Reg. Nos. DC/18/106708
Application dated 12th April 2018
Applicant CMA Planning Ltd
Proposal Clearance and demolition of existing buildings on site at 1 Creekside, SE8 and the construction of 56 residential units and 1541 sqm of commercial space (Use Class B1 Business) in a building ranging in height from 4 to 8 storeys, together with access, servicing / yard space, cycle parking, amenity space and refuse provision and associated works

Applicant’s Plan Nos.

Architectural Drawings:
1630 101 000: 1630 101 001: 1630 101 002:
1630 101 003: 1630 101 006: 1630 101 007:
1630 101 008: 1630 101 009: 1630 101 010:
1630 101 011: 1630 101 012 : 1630 102 001:
1630 102 002: 1630 102 004: 1630 102 005:
1630 103 001: 1630 103 002 : 1630 103 003:
1630 105 001:1630 105 002:1630 105 005:1630 105 006 (prepared by Metropolitan Workshop and received 16 May 2018).

Landscape Design Drawing:

Documents:
Air Quality Assessment Addendum (July 2018); Daylight and Sunlight Report Addendum (January 2019); Wind and Microclimate Assessment (March 2019).

Revised architectural drawings:
Creekside Yard Elevation 1630 P 102 003 REV01; First Floor Plan 1630 P 101 004 REV01; Second Floor Plan 1630 P 101 005 REV01 (prepared by Metropolitan Workshop and received 14 March 2019).

Background Papers
(1) Case File DE/124/1/TP
(2) Local Development Framework Documents
  • Core Strategy
  • Development Management Local Plan
  • Lewisham Town Centre Local Plan
(3) The London Plan
(4) NPPF

Designation
Core Strategy – Local Employment Location, Area of Archaeological Priority, Flood Risk Zones 2 and 3, Deptford Creekside Conservation Area, Air Quality AQMA3

Screening
n/a
1.0 **Purpose of this Report**

1.1 On the 12th April the Council received an application for full planning permission from CMA Planning Ltd on behalf of Bluecroft for the redevelopment of 1 Creekside, Deptford SE8. The proposals involve the clearance of all site buildings and construction of two linked buildings to provide a mixed use scheme with 1,541 sqm of flexible workspace and 56 residential units, including 36% affordable housing (split 67% social rent and 33% intermediate shared ownership by habitable room).

1.2 This report sets out the proposals in light of relevant planning policy and guidance, representations received and other material considerations.

1.3 Officers recommendation is that planning permission should be granted, subject to referral to the Mayor of London, and subject to obligations which would be secured by way of an agreement made under S.106 of the Town and Country Planning Act 1990 (and other relevant powers) and conditions which are set out in the recommendations section of this Report.

2.0 **Property/Site Description**

2.1 The site measures 0.16 hectares and is location at the junction of Creekside and Deptford Church Street (see Figure 1: Site Location Plan, overleaf). The site is comprised of two distinct land parcels, the first at 1 Creekside (owned by Bluecroft) contains an external yard, 20th century warehouse and a Victorian property at the entrance facing Creekside. The existing buildings are vacant and in deteriorating condition. The land to the west and north of the building complex at 1 Creekside is in the ownership of Lewisham Council and contain trees of varying quality, enclosed by a high level wall with no public access. There is a significant level change between the street level (at Deptford Church Street) and the site. The single access into the site is via the yard facing Creekside.
2.2 To the north lies Cremer House and the wider Crossfields Estate, to the east lies 3 Creekside and the wider Creekside Local Employment Location. To the south is the Birds Nest Pub and the raised DLR viaduct beyond.

2.3 The site is approximately 250m from Deptford High Street and 350m from Deptford Bridge DLR station. The site is designated as being within the Deptford Creekside Conservation Area and the Creekside Local Employment Location. The site does not contain, not is located adjacent to a Listed Building.

2.4 The site is located in central Deptford in an urban asset-rich area that benefits from a wide variety of facilities, including: Deptford High Street / Broadway; Wavelengths Leisure Centre; Deptford Library and Lounge; Tidemill Academy school; Deptford Bridge DLR and Deptford railway stations; with many Being located close to central Deptford; and the Sue Godfrey Local Nature Reserve / Ferranti Park.

2.5 Within 1km of the site, there is also a broader public transport offer, Goldsmiths College, Fordham Park and a range of additional amenities offered by LB Greenwich, including Greenwich centre itself. Just beyond that threshold, Greenwich Park can be accessed. The site is in a highly accessible location with a PTAL rating of 5, with access to the overland rail network (via Deptford Station and New Cross), the DLR network (via Deptford Bridge, and an extensive bus network (via Deptford Broadway / Bridge).

2.6 The nearest part of the Transport for London Road Network (TLRN) is the A2 Deptford Broadway. The nearest part of the Strategic Road Network (SRN) is the A200 Creek Road. Both these roads are just under 500 metres from the site. They
are linked by Deptford Church Street, off which is Creekside, which is directly adjacent to the site as is and the only access road for the site. Both these roads are part of the Borough highway network.

3.0 Planning History

3.1 DC/06/063254 – Construction of a five storey block at 1 Creekside and land adjoining Deptford Church Street comprising 3 office units (use class B1) with 24 one bedroom flats, 6 parking space and vehicular access onto Creekside (outline application) – refused 2006

3.2 DC/92/35465 – Change of use of 1 Creekside from Light industrial to MOT Testing Station – approved 1992.

3.3 The site is situated within a London Plan opportunity area and is undergoing significant change. The following applications are of relevance:

3.4 Faircharm: DC/12/82000 – Partial demolition, remodelling, repair, restoration and conversion of Blocks A and C to provide 4,310sqm of mixed commercial floorspace (Block A: 1,786sqm of commercial (Class B1) floorspace and 397sqm of Class B1/B2 floorspace and Block C: 2,127sqm of commercial (Class B1) floorspace) with associated plant, servicing and storage. Demolition of Building B and the construction of four new buildings ranging from 6 to 12 storeys to provide 148 residential units (63 x one-bed, 68 x two bed and 17 x 3 bed), and new commercial uses (779 sqm of Use Class B1) together with new open space, landscaping, car and cycle parking development at Faircharm Trading Estate, Creekside, SE8 3DX. – GRANTED – complete and occupied.

3.5 Kent Wharf: DC/14/89953 – 6 to 16 storeys with 1,375 m² of commercial floor space and 143 residential units. This is being delivered by Bellway and work is underway at present. – GRANTED – complete and occupied.

3.6 Former Tidemill School: DC/16/95039 – Demolition of former caretakers house and 2-30A Reginald Road, conversion and extension of Former Tidemill School buildings and construction of new buildings between 2-6 storeys to provide 209 residential units – GRANTED

3.7 The following applications are live and are not yet determined:

3.8 Creekside Village East: DC/18/10854 – The construction of two blocks of 26 and 30 storeys comprising 393 residential units, 757 m² 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.

3.9 Sun Wharf DC/18/105864 – Construction of buildings from 3-17 storeys comprising 2333 residential units and 1,363 of commercial floorspace, 254sqm of container workspace and public realm.

4.0 Current Application

4.1 The proposed development involves the demolition and clearance of all existing buildings and construction of two inter-connected buildings ranging in height from
4-8 storeys providing 1541sqm of commercial space (use class B1 business) at lower ground and upper ground floor with 56 residential units above. A communal 200 sqm rooftop amenity space would sit above the commercial workspace linking the two residential buildings. A total of 36% of the residential accommodation would be affordable housing.

4.2 The buildings would be set back into the site to create a larger pedestrian footpath at Creekside and Deptford Church Street. The extended pavements would incorporate service bays. Provision will be made for new street trees.

4.3 The commercial floorspace would be accessed via Deptford Church Street with the residential access via Creekside and through an undercroft at Deptford Church Street. These accessed would be linked via an external yard space that would service the whole development.

4.4 The development would have an entrance into the northern block and southern block, and would be connected via the rooftop amenity space which would bridge over the yard space.

Figure 2: Proposed ground floor layout

**Supporting Documents**

4.5 **Planning Statement:** This sets out the planning policy context to the development, the nature of the proposed development and how the proposed development complies with that policy context.

4.6 **Design Statement:** This sets out the design context, the design process, the design proposal and rationale and how the scheme responds to the policy context, conservation area and wider locality.

4.7 **Statement of Community Involvement:** The report outlines the pre-submission consultation on the current reserved matters application undertaken by the Applicant, presents the information that has been made publicly available through various channels and provides an overview of the feedback received.
4.8 **Preliminary Ecology Appraisal**: This sets assesses the habitats present on the site and considers protected species (bats) and birds.

4.9 **Air Quality Statement**: This sets out the air quality risks to the proposed development and the potential impacts on the occupiers of the floor space / homes proposed.

4.10 **Energy Statement**: This reports assesses the predicted energy performance and carbon dioxide emissions of the proposed development in line with the requirements of the London Plan and the Lewisham Local Plan.

4.11 **Framework Travel Plan**: This sets out a transport strategy for the proposed development that responds to the policy context and the location and site attributes. It is the pre-cursor to a formal Travel Plan that will be prepared for the actual development.

4.12 **Aboricultural Survey**: This sets out a site tree survey and assess the nature and significance of the tree assets on the site.

4.13 **Noise Impact Assessment (and Addendum)**: This sets out an assessment of the likely noise levels at site receptor locations and strategies to ensure that noise levels comply with the Building Regulations. The Addendum was prepared to assess the noise mitigation measures in relation to the adjacent Birds Nest Pub and Live Music Venue.

4.14 **Land Contamination Assessment**: This sets out an assessment of the ground conditions on the site, the potential sources of contaminants, and the contamination risks.

4.15 **Heritage Assessment and VIA**: This sets out the built heritage assets of the site and its context and provides a Visual Impact Assessment of the proposed development.

4.16 **Sustainability Statement**: This report outlines the sustainability strategy for the proposed development at Deptford Creekside, in line with the requirements set out by the London Plan and Lewisham’s Local Plan.

4.17 **Financial Viability Statement**: This sets out the viability of the development based upon the value of the proposed development and the projected cost. This is used to justify the affordable housing offer.

4.18 **Wind and Micrcolimate Assessment**: This sets out the impacts of the prevailing winds across the site and the assesses the likely impacts on the pedestrian experience.

4.19 **Daylight and Sunlight Study** This report assesses the compliance of the proposed residential apartments with the Building Research Establishment’s (BRE) *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* (BRE, 2011).

4.20 **Condition Survey: 1-3 Creekside**: This document records an assessment of the condition of buildings on the site.
5.0 Consultation

5.1 This section outlines the consultation carried out by the Applicant prior to submission and the Council following the submission of the application, and summarises the responses received.

Pre-Application Consultation

5.2 The applicant held a public exhibition at the Creekside Discovery Centre on Thursday 14th September 2017. A newsletter advertising this event was sent to 1,209 local addresses surrounding the site.

5.3 The exhibition was attended by a total of 37 attendees of whom 33 signed in.

5.4 The Statement of Community Engagement outlines the main issues identified in pre-application consultation. People expressed views on the design of the proposal, the affordable homes offer, the affordability of workspace, the environmental impacts, the local community and construction-related disruption.

Application Consultation

5.5 The Council's consultation was in accordance with the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

5.6 Site notices were displayed around the site and 430 letters were sent to surrounding residents and business and local Ward Councillors. Site notices were "departure notices" and clearly indicated that the proposed use is a departure from the Local Employment Location land use zoning objective for the site. A press notice also advertised the development as a departure from the local plan.

5.7 The following statutory consultees were also consulted:

- Greater London Authority (GLA)
- Docklands Light Railway (DLR)
- Transport for London (TFL)
- Environment Agency
- Historic England
- London Fire & Emergency Authority
- Metropolitan Police Designing Out Crime Officer (Lewisham)
- Network Rail
- Thames Water
- Thames Tideway
- Port of London Authority

5.8 The following Council services were consulted:

- Ecological Regeneration
- Education
- Environmental Health
- Highways
- Housing Strategy
Written Responses from Local Residents and Organisations

5.9 A total of 27 written objections have been received from neighbouring properties. A petition has been received with 2,132 signatures in relation to the impact of the scheme on the *Birds Nest Pub*.

5.10 Three local organisations have made submissions, being the Crossfields Residents Association, Deptford Neighbourhood Action and Friends of Deptford Creek.

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<thead>
<tr>
<th>Material Planning Consideration</th>
<th>Response / section of report where this is addressed</th>
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<td>Inadequate pre-application public consultation</td>
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<td>Impact on the Birds Nest Pub</td>
<td>See Night Time Economy, 7.160-7.170</td>
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<td>Loss of play space</td>
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<td>Affordable Housing</td>
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<td>Scale and massing of the proposed development</td>
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<tr>
<td>Public realm / building line / street trees</td>
<td>7.111-7.113</td>
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5.11 A number of non-material issues have been raised in relation to the sale of land and commercial return to Lewisham Council. These are not planning materials for which a decision can be made,

5.12 The following objections and general comments have been received from local groups / societies.
Other matters

5.13 A number of submissions have stated that the description is misleading as the scheme reads as taller than 4-8 storeys. The application is confirmed as accurate by officers.

5.14 Local Meeting - Due to the number of submissions received, a Local Meeting was held on Thursday 22nd November 2018 at Deptford Lounge. The meeting was chaired by Councillor Paul Maslin and attended by 15 people. A record of the Local Meeting is contained in Appendix 1 of the application.

Responses from Statutory and Non-Statutory Consultees

5.15 Greater London Authority – Strategic Issues

5.16 Principle of Development: The redevelopment of this brownfield site to support intensified commercial and residential uses is supported in accordance with the principles of the Deptford Creek/ Greenwich Riverside Opportunity Area and local plan designation as a Local Employment Location. The applicant and Council should confirm how the workplace will be managed and provide full details of rent levels.

5.17 Housing: 36% affordable housing, split in favour of social rent, has been verified as the maximum. Grant funding must be explored and early and late stage review mechanism must be secured.

5.18 Urban design: The design responds well to the local context and proposes a high quality redevelopment. The Council must secure key details of facing materials, rooflines and any glazing to ensure a high quality building is delivered.

5.19 TfL – Strategic Transport issues

5.20 TfL support the car-free nature of the development on the basis of the PTAL 6A location, subject to a number of conditions and Obligations. They consider that the loading on Deptford Church Street are not required, that the workspace should include cycle shower and welfare facilities, pedestrian safety and cycle infrastructure assessments should be completed, contributions should be made to Legible London signage and Disabled Parking.

5.21 Port of London Authority – no issues raised, the site is not set adjacent to Deptford Creek.

Responses from Council Departments

5.22 Environmental Protection Office – No objection to the development in principle, subject to conditions relating to site contamination, air pollution and noise pollution. They consider that the proposed noise mitigation strategy for the building is acceptable in relation to mitigating against noise emanating from the Birds Nest Pub and Live Music Venue.

5.23 Highways and Transport – No objection to the principle of the development subject to conditions relating to Travel Plan, Servicing and Delivery, Construction Management, Cycle Parking, and Obligations relating to cycle infrastructure, pedestrian realm improvements, off-site disabled parking. They also consider that
the proposed loading bay on Deptford Church Street should be omitted and the space reassigned to the pedestrian realm.

5.24 **Ecological Regeneration** – The development should provide biodiversity that equal, or exceed, that being removed by the proposed site clearance. If this is being achieved by street trees then the number of street trees should ideally exceed that being lost in terms of ecological potential, particularly given the absence of a Living Roof. Planning condition should be used to ensure appropriate tree species.

6.0 **Policy Context**

**Introduction**

6.1 An application for approval of reserved matters is not an application for planning permission. Accordingly, the provisions of Section 70(2) of the Town and Country Planning Act 1990 (as amended), which sets out the considerations the local planning authority must have regard to in determining applications for planning permission, do not apply in the determination of this application for approval of reserved matters.

6.2 Notwithstanding the statutory provisions, there are policies in the development plan for Lewisham, which are relevant in assessing the current application. The development plan comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The National Planning Policy Framework (NPPF) is also relevant.

**National Planning Policy Framework (NPPF) 2019**

6.3 The revised NPPF was published in February 2019, and is a material consideration in the determination of this application in so far as it highlights amongst other things the importance of achieving well designed places.

**National Planning Practice Guidance ‘NPPG’ (2014 onwards)**

6.4 On 6th March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents, and is subject to continuous periodical updates in difference subject areas.

