cooper.

OFFICERS PRESENT IN PERSON: Head of Development Management, Principal Planning Officer, Planning Officer, and Senior Committee Manager.

OTHERS JOINING THE MEETING REMOTELY: Legal Representative from Francis Taylor Building (external), and the Council's Expert on Sunlight and Daylight Assessment.

APOLOGIES FOR ABSENCE: from Councillor Jack Lavery, Councillor Sian Eiles and Councillor James-J Walsh.

1. Minutes

RESOLVED that minutes of meetings held on 14 March 2023 and 29 March 2023 be confirmed and signed as accurate records.

2. Declarations of Interests

No interest was declared.

3. Plots 1 and 3 - Land bounded by Oxestalls Road, Evelyn Street, Dragoon Road and Grove Street SE8 (DC/21/122345)

3.1 The Principal Planning Officer gave an illustrative presentation to the report, highlighting the planning considerations, with a suggestion that the Committee should agree the recommendations therein.

3.1.1 The Officer also outlined an overview of the consented Masterplan for the development site to highlight the context of the proposals. The Committee noted the following:

- That in 2016, a hybrid planning application for a comprehensive mixed-use development was considered to deliver 1132 residential units across the wider development site of building heights that ranged from 3 to 24 storeys, together with office and commercial floor spaces.

- That the application received full planning permission for development on Plots 1, 2 and 3, and an outline permission was approved for development on Plots 4, 5, and 6 to deliver the following:
 - on Plot 1 - 219 units;
 - on Plot 2 - 203 units, which also included shared-ownership units;
 - on Plot 3 - 158 units; and
 - an outline permission for Plots 4,5,6 for 552 units to be shared across these plots.
- That subsequently, reserved planning applications were received and approved to deliver the following:
 - on Plot 4 – 251 units;
 - on Plot 6 – 189 units;
 - with 112 residential units outstanding.

3.2 In considering the report in conjunction with the published addendum to it, the Committee:

- Noted that Plots 1 and 3 formed the basis of the s73 Town and Country Planning Act 1990 (as amended) application for minor material amendments, which formed the basis of the proposals under consideration
- Noted that the amendments would deliver the following changes for a mixed-use redevelopment for five buildings comprising:
 - residential dwellings (Class C3 Use)
 - purpose-built student accommodation (Sui Generis) and
 - a range of commercial, business and service use (Use Class E), together with cycle parking, public realm works and provision of open space at Land bounded by Oxestalls Road, Evelyn Street, Dragoon Road, and Grove Street SE8.

3.2.1 The Committee understood that for the proposals to become effective, variations would have to be made to the following conditions:

- Condition 1 (Approved Drawings and Documents).
- Condition 8 (Total Built Non- Residential Floorspace).
- Condition 9 (Total Residential Units).
- Condition 19 (Accessibility).
- Condition 36 (Landscaping)
- Condition 50 (Motorcycle Parking Spaces)

3.2.2 Specific to Plot 1, the Committee noted that the proposed works would include:

- The removal of Building 1A and a new public garden to Dragoon Road and provision of a 115 sqm non-residential unit.
- An additional 86 residential units to accommodate 305 homes between Buildings 1B and 1C.
- An increase in height to Building 1B from 7 storeys to 8 storeys

- Alteration to Building 1C of the consented masterplan from a 24-storey building to 35 storey building
- Alteration to first floor podium garden.
- Elevational changes to all buildings.

3.2.3 Also noted by the Committee were proposed works in relation to Plot 3 as follows:

- Amendments to Blocks 3B, 3C, 3D to include an additional 26 residential units to accommodate 184 homes between Buildings 3B, 3C and 3D with 28 additional units in Block 3B and 2 fewer units in Block 3C.
- Increase in quantum of non- residential floorspace from 470sqm to 645sqm
- Alteration to Building 3B of the consented masterplan from a 10-storey building to 14 storeys to provide 28 additional units.

