

MINUTES OF THE STRATEGIC PLANNING COMMITTEE

Wednesday, 19 July 2023 at 7.30 pm

PRESENT: Councillors Peter Bernards (Chair), Jack Lavery (Vice-Chair), Liam Curran, Sian Eiles, John Paschoud, Kim Powell and James-J Walsh

MEMBER(S) OF THE COMMITTEE JOINING REMOTELY: None.

MEMBER(S) PRESENT IN PERSON UNDER STANDING ORDERS:
Councillor James Rathbone.

MEMBER(S) PRESENT REMOTELY UNDER STANDING ORDERS:
Councillor Luke Warner.

OTHERS JOINING THE MEETING REMOTELY: Legal Representative from Francis Taylor Building (external).

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

AN APOLOGY FOR ABSENCE: from Councillor Aliya Sheikh.

1. **Declarations of Interests**

No interest was declared at the meeting.

2. **Minutes**

RESOLVED that the Minutes of the meeting of the Strategic Planning Committee held on 12 June 2023, be confirmed, and signed as an accurate record.

3. **Leegate Shopping Centre, SE12**

3.1 The Principal Planning Officer gave an illustrative presentation of the report, highlighting the planning considerations that informed the proposal, and suggesting that the Committee should agree the recommendations for the development of Leegate Shopping Centre.

3.2 The Committee noted the report and an addendum to it which contained updates on employment, consultation, highways, planning conditions and sunlight and daylight matters.

3.2.1 In considering the report, the Committee recognised that the recommendations were related to proposed works for the demolition of existing buildings and the construction of new buildings up to 15- storeys to provide a mixed-used development to include the following:

- 562 residential units, of which 36% would be affordable housing.
- Flexible commercial floorspace (Use Class E) to generate up to 183 full time jobs.
- Community centre (Use Class F2) and a public house.
- associated public realm, landscaping measures and biodiversity.
- Highways improvements in a PTAL 3 rating public transport facility.
- Car parking and cycle parking and stores.

3.3 The Committee asked questions and noted Officers' responses on the following matters:

- *Local Plan:*
 - That formal consultation must be completed on local emerging policies before implementation. Thus, in reaching a decision on the recommendations, the Committee should not give weight to the emerging Local Plan because the draft documentation had not been formally examined by the Planning Inspectorate.
- *Employment:*
 - That the proposals aimed to improve the local economy through the supply of jobs, with 201 FTE roles to be delivered during the construction period, and up to 183 FTE jobs post-development. It was clarified that the labour contribution to be secured as part of the s106 planning agreement would be utilised to secure employment for local people as a valuable contribution within the Leegate area.
- *Building Heights:*
 - That in accordance with the Greater London Authority (GLA) policy, local authorities had an obligation to identify suitable locations for development of tall buildings and then determine appropriate heights based on the circumstances of each individual site. Thus, Planning Officers were satisfied that determination about the appropriateness of the proposed heights of the buildings to be delivered were adequate because the assessment was based on the existing Local Plan and the London Plan.
- *Car-Free Policy:*
 - That the Council's policy suggested consideration of planning applications from a car-free point at the pre-application stage. However, Officers were satisfied that the public transport accessibility level (PTAL) 3 setting for the proposed development accorded with the requirement in the London Plan. Thus, Transport for London (TfL) and Council's Highways officials raised no objection the 60 residential parking spaces proposed

because the London Plan policy only required car-free for areas identified as PTAL 4, 5 and 6.

- *Public Highways Benefits*
 - That the proposed development would benefit from public highways amenities around the site in the following ways:
 - Bus stops within the immediate vicinity of the proposed site. The existing southbound bus stop on Burnt Ash Road would allow vehicular movements when a bus was stationary.
 - The nearest train station at Lee was 0.4 miles to the south of the proposed site.
 - That the proposals aimed to deliver improvements to public highways around the proposed site to provide:
 - 76 off-street car parking spaces, of which 60 would be for residential occupiers, and 16 for commercial users.
 - 18 blue badge residential parking bays would be provided; and two within the commercial bay.
 - 4 parking bays would be provided on Leyland Road, including spaces for car club and visitors.
 - 982 dry and secure long stay residential cycle spaces would be provided. 1,150 overall when including all other uses and short stay bays.
 - A new loading bay would be formed to primarily serve the new supermarket to the south.

3.4 The Committee received submissions made by representatives on behalf of the applicant, with a suggestion that Members should agree the proposals because the scale and height were appropriate for the location and would not result in significant harm in the environmental surrounds. The representatives echoed statements by the presenting Officer to highlight the public benefits of the proposed scheme, including the constructions of 562 new dwellings to deliver 173 affordable homes, and the provision of new commercial units and public realm works.

3.4.1 In response to questions raised, the applicant's representatives advised the Committee as follows:

- *Carbon reduction measures:*
 - That the applicant applied the Government's new version of Standard Assessment Procedure (SAP) 10 carbon emission factor to determine the 90% reduction rate in the report following a decarbonising grid. Hence, the fossil-fuel free approach measurement was in accordance with the 2013 Building Regulations baseline outlined in the London Plan.

