

# MINUTES OF THE STRATEGIC PLANNING COMMITTEE

Tuesday, 17 November 2020 at 7.30 pm

PRESENT: Councillors John Paschoud (Chair), Kevin Bonavia, Andre Bourne, Suzannah Clarke, Liam Curran, Aisling Gallagher, Olurotimi Ogunbadewa and James-J Walsh

ALSO PRESENT:

Presenting Officers:

Director of Planning, Major & Strategic Projects Manager, and Principal Planning Officer.

Legal Representation:

Charles Merrett, Francis Taylor Building – on behalf of Lewisham Council.

Clerk:

Senior Committee Manager.

The Chair, Councillor John Paschoud announced that officers and members of the public in attendance should turn their cameras off unless invited to participate at the meeting. It was stated that the meeting was held in public. Members of the Committee should leave their cameras turned on throughout the public web broadcast. The Chair stated that after the Officer's presenting, the applicant would address the Committee, and that the same opportunity would be given to members of the public who had registered to speak at the meeting.

Apologies for absence were received from Councillor Leo Gibbons and Councillor Sakina Sheikh.

## 1. Declarations of Interests

No interest was declared at the meeting but Councillor Suzannah Clarke asked that, in relation to Item 3, it should be noted that she was involved in theatrical work as an opera singer. Councillor James James-J Walsh also advised that he was a former Governor at the Trinity Laban Conservatoire of Music and Dance (Trinity Laban).

## 2. Minutes

RESOLVED that the Minutes of meeting of 14 October 2020, be confirmed as a correct record.

### **3. Creekside Village East, Copperas Street SE8**

The Principal Planning Officer gave an illustrative presentation of the report, and suggested that the Committee should approve the proposals therein.

The Committee noted that the proposals would enable the applicants to demolish existing buildings and structures on land bound by Copperas Street and Deptford Creek SE8, and deliver three buildings. It was stated that two of the proposed buildings would comprise of 30 and 26 storeys respectively, with residential dwelling units and two commercial floor spaces within each block at the ground floor level. The third building would deliver a 5-storey facility as an extension of Trinity Laban, with a commercial floor space at the south east corner of that building. In addition, the proposals would deliver an underground car park, cycle parking facilities, public realm open space with associated landscaping, and a new route along Deptford Creek.

In considering the proposals, the Committee noted that the application site, bounded by Copperas Street to the north, and Deptford Creek to the south, was adjacent to the Trinity Laban centre on the west. The central area of the site is owned by the applicants, the eastern part by the London Borough of Lewisham, and the western element by Trinity Laban. It was recognised that financial contributions associated with the delivery of the development would be made to the Council on the basis of a land sale agreement between the London Borough of Lewisham and the applicants. The Committee also noted that the applicants would deliver a new building to shell and core to facilitate the expansion of facilities on the Trinity Laban campus.

The Committee expressed concerns about potential for traffic problems due to the narrowness of Copperas Street, and in light of increased car parking activities on that stretch of road. In response to questions on the matter, the Officer confirmed that analysis undertaken by the applicant, and subsequently reviewed by Lewisham's Highways Team, demonstrated that refuse and emergency vehicles can access Copperas Street. Copperas Street lies along the borough boundary but is currently the responsibility of the Royal Borough of Greenwich in highway terms. The proposed double-width entrance in the public realm fronting to Copperas Street would likely improve the situation by providing a turning head facility for various sizes of vehicles, in addition to providing access to both the basement car park and the vehicular servicing area along the north east side of the proposed site. However there would be no scope to widen the width of the existing carriageway at Copperas Street. Notwithstanding that, the Royal Borough of Greenwich, which has responsibility for that stretch of highway, had agreed in principle that the proposed public realm works to Copperas Street could be carried out by the London Borough of Lewisham on its behalf. Thus, there would be an opportunity to use financial contributions from the applicants towards the implementation of a Controlled Parking Zone, with a view to increase the amount of usable road space on Copperas Street.

The Officer responded to further questions, clarifying to the Committee that the reason why the installation of a gate had been proposed on the Creekside route adjacent to the existing Trinity Laban building was to protect the Trinity Laban

building against vandalism, given that its façade comprises semi-transparent polycarbonate panels which would be susceptible to damage.

On the issue of the design of the proposed facility for Trinity Laban, the Officer advised the Committee that a range of options were considered on several occasions with the Lewisham Design Review Panel, and it was decided that using a dark coloured material would be the best option to deliver an appropriate high-quality design. The Committee was advised that the intention for the dark material was to deliberately contrast with the existing Laban building.