3.3 Submissions were made at the meeting by one of the agents from the applicant's team, who expressed his support for the application and suggested that the Committee should note the following and approve the Officers' recommendations in the report:

- That all possible impacts regarding the proposals were assessed by the applicant and the local Planning Authority's officers as acceptable.
- That the proposals would optimise development on the site and expedite the delivery of new homes with high quality amenity spaces and public realms in line with Lewisham Council's emerging Local Plan for land use, and its policy on regeneration matters.
- That significant progress had been made by the applicant in delivering high quality plots, namely Plots 2 and 4, notwithstanding challenges in the economic climate, whilst also acknowledging that there was more to be achieved. It was confirmed that plans were underway to commence to deliver on Plot 6, and that the affordable housing units to be delivered would be brought forward.
- That the applicant had worked closely with Council officers to present an acceptable application in terms of design and impact on residential amenities and had engaged with the Design Review Panel (DRP), officials at the Greater London Authority (GLA), the local community, and other statutory consultees. It was stated that there had been no objections to the proposals from the technical bodies.
- That the Environmental Impact Assessment undertaken by the applicant was subjected to detailed review by independent specialist consultants appointed by Lewisham Council. It was stated that Council officers endorsed the findings, subject to planning conditions.
- That the GLA had confirmed that the minor amendments proposed would not create harm to nearby listed assets or strategic views, and that supportive of the fact that the proposals would create improvements, reduce overlooking, and deliver a new public park.
- That the GLA agreed that the height and massing of the buildings to be delivered were consistent with the existing emerging context of the

area, and that was also recognised in the Lewisham Council's emerging plan.

- That the applicant understood that a few of the existing residents had raised concerns about environmental impact, sunlight and daylight, and density of the proposed development, but was satisfied with the Council's officers' responses in addressing those matters in the report.
- That the applicant aimed to provide a well-designed high-quality development with a significant contribution to expedite development of homes for the benefit of local people.

3.4 The meeting was also addressed by two residents who expressed objections to the proposals because of the following concerns:

- That a significant proportion of the housing units to be delivered had been advertised as 'family friendly' dwellings yet no consideration had been given of the need to have additional facilities such as doctors, dentists, public transport, and nurseries.
- That the increase in the height of buildings on the proposed site from 24 storeys to 35 storeys constituted an overdevelopment.
- That the height and closeness of the buildings on the proposed site would create loss of daylight and sunlight to dwellings, and wind speeds would increase.
- That the report lacked information about how to mitigate against the speed of the wind flows from Plot 2 through to Plot 6.
- That the choice of warm bronze colour to be applied to the proposed blocks was inappropriate for the area because it would create a dark metallic cladding as a sundial when exposed to the sun's rays.
- That the pocket park to be delivered would be meaningless when compared to the benefits that would be derived from established local parks in the area, without the developer having to contribute to the maintenance and biodiversity improvements.
- That considering Lewisham Council's declaration of a climate emergency, residents social-rented housing and a development that would enhance biodiversity in the local area.

3.5 Commenting on submissions made as at this point, the Committee welcomed the benefits of the scheme, but raised points for clarification and those, together with the responses are outlined in paragraphs 3.5.1 to 3.5.11 below.

3.5.1 *Overdevelopment creating in shadows onto residential flats and resulting in loss of sun rays and natural light.* The agents from the applicant's team responded as follows:

- That the proposals would not create an overdevelopment because the development was assessed and considered appropriate for implementation on the proposed site.
- That assessments undertaken by the developer for daylight and sunlight effects, and the impact of overshadowing, were in accordance with parameters set out in the Building Research Establishment (BRE)

recommended guidance and in accordance with the National Planning Policy Framework (NPPF) for the local context.