**The Development Plan**

6.5 The London Plan, Lewisham’s Core Strategy, together with the Site Allocations DPD, the Lewisham Town Centre Local Plan and the Development Management Local Plan constitute the borough’s Development Plan.

**London Plan (March 2016)**

6.6 The London Plan was updated on 14th March 2016 to incorporate Housing Standards and Parking Standards Minor Alterations to the London Plan (2015). The policies in the current adopted London Plan (2016) relevant to this reserved matters application include:
Policy 2.18 Green infrastructure: the network of open and green spaces
Policy 3.1 Ensuring equal life chances for all
Policy 3.2 Improving health and addressing health inequalities
Policy 3.5 Quality and design of housing developments
Policy 3.6 Children and young people’s play and informal recreation facilities
Policy 3.7 Large residential developments
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.6 Decentralised energy in development proposals
Policy 5.7 Renewable energy
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 5.12 Flood risk management
Policy 5.13 Sustainable drainage
Policy 5.14 Water quality and wastewater infrastructure
Policy 5.15 Water use and supplies
Policy 6.7 Better streets and surface transport
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.13 Parking
Policy 7.1 Building London’s neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.13 Safety, security and resilience to emergency
Policy 7.14 Improving air quality
Policy 7.15 Reducing noise and enhancing soundscapes
Policy 7.18 Protecting local open space and addressing local deficiency
Policy 7.19 Biodiversity and access to nature

The Mayor of London published a draft London Plan on 29 November 2017. Minor modifications were published on 13 August 2018 ahead of the EIP, which is currently taking place. As such, this document now has some limited weight as a material consideration when determining planning applications. The relevant draft policies are listed below and discussed within the report. These are limited to policies that are materially different to existing London Plan policies. The emerging London Plan policies relevant to this reserved matters application include:

D2 Delivering good design
D3 Inclusive design
D4 Housing quality and standards
D5 Accessible housing
D7 Public realm
D8 Tall buildings
D10 Safety, security and resilience to emergency
D11 Fire safety
D12 Agent of Change
E1 Offices
E2 Low-Cost Business Space
E3 Affordable Workspace
HC1 Heritage conservation and growth
HC6 Supporting the Night Time Economy
H1 Increasing Housing Supply
H5 Delivering Affordable housing
H6 Threshold Approach to Applications
H7 Affordable Housing Tenure
H12 Housing Size Mix
D13 Noise
S4 Play and informal recreation
G4 Local green and open space
G5 Urban greening
G6 Biodiversity and access to nature
SI1 Improving air quality
SI2 Minimising greenhouse gas emissions
SI4 Managing heat risk
SI12 Flood risk management
SI13 Sustainable drainage
T2 Healthy Streets
T5 Cycling
T6 Car parking

London Plan Supplementary Planning Guidance (SPG)

6.8 The London Plan SPG’s relevant to this application are:

- Planning for Equality and Diversity in London (October 2007)
- Play and Informal Recreation (September 2012)
- Sustainable Design and Construction (April 2014)
- Character and Context (June 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Housing (March 2016)
- Culture and the Night-Time economy (November 2017)

Core Strategy (June 2011)

6.9 Policies from the Lewisham Core Strategy relevant to this reserved matters application include:

Core Strategy Policy 3 Local Employment Locations
Core Strategy Policy 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 9 Improving local air quality
Core Strategy Policy 10 Managing and reducing the risk of flooding
Core Strategy Policy 12 Open space and environmental assets
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment
Core Strategy Policy 17 The protected vistas, the London panorama and local views, landmarks and panoramas

Development Management Local Plan (November 2014)
Policies from the Development Management Local Plan relevant to this reserved matters application include:

6.11 The following policies are considered to be relevant to this application:

- DM Policy 10 Local Employment Locations
- DM Policy 22 Sustainable design and construction
- DM Policy 23 Air quality
- DM Policy 24 Biodiversity, living roofs and artificial playing pitches
- DM Policy 25 Landscaping and trees
- DM Policy 26 Noise and vibration
- DM Policy 27 Lighting
- DM Policy 29 Car parking
- DM Policy 30 Urban design and local character
- DM Policy 32 Housing design, layout and space standards
- DM Policy 35 Public realm
- DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens
- DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest


6.12 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

Site Allocations

6.13 The Site Allocations Document identifies the Creekside Local Employment Location (LEL) under allocation SA13.

6.14 Site SA13 lies on both sides of Creekside and includes quite a dense group of 19th and 20th century buildings, including some open yards. The area was designated as a Conservation Area in 2012 and therefore has a Conservation Area Appraisal that is quite up-to-date. Most of the major buildings provide space occupied by small businesses, mainly in the arts and creative industries, while SA13 also includes Creekside Discovery Centre, an important environmental resource for schoolchildren and others, centred on the study of Deptford Creek.
This document provides a detailed description of the Deptford Creekside Conservation Area, being the boroughs only conservation area of industrial heritage. An appraisal of all buildings is provided with the appraisal setting out that the conservation area has two distinct character areas, being the Crossfield’s Estate and Creekside. The document also provides an appraisal of common building materials, typology and areas for enhancement and development.

**Planning Considerations**

The application proposed a comprehensive, high density, mixed-use development at 1 Creekside. The proposals raise a number of planning considerations. The application has also generated interest and objection. The planning considerations are set out and examined in the following section of this report.

The main issues to be considered in respect of this application are:

a) Principle of Development

b) Employment

c) Housing and Affordable Housing

d) Design and Heritage

e) Impact on Adjoining Properties and Night Time Economy

f) Transport

g) Sustainability

h) Viability

i) Planning Obligations

**Principle of Development**

The National Planning Policy Framework at paragraph 11 states that decision taking should apply a presumption in favour of sustainable development. Whilst Part 11 states that decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring sage and health living conditions. Decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.

The London Plan designates Deptford Creek/ Greenwich Riverside as an Opportunity Area. The policy states that the area should benefit from major concentrations of deprived neighbourhoods across the two boroughs (Lewisham/ Greenwich) and capitalise on its waterside and heritage character. The Area as a whole has potential for a cultural quarter, for smaller scale leisure and tourism-related provision, business workspaces and additional housing. East-west connections across Deptford Creek should be addressed. The potential for up to 4,000 jobs and 5,000 homes is identified, recognising its potential as a mixed-use
district. The Core Strategy Spatial Policy 2 reinforces this approach by designating Deptford Creekside as a Regeneration and Growth Area.

*Local Employment Location (LEL).*

7.5 No 1 Creekside is located within the Lower Creekside Local Employment Location, as such, Core Strategy Policy 3 is relevant which states that the Council will protect LELs for a range of B use classes and appropriate Sui Generis use classes to support the functioning of the local economy and retention of the creative industries. The text that accompanies Spatial Policy 2 states that Local Employment Locations are supported by the Lewisham Employment Land Study (2015 by AECOM).

7.6 The adopted Development Management Local Plan (November 2014) also provides guidance for LELs. DM Policy 10 ‘Local Employment Locations’ states that the Council will support uses within B use classes and appropriate Sui Generis uses within Local Employment Locations. Specific guidance for Lower Creekside is set out in the Site Allocations Local Plan, which was adopted in June 2013. Within Policy SA14 ‘Creekside Local Employment Location, 1-7 Creekside and 2-14 Creekside SE8’ the allocation of this site is to enable the protection for B Use Class Employment uses, with a particular focus on creative industries.

7.7 LELs are intended to provide small industrial/ workshop units for which the Employment Land Study identifies a demand. The LELs are often associated with a district hub and provide valuable space for businesses and support the vitality and viability of these centres. LELs are identified as representing the most significant centres of employment space, dedicated to business uses in the borough outside the Strategic Industrial Locations. This study stipulates that Creekside is a significant cluster for creative business and that plans should not undermine the strategic importance of this location.

7.8 The application site (at 1 Creekside) previously is comprised of a sui generis Vehicle Repair Workshop (the “Greenwich MOT Centre”) covering a total of 520 sqm. The applicant states that there were 5 Full Time jobs in existence on the site at the time of submission, however, in February 2019 the site would appear to be vacant. The Victorian adjacent terrace is vacant having previously been residential in use. The site is otherwise now inaccessible to other users. The current site is therefore vacant and not contributing in terms of employment or other opportunities. The previous forms of employment were not within ‘employment generating uses’ (B use classes) or those within the creative industries. The dwelling was also vacant and in poor condition. The previous uses are considered to be an underdevelopment of the employment potential for the site.

7.9 The proposed development would result in the demolition of the existing buildings and the loss of the former MOT centre. The house at 1 Creekside has itself not been in residential use for many years. The replacement scheme would provide a total of 1,541sqm of B1 space at Ground and Mezzanine floor levels, which have been designed to be flexible spaces depending upon the demand of future tenants. Depending upon the nature of the specific type of employment- activities that occur within the building then this space is likely to yield between 100 jobs (if high density office) to 30 jobs if the space is used as workshop/ studio spaces. The application form states that the number of jobs likely on the site are likely to
average out between 50-70 jobs. This would represent a significant uplift in job creation at the site and significant uplift in employment floorspace (520 sqm to 1541 sqm).

7.10 This application proposes flexible B1 (a-b-c) employment use, which is in accordance with the relevant land use policies and is therefore supported in principle. The space is likely to be either office space or workshop/studio space. The Planning Statement claims that the It should be noted that the scheme would not be providing 'premium grade office space' but more affordable small business units, suitable for Small and Medium Enterprises (SMEs) or start-up businesses, and retailers. The new units would be high quality and would be light, airy and sustainable.

7.11 Draft Policy E3: Affordable Workspace of the Draft London Plan seeks rental levels to be provided at affordable levels by means of Obligations to suit the needs of particular sectors. Such as the Cultural sector for artists workspace. As per other development along Creekside (Faircharm and Kent Wharf), it is recommended to secure the affordability of these units going forward by way of a suitably worded planning Obligation.

7.12 Deptford has been designated as a Creative Enterprise Zone (CEZ); these are designated by the Mayor of London. Deptford/ New Cross is one of 6 designated CEZ's which will contribute more than 3,500 new jobs, 1,000 new education, training and job opportunities for local resident and more than 40,000sqm of new affordable workspace. Specifically for Lewisham, the recently branded ‘Shapes Lewisham’ will manage the retention of creative talent for the borough’s educational institutions and increase affordable workspace. The provision of new workspace and studio units in this development would meet the objectives of the CEZ and are considered a welcome contribution.

7.13 Officers are supportive of the increase in employment floorspace and increase in job creation at this site, which is considered to positively add to the position of Creekside as a creative and employment hub and meet the aims of the Strategic Objectives in the Core Strategy.

7.14 Throughout the pre-application process LB Lewisham have accepted the loss of the existing buildings on the site rather than their refurbishment and re-use. The justification for this was on the basis of two key principles: the proposed intensification of the employment use on the site; and the overall public benefit of the scheme in relation to the value of the built heritage assets.

*Provision of Residential in LEL*

7.15 The upper floors of the development are comprised of residential uses in the form of 56 residential units over 5,320sqm. The proposed residential use does not comply with the Local Employment Location policy. However, officers, consider that the proposed residential use is justified in principle on the grounds that the Local Employment Location policy objective is met by the provision of the B1 employment space at ground and mezzanine floor level with a significant uplift in job creation. The ratio between employment space to residential space is 1541:5320 (total 6861), or in other words 22.5% employment: 77.5% residential. This would meet the objectives of nearby Mixed Use Employment Sites (such as
Kent and Sun Wharf along Creekside) which are designated to accommodate 20% employment floorspace.

7.16 The GLA in their Stage 1 review support the mixed use development on this site which would intensify commercial and residential uses in accordance with the principles of the Deptford Creek/ Greenwich Riverside Opportunity Area and existing local plan designations. Officers therefore consider, given the uplift in employment high quality workspace, that residential can be supported on this site, subject to those units being of high quality and providing affordable housing.

*Loss of Existing Residential*

7.17 The site contains a single 62sqm dwellinghouse, now vacant and in need of significant modernisation and refurbishment. The proposed scheme re-provides 5,320sqm of residential space in 56 residential units (a 5,258 sqm uplift and net gain of 55 residential units) which would meet London Plan Policy 3.4 and Draft London Plan Policy H10.

*Conclusions*

7.18 It is noted that the site is designated as a ‘Local Employment Location’ in the Councils Core Strategy and as such, in accordance with Policy 4.4 of the London Plan there is an assumption that the continuing use of the site for industrial and business uses should be the first priority. The Core Strategy notes that this is a vibrant employment site (Creekside) in a well-established light industrial area of the borough and highlights that the area is a significant cluster for creative businesses.

7.19 The proposed residential represents a deviation from the development plan in that residential use is not specified as a permitted use in Local Employment Locations. However, the development complies with the aims of the Local Employment Location policy in that it will result in

- Triple the amount of employment floorspace on the site (520sqm to 1541sqm);
- The owner of the B1 space aims to target the marketing of the space at cultural industries.
- Fourteen times as many jobs on the site (stated increase from 5 jobs to 70 jobs) depending upon the business sector that takes space within the Creative Enterprise Zone (as designated by the Mayor of London).
- The proposed intensification of employment space on the site supports Policy E6: Locally Significant Industrial Sites of the Draft London Plan, which seeks intensification and co-location of industrial uses within the defined areas;
- The provision of co-existing residential uses elsewhere on Creekside (within the same LEL) provides highly relevant precedents to the principle of the mixed use development combining residential uses with employment use;
- The proposed mix of uses will add to the vibrancy of Creekside and Deptford Church Street.

7.20 Officers therefore consider the proposed uses to be acceptable in principle on this specific site given the uplift in employment creation and contribution this would make to the wider Deptford economy and intentions of the Opportunity Area. It is
acknowledged that this is a departure from the Development Plan, although it is considered that there are specific reasons to warrant a departure in this instance given the unique circumstances of the site and genuine gain in employment creation.

**Layout and Quality of Employment Space**

7.21 Para 80 of the NPPF states “Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

7.22 As has already been mentioned the Core Strategy and Site Allocations Plan (SA14) earmark Creekside for employment use. This area represents Deptford's last remaining example of a predominantly river related industry. It retains a strong industrial character and provides premises for a significant cluster of creative industries, which the Core Strategy aims to support. Any development should be informed through an understanding of the site’s historic significance and would need to preserve and enhance the character of the Deptford Creekside Conservation Area.

7.23 The workspace has been designed with a London based commercial consultant to ensure that the spaces created are suitable to the market and are genuinely flexible, adaptable and affordable. The potential studio arrangements, specification, internal ceiling heights, ventilation an servicing have all been tested. The space will be focused at small to medium sized businesses or as studio/creative workspace, which primarily make up the local economy of Deptford, depending on the demand for space at the time of completion. The space has been designed so that it can either be let as one office space in its entirety, or smaller office suites or co-working. It also has the ability to be separated further, creating studio space for artists and makers.

7.24 The workspace is accommodated in two spaces separated by the central yard. Both have their own single point of access (although there is scope to create shopfronts onto Deptford Church Street depending on the end user). The southern building workspace has a mezzanine floor level with a street front atrium. This space would be suitable for an office or co-working user.

7.25 Internal floor heights are set out to accommodate a variety of uses. There is a consistent slab level across both spaces meaning in the south section of the building, the lower floor level provides a generous 3.5m internal ceiling height below the mezzanine, and 3.0m above, whereas in the northern section, the ceiling heights are more suitable for desk based activities. A 3.0m deep double height exhibition space runs the length of the southern section of the building creating active frontage along Deptford Church Street and could provide a highly visible curated shop window for the users of the workspace. The internal space could be flexible, configured to provide both co-working communal spaces and individual units with movable partitions. The commercial space opens out onto a yard area.

7.26 There is also the potential for street level interest to be created, with the provision of active frontages with uses that provide the potential to benefit the pedestrian environment along this section of Creekside and Deptford Church Street.
7.27 TfL have requested that shower and changing facilities are provided for the workspace to encourage cycling as an attractive mode of transport. As the end occupier of the commercial units is unknown, it would be easier to provide both showers and changing rooms once these commercial units are occupied in order to suit their needs. The developer is willing for this to be secured by condition.

7.28 The proposed employment space has designed to be flexible and capable of use for office or studio workspace. The design of the proposed space is considered to be acceptable and meet the requirements of the policy requirements and is supported.