In light of a concern, the Officer informed the Committee that the area to be developed had been designated as an opportunity area, and the principle of high-density development had been previously established. It was stated that in 2007, Lewisham's Planning Committee were minded to approve a scheme to deliver a series of buildings rising to a maximum of 22-storeys on the proposed site. In the appeal against refusal of a 2015 application proposal for development on the site, the Planning Inspector raised no concern about the scale and density of two buildings rising to 10 and 24 storeys.

In a follow-up question to the latter, the Committee received confirmation from the Officer that the policy direction of the emerging London Plan had moved away from the application of a strict density matrix in planning terms to enable the delivery of developments in accordance with the context and nature of the surrounding area. In light of that, and given the history of the site, the high-density development of the current scheme was assessed by Officers as appropriate.

Continuing with his response, the Officer advised the Committee that the majority of concerns about daylight and sunlight into buildings were received by existing occupiers in dwellings at Creekside Village West and Union Wharf. It was stated that the Council's Planning team were aware that a proportion of rooms within surrounding developments would fail to meet the British Research Establishment (BRE) standard in regard to daylight and sunlight provisions. However, given the planning history for high-rise development on the proposed site, and an assessment by the Council's independently appointed consultants who reviewed the submitted Environmental Statement, planning officers came to the view that the public benefits of the scheme outweighed the harm of transgressions against the BRE standards in relation to levels of daylight and sunlight within existing surrounding residential apartments. The Officer reiterated to the Committee that planning policies recognised that in the context of high-rise developments in urban areas, it would not always be possible to achieve the BRE recommended levels in terms of daylight and sunlight.

The Committee raised further questions and received confirmation from the Officer that the viability evidence submitted with the application was subjected to scrutiny by both the Council's appointed independent consultants, and the Greater London Authority's (GLA) viability experts. It was stated that the outcome of the assessment was that 10% was the maximum that the proposed scheme could deliver in terms of affordable housing provision, taking into account the delivery of the Trinity Laban facility to shell and core, and the required level of the developers' return reasonably expected. However, the developers' decision to deliver 15% affordable housing did not undermine the viability evidence, but sought to respond

to the political desire to increase affordable housing provision within the scheme. Thus, if the Committee refused the recommendations in the report, the developers had indicated that an appeal would be submitted, at which stage they would revert to the 10% affordable housing provision as justified by the submitted viability evidence. The Officer reiterated that the applicant was willing to make the enhanced offer of 15% affordable housing, in order to seek to avoid the time and cost implications associated with a planning appeal.

On behalf of the Committee, the Chair, Councillor John Paschoud invited representations from the applicants' team.

The meeting was addressed by the Principal of Trinity Laban. As a representative of the education facility at the meeting, he expressed support for the proposals, highlighting the benefits to be realised in relation to the opportunity for major development, economic boost, and job creation in the Lewisham area. The Committee heard that Trinity Laban is one of the biggest cultural assets within Lewisham. However, a combination of funding cuts by the Government, the implications of Brexit, and the impact of the Covid-19 pandemic had created an urgency for Trinity Laban to be financially sustainable, otherwise, it would cease to exist. The representative stated that the delivery of the proposed modern studios and concert hall would enable Trinity Laban to increase the size of its existing facilities, and attract additional students' enrolment to cover the shortfall in funding. It was stated that the proposals would also provide an opportunity for Trinity Laban to expand its local community outreach programmes. Thus, the proposed development could showcase a positive image in the London Borough of Lewisham during the 'Borough of Culture' events.

In response to questions about public benefits, the representative informed the Committee that in addition to research work, Trinity Laban was delivering programmes for higher education degree from foundation to PhD level, with employability of around 90% of graduates in the areas of music, dance and theatrical work. It was stated that Trinity Laban was currently operating at a turnover of around £20m a year, and the economists had worked out that the benefit of the proposed development to students and staff was worth £33m a year. Thus, there was the potential of a substantial loss in revenue to the local community if the proposals were not approved by the Committee.

Continuing in his response on the issue of public benefit, the representative informed the Committee that Trinity Laban was delivering learning and participation work to younger and older residents that were not in higher education. The cost to deliver the programme to Trinity Laban was over £3m, of which the Council was contributing £50k. It was confirmed that 64% of Lewisham residents were enrolled on the programme, and the offer was extended to 30 primary schools and about 10 secondary schools, including people experiencing health problems. In relation to an enquiry about scholarships, the representative advised the Committee that financial awards were provided under the Centre for Advanced Training scheme for talented teenagers from the age of 13 to 17 as part of an audition programme for professional training up to the level of employability.

