



Strategic Planning Committee

Report title: Addendum Report: Leegate Shopping Centre, SE12

Date: 19 July 2023

Key decision: No.

Class: Part 1

Ward(s) affected: Lee Green

Contributors: Geoff Whittington

Outline and recommendations

This report sets out Officer's recommendation for the above planning application. The report has been brought before Strategic Planning Committee for a decision as there are 64 valid planning objections and the application pertains to a site of strategic importance.

The application is recommended for approval subject to planning conditions, completion of a s106 agreement, and Stage 2 approval by the GLA.

Application details

Application reference number:	DC/22/126997
Application Date:	2 August 2022
Applicant:	GHL Leegate Ltd
Proposal:	Proposed development at Leegate Shopping Centre SE12, bounded by Burnt Ash Road, Eltham Road, Leyland Road and Carston Close, for the demolition of existing buildings, and the construction of 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.
Background Papers:	<ol style="list-style-type: none">(1) Submission drawings(2) Submission technical reports and documents(3) Internal consultee responses(4) Statutory consultee responses(5) Design Review Panel(6) Aecom responses
Designation:	Site Allocations Local Plan – SA23 District Centre Lee Neighbourhood Forum PTAL 3 Flood Risk Zone 2 and 3 (north-western area) Flood Risk Zone 1 (south-eastern area) Air Quality Management Area
Screening:	Scoping Opinion pursuant to Part 4 Regulation 15(1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (EIA Regulations), and the application has been submitted with an Environmental Impact Assessment.

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LEEGATE ADDENDUM REPORT

1.0 INTRODUCTION

- 1.1 This report has been prepared to provide minor updates to the Main Report with regard to application details including employment; consultation; sunlight/ daylight matters; Highways; planning conditions; and Heads of Terms.

2.0 Application Details - Designation

- 2.1 The Application Details section of the report is amended to include;

Flood Risk Zone 2 and 3 (north-western area)

Flood Risk Zone 1 (south-eastern area)

3.0 Site and Context

- 3.1 Paragraph 13: The existing car-park is split over two levels, not single-storey as stated.

To the south of the shopping centre is a **2-level** car-park with capacity for 186 vehicles, and an adjacent former petrol station which is currently in use as a hand car wash service.

4.0 Full-Time Jobs

- 4.1 The projection of full-time jobs within the completed development was reported as **up to 198FTE**, however it has since come to light this was based on gross floorspace instead of net floorspace. The following paragraphs will therefore be amended accordingly;

(156) The proposed number of jobs within the completed development is projected to be up to **183FTE**, based on the Homes and Communities Agency Employment Density Guide 3rd Edition (2015).

(330) The application submission estimates that the employment floorspace can be expected to generate up to **183** full time jobs, which is based on the Homes and Communities Agency Employment Density Guide 3rd Edition (EDG, 2015), as set out in Table 6. The calculation uses a 'employment density' figure that relates specifically to a particular type of use. For example:

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the proposed public house would measure **252.5sqm (net)**

divided by its 'job density' number of **15-20**

estimated number of jobs = **12.6 – 16.8**

- (331) The application submission estimates that the employment floorspace can be expected to generate up to **183** full time jobs. This compares to the existing **175FTE** that is advised in the submission, which is subsequent to the offer of short-term leases below market rents since 2021 whereby the previous FTE was 138 employees. It has not been established how many posts the site could provide when in full occupancy, or indeed when the site was last capable of being at full capacity, however it is accepted this would have exceeded the **183FTE** currently forecast.

Table 6: FTE posts according to the Homes and Communities Agency Employment Density Guide 3rd Edition (EDG, 2015)

Land Use	Use Class	NIA (sqm)	Job Density	Estimated job creation
Community Centre*	F2(b)	255.8	50	5.1
Supermarket	E(a)	1020.9	15-20	51 - 68
Restaurant	E(b)	272.6	15-20	13.6-18.2
Medical Centre**	E (e)	713.1	41.3	17.3
Gym	E (d)	310.3	65	4.8
Flexible Commercial***	E (a) to E (d) & E (g) (i)	428.3	12-20	21.4-35.7
Public House	Sui Generis	252.5	15-20	12.6 – 16.8
Total				136.3 – 183.3

4.2 Paragraph 162 is amended to read as follows:

- Supporting the local economy through the construction phase and supply related jobs, with **201 FTE roles being created during the construction period, and up to 183 FTE jobs post development.**

4.3 The amendment to the overall job provision within the completed development does not change the recommendation by officers, and it remains the consideration that the scheme would provide a valuable contribution towards employment within Lee Green.