**Housing and Affordable Housing**

7.29 Core Strategy Policy 15 (High quality design for Lewisham) sets out the general objectives and approach to securing design quality in new development across the borough. The NPPF also highlights the importance of high quality and inclusive design, and of achieving a good standard of amenity for all existing and future occupants of land and buildings. The NPPF also notes that good design is a key aspect of sustainable development, which includes delivering a wide choice of high quality homes.

*Contribution to Housing Supply and Scheme Density*

7.30 London Plan Policies seek to increase housing supply and optimise housing output within the density ranges set out in the sustainable residential quality matrix (Policy 3.4). The London Plan is clear that is not appropriate to apply the matrix mechanistically and that this should be used as a starting point and a guide rather than an absolute rule. DM32 reflects this approach. The draft London Plan removes the density matrix and focuses on a design-led approach in accordance with Draft London Plan Policy D2.

7.31 Emerging Draft London Plan Policies H1, H2 and D6 support the most efficient use of land and development at the optimum density. Optimum density is particular to each site and is the result of the design-led approach. Consideration should be given to i) the site context, ii) connectivity and accessibility and iii) capacity of surrounding infrastructure.

7.32 The site has an area of 0.16 hectares and is in a PTAL of 6A and in a Central Location. The density matrix in the London Plan sets an indicative range of 650-1100 habitable rooms or 140-405 units per hectare. The proposal would have a density of 950 habitable rooms per hectare or 350 dwellings per hectare, which is well within the indicative density ranges.

7.33 The current adopted London Plan sets an annual target of 1,385 new homes for Lewisham until 2025. The emerging Draft London Plan (if unchanged through EIP) would increase this annual target to 2,117 (an increase of 732 units per year). The development proposal of 56 homes (including affordable housing) would represent a contribution of 4% of the current annual target for Lewisham which officers attach considerable weight.

*Affordable Housing*

7.34 The Core Strategy commits the Council to negotiating for an element of affordable housing to be provided in any major residential development with the starting
point for negotiations being a contribution of 50% affordable housing on qualifying sites across the Borough, subject to financial viability. The Mayors Affordable Housing and Viability SPG introduced the ‘threshold approach’ to viability. This sets out that proposals will not need to be supported by viability information where they deliver at least 35% affordable housing without public subsidy, where they are consistent with the relevant tenure split and have sought to increase the level beyond 35% by accessing grant. There are several conditions where proposals may not benefit from the ‘Fast Track Route’.

7.35 Sites that are in public ownership, or partly in public ownership must provide 50% affordable housing in order to benefit from a ‘Fast Track Route’. Otherwise viability information must be submitted in order to support the application.

7.36 The emerging Draft London Plan intends to set the threshold approach as policy. Draft policy H5 sets a strategic target of 50% for affordable homes. Draft policy H6 seeks to increase the threshold for the Fast Track Route to 50% for public sector land and designated and non-designated industrial and employment land as set out in draft policy E7.

7.37 The level of affordable housing (36%) falls short of the target in Core Strategy Policy 1 and therefore the application was supported by a Financial Viability Assessment (FVA) prepared by Montagu Evans. The FVA sets out that 20 units would be classed as affordable housing (36% by unit) which has been independently verified by the councils consultants GL Hearn. The current maximum offer is split 55% social rent and 45% intermediate (by unit) and 67% social rent and 33% intermediate (by habitable room). The Councils consultants found that the officer of 36% affordable housing was the maximum that could be secured at the current time.

7.38 The GLA in their Stage 1 Review have also considered the schemes viability and have confirmed that the scheme does not qualify for the ‘Fast Track Route’ given the inclusion of publically owned land. However, in reviewing the applicants FVA and the Councils independent review the GLA consider that the affordable housing offer is the maximum that can be achieved at the current time. Given the length of time that the application has been under consideration officers have re-reviewed the affordable housing offer (February 2019) and have sought independent evaluation. This confirms the offer of 36% remains the maximum at the current time.

**Review Mechanisms**

7.39 The Affordable Housing and Viability SPG (GLA, 2017) sets out when affordable housing review mechanisms should be secured. Fast-track schemes will be subject to an ‘Early Stage Viability Review’ if an agreed level of progress on implementation is not made within two years of permission being granted, or as agreed with the LPA. Viability tested schemes will be subject to the Early Stage Viability Review and a ‘Late Stage Viability Review’; this is triggered at the point at which 75% of units are sold or let (where rented).

7.40 Officers consider that an appropriate planning Obligation is required to secure the two stage viability review mechanism as set out by the GLA Stage 1 response.

**Tenure Mix**
The tenure split and dwelling size mix of affordable housing is prescriptive. Current London Plan policy 3.11 sets a tenure split of (i) 60% Social or Affordable Rent and (ii) 40% intermediate housing. The Affordable Housing and Viability SPG (GLA, 2017) differs with (i) 30% low cost rented homes – Social Rent or London Affordable Rent; (ii) 30% intermediate products – London Living Rent or London Shared Ownership; and (iii) 40% to be determined by the LPA based on identified need, with an expectation that will focus on Social Rent/ London Affordable Rent (pp24-25). Draft policy H7 would adopt this more recent tenure split.

Core Strategy Policy 1 states that the affordable housing component is to be provided as 70% social rented and 30% intermediate housing although it also states that where a site falls within an area which has existing high concentrations of social rented housing, the Council will seek for any affordable housing contribution to be provided in a way which assists in securing a more balanced social mix. The proposed mix of 67% rented and 33% intermediate is broadly aligned to Core Strategy 1 and is unobjectionable.

In terms of dwelling sizes Core Strategy Policy 1 also states that the provision of family housing (3+ bedrooms) will be expected as part of any new development with 10 or more dwellings and, in the case of affordable housing, the Council will seek a mix of 42% as family dwellings (3+ bedrooms), having regard to criteria specified in the Policy relating to the physical character of the site, access to private gardens or communal areas, impact on car parking, the surrounding housing mix and the location of schools and other services.

Table 1: Dwelling and Tenure Size Mix

<table>
<thead>
<tr>
<th>Unit Size ( ) – hab room</th>
<th>Private</th>
<th>Shared Ownership</th>
<th>Social Rent</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 bed</td>
<td>12 (24)</td>
<td>9 (18)</td>
<td>5 (10)</td>
<td>26 (52)</td>
</tr>
<tr>
<td>2 bed</td>
<td>22 (66)</td>
<td>0</td>
<td>1 (3)</td>
<td>23 (69)</td>
</tr>
<tr>
<td>3 bed</td>
<td>2 (8)</td>
<td>0</td>
<td>5 (23)</td>
<td>7 (31 )</td>
</tr>
<tr>
<td>Total</td>
<td>36 (98)</td>
<td>9 (18)</td>
<td>11 (36)</td>
<td>56 (152)</td>
</tr>
</tbody>
</table>

Officers consider the mix of housing to be appropriate for this urban location. The provision of 11, 3 bedroom units is also supported, especially given the provision of affordable social rented family units.

Standard of Residential Accommodation

Nationally Described Space Standards (NDSS) were released by the Department of Communities and Local Government in March 2015 to replace the existing different space standards used by local authorities. It is not a building regulation requirement, and remains solely within the planning system as a new form of technical planning standard. The national housing standards are roughly in compliance with the space standards of the London Plan and its Housing Supplementary Planning Guidance (2016).
In addition to this, DM Policy 32 seeks to ensure that new residential development provides a satisfactory level of privacy, outlook, direct sunlight and daylight. It also states that new housing should be provided with a readily accessible, secure, private and usable external space and includes space suitable for children’s play.

Standard 31 of the London Plan Housing SPG states that “A minimum ceiling height of 2.5 metres for at least 75% of the gross internal area is strongly encouraged”. All units meet this standard.

The technical housing standards require the minimum internal floor areas set out in Table 2 below. The vast majority of the units will meet and generally exceed the National Described Space Standards. A very limited number will marginally fail, these are 2 no.1 bed and 2 no. 3 bedroom units. However, the shortfall is only 1sqm. In the case of these units, all bedrooms exceed the minimum standards (being 11.5 sqm for a double bedroom and 7.5 sqm for a single bedroom) and have private amenity space which also exceeds the minimum. Officers therefore consider the 1sqm shortfall to be unobjectionable, and would not comprise the overall high quality of the units proposed. It is neither considered reasonable to refuse an application based on a shortfall of 1sqm and where the bedrooms and amenity spaces meet the required standards.

<table>
<thead>
<tr>
<th>Unit size</th>
<th>National Described Space Standards</th>
<th>Proposed development</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 bed, 2 person</td>
<td>50 sqm</td>
<td>49 – 57 sqm</td>
</tr>
<tr>
<td>2 bed, 3 person</td>
<td>61 sqm</td>
<td>63 – 79 sqm</td>
</tr>
<tr>
<td>2 bed, 4 person</td>
<td>70 sqm</td>
<td>72 – 81 sqm</td>
</tr>
<tr>
<td>3 bed, 5 person</td>
<td>86 sqm</td>
<td>85 – 95 sqm</td>
</tr>
</tbody>
</table>

London Plan Policies require 10% of residential units to be designed to Building Regulation standard M4(3) ‘wheelchair user dwellings’ i.e. being designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users, with the remaining 90% being designed to M4(2) ‘accessible and adaptable’. The development has been designed to accommodate this and an appropriate condition is recommended to secure the details.

**Amenity Space provision**

With regard to private amenity space, Standard 4.10.1 of the Mayor’s Housing SPG states that ‘a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant’. All of the residential units have been designed to these standards and generally exceed them which is supported. No balconies are north facing and all units would have access to the 200 sqm rooftop communal deck.

The Mayor’s Shaping Neighbourhoods: Children and Young People’s Play and Informal Recreation SPG recommends 10sqm of play space per child. The GLA divide the requirements of children’s play space into three categories: (i) under 5s,
described as doorstep play and generally considered as part of the plot; (ii) ages 5-11; and (iii) children 12 plus.

7.53 The required amount of play space as set out in the SPG would be (i) 70sqm, (ii) 50sqm and (iii) 30sqm, totalling 151sqm. As can be seen from above, this would establish the quantitative requirements for play space provision should be 151 sqm of play space based on GLA requirements of 10 sqm of children’s play space per child and an expected child population of 15 children.

7.54 The scheme proposes a communal space of 200sqm at 3rd floor level on top of the bridge between the two buildings. This level of space exceeds the minimum requirement for play space, although it is likely that children of the 12+ age group are likely to use the surrounding parks and spaces within an 800m distance, including: Sue Godfrey Nature Reserve (and playground) and the St. Paul’s Churchyard.

7.55 Given the child yield of the development, the proximity and quality of existing facilities and the potential play area within the scheme, it is considered that suitable provision has been made for children’s recreation and playspace requirements, of all ages, and that the communal amenity areas are suitable for all residents of the scheme and exceeds policy requirements.

**Outlook and Privacy**

7.56 DMP 32(1)(b) expects new developments to provide a ‘satisfactory level’ of privacy, outlook and natural lighting for its future residents.

7.57 **Outlook (visual amenity):** All of the units in the proposed development have a satisfactory level of outlook, with the majority of units being dual aspect. A minor number of units will have an outlook confined towards no 3 Creekside, however, given the urban nature of the development context and the limited number of units affected, the outlook is considered to be acceptable to all units.

7.58 **Privacy:** All of the units have adequate privacy, with the western elevation facing Deptford Church Street, the southern elevation facing Creekside with front-to-front distances being acceptable. The northern elevation of the north block is 15m from Cremer House (Crossfields Estate), providing a satisfactory level of privacy to the units on this elevation in this urban context. The windows on this elevation within the north block are to bedrooms and are narrow in width to provide privacy to the rooms and avoid overlooking.

7.59 The eastern boundary with 3 Creekside has been designed to avoid the potential for future overlooking in the event that the site is developed, with most windows offset from the boundary or a solid party-wall provided at the plinth level to the north building. All other elevations on this eastern flank are set-back from the site boundary by between 4m-7m, which is acceptable.
Overheating

7.60 The Building Regulations Part F: Ventilation control the construction of buildings in England. Policy 5.9: Overheating and cooling of the London Plan provides the policy basis for considering development proposals, with a focus on energy efficient design, elevational design, passive ventilation, mechanical ventilation (where essential) and other measures.

7.61 Natural ventilation is proposed for the non-residential floorspace. Mechanical ventilation with heat recovery is likely to be used for the dwellings in order to avoid overheating. This is necessary due to the adoption of core blocks with single / corner aspect units without through passive ventilation.

7.62 The proposed development is designed to not overheat and is satisfactory in this regard.

Daylight and Sunlight to proposed units.

7.63 The impact of daylight and sunlight to surrounding properties is considered within the amenity considerations at paragraphs 7.121-7.149.

7.64 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards. This is not formal planning guidance and should be applied flexibly according to context. The BRE standards set out below are not a mandatory planning threshold.

7.65 The assessment of daylight is based on the calculation of the vertical sky component (VSC) to an affected window in both the existing and proposed condition. The VSC, simply put, is the amount of light received at the centre of a window. There is a further assessment that assesses the distribution of daylight within a room. This is called the average daylight factor (ADF).

7.66 Whereas VSC assessments are influenced by the size of obstruction, ADF is more influenced by the room area, reflectance of surfaces and transmittance of the glazing. The extent, to which the effect of a proposal on surrounding properties is considered significant, is dependent on the use of the room to which the window
relates. The significance of any impact of proposals on non-habitable or less well-used rooms such as bedrooms is therefore reduced.

7.67 In new dwellings, the BRE minimum recommended average daylight factor (ADF) is 1% for bedrooms, 1.5% for living rooms and 2% for kitchens.

7.68 Daylight: The application is supported by Daylight and Sunlight Report (Robinson Surveyors Limited, April 2018). Out of the 55 living/kitchen rooms tested, the analysis identified only 8 shortfalls against the BRE Guides.

7.69 Most of the shortfalls highlighted are modest and can be considered to be acceptable in this urban context, although all of the rooms would benefit from ADF levels towards, and in most cases above, 1.5% if modest alterations were made to the design to increase sky visibility (by increasing glazed areas etc). However, out of the 8 rooms listed above, only three rooms will achieve daylight distribution below 80% (of the proposed lit area), when analysed as in accordance with the above criteria. Kitchens are excluded from assessment on the basis that these are assumed to be artificially lit.

7.70 The daylight levels of these three rooms (First and Second Floor R5 and First Floor R9), have been improved to an acceptable level following amendments to the design of the units (inserting a new window, increasing the size of window openings and reducing depth of balconies to allow greater light penetration). A Daylight and Sunlight note (20 February 2019 by Robinson Surveyors Limited confirm that the amendments result in levels of 1% for bedrooms and 1.5% for combined Living Room / Kitchens. These levels are now considered to be acceptable following the design amendments.

7.71 Several achieve daylight distribution well above this and up to 100% in the case of R8 at second floor level. The BRE Guide suggests that a reduction from 100% to 80% Daylight Distribution is not noticeable and therefore these levels of daylight distribution might be considered acceptable without such alterations.

7.72 Whilst there are 14 bedrooms falling short of the ADF criteria, after considering the impact of balconies, only 6 bedrooms fall short of the above 80% Daylight Distribution criteria. The Daylight and Sunlight report therefore considers the distribution of daylight to be supportable on this basis. This assessment is supported by Officers.

7.73 Sunlight: Sky and therefore sunlight visibility is often restricted by the presence of balconies above windows. In this case, some rooms see some shortfalls against the BRE Guide annual sunlight aspirations simply due to modest areas of single aspect design or because some windows face away from due south (therefore limiting sunlight availability). This is typical in flatted blocks in urban environments.

7.74 A total of 22 rooms out of 147 rooms tested, all will meet the BRE Guide annual APSH test. Out of these 22 rooms, 13 are bedrooms where sunlight is less important to these rooms. The shortfall is from two factors; rooms being single aspect (mostly bedrooms) or rooms having at least one window that faces close to 90 degrees from due south.

7.75 The transient shadow study, enclosed within the appendices, show shadows cast by the Proposed Development. The rooftop amenity area will benefit from 2 hours
of sun on the 21st March. This is compliant with the test laid down in the BRE Guide and therefore can be supported.

7.76 In conclusion, the Daylight and Sunlight levels to the proposed units are considered to be acceptable given the nature of the site.