3.5.2 *Current experience to resident relating to the impact of daylight, sunlight, and wind effects on residential dwellings.* The objectors responded as follows:

- That the BRE guidelines were understood but the practicalities remained that residents should be able to access at least 20% of daylight and sunlight, which should equate to approximately 2 hours a day on average.
- That the loss of additional daylight and sunlight because of the proposals would create shadowy effects on existing dwellings due to loss of natural light.
- That the shadowy effect would be especially evident during the winter months to flats located on the internal courtyard of Catalina and Kingwood to the north-east, and that residents in those dwellings would also lose out on passive solar gain to help keep their flats warm and would instead have to rely significantly on artificial lightings.
- That the impact of the height proposed to the buildings would exacerbate the funnelling of wind which could result in wind tunnels across the development site.
- That because of the position of apartments in Catalina and Kingwood blocks, some of residents had not been opening their doors and windows at certain times because of a fear that the wind might rip them off.
- That residents were concerned that the proposals would worsen the overall windy impact because the current wind speed was such that the grasses in the area were scorched in its direction.
- That the proposals would create a gated environment in the area and a community of car owners, although not apparent in the report.
- That the proposed development would represent the tallest tower block in Deptford for quite some time.

3.5.3 *Public transport accessibility to match new residential buildings of high density in a development that should be fundamentally car-free.* Planning Officers responded as follows:

- That financial contributions by the developer towards public transport and highways improvements for the area were considered adequate as part of the 2016 consented scheme.
- That the reason why the public transport infrastructure would remain the same was because the quantum of housing provision would not be increased, other than variations to some conditions for the allocation of the 112 remaining residential units between Plots 1 and 3.
- That the Council's Highways Team and officials at Transport of London (TfL) had raised no objection to the s73 amendments.

3.5.4 *'Pepper potting' of affordable housing units across the development site.* Planning Officers responded as follows:

- That there would not be 'pepper-potting' of affordable units as part of the current proposals.
- That the 16% affordable housing provision would be delivered in accordance with the consented scheme. However, since the original scheme was approved, there had been a series of s96a applications to reorganise the social housing element.
- That the shared-ownership units had been implemented under Plot 2 development. The remainder would be allocated to Plot 6 to deliver both affordable and shared-ownership units upon completion.

3.5.5 *Overall reduction of blue badge provision.* Planning Officers responded as follows:

- That the blue badge provision accorded with the London Plan policy of 3% overall provision on Plots 1 and 3, and TfL officials had raised no objections in that regard.

3.5.6 *Delivery of 112 housing units and an increase the height of a building from 24 to 35-storeys represented a major development yet the proposals referred to them as minor amendments.* Planning Officers responded as follows:

- That there was no legal definition as to what should constitute a 'minor amendment' when considering s73 planning applications. It was stated that it was for local authorities to decide on a case-by-case basis in accordance with the scale of each scheme.
- That in the circumstance, Planning officers determined that the proposals were deemed appropriate for classification as 'minor amendments' because they were related to a scheme of strategic consideration, and a comprehensive consented master planning that had evolved over several years.

3.5.7 *The reality of delivering the total number of full-time posts because of the proposed development.* The agents from the applicant's team responded as follows:

- That the assessment for the employment element of the scheme was undertaken for the applicant by an independent company, and the methodology applied was included in the planning documents that were submitted with the application.
- That a standard format would usually be applied to arrive at the number of jobs by assessing the amount of commercial floorspaces to be delivered against the socio-economic factors of the consented scheme.
- That the assessment of the commercial floorspace assessment was adequate because it carried out by the applicant's technical team and reviewed by external environmental consultants.

3.5.7a *Following on from the later paragraph, Planning Officers added:*

- That based on employment densities from the Homes and Community Agency 'Employment Densities Guide 2015', the assessment forecasted was that the overall commercial floorspace would support an estimated 294-400 full-time jobs. It was stated that the proposals would increase the provision of flexible commercial floorspace on Plot 1 - from the consented 765 sqm to 880 sqm; and on Plot 3 from the consented of 470 sqm to 645 sqm.

3.5.8 *Engaging with Lewisham Council about jobs for local people.* The agents from the applicant's team responded as follows:

- That the applicant understood the obligation under the s106 agreement for job opportunities to be opened to Lewisham residents.
- That the applicant had commissioned a dedicated person to liaise with Lewisham Council's representatives regarding apprenticeships to be provided by trade contractors and the main contractor.