The agent for the applicants also addressed the meeting, confirming that the proposals were the outcome of collaborative working between the applicants' team and Lewisham Council's planning officers over a period of three years to ensure policy compliance for the comprehensive regeneration on the proposed derelict brownfield site. The agent echoed statements by the presenting Officer to highlight the applicants' intention to deliver private and affordable housing, employment, public realm, and new educational and cultural facilities as part of the expansion of Trinity Laban operations. The agent suggested that the Committee should approve the recommendations on the premise that the regeneration of the derelict land would outweigh any harm associated with delivering the proposals.

In response to questions raised, the agent reaffirmed the applicants' willingness to contribute in the spirit of local community benefits. The Committee was advised that although the 10% affordable housing provision was found to be justified based on the Council's independent assessment of the viability evidence, the applicants decided to increase that to 15%. It was stated that the increase, when added to the financial contribution by the applicants' to deliver the proposed facility at the Trinity Laban site, would amount to an overall public benefit in excess of 30% affordable housing.

The Committee questioned the rationale for delivering commercial floor spaces in an area where similar facilities were available, but unoccupied. In response, the agent for the applicants stated that the intention was to deliver a different incentive from a commercial viewpoint that was flexible, with a view to enable potential occupiers undertake various types of retail or office business operations. The agent stated that the applicants were committed to agreeing a marketing scheme, with a view to promote the commercial spaces together with the public realm, the dwelling units, and the new educational facility to be delivered on the proposed site. Thus, the potential for increased footfall into the area as a result of the proposed development was inevitable.

*(The Committee agreed to suspend Standing Order at 9.20pm for the meeting to continue.)*

On behalf of the Committee, the Chair invited representations from residents who had registered to speak at the meeting.

The meeting was addressed by two residents who advised that they were opposed to the proposals. The residents expressed views to the Committee that it was stated that the purpose of Trinity Laban was to provide education. However, the Officer's presentation included Trinity Laban as an integral part of the proposals. The residents' objection to the proposals also included concerns about loss of privacy, overshadowing, loss of daylight and sunlight, and potential adverse impact on the local amenities.

One of the residents who addressed the meeting was of the view that the height, design, density and scale of the proposed development was not reflective of the distinctive nature of the area. She suggested that Trinity Laban should be incentivised to off-set funding it was seeking from the developers at the expense of affordable housing, and use those funds to lease empty commercial units in the area for additional rehearsals. Alternatively, Trinity Laban could work with

Greenwich Dance Academy or make use of the Greenwich Old Town Hall, with a view to utilise available creative spaces for dance, arts and music through collaborative initiatives. The resident also responded to questions, advising the Committee that the height, design, density and scale of the proposed development was not reflective of the distinctive nature of the Deptford Creek area. In particular, the boundary with the Greenwich area was already saturated with private dwellings, therefore, developments for the private housing market could not be justified on the proposed site.

The Committee noted responses from the other resident who reiterated that he was concerned about overshadowing onto neighbouring dwellings, and because his would be affected, the value of his house would likely depreciate if the development proceeded with plans for high-rise buildings. Thus, the Committee should recommend that the applicants reduce the height and density of two of the tower blocks to between 5 to 10 storeys. Specific to the proposed new education facility to be delivered, the resident suggested that a one-floor open theatre building could be erected on the Trinity Laban campus, and enhanced with outside grass planting areas and a space for children's play activities.

In considering submissions made at the meeting, the Committee sought further clarifications on aspects of the proposals.

The presenting Officer responded that the width between the Creek and existing Trinity Laban building was around 2 metres, and the erection of additional fencing in the space would be inappropriate. Notwithstanding that, the Committee could suggest provision in the s106 agreement to include a requirement for that stretch of route between the Creek and the Trinity Laban building to remain accessible in perpetuity to the public. Thus, there would be a legal recourse in the event of a breach. It was stated that a similar approach could be applied to secure provision for the Council to adopt the double-width area as a public space for vehicular turning at Copperas Street.

In light of further enquires by the Committee, the representative on behalf of Trinity Laban reiterated that it would be reasonable to suggest that the gate to be erected on the campus should remain open during the agreed defined daytime hours, but not at night time. The Committee heard that the existing meshed fence along the path of the Creek was necessary to deter vandalism and breakage, and its removal would likely render buildings on the Trinity Laban campus vulnerable to damage. Thus, it would be appropriate for a decision on the matter to be based on an architectural solution.

The Committee also noted confirmation from the representative that over 50% of students attending Trinity Laban over the age of 18 were from Black and Minority Ethnic (BAME) community groups, and that the ratio of socio-economic profile in the junior programmes were reflective of the general population of Lewisham. The representative concluded that the dance and music activities offered under the Centre for Advanced Training scheme at Trinity Laban to students were either by means-tested bursary, or free.