**Design and Heritage**

7.77 Urban design is a key consideration in the planning process. The NPPF makes it clear that Government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

7.78 London Plan Policy 7.6 Architecture requires development to positively contribute to its immediate environs in a coherent manner, using the highest quality materials and design. Core Strategy Policy 15 High quality design for Lewisham repeats the necessity to achieve high quality design but also confirms a requirement for new developments to minimise crime and the fear of crime. DMLP Policy 30, Urban design and local character states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. The London Plan, Lewisham Core Strategy and Lewisham DMLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.

**Design Review Panel**

7.79 The development proposals for 1 Creekside have benefitted from participation in a Design Review Panel (at pre-application stage) to enhance the proposals for the development site, in line with Mayor of London policy. The proposals went to Design Review in November 2017 (29.11.17) and January 2018 (17.1.18).

7.80 The Panel were very supportive of the design merits of the proposal and recommended that the next step was to assess the environmental impacts of the proposed development. The following elements were supported in principle: public realm and yardspace; roof-form; building height, architecture, and the employment space. Key comments at the meeting on 17 January 2018 were:

<table>
<thead>
<tr>
<th><strong>Design Review Panel comments</strong></th>
<th><strong>Officer response</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The Panel were fully supportive of the 6 storey/ 8 storey differential massing configuration across the two taller elements of the project. The Panel was pleased to see this massing carried through into the final design iteration that it felt was markedly superior to the lower scale options explored at the 2nd review. The Panel felt that the difference in height and the proportions of the two buildings were both appropriate and</td>
<td>The design presented has been carried through to application stage.</td>
</tr>
</tbody>
</table>
elegant, and the scale of the buildings were in its view sensitive to the local and wider context adopting at its highest the scale of Grade II listed Mumford Mills. Overall, the Panel felt that the project would make a positive, enhancing contribution to the conservation area.

The Panel felt that further work should be done to develop the north facing gable on the taller (southern building), in particular examining whether apertures could offer greater articulation and potential views to key local landmarks e.g. St Paul’s Church.

The landscape detail to the yard area is underdeveloped and does require considerable further refinement to be convincing, but the Panel is confident that this can be resolved through the normal planning process in dialogue with LBL officers.

Further work is needed on the diurnal/nocturnal aspects of the project, alongside a more developed approach to landscape detailing and tree planting longevity.

The yard was amended prior to application and is considered to be of a high architectural quality.

The yard space has been designed to a concept level at this stage. The concept is considered to be strong and a detailed design will be secured by planning condition.

The yard courtyard will provide the focal space for the development. The ground floor uses will have a strong visual relationship with the public realm. Tree planting to compensate for tree loss has been secured through planning Obligation and as part of the landscape masterplan.

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**Layout**

7.81 Two buildings are proposed on the site, a north building and a south building, separated by a yard broadly in the centre of the site that extends east-west and along the eastern site boundary to Creekside, the yard space is bridged over to create a joined building. The buildings are set-back from the northern boundary by about 1m, the western boundary by up to 2.75m and the southern boundary by up to 3.5m. The northern building extends eastwards to the site boundary with the plot of 3 Creekside. A bridge crosses the central yard connecting the two buildings physically. The distance between the two buildings from the third floor upwards is 18.1 metres, which represents a significant gap.

**Layout - Prevention of crime and disorder and Public Safety**

7.82 Section 17 of the Crime and Disorder Act 1998 provides that it shall be the duty of the Council to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent:
a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local community);
b) the misuse of drugs, alcohol and other substances in its area; and
c) re-offending in its area.

7.83 No issues of crime or anti-social behaviour were raised as a consequence of the public consultation undertaken in respect of this application. The new residential unit would increase active surveillance on Deptford Church Street and Creekside, and this is considered a planning merit. It is not considered that the layout, provision of public realm, provision of commercial floorspace and residential units would add to crime or general anti-social behaviour in the immediate vicinity, but would improve public and passive surveillance.

7.84 The proposal has been assessed by the Metropolitan Police Designing Out Crime Officer; no objection was raised provided that suitable security measures are in place prior to occupation of the development. One issue raised in the consultation could be considered a planning matter – whether the plaza / service yard should be gated. The Metropolitan Police are satisfied that this area will not be gated which officer support.

7.85 With regard to fire safety, this is governed by the Building Regulations. The application is accompanied by a Fire Strategy (within the Design and Access Statement), which states that all dwellings would be provided with sprinklers which exceeds the requirements of Building Regulations. This is supported.

Scale

7.86 The scale of the proposed development reflects a intentional site strategy to create a corner focal building at the corner of Deptford Church Street and Creekside with the southern building, which is approximately double the height of the adjacent Bird’s Nest pub. This celebrates this very important location on the two streets and creates a visual focal point visible along all four street sections that address this important street intersection. The northern building deliberately steps down from the corner towards the height of Cremer House and the opposite Frankham House.

7.87 The scale of the building is intended to provide a bold statement that signals the importance of the Deptford wider regeneration area. The scale of the buildings is supported by both the Lewisham Design Review Panel and the GLA.

7.88 Massing: The principal massing is that of two buildings with asymmetrical pitched roofs topped with “chimney” volumes, linked by a bridge with rooftop amenity space. The volume of the buildings is carefully modelled utilising a strategic hierarchical approach that employs secondary massing to add interest and reduce the bulk of the building. The northern block reading as a subservient block to that of the southern block. The massing of the northern block has been sculpted through deep inset balconies and chamfered corners. At 6 storeys (plus roof) this is considered to be of a transitional scale from the taller southern block and the Crossfields Estate to the north which stand at 5 storeys (plus roof and chimneys).

7.89 The southern building has an angular form that projects to the corner from the cuboid building volume. This creates a lower parapet height that addresses the
street. Similarly the Deptford Church Street frontage addresses the street with a human scale elevation of three floors (ground, upper ground and first floor), above which the building line is set-back to the principal building volume. This creates both a strong street frontage and successfully breaks up the mass of the building. The block also employs the same deep set recessed balconies and chamfered corners. This effect is enhanced by the materiality of the street frontage being slightly different to the upper floors in brick colour tone. This architectural language is continued to the northern building but in a more domestic scale with all residential floors being set-back above the commercial space at ground and upper-ground levels.

7.90 The site is close to, but does not fall within either of the London Panoramic Views protected from Greenwich Park or Blackheath.

Appearance

7.91 The building has been designed as a contemporary take on the industrial architecture that exists around the Deptford Creekside as a whole, and utilises a brick-built facade with substantial openings to provide interest and scale to the projecting bays / volumes. The principal approach being to provide large openings for balcony and living spaces and narrow (slit) openings for bedrooms. This contrast provides a strong and clear architectural language to the elevations.

7.92 The strategic approach to architectural detail has been developed during the design process and is informed by the hierarchical massing of the building: the more ornate elements of the design, precast parapets and balustrades, sills and copings are used on the southern section of the building, reflecting its dominant position on the site and its prominent location at the entrance to Creekside. The northern section of the building is detailed in a more subservient way, eschewing ornament in order to reflect the simple and elegant materiality of its immediate neighbour, Cremer House and the Crossfields Estate. The parapet finished with three courses of stack bonded solider bricks, but otherwise the bonding is regularised across the façade.

7.93 The roof, window frames, and balustrades are finished in bronze toned metal which will sit comfortably alongside both brick facades and the semi-glazed brick base.

7.94 A suitably worded planning condition is recommended to ensure that the brick type / colour of a suitable type are high quality as portrayed by the applicant in the proposals.

Public realm and landscape

7.95 The public realm proposals for the proposed development are confined to the creation of a generous footway around the site. These works would be secured through an Obligation that requires a Highways Agreement. When the works have been completed then LB Lewisham, as Highways Authority, would adopt the area between the site boundary and the building line via an Obligation under the Highways Act. At this stage the proposals for the public realm design are indicative but they are consistent with the Creekside Masterplan that is being developed by Highways which seeks to improve pedestrian and cycling along Creekside, and Officers consider that they will enhance the character and appearance of the Creekside Conservation Area through the use of natural and robust materials
which would typically be found in the industrial setting. The detailed proposals for the space would be assessed by Highways and Transport in conjunction with input from the Conservation and Urban Design input.

7.96 The development proposal also includes hard landscaping in the form of a yard that at ground level divides the two buildings and continues on the eastern side of the southern block (accessed via Creekside). The detailed design of this space will be subject to a planning condition in order to ensure that its design is to the highest standards. The Metropolitan Police have requested that this publicly accessible privately owned space would be enclosed by means of railings / gates. Officers are strongly against the creation of gated spaces and gated communities, and this is considered a last resort. The developer has stated a desire to keep this space open to public access and will manage it to ensure that the space is well maintained and managed. A CCTV system may be necessary to assist with this, and a planning condition to secure this will be proposed. The width and arrangement of the space is considered sufficient to not result in an ‘alleyway’ and the provision of active frontages, residential entrances and landscaping is considered to provide a level of natural and passive surveillance that does not currently exist and would be an enhancement over the existing site situation.

Heritage

7.97 The site is included in the Deptford Creekside Conservation area. Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

7.98 Relevant paragraphs of Chapter 16 (Conserving and enhancing the historic environment) of the NPPF 2019 set out how LPAs should approach determining applications that relate to heritage assets. This includes, when considering the impact of a proposed development on the significance of a designated heritage asset, giving great weight to the asset’s conservation. Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.

7.99 London Plan Policy 7.8 states that heritage assets and historic environment, should be identified, so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account. DM Policy 36: Listed Buildings, Conservation Areas and Other Designated Heritage Assets and DM Policy 38: Demolition or substantial harm to designated and non-designated heritage assets provide the principal policy basis for assessing development proposals.

7.100 The application is supported by a Heritage Statement and Visual Impact Assessment (Montagu Evans, April 2018). A 1-3 Creekside Condition Survey (Calford Seaden, March 2016) was submitted with the planning application. This report states that the Victorian dwelling would require complete internal refurbishment, but that the exterior walls and roof with minor defects aside is in a generally fair condition. The other MOT buildings are said to be in need of significant external and complete internal repairs. There are also structural repairs required in order to reinstate the integrity of the building.
The site falls within Deptford Creek Conservation Area (CA), whose special interest is identified as lying 'primarily in its historic interest based on its evidential, historic and communal value'. Character Area 1 is characterised by its industrial heritage, which includes the wharf buildings along Creekside as well as the Creek itself.

To the north of the site boundary lies character area 2, which comprises the Crossfields Estate, an inter- and post war residential development by London County Council (LCC), of historic and architectural interest in its own right and of particular social interest in the development of Deptford’s art and music scene, of which the Birds Nest PH is a local component.

Particular characteristics relevant to the site are:

- Creekside is the main access route and spine to this small conservation area
- Despite differences in style there is some consistency maintained in the continuous low scale; buildings are generally not taller than two to three storeys and use traditional materials. Building forms are typically simple.
- The buildings are located right at the back edge of pavement, creating a clear defined street frontage and strong sense of enclosure to the street. High brick walls with gated entrances separate service yards from the...
street/footpath and maintain a continuous built frontage and boundary between public and private space.

7.104 Deptford Creekside Conservation Area Appraisal makes the following relevant comments / objectives.

**Conservation Area Enhancements:** At the entrance to Creekside, the green strip of land east of Church Street is the remainder of the 19th century properties that were cleared in the 1970s for the widening of the street. It’s unkempt appearance and lack of context detracts from the area and the sensitive landscaping or re-development that would re-create a proper enclosure to Church Street could bring about a great enhancement to the streetscene.

1 Creekside and the adjacent green strip form part of Character Area 1: The Creek, Creekside road and adjoining wharves. The entry for the site is as follows:

The first premises on the northern side as one enters Creekside from Church Street is the Greenwich MOT Centre (No. 1 Creekside). The small strip of vacant land at the street’s corner is a left over of the former terraces that were cleared for the widening of Church Street. The Greenwich MOT Centre comprises a 19th century yard surrounded to the west and north by workshops. At the entrance at the back of the street stands a small Victorian two storey house of three bays with a hipped roof. Behind is an early 20th century workshop range of two storeys with metal windows and a loading bay. The large workshop building enclosing the yard to the north is of 20th century date (pre-1950s). The building appears to have been built as a warehouse but has had some unsympathetic alterations been made following its conversion into a garage.

7.105 Two of the three buildings on the site (the house and early twentieth century warehouse) are Non-designated Heritage Assets (i.e. the twentieth century warehouse is not of merit). Although the dwelling is in fair exterior condition, it requires complete internal refurbishment, the other MOT buildings are in a very poor state of repair and require structural repair and complete internal repair, which weakens the extent to which their contribution is positive. The Deptford Conservation Area Character Appraisal lists the Victorian dwelling and MOT building as positive features in the conservation area, although the main shed of the MOT building which is also the most visible is listed as being of neutral value.
7.106 The applicant’s statement considers that the development of this site as a whole is desirable and that the loss of the buildings, some of which make a positive contribution to the conservation area, would result in less than significant harm to the conservation area. The loss of the buildings themselves would constitute substantial harm to the non-designated heritage assets (i.e. the individual buildings). This view is supported by the Conservation Officer.

7.107 DM Policy 38 requires that proposals for the demolition of non-designated heritage assets will only be allowed where there are substantial public benefits and there is no preactical way of realising the benefits without demolishing the building or causing substantial harm.

7.108 The applicant has provided substantive evidence of the wider public benefits of the proposal, these being:

- Improve the enclosure of Deptford Church Street and create an active frontage, where there is currently a strip of open land cleared for an unrealised street widening, enclosed by a blank wall topped by hoardings.

- Deliver significant public realm enhancements, including a wider pavement on Deptford Church Street and a new publicly accessible courtyard, with a new connection between Church Street and Creekside;

Figure 5: Deptford creekside character appraisal
• Redevelop the site with a high quality, appropriately scaled building that responds to the industrial heritage of the area, in contextual and high quality materials.

• Brings beneficial activity to the area, providing workspace for 50-70 people and 56 new homes (net gain of 55), including 36% affordable housing.

• The existing buildings are in need of significant internal, external and structural refurbishment and only provide limited employment opportunities.

7.109 Officers concur with this analysis of the public benefits offered by the development and consider these to be a fair summary. In the context of the public benefits, the medium-level value of the non-designated heritage assets in their contribution to the conservation area, the condition of the non-designated heritage assets, the location of the non-designated heritage assets at the centre of the overall development site, the presence of the vacant and underused site at this prominent corner, the nature of the proposed development, and the inability to achieve an intensive development of this highly accessible urban site if the buildings were retained, it is considered by Officers that the proposed demolition of the non-designated heritage assets is acceptable in principle. The loss of the buildings would also cause “less than substantial harm” to the character of the Conservation Area.

7.110 DM Policy 36/ B. Conservation Areas provides the policy basis for considering the impact of the development on the Conservation Area, the designated heritage asset. The Council will not grant permission for development where, having paid special attention to the special interest of the Conservation Area, and the desirability of preserving or enhancing the character of appearance, will not grant planning permission in where the development is incompatible with the special character of the area, its buildings, spaces, settings and plot coverage, scale, form and details.

7.111 Special character of the area: The special character of Character 1: Creekside is typified by its wharf-related industrial heritage complexes of buildings set behind boundary walls. The site also forms the setting to Character Area 2: Crossfields Estate, which is characterised by an orthogonal housing layout of blocks set around generous landscaped areas. The development does not harm the character of Character Area 2.

7.112 Buildings and spaces: The proposed development will not detract from the overall pattern of buildings and spaces in the area. All of the industrial complexes within the area will remain intact and not be adversely affected and this site responds to the special interest of the industrial complexes with yards throughout the Character Area. The development would introduce a fine grain of layout which is typical of the conservation area and improve public access which does not currently exist.

7.113 Settings and plot coverage: The proposed development enhances the setting of the conservation area by creating a strong street frontage onto Deptford Creekside. The layout of the site respects the characteristics of the historic layout of the plots in the conservation area by providing a yard that provides the separation between buildings and for the servicing and access to buildings. The space created on the plot between the two buildings also provides a public benefit.
in that it provides a generous space foyer space that will enable activity to happen in a way that isn't provided for on many of the other plots in the Conservation Area.