- *Decantation:*
 - That the applicant had allowed for a phased approach to decantation. It was stated that the approximate timescale to decant would be 53 months, and existing leases would lapse as part of the process.

- *Affordable housing - assigned & managed:*
 - That the affordable housing provision to be delivered would equate to 173 units, with 114 units being London Affordable Rent, and 59 Intermediate/ Shared Ownership.
 - That the proposed scheme would deliver mixed tenures. It was stated that the affordable units would be located on the ground floor level, each with its own front external door entrance.
 - That there had been a significant number of interests from housing providers. However, it would be impractical for the applicant to determine the outcomes of negotiations until the proposed scheme was approved, and a S106 Agreement reached.
 - That housing providers who had expressed interests to take the proposed scheme forward had advised that they would maintain their own site.
 - That there would be no pepper-potting of tenures on the proposed site, as that was a request by the major residential providers, with a view to eliminate unnecessary service charge for potential tenants. It was stated that the approach was in accordance with the Greater London Authority (GLA) expectations whereby housing providers would set service charges at a realistic level and review them on a regular basis to minimise and/or reduce ongoing costs to leaseholders.

- *Health support needs of potential residents:*
 - That through extensive consultation, the applicant was determined that the medical centre would be located on the first-floor level within Block 1.
 - That to relieve pressure on existing health services in the Leegate area, discussions were ongoing with the National Health Service Clinical Commissioning Group to secure an Integrated Care Board (ICB).
 - That funding of the proposed health facilities would be secured via a s106 agreement fund, with a view to provide medical services to the growing population within the development and the local area.

- *Sustainable urban drainage system:*
 - That the strategy to be applied by the applicant in terms of restricting water run-offs into sewers would be via an attenuation

- tank which would be installed under the ground cellular storage areas below the public square, with a sub-base in the car parking areas of Blocks B and C.
 - That the surface water drainage strategy also proposed rainwater harvesting, permeable paving, and green rooftops across the development to further aid surface water management.
 - That the existing attenuating water run-off rate was more than 100 litres per second. It was stated that the applicant aimed to reduce that to 12.6 litres per second post-development by introducing systems to hold back water, with a view to free up the sewage network and reduce flood risks downstream.
 - That a condition was in place to secure full details of the drainage and maintenance strategy prior to the commencement of works.
- *Urban green factor (UGF):*
 - That the applicant aimed to maximise the urban greenery on the site at the outset but recognised that 50% of the ground level had to be apportioned as commercial space and hard paving and access passages around the buildings. Notwithstanding that, the trees to be planted would be at their smallest size and when they become matured, the proposed UGF of 0.364 would substantially increase to reach the 0.4 benchmark level.
 - That the proposed UGF of 0.364 would be further enhanced by the implementation of biodiverse living roofs, rain gardens and vegetated sustainable drainage elements.
- *Decantation progress:*
 - That the applicant consulted with commercial tenants, and 3 out of 5 had expressed a desire to return post-development.
 - That the applicant could consider decantation of residents outside of the planned timeline but there would have to be a significant number of requests to justify such flexibility.

3.5 The meeting was also addressed by representatives on behalf of Lee Green Assembly Working Group, Leegate Forum, and the Blackheath Society. The Committee was advised that the community noted proposals to regenerate Leegate and welcomed the benefits of additional homes with onsite affordable housing units, the provision of mixed-commercial and retail spaces, and the high-quality public realms to be delivered. However, the community were opposed to the following:

- *Excessive heights:*
 - That the tallest block of 15 storeys would be over 80% higher than the existing buildings, and over 34% higher than the normal maximum for the Lee Green area. The second tallest building would be 42 metres in height. Therefore, the

provisions would exceed the policy in the recent Lewisham Council's approved draft Local Plan.

- *Excessive density and massing:*
 - That the matrix applied to assess the density and mass contravened the requirements in the London Plan, and therefore would be excessive and intrusive in the Leegate urban setting.
- Quality of the units:
 - That 40% of the homes to be delivered, which equated to a total of 200 units, would be exclusively small one-bed units. Thus, the delivery would contravene the requirements of the London Plan policy D6. It was stated that the local community expected that upon implementation, the units would be habitable and in line with climate emergency considerations regarding lighting, ventilation, and heating.

3.6 The Committee continued with their discussions, and noted further responses by Officers to questions raised as follows:

- That 58% of the housing to be delivered would be dual aspects units, and the remainder would be single aspect. It was stated that the single aspect units would be subjected to policy expectations in terms of ventilation and the extent of daylight benefits.
- That in terms of daylight benefits, 85% of the units would be British Research Establishment (BRE) standard. That sunlight benefits calculated at 76% would also be BRE compliant.
- That each unit would be fitted with mechanical ventilation and a heat recovering system that would provide fresh air when windows were shut. That Condition 20 required further details of the mechanical vents prior to installation.
- That the density of the proposed buildings was design-led and had not exceeded the parameters for development of such a scale in an urban setting.
- That because the application exceeded the 35% threshold as a maximum for affordable housing provision, no viability assessment was required in accordance with policy in the London Plan.