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5.0 **Public Realm**

- 5.1 Paragraph 54 is amended to refer to **18no.** new trees along Burnt Ash Road, replacing the stated 19no.

6.0 **Application Publicity**

- 6.1 Paragraph 5.1.3 is updated to read:

Statutory Consultees: Local Groups

- 6.2 Paragraph 72 is updated to advise upon the neighbour responses received to date, and additional neighbour letters that have been received since the Committee report was published:

A total of 227 letters were received, comprising 64 objections, 153 expressions of support, and 7 comments.

- 6.3 The main report advised that 88 letters of support had been received. Members are advised that in fact the correct figure is 153 letters of support for the proposal. In addition, the number of objection letters has increased from 60 to 64.

- 6.4 Paragraph 77 mistakenly referred to the Lee Forum. This is amended to correctly refer to the **Lee Manor Society**.

- 6.5 **The Lee Forum** objected to the development for the following reasons:

- Proposed height of 15-storeys;
- Density of development resulting in 58% of proposed units being dual aspect;
- Impacts upon heritage and views;
- Insufficient design features to reflect local character;
- Felling of 3 TPO trees;
- Local business concerns;
- Highways related concerns;
- Social Infrastructure;
- Design and massing.

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6.6 A letter was submitted on behalf of the Leegate Traders in August 2022, which is summarised as follows:

Current Trading Conditions

- Many remember the Leegate in happier times when it was a thriving commercial hub - there are still businesses trading from this period. More than twenty years of false starts to the regeneration of the Leegate have left it in an impoverished state.
- For all this there are growing and thriving businesses and Galliard Homes deserve credit for letting as many of the units as possible. The plans that have recently been submitted for the redevelopment have added to this current uncertainty.
- Galliard Homes continue to provide a good level of facilities support and services and tenancies on same terms right up to the point of redevelopment.
- Galliard Homes continue to provide a good level of facilities support and services and tenancies on same terms right up to the point of redevelopment.
- To continue to work with the traders to create the conditions in the short term where businesses can recover and thrive. This will include the environmental improvements that the Leegate Traders are planning with the help of a grant from the Lewisham Council Business Development Team.

Future Trading

Up to and including a rebuild

- If the plans go through and there is a start date for the work, traders and services will face the urgent need to find - or be found - new premises to continue trading. This task remains whether or not traders and services indicate that they would like to come into the new development. This is a perilous situation:
- Each business and service will have different requirements for new premises based on factors such as size, location, cost, flexibility of use and trajectory of their business. Traders and services would need to receive considerable focussed work and support especially from Galliard Homes and Lewisham Council.
- The costs of such a move will be a challenge, especially if it is a short-term move.
- We are unclear what conditions will be attached to the offer of 1 year's free rent in the new development. This is only available to tenants that were in occupation when Galliard took over. The terms may require a minimum lease term or personal guarantee on the lease which could render the offer very unfavourable.

The Redevelopment Plans

- We consider the consultation process to be poorly carried out and there is little evidence of the suggestions we have made.
- The lack of a dedicated service yard for the business users;
- We need to see much more detail before any of the businesses will be able to make any sort of realistic plans.

6.7 Para 83 refers to the LPA Conservation officer comments, which should refer to 'low to moderate', replacing 'lower end'.

Conservation – identifies less than substantial harm at a **low to moderate** range to existing heritage assets arising from the development.

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7.0 Planning Discussion

7.1 In Paragraph 188, 'Block 1' is replaced by 'Block A'.

7.2 Paragraph is updated to refer to car-parking.

Discussions are ongoing with the NHS Clinical Commissioning Group to occupy the unit, however initial concerns have been raised about the size of floorspace and its location at first floor level, despite being served by two lifts. **A lack of sufficient space for ambulance and associated car parking has also been raised as a matter of concern.**

7.3 Paragraph 343 is amended to reflect an uplift in the Relocation Fund from £1.5k to £2.5k:

To supplement this, the Applicant will provide a relocation fund of **£2,500** per existing business tenant that may be used to assist in the practical costs of moving their business and establishing within a new location, whether they are moving temporarily prior to a return to the redeveloped Leegate, or a permanent relocation. The sum has been agreed with the Economy, Jobs & Partnerships team, and will be secured in the s106 Agreement.