7.114 Scale: The scale of buildings proposed is considered to respond positively to the unique location of this site at the entrance to the Deptford Creek Conservation Area. Whilst it is recognised that there is a large increase in scale from that which currently exists, the buildings would be reflective of the wider area, for example the Faircharm scheme along Creekside which rises to 12 storeys in the setting of two storey warehouse buildings. This view is strongly supported by the Design Review Panel (DRP) who consider that the scale of the building creates a focal building at the corner of two very important intersections.

7.115 Form and details The materiality responds well to the Conservation Area (CA), and the street level elevation has been generally successful at achieving a solidity, which relates strongly to the brick walls of the surrounding wharfs, warehouses and walls.

7.116 Overall Impact on the Character of the Conservation Area: The proposed development will not harm the special interest of the Conservation Area but will provide an overall enhancement by virtue of its buildings and spaces, setting and plot coverage, scale, form and details.

7.117 Overall Conservation Impact: The impact on the designated and non-designated heritage assets is considered to be acceptable.

Impact on Adjoining Properties

Outlook and Privacy

7.118 The proposed development fronts onto Deptford Church Street and Creekside. The existing separation between Cremer House and the site boundary is 13m-13.9m and the distance between Wilshaw House and the site boundary is 15.6m-21.25m.

7.119 The proposed front-facing building elevation separation will be:

- 24.1m plus building line set-back (and greater) between Frankham House and 1 Creekside;
- 14.5m plus building line set-back (and greater) between the Bird’s Nest Pub and 1 Creekside;

7.120 Other elevation separations will be:

- 15.3m (and greater) between Cremer House and 1 Creekside (side-to-side elevations), and
- 16.4m (and greater) between Wilshaw House and 1 Creekside (side-to rear elevation).

7.121 Outlook: The building line of 1 Creekside will enclose both Deptford Church Street and Creekside, although the building is set-back from the site boundary by between 1.2m-2.7m on Deptford Church Street and 0.4m-3.4m on Creekside, softening any impacts further. The outlook impacts from the opposite side of the street are therefore considered reasonable.
7.122 Wilshaw House will be 16.4m-22.25m away. Wilshaw House has a south-facing blank gable wall and therefore there are not outlook impacts on the units within this building.

7.123 Cremer House is 5 storeys high (13.1m to eaves height) and the Bird’s Nest Pub is 4 storeys high (14.1m to parapet height). The proposed eaves height of the north wall of the development at 1 Creekside is 23m. The proposed eaves height facing Creekside (of the southern building) is 29.8m, although this elevation is massed so that there is a projection that steps out with a parapet height of 23m, which means that the perceived height will vary between 23m and 29.8m, depending on your location on the street. The proposed eaves height facing Deptford Church Street will therefore be 23m for the north block and 29.8m in relation to the southern block.

![Figure 6: Deptford Church Street Elevation](image)

7.124 The separation between Cremer House and 1 Creekside will be between 15.3m and 16.3m. The units at the end of Cremer House are triple aspect, with their principal elevations facing east and west. A single window unit per unit is south-facing (i.e. 5 windows over 5 floors) and set within the gable wall. Residents confirmed at the Local Meeting that these windows serve a living space. Given that the units affected are triple aspect and the separation between the two buildings is 15.3m-16.3m it is considered that the loss of outlook is reasonable within the context of this urban site. The loss of outlook is further mitigated by the presence of trees within the grounds of the Crossfields Estate green areas and, more specifically, between Cremer House and 1 Creekside.

7.125 **Enclosure:** The principal enclosure considerations are the relationship between the five units at Cremer House and 1 Creekside as:

- The enclosure facing Frankham House / Tidemill Garden development on Deptford Church Street is considered reasonable given the scale of Deptford Church Street west-facing elevation Cremer House is 5 storeys;
- The Bird’s Nest pub is the sole immediate neighbour to the south and this is a non-residential use (live music venue / hostel) and therefore the enclosure impacts of the proposed development are not considered to be relevant.

7.126 In the view of officers as the five units at Cremer House are triple aspect with principal elevations facing east and west that will not be affected by the proposed development, the enclosure impacts of the proposed development are therefore
considered to be acceptable. In addition, the enclosure impacts on ground, first and second floor levels are very likely to be mitigated by the presence of trees in the space between the proposed development and window openings.

*Daylight and Sunlight*

7.127 An assessment of daylight and sunlight has been carried out for the development in accordance with the Building Research Establishment’s good practice guide "Site Layout planning for daylight and sunlight". This allows the Council to consider the impact of the proposal on the extent of daylight/sunlight received in the windows of adjacent properties serving the rooms used most frequently. This is useful in assessing the extent to which the site layout allows for natural lighting but is only one factor in considering whether the scheme is well designed and should be considered in the context of the overall approach to the design of the scheme.

7.128 It is also important to note that the BRE guidance includes a level of flexibility within its application and for instance, developments in urban areas are treated differently to suburban areas because expectations of daylight and sunlight into properties differ in such locations. Consequently, it is often necessary to aim for different ‘target values’ of daylight and sunlight into rooms according to the location of the development.

7.129 This site is located within an urban area (designated as an opportunity area), appropriate for high density development. Whilst there are some medium rise developments in the area around the Crossfields Estate, there are also examples of high rise, high density developments and this location is identified for redevelopment as a ‘growth area’ capable of accommodating a significant number of new dwellings. It is therefore important to acknowledge that residents could not expect to enjoy the same level of amenity as would be expected within a low/medium density, suburban location, where each dwelling would typically front have and rear gardens.

7.130 Furthermore, some properties that currently enjoy a higher than average level of daylight/sunlight because they are located close to an underdeveloped site, will experience a change in the level of daylight/sunlight received when sites are developed. Notwithstanding this there is a need for all new developments to demonstrate that any loss of light or increase in overshadowing would be within acceptable levels so as not to give rise a significant loss of amenity.

7.131 The assessment of daylight is based on the calculation of the vertical sky component (VSC) to an affected window in both the existing and proposed condition. The VSC, simply put, is the amount of light received at the centre of a window. There is a further assessment that assesses the distribution of daylight within a room. This is called the average daylight factor (ADF).

7.132 Whereas VSC assessments are influenced by the size of obstruction, ADF is more influenced by the room area, the reflectance of room surfaces and transmittance of the glazing. The extent, to which the effect of a proposal on surrounding properties is considered significant, is dependent on the use of the room to which the window relates. The significance of any impact of proposals on non-habitable or less well-used rooms such as bedrooms is therefore reduced.

7.133 A third method for assessing daylight for residential accommodation which is the no skyline contour (NSC) which is a measure of the distribution of daylight at the
The application is accompanied by a Daylight & Sunlight Report (prepared by Robinsons Surveyors Limited, April 2018). Following the Local Meeting in November 2018 an addendum to this report was prepared to address resident’s concerns that the impacts on Wilshaw House windows and planting area had not been considered adequately (Robinson Surveyors Limited, January 2019).

The scope of the assessment includes:

- Frankham House (to the NW of the site on DCS);
- Bird’s Nest Pub (to the south);
- Cremer House (to the North);
- Wilshaw House (to the NE);
- Wilshaw House Gardens

This scope is considered to be acceptable. Floor plan layouts of buildings are not known by the assessors but reasonable assumptions have been made.

In summary the assessment has found that the daylight and sunlight levels to all neighbouring dwellings is to an acceptable level to Frankham House, the Bird’s Nest Pub and Cremer House. Wilshaw House does have some impacts to daylight levels that exceed the BRE Guidelines but given the urban location, these are considered acceptable. The sunlight levels to the Wilshaw House Gardens will also meet the BRE Guidelines for amenity space.

**Frankham House**

**Daylight**

On the whole, the daylight impacts to this property will not be noticeable to occupants. Shortfalls against the BRE Guide VSC aspirations do occur to 28 windows facing the development site these shortfalls do not take into account room layouts and mitigating light from other windows serving them. However, having consider the distribution of daylight, the affected rooms are largely ‘well lit’ with no Daylight shortfalls against the BRE Guide recommended 20% (maximum) reduction - which is deemed unnoticeable to occupants. The daylight impacts are therefore considered to be unnoticeable and therefore supportable.

**Sunlight**

The sunlight impacts to this property, as a result of the Proposed Development, are fully compliant with the aspirations of the BRE Guide.

**Birds Nest Pub**
7.140 The daylight and sunlight impacts to this property, as a result of the Proposed Development, are fully compliant with the aspirations of the BRE Guide.

*Cremer House*

**Daylight**

7.141 On the whole, the daylight impacts to this property will not be noticeable to occupants. Only a room at ground and first floor level experience a very minor digressions, at just 5% and 4% below the BRE Guide stipulated threshold (respectively) they are considered to be acceptable. These rooms will still maintain good levels of Daylight for a dense urban environment such as this. The minor deviations from the standards are considered to be supportable. If these were bedrooms then the deviations would be considered to be even less important, when compared to other room types, although this has not been confirmed.

*Sunlight*

7.142 The sunlight impacts to this property, as a result of the Proposed Development, are fully compliant with the aspirations of the BRE Guide.

*Wilshaw House*

**Daylight**

7.143 The analysis shows that all reductions will be at least 80% of former condition, with good levels of daylight distribution generally. These daylight distribution impacts will therefore be unnoticeable. These impacts are considered to be fully supportable. With regard to the windows on the eastern block, the impacts resulting from the proposed development will be fully compliant with the recommendations within BRE guidance.

**Sunlight**

7.144 Whilst sunlight impacts to ‘windows’ to this property do result in derogations against the aspirations of the BRE Guide in terms of total and winter sunlight, when sunlight is considered to ‘rooms’ (taking into account mitigating sunlight from all windows) there are no shortfalls in terms of annual sunlight. Shortfalls do occur in the winter period to 8 kitchens and 8 bedrooms. However, these shortfalls occur as a direct result of this property’s own design - which limits sky (and therefore sunlight) availability due to its orientation and location – situated directly opposite (and close to) adjacent buildings and the provision of balconies above the windows.

7.145 *Wilshaw House Gardens* – The sunlight levels for this external space have been assessed and found to meet BRE Standards for external amenity space, and will enjoy access to direct sunlight for a period of at least 2 hours sun over ground per day.

**Daylight and Sunlight Conclusions**

7.146 Cremer House does experience limited shortfalls in daylight levels to some rooms. However, only two rooms experience a loss of daylight that exceeds the recommended BRE levels of tolerance. In the context of the urban location, that
dwellings in Cremer House the planning harm is considered to be limited in extent and supportable.

7.147 Willshaw House will suffer a technical loss of winter sunlight levels again the recommended BRE levels. However, this is at least partially a consequence of the building design of Willshaw House. In the context of the urban location and that dwellings in Wilshaw House are dual aspect the planning harm is considered to be limited in extent and supportable.

7.148 The degree of planning harm is limited and balanced by the fact that the BRE levels are guidance only, this is an urban site and all units are dual aspect and the site is located within an urban context that benefits from a highly accessible location, the degree of harm is considered to be supportable.

7.149 The proposal meets the policies above in the case of nearly all dwellings assessed, resulting in material harm to the living conditions of future residents in terms of inadequate daylight and sunlight. This harm cannot be mitigated; however, this is a planning harm which, when balanced against the proposal's other planning merits and the context of the site, is not considered a reason for refusal.

Wind and Microclimate

7.150 London Plan Policy 7.7: Location and design of tall and large buildings provides the policy basis for assessing proposals for tall and large buildings. The Town and Country Planning (Mayor of London) Order 2008 specifies that buildings are referable to the Mayor of London (in Part 1: Large scale development / Category 1C) when a building is more than 25m high adjacent to the River Thames; more than 30m high outside the City of London and more than 150m high within the City of London. The Lewisham Tall Building Study (2012) identifies tall buildings as being over 30m in height.

7.151 The proposed development would exceed 30m in height and is therefore classified as a tall building. The application is accompanied by a Wind Microclimate Assessment (prepared by XC02, March 2019). This assesses the proposed development and the qualitative review concludes that the modelled wind speeds at pedestrian level are not anticipated to be significant on and around the vicinity of the site. Wind speeds are mitigated by the massing of the building and also the presence of street trees at street level. The development is therefore considered unobjectionable in this regard.

Night Time Economy

7.152 The key policy context is contained within the National Planning Policy Framework (Agent of Change principle), the Draft London Plan Policy D12: Agent of Change, which gives effect to the NPPF principle, and the related Culture and the Night-Time Economy SPG (November 2017).

7.153 The site is situated adjacent to the Birds Nest Pub located at the junction Creekside and Deptford Church Street. Many of the representations received, and the petition signed by 2,300 people refers to the impact that placing residential next to the Birds Nest Pub would have upon its long term viability as a late night music venue.
7.154 The 'agent of change principle' encapsulates the position that a person or business (i.e. the agent) introducing a new land use is responsible for managing the impact of that change. The practical issue that has arisen on occasion is that in circumstances where residents move into an area where noise is emanating from, e.g., a long-standing music venue, this may have resulted in the Local Planning Authority (LPA) imposing additional licensing restrictions on the established licensed venue. Campaigners on behalf of licensed premises have long advocated support for implementation of an 'agent of change' principle to place the responsibility for noise management measures on the incoming 'agent of change'.

7.155 Taking the Agent of Change policy into account it is clear that it is up to the planning applicant to ensure that their building is designed to mitigate against the potential impacts of the noise levels emanating from the Bird's Nest Pub.

7.156 The Noise Assessment Addendum (Ardent Consulting Engineers, July 2018) was prepared to address this issue. The noise assessment concludes that the acoustic insulation design for the dwellings maintain acceptable levels of ambient noise (35dB) with average noise levels of 65db emanating from the Bird's Nest Pub / live music venue. It records higher levels of noise (up to 100dB) that are attributed to emergency vehicles. The Environmental Protection Office have considered the details submitted with the application and have found that the proposed noise levels are acceptable and that the design specification for the units is therefore acceptable.

7.157 A planning condition is proposed to secure the façade design indicated in the Noise Assessment Addendum. A Planning Obligation is proposed to notify all residents in their lease / marketing information / welcome pack that the Agent of Change principle applies. This does not mean that the Bird’s Nest pub has license to provide statutory nuisance with noise levels that exceed what is considered to be reasonable. The noise insulation has been design to provide safe internal noise levels on the basis of a noise level of 65dB emanating from the Bird’s Nest Pub.

7.158 With regard to internal noise levels of the residential units, Part E of the Building Regulations controls noise transmission between the same uses and is usually outside the scope of Planning.

7.159 Planning controls the effect of noise from external sources on residential uses and noise transmission between different uses. The relevant standard is BS: 8233:2014. This states the internal noise levels within living rooms must not exceed 35dB(A) during the daytime (0700-2300) and 30 dB(A) in bedrooms during the night – time (2300-0700).

7.160 With respect to external areas, BS 8233:2014 recommends that external noise level does not exceed 50dB LAeq,T with an upper guideline of value of 55dB LAeq,T.

7.161 PPG: The noise impact may be partially off-set if the residents of those dwellings have access to:

(a) a relatively quiet facade (containing windows to habitable rooms) as part of their dwelling, and/or;
(b) a relatively quiet external amenity space for their sole use, (eg a garden or balcony). Although the existence of a garden or balcony is generally
desirable, the intended benefits will be reduced with increasing noise exposure and could be such that significant adverse effects occur, and/or;
(c) a relatively quiet, protected, nearby external amenity space for sole use by a limited group of residents as part of the amenity of their dwellings, and/or;
(d) a relatively quiet, protected, external publically accessible amenity space (e.g., a public park or a local green space designated because of its tranquillity) that is nearby, e.g., within a 5 minutes walking distance.

7.162 The Noise and Vibration Assessment (Ardent Consulting Engineers, April 2018) and Noise and Vibration Assessment Addendum (July 2018) outline mitigation measures, including a glazing specification and the use of appropriate ventilation have been recommended and should be sufficient to achieve recommended internal noise levels for the proposed development according to BS 8233:2014. The glazing specification applied to different elevations varies according to the ambient noise levels and desired noise levels within bedrooms (which have a higher standard).

7.163 The Outdoor seating for the Bird’s Nest Pub and Live Music Venue are located to the south of the building in the area to the west of the red bus. The noise levels emanating from this area of the site were recorded as part of the overall noise assessment and therefore do not present a separate noise source.