3.5.9 *An assurance that porosity in the design of the environment would not create limitations for people to move about in the public spaces.* The agents from the applicant's team responded as follows:

- That access and safety of pedestrians and cyclists would be promoted and prioritised.
- That the underpass with the access point from Dragoon Road into the public realm of the wider Masterplan area would be increased in height to provide sufficient space, and the surfaces and finishings of the existing archway would be enhanced to provide well-lit and safe pedestrian and cycle routes.
- That although there would be enclosures of some private amenity spaces, the pocket park and public realms would not be fenced off. Thus, the site would be fully permeable once developed.

3.5.10 *Whether the design in the consented scheme would be delivered.* The agents from the applicant's team responded as follows:

- That apart from minor changes outlined in the report following advice from the Council's Planning Officers, the design agreed by the Design Review Panel (DRP) in 2020 would substantially remain the same.

3.5.11 *Standard of affordable housing to be delivered.* The agents from the applicant's team responded as follows:

- That the design of the affordable units would be of approved quality as those of private dwellings.

3.6 Councillor Will Cooper addressed the meeting under Standing Orders on behalf of his constituents in the Evelyn Ward. Councillor Cooper stated:

- That he had not received many objections relating to the proposals but that the Committee should consider concerns by residents who objected to the proposals earlier in the meeting. Notwithstanding that, with the current acute housing crisis, it should be acknowledged that the Council had to build houses of varying tenures to meet demands.
- That he welcomed the pocket park to be implemented on Dagoon Road because it would be publicly facing.
- That the fencing at Dagoon Road stood as a natural barrier between the Trinity Estate and the development site. Councillor Cooper suggested that the applicant should consider liaising with the social housing provider of the Trinity Estate to identify how the barrier would be removed and to determine how the new development would blend into that area to provide walkways accessibility by to all the residents.
- That he endorsed the idea of 'pepper potting' of affordable housing across the proposed development it because it would enable the community to come together as one to access the same amenities and services.
- That the applicant should consider starting construction activities later than usual on Saturday mornings to allow an extended quality weekend rest times for existing occupiers.

3.7 The Committee made further enquires for point of clarifications and those, together with the responses are outlined in paragraphs 3.7.1 to 3.7.4 below.

3.7.1 *Possible removal of the fence between the Trinity Estate and the development site.* The agents from the applicant's team responded as follows:

- That under the s106 agreement, the applicant had committed to fund resurfacing work on the proposed site. It was stated that some of that funding could be used to connect pathways between the development site and the Trinity Estate. The Committee welcomed that as a good gesture as that was not a material planning consideration.

3.7.2 *Proportion Affordable housing.* Planning Officers responded as follows:

- That no further viability assessment was undertaken or expected to be carried out regarding the proportion of affordable housing to be delivered.
- That the 16% affordable housing provision under the consented scheme had been delivered in part on Plot 2 to provide 60 shared-ownership units, and the remainder would be delivered on Plot 6 to deliver both shared-ownership and affordable units.

3.7.3 *Mitigating the impact of winds.* The agents from the applicant's team responded as follows:

- That the modelling of the impact of the wind on the proposed site would be based on the technical report to be produced by the Council's Planning Team.

3.7.3a *Following on from the later paragraph,* Planning Officers added:

- That the assessment of the wind was reviewed by consultants on behalf of the Council.
- That the external assessment highlighted that the actual impact for strong winds in the windiest season which could present a safety risk to residents were at areas around Eddystone Tower to the north of Deptford Landings, and three options were identified to mitigate the impact, and once agreed, a financial contribution would be made by the applicant. It was stated that implementation could include the planting of trees, putting up banners on lamp posts and/or other appropriate landscaping measures.