7.4 Paragraph 547 to read:

Table 10.3 of the London Plan states in areas of Inner London with a **PTAL of 3**, the maximum provision of car parking is **0.25** spaces per dwelling.

7.5 Paragraph 583 advised that a financial contribution would be secured in the s106 towards existing bus service enhancements.

7.6 Following discussions subsequent to the Committee report being published, TfL have advised there is no requirement for a bus infrastructure contribution as the s278 works would be sufficient to secure new shelters and road markings.

7.7 TfL have also confirmed that a contribution towards existing bus services is not required as there is sufficient spare capacity on services during peak hours.

7.8 Paragraph 608 is amended to confirm a draft Construction Logistics Plan was submitted to the LPA.

The submission documents identify an estimated construction build programme of approximately 53 months. A draft Construction Logistics Plan has been submitted to set out anticipated construction vehicle movement per day; waiting areas; routes; and details of cumulative developments. A detailed Construction Logistics Plan and

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Construction Management Plan will be secured by conditions to ensure satisfactory vehicle management during the construction period.

Sunlight/ Daylight

7.9 Table 8 is amended in regard to 1-42 Merridale, which incurs major adverse harm to 6 windows. The Table is also updated to include NSL results.

Table 8: Major Adverse harm to existing properties

<u>Daylight (VSC)</u> Major Adverse	<u>Daylight (NSL)</u> Major Adverse	<u>Sunlight (APSH)</u> Major Adverse	
17-19 Eltham Road (1 window)	17-19 Eltham Road (8 rooms)	17-19 Eltham Road (24 windows)	
1-42 Merridale (6 windows)	1-42 Merridale (2 rooms)	161-167 Lee Road (x4)	
1-44 Leybridge (24 windows)	1-44 Leybridge (6 rooms)	1-44 Leybridge (x12)	
45-88 Leybridge (26 windows)	45-88 Leybridge (6 rooms)	27 Eltham Road (2 windows)	
	21 Eltham Road (2 rooms)	21 Eltham Road (3 windows)	
	23 Eltham Road (1 room)	23 Eltham Road (3 windows)	
	25 Eltham Road (1 room)	25 Eltham Road (2 windows)	
	38-40 Burnt Ash Road (7 rooms)		1,3,5 Eltham Road (9 windows)
			29 Eltham Road (2 windows)

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7.10 Paragraph 665 is updated as follows;

Overall, the assessment has considered 431 windows serving neighbouring residential and non-residential properties, of which 355 currently have daylight levels **(VSC)** that meet or exceed BRE. In regard to sunlight, 207 existing windows that were tested are currently BRE compliant.

7.11 Paragraph 693 is updated to read:

With the development in place, 6 windows would incur 'major' reductions, however 5 of the openings serve **galley style kitchens** only, therefore as these are not habitable rooms, they are therefore discounted from the BRE assessment.

7.12 The following paragraphs consider the impacts of No Sky Line Contour (NSL) upon neighbouring properties.

NSL is a further measure of average illuminance at the working plane within a room, compared with that outdoors. Table 8 lists the neighbouring properties that would incur major adverse harm.

In the existing baseline, of the properties tested, 87% are BRE compliant, ie rooms above the 80% threshold are well lit.

The results of the NSL test demonstrate that of the 370 rooms facing the site, 306 (83%) would comply with the 80% BRE threshold; 31 rooms would incur minor to moderate reductions; and 33 rooms would experience major adverse harm.

Eight rooms within 17-19 Eltham Road, which lies directly opposite the development, would incur major reductions, with 6 living rooms affected. For example, a room that measures 16.4sqm has daylight to an area of 16.1sqm. With the development, 6.3sqm of the room would receive daylight, representing a 61% loss. Most reductions for other rooms would be negligible to minor.

1-44 Leybridge, which is an 11-storey block of flats to the east of the site would incur major harm to 6 rooms between floors 1 to 6, which are listed in Appendix 10.3 as 'unknown'. Considering the floor sizes of 11.3sqm, it is assumed these are bedrooms, with the living rooms being the largest areas at 18.2sqm, and kitchens being the smallest at 9.3sqm.