7.164 The Bird’s Nest Pub and Live Music Venue has been in operation for many years and is in close proximity to homes on Deptford Church Street (south) that are a similar distance to 1 Creekside and the residents of the houseboats on Deptford Creek itself, which are much closer to the noise source. Statutory nuisance has not been recorded as being an issue for these existing neighbours. Given the proposed levels of noise mitigation in the design strategy for the proposed development in this context it would not be expected that the proposed residential development would constitute a threat to the operation of the Birds Nest Pub and Live Music Venue providing it operates within existing and reasonable noise levels.

7.165 Vibration levels measured would not be expected to constitute a significant concern for this development.

Transport

7.166 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para 102. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.

Access

7.167 The site has a PTAL of 6a, meaning that it is highly accessible. The site is extremely well located in terms of access to sustainable transport options. There are bus stops located close by and a wide range of bus services available. Deptford Bridge DLR station, Deptford and Greenwich national rail stations are
also close to the site and between them they provide frequent rail services to a wide range of Central London rail stations and stations in south and southeast London as well as orbital London Overground services.

7.168 Despite the excellent accessibility, the walking environment and approach into the site is poor. The footways are very narrow, measuring between 0.75m and 1m. As a result of this narrow footway, pedestrians often walk into the Creekside carriageway. The footpaths on the western Deptford Church Street side are wider at 2m, however, they are narrowed by the guard railing and various lamp columns and other street furniture. There is significant scope to improve access for pedestrians around the site.

7.169 The development has therefore set back the building on both highway frontages, to create a much larger pedestrian environment and to improve access around and into the site. The general depth of footways would measure 4.5m on Deptford Church Street and 4m on Creekside. The realignment of the footway would need to be secured by a s278 agreement with Highways.

7.170 In addition to the widened footway being provided by the developer, a planning Obligation has been agreed in principle to enhance pedestrian safety in the immediate vicinity of the site by means of upgrade to the Creekside junction, improved footways on the southern side of Creekside, removing the guardrail, street lighting. A financial contribution of £15,000 has been sought.

7.171 TfL in their representations have also requested a financial contribution towards the Legible London signage scheme for Deptford to improve way finding. This is set at £10,000.

Cycle Parking

7.172 Table 6.3: Cycle Parking Standards of the London Plan establishes the minimum cycle parking requirements for development in London.

Table 3: Cycle Parking Standards (excerpt from London Plan)

<table>
<thead>
<tr>
<th>Use Class</th>
<th>Floorspace / Dwellings</th>
<th>Long stay requirement</th>
<th>Short stay requirement</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1</td>
<td>1500gsm</td>
<td>1 space per 90 sqm</td>
<td>7.173</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(16.7)</td>
<td>first 5,000 sqm</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>space per 500 sqm</td>
<td></td>
</tr>
<tr>
<td>C3 and C4</td>
<td>1-bed</td>
<td>26</td>
<td>26</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1</td>
<td>1 space per 40 units</td>
<td>(or 2)</td>
</tr>
<tr>
<td></td>
<td>2-bed / 2+bed</td>
<td>28</td>
<td>7.174</td>
<td>84</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7.175</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td>104</td>
</tr>
</tbody>
</table>
Table 10.2: Minimum Cycle Parking Standards of the Draft London Plan establishes the minimum cycle parking requirements for development in London. This has limited weight until the Draft London Plan has been through its EIP process. This would require a slightly different Long Stay standard for B1 Office of 1 space per 75sqm. The residential standards would be the same, apart from in the case of 1-bed units, which will require 1.5 cycle parking spaces per unit.

On the basis of the existing London Plan the cycle parking requirement would be as set out in Table 3 (above), totalling 93 spaces, of which 4 would be short stay spaces.

The development proposal includes 102 cycle parking spaces, of which 6 are short stay spaces. For both uses, long stay cycles provision will be located within the basement (segregated for each respective use) and short stay spaces located along the site’s frontage. The ramp access to the basement has been designed to meet a minimum 1:20 gradient, which is in line with Building Regulations Part M 2004 standards for disabled access (Transport Statement, 2018).

TfL request that cycle parking in the basement be distributed to between residential and workspace to ensure compliance with the Draft London Plan standards. The applicant is happy for cycle parking to be re-distributed to accord with Draft LP standards. A Planning Condition will be required to secure the appropriate allocation of cycle parking space between uses in the basement.

The proposal therefore meets the London Plan requirements for Cycle Parking. A Planning Condition will be included to secure the level of on-site provision indicated.

The application site benefits from being located within close proximity of National Cycle Route 4, which runs between Pembrokeshire in Wales to Greenwich is runs along Deptford Church Street. The route turns into an off-road cycle path south of the application site which provide additional protection. A three-minute cycle or 550m north of the site along the A2209 is the A200 which contains the National Cycle Route 21 which runs between Central London and Eastbourne along via the south coast. In the future, Cycle Superhighway 4 (which is a route that is currently under consultation by TfL) is proposed to run between Tower Bridge and Greenwich via Creek Road, and is approximately 550m east from the site or a 2 minute cycle via Deptford Church Street.

The off-site cycle environment immediately adjacent to the site is limited in quality. The principal access to Creekside is via a mini-roundabout at the junction of the A2209 / Creekside / Reginald Road roundabout. Roundabouts provide unsafe environments for cyclists (and pedestrians alike). A masterplan is currently being prepared to upgrade Deptford Church Street and Creekside, including a public realm / highways proposal being led by Highways and Transport. This will remove the roundabout and seek to reduce the amount of space allocated to private cars, increase green modes (bus, cycle and walking) priority and create focal spaces and value-added public realm where this is achievable. The Deptford Creekside Masterplan is currently at Planning design stage. The Deptford Church Street masterplan project is awaiting resource allocation to proceed to the concept-design stage.
7.183 Both TfL and LB Lewisham Highways and Transport sections have requested a Cycling Level of Service (CLoS) assessment. Alternatively, LB Lewisham Highways Office has requested a financial contribution to the upgrading of cycle infrastructure on Creekside of £15,000. The applicant has agreed to make the financial contribution by way of a s106 Obligation. This, in combination with the Cycle Parking level of provision, renders the proposal acceptable with regard to Cycling.

Car Parking

7.184 Currently the single access into the site is via Creekside. There is no public access into the open land facing Deptford Church Street. Given the excellent PTAL and accessibility of the site, the development proposed is car-free which is supported.

7.185 As per other car free schemes, development should contribute towards car sharing schemes. In this instance in the vicinity there are 5 permanent car club bays in operation:

Two bays on Creekside (north) operated by Enterprise;

One Space on Reginald Street operated by Zip Car

Two bays on Octavius Street operated by Enterprise.

7.186 It is considered that there is sufficient number of bays surround the site and that a standard Obligation be secured via s106 agreement for the developer to pay for Car Club membership for a period of three. This will help to mitigate the nature of the car-free development and render it acceptable.

7.187 Developments along Creekside have contributed towards the implementation of a Controlled Parking Zone, which would restrict the current free parking arrangements in the locality. Residents of this development would need to be restricted from being able to apply for any future permit.

7.188 With regards to disabled parking. The Mayor of London Housing SPG / Accessible London SPG requires one disabled parking space for each designated wheelchair dwelling (10% of units). The Draft London Plan allows greater flexibility with 3% of spaces to be provided from the outset, if it can be demonstrated that the remaining 7% of spaces could be provided if there was sufficient demand.

7.189 The development proposes no Disabled Parking spaces. Transport for London request that the application complies with policy, and that 6 disabled parking spaces be provided (5 residential and one workspace). Based on the space constraints of the site, TfL request that a minimum of at least two Blue Badge spaces are provided for residential use and one Blue Badge space is provided for commercial use from the outset.

7.190 In the view of LB Lewisham Highways and Transport service, given the highly accessible and constrained nature of the site, with its access to public transport, no parking spaces should be required on-plot. Flexibility of providing off-site Blue Badge car parking has been agreed in principle with LBL during pre-application discussions and it has also been agreed that an Obligation in the form of a financial contribution to provide off-site disabled parking should be applied to cover the cost of amending the Traffic Order to provide spaces on Creekside may be
appropriate, rather than these being provided on-site. This will help to render the proposal acceptable with regard to the provision of Disabled Parking.

Servicing

7.191 The development proposal includes loading bays at the following locations: Deptford Church Street (inset 26m loading bay), Creekside (inset 21m loading bay), and also on-plot between the southern building and the eastern boundary accessed from Creekside. The on street loading bays are proposed to be on level with the pavements, double yellow-lined (20 minute max. loading) and capable of use by pedestrians when not being used by vehicles.

Both Transport for London and LB Lewisham consider this an excessive level of provision and both suggest that the loading bays on Deptford Church Street should be omitted and the space reallocated to create a generous pedestrian realm. In addition, the provision of loading bays on DCS would create a conflict with the bus/cycle lane. TfL requested in pre-app discussions that if the space were to be used for loading bays then this should be restricted to off-peak times. In addition, LB Lewisham have a goal to transform Deptford Church Street to enable it to have a stronger sense of place and be less dominated by vehicular traffic. Omitting loading bays on this street provides greater flexibility to reconfigure the street unencumbered in the future. The loading bays will therefore be omitted from Deptford Church Street and this space integrated into the footway.

Construction phase.

7.192 London Plan Policy 6.3 makes clear that impacts on transport capacity and the network must be fully assessed and that, amongst other things, Construction Logistics Plans should be submitted to support strategic development proposals. This will be secured by planning condition. The CLP will be considered by LB Lewisham in collaboration with the Deptford Construction Forum (or Deptford Evelyn Zonal Construction Logistics Forum), which aims to provide an overview to all construction activity and optimise operations to ensure impacts on neighbouring areas are minimised.

7.193 There are a number of nearby strategic development proposals for Deptford (including schemes for the former Tidemill School, Thames Tideway Tunnel and Convoys Wharf, and proposed developments at Trinity Laban/ Creekside Village East and Sun Wharf), with the potential for one or more schemes being on site at the same time. Officers therefore recommend that an Obligation for the developer to participate in the Construction Forum and a financial contribution towards the cost of air quality monitoring in the area. The Forum seeks to manage and coordinate construction impacts and activities across Deptford. This Obligation type is commonly secured in relation to developments in this area (based on development quantum).

Energy and Sustainability

7.194 London Plan Policies require developments to meet the highest standards of sustainable design, including the conservation of energy and water; ensuring designs make the most of natural systems and the conserving and enhancing the natural environment.
The London Plan approach is reflected in Core Strategy Policies 7 (Climate change and adapting to the effects) and 8 (Sustainable design and construction and energy efficiency) which states that the Council will explore opportunities to improve the energy standards and other sustainability aspects involved in new developments and that it will expect all new development to reduce CO2 emissions through a combination of measures including maximising the opportunity of supplying energy efficiently by prioritising decentralised energy generation for any existing or new developments and meet at least 20% of the total energy demand through on-site renewable energy.

Core Strategy Policy 8 also requires compliance with Code for Sustainable Homes (CfSH) Level 6 from April 2016 and that non-residential development will be required to achieve a minimum of Building Research Establishment Environmental Assessment Method ‘Excellent’ standard, or any future national equivalent. DMLP Policy 22 (Sustainable design and construction) gives further guidance on energy efficiency. However, the CfSH was withdrawn in March 2015, although the Ministerial Statement makes clear that LPAs may continue to apply requirements relating to energy.

The Energy and Sustainability Report submitted in support of the application addresses the proposals in relation to the energy hierarchy of ‘be lean’ (use less energy), ‘be clean’ (supply energy efficiently) and ‘be green’ (use renewable energy). It also sets out an assessment of proposed measures to reduce the risk of overheating and reduce reliance on air conditioning.

Be Lean: The proposed strategy addresses reduction in energy demand through the adoption of passive and active design measures. The proposed energy efficiency measures include levels of insulation beyond Building Regulation requirements, low air tightness levels, passive natural ventilation for the workspaces, efficient lighting as well as energy saving controls for space conditioning and lighting. By means of energy efficiency measures alone, regulated CO2 emissions are shown to reduce by 17.4% (9.9 tonnes per annum) for the domestic part of the development; 26.4% (4.5 tonnes per annum) for the non-domestic part of the development and 19.5% (14.4 tonnes per annum) across the whole site.

Be Clean: The site is located outside of a district heating network and is not expected to be implemented in the future. A site wide heat network is proposed comprising of a single energy centre supplied by CHP and high energy efficiency boilers connected to all users on site. The on-site heat network has been estimated to reduce regulated CO2 emissions by 19.5% (11.1 tonnes per annum) for the domestic part of the development; 5.3 % (0.9 tonnes per annum) for the non-domestic part of the development and 16.3% (12 tonnes per annum) across the whole site.

Be Green: A range of renewable technologies were considered for generating energy on-site renewable energy. No renewable technologies were considered feasible for various reasons detailed within this report, namely the sculptural form of the roof, which would not allow the installation of photovoltaic panels.

Carbon offset: The overall regulated CO2 savings on site against a Part L 2013 compliant scheme are therefore: 36.9% (20.9 tonnes per annum) for the domestic part of the development; 31.8% (5.4 tonnes per annum) for the non-domestic part.
of the development. A total regulated CO$_2$ savings for the site are 26.3 tonnes, equivalent to 35.7% of the baseline emissions. The proposed development complies with the London Plan CO$_2$ savings target of 35% overall. To achieve ‘zero carbon’ for the residential portion of the scheme, 26.3 tonnes per annum of regulated CO$_2$, equivalent to 1,074 tonnes over 30 years, from the new-build domestic portion should be offset offsite. This would result in a Carbon Offset payment of £110,011 that will be secured by Obligation.

**Overheating**

7.202 The application is accompanied by an Overheating Assessment as part of the Energy Statement (XCO2, April 2018) and a subsequent technical note (22/11/18). This sets out the measures to be taken to reduce potential overheating, including:

**Energy Efficient Design:**

- Distribution of heat infrastructure within the residential parts of the development will be designed to reduce the lateral pipework lengths within communal corridors, reducing heat loss.

- Heat sources and pipework will be sufficiently insulated.

7.203 Efficient lighting will be used to further minimise internal heat gains and reduce energy expenditure.

- Reducing the amount of heat entering the building in the summer.

- External shading elements (such as setback balconies) integrated across elevations.

- Appropriately sized windows to reduce solar gain in occupied spaces.

- Use of thermal mass and high ceilings to manage heat internally. Passive ventilation will be employed as the main strategy for providing fresh air dissipating heat across the development.

7.204 Mechanical ventilation heat recovery (MVHR) is proposed for the residential units. The MVHR will be capable of operating in summer bypass mode allowing for the dissipation of any heat build-up during peak summer conditions.

7.205 The Strategy concludes that all of the flats and habitable spaces associated with the proposed development site at Deptford Creekside are considered to achieve compliance with overheating benchmarks TM59 and TM52 for London Weather Centre DSY1 weather data, provided that adequate design measures are taken into account. The analysis presented in the results section of the report shows that the inclusion of generous opening areas, especially for bedroom and kitchen/living/dining spaces, is essential for compliance with the overheating criteria.

**Trees, Biodiversity and Living Roofs**

7.206 S.197 of the Town and Country Planning Act 1990 (as amended) gives LPAs specific duties in respect of trees. This places a duty on planning authorities to ensure, whenever it is appropriate, that in granting planning permission for any
development adequate provision is made, by the imposition of conditions, for the
preservation or planting of trees.

7.207 London Plan Policy 7.21: Trees and Woodlands provides the principal policy
context to trees in London, including establishing the principle of replacing trees
that are lost and planting additional trees wherever possible (especially large
trees). DM Policy 25: Trees and Landscaping provides the principal Local Plan
policy, and reflects the Act and London Plan policy.

7.208 The application is accompanied by an Arboricultural Survey (prepared by PJC
Consulting, February 2017). This includes a tree survey and identifies that there
are 9 trees and 5 tree groups currently on the site (most are medium-sized trees
with a height of between 5m-10m in height). The survey recommends if trees are
lost that a tree replacement strategy could be implemented to mitigate tree loss.

7.209 The development proposal is to clear the entire site and therefore an arboricultural
impact assessment is not relevant to this assessment. The illustrative site
(landscape) masterplan proposes the planting of 9 street trees (6 small-sized trees
and 3 medium-sized trees) inset within the footpaths surrounding the site /
courtyard. There is therefore a deficit in the tree replacement strategy in that 9
trees are proposed and 5 trees have been lost. An Obligation has been agreed to
provide a financial contribution to enable the planting of 10 street trees within the
vicinity of the site in locations where utility / service layouts permit tree pits to be
provided. The aim of this is for the number of trees being provided on the site,
adjacent to the site and in the vicinity of the site, to exceed the number being lost
through site clearance. The street trees will also have significant Biodiversity
benefits and contribute to improving Air Quality.