3.7.4 *Natural light penetration onto residential units.* The Council's consultants on daylight and sunlight matters responded as follows:

- That although assessment undertaken specifically for sunlight penetration were within 90 degrees of the southern end of the proposed development site, all the units were assessed for daylight, and that was considered adequate.
- That there would always be areas with shadows within the proposed development site because of the height of the buildings to be erected. However, the impact would not be stagnant because the shadows would move around quickly during the day, and other areas would benefit from daylight penetrations.

3.8 Councillor Liam Curran moved a motion to defer deciding on the recommendations, stating:

- That he could not be convinced that there would not be an overdevelopment because of proposals to increase the height a building from 24 to 35 storeys.
- That he could not be convinced that the amount of loss of daylight and sunlight would not adversely impact on residents' living conditions.

3.8.1 There was no seconder to Councillor Curran's motion, and it fell.

3.9 Following a direction from the Chair, Councillor Peter Bernards, Councillor John Paschoud moved the Officers' recommendations in the report. That was seconded by Councillor Aliya Sheik and voted upon with a result of 5 in favour and 1 abstention, subject to conditions in the report, and to include an informative about appropriate measures to undertake improvement

works to the existing boundary treatment at the Trinity Estate along Dragoon Road.

3.10 The Committee RESOLVED

- To agree the proposals to **RECOMMENDATION (A)**, and refer the application, this report, and any other required documents to the Mayor of London (Greater London Authority) under Article 5 of the Town and Country Planning (Mayor of London) Order 2008.
- To agree the proposals to **RECOMMENDATION (B)**, that subject to no direction being received from the Mayor of London, to authorise the Head of Law to complete a **Deed of Variation of the legal agreement under Section 106 (dated 23 March 2016)** of the 1990 Act (and other appropriate powers) to cover the principal matters as set out in Section 8 of this report, including other such amendments as considered appropriate to ensure the acceptable implementation of the development.
- To agree the proposals to **RECOMMENDATION (C)**, that subject to determination of the s96a Non-Material Planning Application (DC/23/130911) and completion of a satisfactory legal agreement, to authorise the Head of Planning to GRANT s73 PLANNING PERMISSION subject to conditions including those set out below and such amendments as considered appropriate to ensure the acceptable implementation of the development.

And to add an informative:

- That the Applicant, in consultation with the Local Planning Authority, shall consider appropriate measures to undertake improvement works to the existing boundary treatment at the Trinity Estate along Dragoon Road.

4. **Plot 5 - Land bounded by Oxestalls Road, Evelyn Street, Dragoon Road and Grove Street SE8 (DC/22/127966)**

4.1 The Principal Planning Officer gave an illustrative presentation to the report, highlighting the planning considerations, with a suggestion that the Committee should approve the recommendations therein.

4.1.1 The Committee noted the report in conjunction of the addendum to it. It was recognised that the proposal was for a full planning permission for a Mixed-use redevelopment for five buildings at Land bounded by Oxestalls Road, Evelyn Street, Dragoon Road and Grove Street SE8 – Plot 5, comprising of:

- 405 residential units (C3)
- 382 student bedspaces
- Employment units, including affordable workspace

- Commercial floorspace

4.1.2 The Officer informed the Committee that the proposals aimed to deliver:

- Building heights ranging between 6-storeys and 29-storeys, 13
- 13 blue badge bays
- Soft landscaping, including a podium garden
- Affordable C3 housing –35% by habrooms (126 units)
- Affordable student units (35%)

4.1.3 The Committee noted key public benefits and that upon implementation, the following would be realised:

- Evelyn Tower (5A) -22-storeys - student rooms
- Court Building (5B) -11-storeys - 81 affordable units
- Waterline Tower (5C) -29-storeys - 220 units
- Corner Building (5D) -12-storeys - 104 units (S/O & Mar)
- Timberyard Studios (5E) –Employment space