The highest reduction would be 91% to a first floor 'bedroom', where the existing NSL of 58% would fall to 5%. Other major reductions would range between 42 - 79.1%. Most reductions for other rooms would be negligible to minor.

Similar impacts would be incurred to the neighbouring block at 45-88 Leybridge, where 6 rooms between floors 1 to 6, assumed to be bedrooms, would see major reductions ranging between 64% and 94.1%. Most reductions for other rooms would be negligible to minor.

1-42 Merridale, which is the 11-storey block directly to the south of Carston Close would experience major adverse reductions to two kitchens on the ground and first

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floors by up to 50%. It is acknowledged that living rooms and bedrooms would generally incur no reductions.

38-40 Burnt Ash Road is a 3-storey block of flats, and 7 rooms would experience major adverse reductions, being located directly opposite the proposed 8-storey Block C. The reductions would range between 40.4% and 49.5%, although it appears that the assessment does not consider the two mature trees to the front that significantly restricts daylight when in full leaf. The remaining east facing rooms would incur moderate reductions in NSL.

Four rooms within 21-25 Eltham Road (3-storey townhouses, with rear elevations facing the development site) that would lie opposite Block B would experience major reductions of up to 45.1%. The assessment refers to the affected rooms as 'unknown', but they appear to accommodate ground floor kitchens, first floor living rooms and second floor bedrooms.

A bedroom at no.21 would incur a reduction of 41.7%, the same as the ground floor kitchen. The first floor living rooms would incur moderate reductions. It is noted that the properties are largely screened by existing street trees along Eltham Road that are likely to restrict daylight levels in full leaf.

In summary, the NSL assessment concludes that 9% of rooms tested to neighbouring properties would incur major reductions in daylight. 306 rooms (83%) in comparison would comply/ exceed the BRE threshold of 80%. The reductions would be significant upon the affected rooms, however it is acknowledged that where developments of such scale are proposed, it is an expectation that impacts upon neighbour amenity will be incurred.

8.0 Design Review Panel: Officer Response

8.1 The DRP response following Paragraph 117 is updated with regard to Building B1:

The assessment of daylight within the proposed apartments has shown that the vast majority of the habitable rooms receive good levels in excess of the relevant BRE targets. The ADF assessment results have shown that **99%** of the habitable rooms across the Proposed Development meet the daylight criteria. The deviations that occur are typically marginal and / or driven by overhanging balconies. **The methodologies for assessing internal daylight were updated post the original submission and when tested to these (daylight illuminance), the scheme sees 85% compliance which is high for this type of development.** Overall, the Proposed Development is considered to have an excellent performance for internal daylight and sunlight levels.

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9.0 Conditions

- 9.1 Condition 26 'Wildlife Boxes' is retitled '**Biodiversity Enhancement Management Plan**'.
- 9.2 Condition (72) is amended to remove reference to storage '**voids**'. Compensatory storage for the loss of floodplain will be provided by lowering an area at the edge of the floodplain (The Square) into the floodplain and not via storage voids.

72) Floodplain storage mitigation

Prior to the commencement of development, a scheme of floodplain storage mitigation shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include:

- Drawings in plan and section showing detail of how the floodplain storage will be constructed;
- A set of drawings showing the timing and sequence of works that demonstrates that a loss of floodplain storage capacity will not occur during the construction works;
- A maintenance plan setting out how the floodplain storage will be maintained in perpetuity.

The development shall then only proceed in strict accordance with the approved scheme.

Reason: to prevent an increase in flooding to other developments and to the surrounding built environment, in line with the National Planning Policy Framework (NPPF) (Paragraphs 159, 164 and 167) and the London Borough of Lewisham's Core Strategy (Policy 10).

10.0 Conclusion

- 10.1 The additional representations that have been reviewed are not considered to change the assessment undertaken or the conclusion and recommendation of the officer report to Committee.

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11.0 BACKGROUND PAPERS

- (1) Submission drawings
- (2) Submission technical reports and documents
- (3) Internal consultee responses
- (4) Statutory consultee responses
- (5) Design Review Panel responses
- (6) Aecom response

12.0 REPORT AUTHOR AND CONTACT

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