7.210 The development proposal involves the clearance of the tree assets on the site
and the reinstatement of 7 trees off-site within the footpath around the site. If the
applicant agrees to a Planning Obligation to provide additional street trees to
compensate for the trees that have been lost then the impact of the development
could be considered to be neutral in terms of trees and landscape. The street trees
proposed by the applicant will be secured by a s278 Highways Agreement as part
of the Highway improvement works. This is a planning merit to which significant
weight is given resulting in a material improvement to the area in the medium-long
term as the street trees grow to be semi-mature / mature species.

7.211 London Plan Policy 5.11 Green roofs and development site environs sets out the
policy basis for Living / green roofs, along with DM Policy 24: Biodiversity, living
roofs and artificial playing pitches of the Development Management Local Plan
2014. This seeks for all new development to be designed to include roof, wall and
site planting, especially green roofs and walls where feasible.

7.212 The submitted scheme does not contain living roofs, due to the angular and
steeply pitched roof forms. Living roofs are fitted to blocks with either flat roofs, or
shallow pitches. Officers consider the absence of living roofs on this occasion to
be acceptable given the high quality architecture proposed and interesting roof
form which would positively contribute to the streetscape along Deptford Church
Street and Creekside.

Air Quality
7.213 The NPPF covers the impact of pollution on health and the natural environment (para 120) and the impact on air quality of individual sites (para 124). Proposals should be designed and built to improve local air quality and reduce the extent to which the public are exposed to poor air quality. Poor air quality affects people’s living conditions in terms of health and well-being. People such as children or older people are particularly vulnerable.

7.214 LP7.14 states new development amongst other requirements must endeavour to maintain the best ambient air quality (air quality neutral) and not cause new exceedances of legal air quality standards. Draft LP SI1 echoes this.

7.215 Core Strategy Policy 7: Climate change and adapting to the effects, Core Strategy Policy 9: Improving local air quality and DM Policy 23: Air Quality provide the local plan policy basis for assessing development proposals.

7.216 The Council’s Air Quality Management Plan identifies AQMA3 Deptford to be an area where exceedances of vehicle emissions PM10 particles and NO2 have been modelled to be present. Air quality is actively monitored in the area as a whole, although not there is not a monitoring location on Deptford Church Street itself.

7.217 Deptford Church Street is part of an Air Quality Focus Area, which means that air quality monitoring and modelling has shown that this is an area with many sensitive receptors (i.e. residential properties/ schools/ hospitals/ general footfall) and very poor air quality and consequently, the GLA has identified the area as a focus area for improvements in traffic control and movement, healthy streets and other interventions to ensure a drop in pollution and a healthier neighbourhood.

7.218 The application is accompanied by an Air Quality Assessment (prepared by Ardent Engineering, April 2018). The assessment considers construction-related air quality, vehicle emission impacts and (building use) operational emission impacts.

7.219 In terms of construction-related air quality impacts the assessment concludes that mitigation measures can be applied to ensure that air quality can be maintained at an acceptable level. A planning condition will therefore be required to construction-related environmental management.

7.220 As regards vehicle emissions, the assessment this is much more sensitive and not as straightforward. As the site is in both an Air Quality Management Area (AQMA) and an Air Quality Focus Area (AQFA) this will mean that developments must not introduce occupiers into areas of known exceedances of any of the air quality objectives (i.e. NO2 or PM10). It is therefore quite likely mitigation measures will be required but in order to determine this, the Council should take a precautionary approach in terms of air quality management and seek real-time monitoring for NO2 for a period of at least six months prior to commencement of any works on site has been required of the applicants in order to provide an evidence-base to enable compliance with DM Policy 23: Air Quality of the DMLP 2014.

7.221 The assessment concludes that predicted concentrations of PM_{10} in all modelled years are below the relevant objectives. Predicted concentrations at all the modelled receptors fall within APEC Category A, which states that there are “no air quality grounds for refusal, however, mitigation of any emissions should be considered”. Overall, using the flow chart presented in Figure 4 of the report, air quality is a low priority consideration.
7.222 Predicted annual mean NO\textsubscript{2} concentrations in 2016 and 2021 indicate that the annual mean objective (40 μg/m\textsuperscript{3}) would be exceeded across the first floor. Predicted concentrations fall within APEC Category B and C. Using the flow chart presented in Figure 4 of the report, air quality (NO\textsubscript{2}) is a high priority consideration at these apartments. As such, mitigation measures will be required and these include options such as creating a mechanical ventilation system fed from an air source at upper level floors where pollution levels fall within safe levels. The same applies to ground floor and upper ground floor levels for the workspace. This will be subject to planning condition.

7.223 It is not considered appropriate to require a specific design solution to mitigate air pollution impacts in terms of glazing design. This is because in the short-medium term air pollution levels should fall as vehicle emissions in the area reduces, and this would mean that an unnecessary cost would fall upon the space occupiers to adapt / replace the windows. It is therefore considered appropriate to apply a planning Obligation to ensure that occupiers / residents at these (lower three floor levels) are notified of the potential air pollution risks to human health. This would be likely to take the form of marketing information, leasehold clause and welcome pack.

7.224 Predicted NO\textsubscript{2} concentrations at the second-floor floor and above are below the relevant air quality objective. Predicted concentrations fall within APEC Category A. Overall, using the flow chart presented in Figure 4, air quality (NO\textsubscript{2}) is a low priority consideration at the first-floor level.

7.225 Operational impacts are not submitted with the application documentation as the applicant would prefer for these to be assessed when the nature of the potential impacts have actually been determined. It is therefore proposed that a Planning Condition would be imposed to deal with the potential need to mitigate air pollution impacts of the building occupation.

7.226 As the site falls within the Air Quality Management Area then an Obligation in the form of a financial contribution of £7,500 has been agreed towards the cost of operating the AQMA project.

7.227 A planning Obligation has been agreed by the developer to provide a financial contribution to mitigate the effects of air pollution in the form of off-site street trees to compensate for the loss of trees on site.

7.228 A planning Obligation has been agreed by the developer so that the building occupiers of space below second-floor level are advised of the air pollution risks.

**Land Contamination**

7.229 DM Policy 28: Contaminated Land of the Development Management Local Plan (2011) provides the policy basis for assessing development proposals in terms of site contamination. The application is accompanied by a Geo-Environmental Desk Study / Preliminary Risk Assessment Report (prepared by Jomas, January 2017). This identifies receptors, potential sources and undertakes a preliminary risk assessment / geo hazard analysis. Included in the list of potential sources are on-site asbestos (from previous buildings) and hydrocarbon seepage due to the current and previous uses.
7.230 The Environmental Protection Office (EPO) has assessed the evidence submitted and requests that the standard Site Contamination planning condition be applied to ensure that the proposal meets the legislative requirements.

**Flood Risk**

7.231 The site is located in Flood Zone 2-3.

7.232 The NPPF establishes policy principles relating to sustainable urban drainage within Section 14. Meeting the challenge of climate change, flooding and coastal change (Paragraphs 148 to 169). NPPF in particular para. 160 states:

**Para 160.** *The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that*

(a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

The development will be safe for its lifetime taking into account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

**Para 161 states that both elements of the exception test should be satisfied for development to be allocated or permitted.**

7.233 London Plan Policies 5.12: Flood Risk Management and 5.13: Sustainable urban drainage provide the key policy context to the assessment of proposals. Lewisham Core Strategy Policy 10: Managing and reducing the risk of flooding provides the key Local Plan context. The application is accompanied by a Flood Risk Assessment and Sustainable Drainage Strategy (Ardent Engineers, April 2018). This sets out the measures to be taken to reduce flood risk. The Flood Risk Assessment concludes that the site is protected by the Thames Barrier system and that the risk of this being breached / overtopping are residual.

7.234 To satisfy the first part of the exception test the applicant has completed a review of all of the sites within Flood Zones 1 and 2 that are set out in the Lewisham SFRA Sequential Test dataset site allocations (Appendix 1) has been undertaken to identify if there are any more suitable sites for the proposed type and scale of development. It was considered they must deliver the same types of benefits as this Creekside application, namely 1500 sqm of commercial space within a regeneration / commercial area with a heritage context and 50-60 new dwellings to cross-subsidise the commercial element and be deliverable in a reasonable timescale. Having undertaken this review, it was concluded that there are no alternative sites that are suitable for the deliverables that the Creekside scheme provides, mainly due to the unique nature of the wider Creekside area and the positive way that it addresses and reflects this.

7.235 The site-specific Flood Risk Assessment then aims to satisfy the second part of the Exception Test and demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
7.236 According to the EA’s Flood Map for Planning the Site is located in Flood Zone 3. As the Site is in Flood Zone 3, the Site will need to undertake the Sequential and Exception Tests. A Planning Statement prepared by CMA Planning has addressed the Sequential Test and the first part of the Exception Test. The technical flood risk assessment report addresses the second part of the exception test.

7.237 The Site is afforded protection from tidal flooding by the presence of flood defences on the Thames. There is a residual risk of flooding in the event these defences are breached or are overtopped. The minimum anticipated flood level at the site during the 1 in 200 annual probability event plus climate change breach scenario is 5.64m AOD.

7.238 The building has been designed so that all vulnerable uses (residential accommodation) are located on the upper floors, with commercial space being located on the ground / upper ground floors. No living accommodation is intended at ground floor level. All living and sleeping accommodation will be located at a minimum first floor level of 6.24 m AOD. This is above the anticipated 1 in 200 year plus climate change tidal breach level of 5.64 m AOD with the application of 600 mm freeboard. Safe refuge is also afforded for the commercial element of the development with FFL of the mezzanine levels set to a minimum of 7.825 m AOD. The street level is at 4m OD, thus flooding could rise to 1.64m up the building elevation.

7.239 In order to mitigate against overtopping and / or breach of the flood defences affecting the site, it is recommended that a Structural Assessment should be undertaken to ensure that proposed buildings are constructed to withstand the predicted hydrostatic and hydrodynamic loadings exerted by breach flood flows. The street level is at 4m OD, thus flooding could rise to 1.64m up the building elevation. Whilst water ingress to the basement and ground floor could be partially mitigated by the rising ground levels on the site from south to north, a planning Condition will be necessary to ensure that the design of the ground level is fit-for-purpose from a flood risk perspective and also to a high standard of design.

7.240 There is a low risk of flooding from surface water flooding at the site. There is a residual risk of flooding at the site from all other sources.

7.241 In summary, the FRA demonstrates that the proposals are consistent with the aims of the NPPF and the Planning Practice Guidance to the NPPF along with the aims of the Strategy Flood Risk Assessment (including the application of the Sequential and Exceptions Tests). The Site is protected by defences, however, the residual flood risk for the Site as well as flooding from other sources is appropriately mitigated and managed.

Sustainable Urban Drainage

7.242 Core Strategy Policy 10: Managing and Reducing the risk of flooding provides the principal policy basis for sustainable urban drainage systems within Lewisham by reducing the risk of flooding and end employing the best drainage system that can practically be provided on the site. Sustainable urban drainage strategies (SUDS) offer an alternative approach to drainage in developed areas taking into consideration long term environmental and social factors.
The application is accompanied by a Flood Risk Assessment and Sustainable Drainage Strategy (Ardent Engineers, April 2018). This sets out the measures to be taken to reduce flood risk by addressing sustainable urban drainage systems.

The existing site has a total area of 0.16 ha of which 0.08 ha comprises impermeable surfaces (50%).

The Surface Water Drainage Strategy (Simpson, July 2018) has been developed for the site that incorporates SUDS in the form of a belowground storage tank. The strategy would ensure that surface water runoff is discharged at a rate that does not adversely affect flood risk whilst also providing sufficient capacity for excess runoff to be stored and attenuated on site up to and including the 1 in 100 year storm return period with 40% allowance for increase in peak rainfall intensity over the lifetime of the development. The post-development run-off rate will be approximately 10% lower than the pre-development run-off rate as a brownfield site.

In accordance with the NPPF Planning Practice Guidance, surface water runoff should be disposed of according to the following sequential approach and hierarchy:

1. Into the ground (filtration)
2. To surface water body;
3. To a surface water body, highway drain, or another drainage system or;
4. To a combined sewer.

Ground conditions at the site suggest that disposal of surface water via infiltration will not be feasible at this location due to high ground water and likely contamination. In addition, there are no suitable surface water bodies located within the vicinity of the site in which to dispose to without the necessity to cross third party land. It is therefore proposed to dispose of surface water via the Thames Water surface water sewer on Creekside at a restricted discharge rate. However, given that the proposed development plans, surface water discharge from the Site will be required to be pumped to the network.

After consideration of the CIRIA C753 approach, the strategy document considers that the most viable SuDS option for the Site is geocellular attenuation tanks (of 60 cubic metres) with a pumped a connection to the Thames Water sewer on Creekside.

Thames Water advise that with regard to water network infrastructure capacity they do not have any objection to the planning application in principle, subject to the developer following the sequential approach to the disposal of surface water.

Planning Obligations

The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
The NPPF further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

(a) Necessary to make the development acceptable
(b) Directly related to the development; and
(c) Fairly and reasonably related in scale and kind to the development

7.251 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis. A planning obligation cannot be a reason for granting planning permission, unless it satisfies the tests set out in Regulation 122.

7.252 Officers have been in negotiations with the Applicant regarding the Section 106 requirements arising from the redevelopment proposals. In this case, as well as securing the various elements required to deliver the project (such as highway infrastructure works) and commitments made in the application itself (such as affordable housing), a range of other contributions and obligations are considered necessary to make the development acceptable in planning terms.

7.253 The obligations secured need to be considered in the context the infrastructure payments covered by the Community Infrastructure Levy CIL. The matters covered by CIL are set out in the Council’s Regulation 123 List and include the following:

- State education facilities
- Public health care facilities
- Strategic transport enhancements (excluding site-specific, highways and public transport matters)
- Publicly accessible open space, allotments and biodiversity
- Strategic flood management infrastructure
- Publicly owned leisure facilities
- Local community facilities including community but excluding places of worship)
- Public Emergency Services (this is intended to apply to physical projects by the police, fire or ambulance services)

7.254 The following s106 requirements have been identified in respect of the scheme:

- Provision of Affordable Housing and Review Mechanisms – the nature and tenure mix of the proposed Affordable Housing (11 Social Rent units of which 5 x 1-bed, 1 x 2-bed and 5 x 3-bed and 9x1-bed Shared Ownership units) shall be secured. Provision for an Early-Stage Review Mechanism (if development is not commenced within a period of 2 years) and Late-Stage Review Mechanism will be provided for in order to ensure compliance with
the London Plan and the Mayor of London Affordable Housing and Viability SPG;

- **Monitoring Costs** - Table 6.1 of the Lewisham Planning Obligations SPD 2015 stipulates that there are three bands of monitoring charges. The proposed s106 Obligation involves the monitoring of twelve Type 1 Standard Clauses (£500 per item), and therefore the proposed fee for this will be £6,000 index-linked to the date of the committee decision.

- **Local Labour and Business Scheme** – Financial support for the Local Labour and Business Scheme is vital in mitigating the impact of new development. This scheme aims to offer employment and training opportunities to local residents on-site during construction and within workspace created. An Obligation to support the scheme is required of new development. The Planning Obligations SPD states that the Council requires a contribution of £530 for each new job / dwelling. In this case, the contribution would be £63,600 on the basis of 56 dwellings and on-site employment increasing from 5 jobs to 70 jobs (i.e. a net increase of 65 FTE jobs), or in other words 120x £530. Payment to be made upon completion of the s106 agreement and index-linked to the date of the committee decision.

- **Affordable Workspace** – workspace rental will be set at a maximum of 70% of open market rent (OMR) in perpetuity in order to ensure that the space is both occupied and is affordable to local business.

- **Commercial Fit-Out** – The workspace should be fitted out or if left as shell and core the costs of fitting-out should be met by the developer.

- **Highway Works** - Requirement to enter into a s278 Highways Act agreement to enable the delivery of improvements to the highway surrounding the site, including the widening of footpaths to the new building line, the provision of loadings bays on Creekside, the provision of street trees, the provision of bike racks, and other measures).