4.2 The agent on behalf of the applicant:

- That the application was related to a revised scheme for Plot 5 of the consented scheme for the wider Deptford landing site, and the proposals would provide an uplift in new homes and employment space, and that was consistent with Lewisham Council's emerging plan.
- That the applicant was proud of what had been achieved on the Deptford landing site to date, and was keen to build more high-quality homes, and deliver employment space.
- That the proposed scheme would deliver 126 new affordable homes, with habitable rooms in accordance with the tenure breakdown outlined by the presenting Officer
- That the applicant had worked closely with the Council's Planning Team and Housing officers to ensure that the proposals were acceptable in terms both design and impacts on residential amenities. It was stated that the applicant also engaged with the Design Review Panel (DRP), Greater London Authority (GLA), and the local community. It was stated that the DRP raised a few concerns, and those had been responded to.
- That the current scheme had been subjected to an environmental impact assessment, which was tested by an independent specialist and Council's experts were satisfied with the conclusions.
- That the proposed area was assessed as a good location for developing taller buildings, subject to the Local Views Management Framework Compliance (LVCF)
- That the DRP endorsed the scale and height of the massing of the development, subject to the impact of the LVCF and achievement of exemplary standard of design and architecture, and both had been achieved.

- That the GLA considered that the proposed building would not detract from viewers' ability to recognise St Paul's Cathedral, and on heritage, the GLA concluded that the scheme would result in a low level of less than substantial harm, and that was in accordance with the Council's emerging local plan.
- That the applicant noted that few representations were received objecting to approach of the development but was satisfied the Council officers had investigated each of the areas of concern and responded to fully to those in their report.
- That £13m Community Infrastructure Levy funds commissioned for the whole of the Deptford landing site presented a significant sum to support the impact on the community and the social infrastructure, including s106 contributions to be provided by the developer to improve and enhance bus service in consultation with Transport for London (TfL) officials.
- That the proposals represented a well-designed and high-quality development to expedite the delivery of additional new homes on the Deptford Landing site, with substantial CIL and s106 contributions to provide significant benefits for Lewisham's residents. Thus, the applicant endorsed the officers' recommendation in the report and was suggesting that the Committee should approve them.

4.3 The Committee also noted concerns expressed by two residents who addressed the meeting as objectors of the proposals. The objectors raised similar concerns to those outlined in earlier discussions under Item 3 of report, namely:

- Impact on social infrastructures to deliver additional nurseries, doctors, and transport.
- The need to develop adequate landscape designs to support the public realms of the emerging population.
- Overdevelopment resulting in loss of views and sunlight and daylight
- Impact of wind on residential blocks.

4.4 In its deliberations, The Committee also noted the following clarifications:

- That the impact on the local infrastructure would be mitigated by CIL contribution and s106 contributions.
- That the first-floor podium was not designed to have public access
- That there would be pepper potting of housing tenures in Block D
- That no objection was raised from officials at the school that was close to the proposed site.
- That the distance between the proposed development and the school was approximately 25 metres. Thus, overlooking would likely be of minimal impact.
- That affordable housing included a mixture of social affordable units and the intermediate stake in the form of shared ownership.

4.5 Following a direction from the Chair, Councillor Peter Bernards, the Officers' recommendations were moved by Councillor John Paschoud, seconded by Councillor Aliya Sheikh, and voted upon.

4.6 The Committee RESOLVED

Unanimously

To agree the proposals to **RECOMMENDATION (A)**, and refer the application, this report, and any other required documents to the Mayor of London (Greater London Authority) under Article 5 of the Town and Country Planning (Mayor of London) Order 2008.

To agree the proposals to **RECOMMENDATION (B)**, subject to no direction being received from the Mayor of London, authorise the Head of Law to complete **a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the principal matters as set out in Section 12 of this report**, including other such amendments as considered appropriate to ensure the acceptable implementation of the development.

To agree the proposals to **RECOMMENDATION (C)**, subject to determination of the s96a Non-Material Planning Application (DC/23/130911) and completion of a satisfactory legal agreement, authorise the Head of Planning to **GRANT PLANNING PERMISSION** subject to conditions including those set out below and such amendments as considered appropriate to ensure the acceptable implementation of the development.

The meeting closed at 10.17p.m.

Chair