3.7 The Committee also noted submission made by a resident who expressed support for the proposals. The resident stated that he welcomed proposals to regenerate the Leegate area to deliver a much-needed affordable housing provision and improve the public realms. He suggested that the Committee should approve the recommendations in the report. The resident also expressed the following views:

- That the improvements to be realised would likely increase recycling and reduce litters and antisocial behaviour in the Leegate.

- That considering the transformation of the former Ferrier Estate in Kidbrooke to what had become a successful regeneration scheme with high-rise housing units, it was likely that the proposed Leegate development would also be beneficial to the Lewisham local community.
- That it would be appropriate if the proposed regeneration was referred to as the “Leegate Village” to co-exist alongside the Kidbrooke Village, the Greenwich Village, and the Blackheath Village in a similar local fashion.

3.8 Councillors James Rathbone and Luke Warner also addressed the Committee in a collective position of community interests and advised that they were representing the views of the other Councillors respectively in Lee Green and the Blackheath wards in recognition of the fact that the proposed development was significant and had attracted a large level of public interests. The Committee was advised as follows:

3.9.1 The Committee noted that the ward Councillors were supportive of the principle of the proposed redevelopment of the Leegate Shopping Centre and welcomed the following:

- The extent in which the applicant had engaged throughout the process.
- The significant improvements to be made in the public realms.
- The plan to retain as many matured trees as possible on the proposed development site.
- The applicant’s commitment to provide an improved community centre.
- The delivery of 35% affordable housing.

3.8.2 The Committee noted that the ward Councillors were however concerned about the following:

- That the proposed height of Block A1, the density of the proposed buildings and the loss in the overall employment floorspace were not policy compliant. To illustrate, the ward Councillors stated:
 - That the matrix used by officers to calculate the height and density levels was evidence of a diversion from policy requirements.
 - That it was recognised that a significant area of the Leegate Shopping Centre was in disrepair, however, the report failed to demonstrate how the employment space would meet modern health and safety workplace standards to attract commercial organisations to take up occupation.

3.8.3 The ward Councillors suggested that given the shortcomings that had been highlighted, the Committee should consider whether the proposed development was sufficient to justify deviation from existing policy commitments, and potential adverse impact on the distinctive historic and

heritage characters of the local environmental surrounds, and the effect on the neighbouring maritime Greenwich World Heritage buffer zone.

3.8.4 Continuing with their suggestions, the ward Councillors informed the meeting that they understood the London Plan stipulation that once the 35% affordable housing threshold had been met, there was no requirement for a developer to publish a viability report but suggested that it was incumbent upon the Committee to request such a report.

3.9 In their deliberations, the Committee considered all submissions made and questions for further clarification. The Officers responded by explaining the technicalities of the matrix used to calculate the height and density levels, the rationale for proposing a reduction of the employment floor space, and the reason why aspects of the scheme were not policy compliant in view of the benefits to be realised for the local community, as outlined in the report and the addendum.

3.9.1 After considering all the submissions at the meeting, the Committee were of a view:

- That although there was evidence that some aspects of the scheme had departed from certain policy expectations, the benefits to be realised from the development were significant enough to outweigh those policy requirements.
- That the material planning considerations applied by Officers, and the conditions to support implementation of the proposed scheme were adequate to ensure a significant benefit for residents.
- That it would be impractical to impose upon the applicant to produce a viability report when there was evidence that the fast-track route in London Plan Policy H5 had been complied with to deliver a 35% affordable housing provision of the overall scheme.

3.10 Upon the direction of the Chair, Councillor Jack Lavery, Councillor James Walsh proposed, and Councillor Kim Powell seconded a move of the recommendations in the report, which those were voted upon by Members, and it was

RESOLVED that the Committee unanimously:

AGREED RECOMMENDATION (A)

1. To demolish existing buildings at Leegate Shopping Centre SE12, bounded by Burnt Ash Road, Eltham Road, Leyland Road and Carston Close, and construct buildings up to 15-storeys (excluding basement level) to provide:
 - A comprehensive mixed-use development including residential (Use Class C3);

- Flexible commercial floorspace (Use Class E),
- A community centre (Use Class F2) and a public house (Sui Generis), together with
 - associated public realm;
 - landscaping and highways improvements,
 - vehicular access,
 - car parking and servicing arrangements;
 - cycle parking and stores, and
 - all other ancillary works.

And refer the application, the report considered at the meeting of Lewisham' Strategic Planning Committee meeting held on 19 July 2023 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.

AGREED RECOMMENDATION (B)

2. That subject to no direction being received from the Mayor of London, to 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.

AGREED RECOMMENDATION (C)

3. That subject to 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.

AGREED RECOMMENDATION (D)

4. That if a satisfactory legal agreement has not been entered into by **19 March 2024**, it is recommended that the Director of Planning refuses planning permission for the following reason:
 - *The proposal, by failing to provide for appropriate planning obligations secured through the completion of a s106 Agreement, fails to ensure adequate mitigation against the adverse impacts of the development, contrary to Policy DF1 'Delivery of the Plan and Planning Obligations' of the London Plan (2021).*