The Director of Planning also gave an assurance to the Committee that the Council's independent financial consultant who undertook the viability assessment for the proposed scheme concluded that the land value, which included a 30% uplift, was appropriate. It was also confirmed that there was a nil Community Infrastructure Levy charge (CIL) for the B1 business spaces and affordable housing provision to be delivered. However, educational institutions were not exempt from CIL.

The Committee was further advised by the Director that conditions stipulated as part of s106 agreement in planning matters were monitored at regular intervals by Council officials to ensure compliance. She advised that the Committee should base its decision on material planning considerations, not on political or financial matters. The Director pointed out that planning matters outlined in the report included the Environmental Statement and details about the wider economic benefits of investing further into Trinity Laban.

The Committee moved to deliberate on the proposed recommendations on the report.

Councillor Kevin Bonavia announced an intention for a motion to refuse the proposal on the basis that the public benefits to be delivered by the scheme could not be sufficiently justified. It was suggested that the meeting should move into a closed session for legal advice on the matter.

*(The meeting went into a closed session at 10.23pm, and resumed into the open session at 10.44pm).*

Councillor Bonavia moved a motion as follows:

*“that the Committee refuse the planning application before us, on the grounds that the proposed public benefits to the Laban, and its enhanced facility outreach does not off-set the lack of genuinely affordable housing, which is a material consideration of significant weight, given the housing crisis that is facing the wider area”*

The motion was seconded by Councillor Aisling Gallagher and voted upon. The result was tied. The Chair exercised his casting vote against the motion. The motion failed.

The Committee continued with its deliberations.

The meeting noted comments by some Members that, given the history of the proposed site, the regeneration of the derelict site was a welcomed opportunity. However, the gains to be realised by the applicant should not be significantly higher at the expense of local community benefits.

Other Members endorsed views about the need to secure public benefits in proportion to gains for the applicant, and they suggested that additional provisions should be added as part of the s106 agreement to be secured between the Council, the applicant, and Trinity Laban.

The meeting noted a suggestion by the Members that the Council should adopt in perpetuity the space identified as public highway for vehicle turning on Copperas Street.

Members commented that enrolment of students at Trinity Laban should reflect Lewisham's diverse population. Thus, the Trinity Laban Community Use Agreement should include a statement in its learning and participation programme that enrolment offers would amount to a minimum of 40% of students from the Black and Ethnic Minority community. Members stated that the data should thereafter be monitored by officers of the Council for compliance.

Continuing on the issue of community benefits, Members suggested a requirement that the public access through the existing Laban Building campus should provide a continuous stretch of Creekside route with public access 24 hours a day, 7 days a week in perpetuity, subject to securing suitable security measures.

At the conclusion of their deliberations, some Members reiterated that they would be supporting officers' recommendation on basis that the three provisions suggested as an addition to the s106 Heads of Terms would be incorporated in the proposals, and monitored by Council officials for compliance.

Councillor James-J Walsh moved the proposals in the report. The proposals were seconded by Councillor Olurotimi Ogunbadewa.

The Committee voted with a result of 3 against, and 5 in favour of proposals, and

**RESOLVED**

That it be **AGREED**:

To approve proposals in the report, and refer the application 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

And,

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;

And,

subject to completion of a satisfactory legal agreement, authorise the Head of Planning to **GRANT PLANNING PERMISSION** for the demolition of existing buildings/ structures on land bound by Copperas Street and Deptford Creek SE8, and the construction of two blocks of 26 and 30 storeys comprising 393 residential units, 757m<sup>2</sup> of commercial floor space (Use Class A1/A2/A3/A4/B1) and a 5 storey building incorporating cultural/ performance venue, dance studios and

education space for Trinity Laban, underground car and cycle parking, open space, associated landscaping and Creekside walk;

Subject

To additional requirements, that as part of the Section 106 Agreement, planning officers to negotiate further provisions for sufficient community benefits, with a view to:

- i. legally secure as public highway the space identified in the illustrative drawing for vehicle turning on Copperas Street in perpetuity – designed to adoptable standards;
- ii. secure an improved community benefit offer as part of the Trinity Laban Community Use Agreement, including that in relation to the identified community participation programmes a minimum of 40% of enrolment shall be from Black and Minority Ethnic groups in order to reflect the population of the borough of Lewisham, and that an annual report on delivery against the commitments within the Community Use Agreement shall be submitted to the Council which includes information on the ethnic profile of participants; and
- iii. secure public access through the existing Laban Building campus to provide a continuous stretch of Creekside route with public access 24 hours a day, 7 days a week in perpetuity, subject to securing suitable security measures such as CCTV.

The meeting closed at 11.00pm.

---

Chair