- **Transfer of widened footway control to LB Lewisham** - Requirement to enter into a s38 agreement under the Highways Act 1980 (as amended) to transfer control of the widened footpath to LB Lewisham.

- **Carbon-Offset Payment** – A payment of £110,011 index-linked from the date of planning permission (35.26 tonnes x £104 per tonne x 30 years) is payable to enable investment in carbon mitigating projects in the vicinity of the development, the payment being due upon commencement of development and index-linked from the date of the committee decision.

- **Deptford Construction Forum** - Developer to participate within the Deptford Construction Forum to enable a co-ordinated approach to development in Deptford and to optimise the mitigation of the environmental impacts of construction on the locality, and to make a financial contribution of £7,500 upon completion of the s106 agreement towards the cost of monitoring air quality in the Deptford area given the designation of Deptford as Air Quality Management Area and a Air Quality, index-linked to the date of the committee decision;
• **Street Trees** – The Applicant has agreed to make a financial contribution towards the planting of street trees in the locality sufficient to pay for the planting of 10 street trees in the vicinity of the site to mitigate against the loss of trees and biodiversity on the application site, and also to contribute towards air pollution mitigation – £17,500 (index-linked) payable upon the commencement of development and index-linked to the date of the committee decision.

• **Pedestrian safety** - Financial contribution towards the enhancement of the pedestrian environment in order to improve pedestrian safety and experience between the site and Deptford Bridge DLR Station, and in particular to upgrade the pedestrian crossing at Creekside, the footway on the southern side of Creekside, and crossovers on Deptford Church Street (south) to a maximum cost of £15,000 index-linked to the date of the committee decision.

• **Cycle Infrastructure** - Financial contribution towards the cost of cycle infrastructure in the Creekside locality, including new surfaces, new bike parking stands, and enhanced junction treatment of Creekside leg of Deptford Church Street junction - £15,000 index-linked to the date of committee decision.

• **Legible London Signage** - Financial contribution towards the provision of Legible London signage at Deptford Bridge DLR and at the junction of Creekside and Deptford Church Street – payment of £10,000 to be made upon commencement and index-linked to the date of committee decision;

• **Off-site disabled parking** - Financial contribution towards the provision of off-site disabled parking in lieu of providing on-site disabled parking where new residents seek disabled parking from LB Lewisham on the street. The contribution will cover the cost of amending the Traffic Order and lining the street to mark out the spaces being provided - £5,000 to be paid upon completion of development and index-linked to the date of the committee decision.

• **Car Club** - Financial contribution to provide car club membership for residents for a period of 3 years to mitigate against the car-free nature of the development.

• **Agent of Change** - notification for Residents to advise them that their dwellings have been designed to mitigate against noise emanating from the Bird’s Nest Pub and Live Music Venue as this is a cultural use that is important to LB Lewisham with the windows and doors closed. Statutory nuisance will not be considered reasonable where noise impacts occur due to use of balcony spaces or the internal spaces with windows / doors open.

• **Air Pollution** risk notification for all occupiers of the building below second floor level to ensure that residents and workers understand the appropriate measures to avoid being subjected to unsafe levels of air pollution; a contribution of £7,500 is required towards monitoring of Air Quality, to be paid to Lewisham Environmental Protection.
8.0 HUMAN RIGHTS ACT

8.1 Under the Human Rights Act 1998, the Council must not act in a way, which is incompatible with the rights referred to in the Act. There is an exception to this, in that the Council will not be acting unlawfully if Acts of Parliament mean that it cannot act in any other way. The relevant human rights in this instance are the:

- Right to respect for the home, under Article 8;
- Right to peace enjoyment of possessions, under Article 1 of Protocol 1; and
- Right to a fair trial, under Article 6.

8.2 However, these rights are not absolute, and may lawfully be infringed in certain defined circumstances. Where infringement is permissible, it must occur in accordance with, or subject to, the conditions provided for by the law. It must also be proportionate; i.e. it must achieve a fair balance between competing interests and not go beyond what is strictly necessary to achieve the purpose involve.

8.3 On balance, it is considered that the interference with the owners’ human rights are proportionate. As such, the application is not considered to raise any Human Rights Act implications.

9.0 EQUALITIES CONSIDERATIONS

9.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

9.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:

a. eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
b. advance equality of opportunity between people who share a protected characteristic and those who do not;
c. foster good relations between people who share a protected characteristic and persons who do not share it.

9.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

9.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well
as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/

9.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

9.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/

9.7 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

10.0 Local Finance Considerations

10.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

(a) a grant or other financial assistance that has been, or would or could be, provided to a relevant authority by a Minister of the Crown; or

10.2 (b) sums that a relevant authority has received, or would or could receive, in payment of Community Infrastructure Levy (CIL).

10.3 The weight to be attached to a local finance consideration remains a matter for the decision maker.

10.4 CIL is therefore a material consideration. CIL is payable on this application and the Applicant has completed the relevant form.

10.5 Approximately £522,000 would be required as a Local Lewisham CIL payments and £221,935 for the Mayor of London. From the 1st April the Mayor of London CIL is increasing which would being the total MCIL figure to approximately £360,525.
11.0 Community Infrastructure Levy

11.1 The above development is liable for both the Mayor’s CIL and the Council’s CIL. The completed CIL form was submitted with the application documents. An informative would be added to the decision notice advising the Applicant to notify the Council when works commence.

12.0 Summary of representations

12.1 The majority of issues raised within objections relevant to this reserved matters application have been addressed within the relevant section of the report. In terms of other issues raised within objections, a response to these is set out below.

13.0 CONCLUSION

13.1 Consideration has been given to the objections made to the proposed development, as set out in this report. It is considered that none of the material objections outweigh the reasons for approving the application.

13.2 New homes: The development proposes 56 residential units, which represents 4% (1/25) of the annual Lewisham housing target of 1,131 units. This has significant weight. The homes are of a high quality, meeting and generally exceeding minimum standards. The provision of homes is significant and the impact upon surrounding properties is considered to be generally satisfactory. The impact upon 6 units as a result from the development is not considered to represent such harm as to warrant the refusal of planning permission.

13.3 Affordable Housing: The development proposal includes 36% affordable housing split between London Affordable Rent (55%) and Shared Ownership (45%), of which family housing forms a significant component. All affordable housing is contained within the northern building. Affordable housing provision at this level has significant weight in any decision

13.4 New and expanded Workspace: The proposed development includes 1541gsm of employment generating workspace. This represents a tripling of the existing quantum of floorspace on the site and, depending on the nature of the resulting B1 use, could generate somewhere between 30 (if studios) -100 jobs (offices).

13.5 Enhanced Pedestrian realm: The proposed development offers an additional 205sqm within the site boundary that will be allocated to widen the footpaths around the site, including a significant set-back from the Creekside boundary to create a generous footpath. In addition to this the yard is 275sqm.

13.6 Bird’s Nest Pub and Live Music Venue: The noise insulation strategy for the buildings will help to ensure that the Bird’s Nest Pub and Live music venue will not be adversely affected by the development of the site for residential purposes on the upper floors of the buildings. This complies with the agent of change policy and represents a significant public benefit in that the cultural life of Deptford will not be adversely affected by the proposed development.

13.7 Street trees: The planting of 17 street trees on streets surrounding the site will have multiple benefits, including: improving the appearance of streets, mitigating noise pollution, mitigating air pollution, and biodiversity benefits.
13.8 **Enhancement of an unattractive and underutilised site within the Deptford Creek Conservation Area** – The corner site is zoned for employment use and is recognised as being visually harmful to the character of the conservation area. The removal of this unattractive site is considered a significant planning benefit. The loss of existing buildings is considered less than significant harm to the conservation area. It is accepted that the scale of the development (south and north building) are taller than their neighbours. From a strategic urban design perspective, this increase in height is considered justified given the location of the site, the importance of this corner site in the area, and the quality of the architectural response to this opportunity. From a street perspective, the building height is not considered inappropriate in itself. In addition, a reduction in building height would lead to a consequent reduction in the affordable housing offer. The scale of buildings on the site, on balance, can be considered to represent a less than significant planning harm.

14.0 **RECOMMENDATION A**

14.1 Agree the proposals and refer the application and this Report and any other required documents to the Mayor for London (Greater London Authority) under Article 5 of the Town and Country Planning (Mayor of London) Order 2008 (Categories 1A and 3E of the Schedule of the Order).

15.0 **RECOMMENDATION B**

15.1 Subject to no direction being received from the Mayor of London, authorise officers to negotiate and complete a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the principal matters set out in section 7 of this report, including such other amendments as considered appropriate to ensure the acceptable implementation of the development.

15.2 The following S106 requirements have been identified in respect of the scheme:

15.3 Various s106 items as set out within this report, summarised below:

- Affordable Housing and Early and Late Stage Financial Review Mechanisms
- Payment on completion of the deed of the Council’s legal and professional fees in preparing and thereafter monitoring the agreement
- Notice of commencement 28 days prior to a material operation
- Employment and Training – use of local labour on-site during construction, and including training opportunities
- The signing of a s278 agreement under the Highways Act 1980 to enable improvements to the highway surrounding the site;
- The signing of a s38 agreement under the Highways Act 1980 to transfer control of the widened footpath to LB Lewisham;
- Carbon offset payment of £110,011;
- Agent of Change notification to residents in relation to the Birds Nest Pub;
• Air pollution risk notification to occupiers of floors below second-floor level;
• Affordable employment space;
• Commercial fit-out;
• Deptford Construction Forum participation and financial contribution of £7,500;
• Financial contribution towards the planting of street trees in the vicinity (£17,500);
• Financial contribution towards the improvement of cycle infrastructure (£15,000);
• Financial contribution towards the enhancement of the pedestrian environment (£15,000);
• Financial contribution towards the provision of Legible London signage at Deptford Bridge DLR Station and at the junction of Creekside and Deptford Church Street (£10,000);
• Financial Contribution towards Air Quality Monitoring to be paid to Lewisham Environmental Protection, as part of the Air Quality Management Area of £7,500.
• Financial contribution towards the provision of off-site disabled parking spaces £5,000.
• Contribution for car club membership (3 years).

15.4 Subject to completion of a satisfactory legal agreement, authorise the Head of Planning to GRANT PERMISSION subject to conditions, including those set out below and with such amendments as are considered appropriate to ensure the acceptable implementation of the development:

Planning Conditions

1. **Full Planning Permission Time Limit**

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

**Reason:** As required by Section 91 of the *Town and Country Planning Act 1990*.

2. **Develop on Accordance with Approved Drawings and Documents**

The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as
detailed below:

*Site Location Plan*: 1630-105-005 and *Site Plan*: 1630-105-006 (prepared by Metropolitan Workshop and received 15 May 2018).

*Architectural Drawings:*

*Landscape design drawing:*

*Documents:*

Archaeological Assessment (received 17 July 2018 and prepared by Border Archaeology).

**Reason:** To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

### 3. Construction Logistics Plan

No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:

(a) Rationalise travel and traffic routes to and from the site.

(b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.

(c) Measures to deal with safe pedestrian movement.

The measures specified in the approved details shall be implemented
prior to commencement of development and shall be adhered to during the period of construction.

**Reason:** In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

4. **Construction / Environmental Management**

No development shall commence on site until such time as a *Construction Management Plan* has been submitted to and approved in writing by the local planning authority. The plan shall cover:-

(a) Dust mitigation measures.

(b) The location and operation of plant and wheel washing facilities.

(c) Details of best practical measures to be employed to mitigate noise, vibration and air quality arising out of the construction process.

(d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
   (i) Rationalise travel and traffic routes to and from the site.
   (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction relates activity.
   (iii) Measures to deal with safe pedestrian movement.

(e) Security Management (to minimise risks to unauthorised personnel).

(f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).

**Reason:** In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

5. **Site Contamination**

(a) No development (including demolition of existing buildings and structures) shall commence until each of the following have been complied with:-
(i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.

(ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination. encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.

(iii) The required remediation scheme implemented in full.

(b) If during any works on the site, contamination is encountered which has not previously been identified ("the new contamination") the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.

(c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

This shall include verification of all measures, or treatments as required in (Section (a) i & ii) and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full.

The closure report shall include verification details of both the remediation and post-remediation sampling/works, carried out (including waste materials removed from the site); and before placement of any soil/materials is undertaken on site, all imported or reused soil material must conform to current soil quality requirements as agreed by the authority. Inherent to the above, is the provision of any required documentation, certification and monitoring, to facilitate condition requirements.

**Reason:** To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply with DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

6. **Crane Management Plan (DLR)**

(a) Prior to commencement a *Crane / Lifting Management Plan* should be submitted to the planning authority for their approval in conjunction with DLRL. For cranes this would typically include crane base design (including certification), Risk Assessment and Method Statement for siting, erection, lifting arrangements, operational procedure (including any radio communications), jacking up, derigging in addition to plans...
for elevation, loads, radius, slew restrictions and collapse radius.
(b) Construction should be implemented according to the approved Crane Management Plan.

**Reason:** To ensure that the lifting operations are carried out safely in compliance with BSI standards, and to prevent anything falling on to the adjacent railway, compromising the safety of the DLR network.

7. **Protection of Trees During Construction**

No development shall commence on site until a *Tree Protection Plan* (TPP) has been submitted to and approved by the Council for the protection of trees on the adjacent Crossfields Estate. The TPP should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded. The development shall be constructed in accordance with the approved details.

**Reason:** To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the *Lewisham Core Strategy* (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the *Development Management Local Plan* (November 2014).

8. **Detailed design of flood risk elements**

(a) The applicant should submit for the approval of the planning authority a detailed flood defence strategy for defending the ground floor against flood risk, to be supported by detail design drawings (at a scale of 1:10 or 1:20) that set out how the building will be designed to withstand flood risk at a scale suitable to communicate the design proposals;
(b) The development should be constructed in accordance with the approved drawings.

**Reason:** To ensure that the development is designed to reduce the risk of flooding to people and the building in accordance with *Lewisham Core Strategy* CS Policy 10: Managing and reducing the risk of flooding and is designed and constructed to a high standard of design in accordance with DM Policy 30 : Urban design and local character of the *Development Management Local Plan* (2014)

9. **Ground / Upper ground level facade**

(a) No development above first floor level shall commence on site until plans and sections details at a scale of 1:10 or 1:20 showing the proposed frontages have been submitted to and approved in writing
by the local planning authority; and
(b) The building should be constructed in full accordance with the approved details and the frontages fitted before first occupation of any residential units.

**Reason:** To ensure that the development is designed and constructed to a high standard of design in accordance with DM Policy 30 : Urban design and local character of the *Development Management Local Plan* (2014).

10. **External Materials / Design Quality**

No development of the relevant part of the development above ground shall take place until a detailed schedule and samples have been submitted to and approved in writing by the local planning authority. The details should generally accord with the *Design and Access Statement*. The development shall be carried out in complete accordance with the approved details.

2m x 2m sample panel(s) to be constructed on site to detail the following:
- All brickwork
- Roof cladding
- Pre-cast concrete
- All windows and doors
- details of balconies, soffits, and railings

**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the *Lewisham Core Strategy* (June 2011) and *Development Management Local Plan* (November 2014) DM Policy 30 Urban design and local character.

11. **Hard Landscaping Details (excluding s278 works)**

(a) No development above ground level shall take place until detailed design proposals have been submitted to the local planning authority for their approval, to elaborate on that set out in the *Design and Access Statement* and the *Indicative Masterplan Ground Floor*.

(b) The development shall be implemented in accordance with the details approved by the local planning authority.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the *London Plan* (2016), Policy 15 High quality design for Lewisham of the *Lewisham Core Strategy* (June 2011) and *Development Management Local Plan* (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.
12. **Wheelchair Dwellings**

(a) The detailed design for each dwelling hereby approved shall meet the required standard of the Approved Document M of the *Building Regulations* (2015) as specified in the Schedule of Accommodation and set out in the schedule below:

<table>
<thead>
<tr>
<th>Unit Number</th>
<th>Approved Document M (2015) Access Requirement</th>
<th>Dwelling Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>All market tenure wheelchair units:</td>
<td>M4(3)(2)(a)</td>
<td>Wheelchair user (adaptable)</td>
</tr>
<tr>
<td>S,18, S.22</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Affordable and Social Rented wheelchair units:</td>
<td>M4(3)(2)(b)</td>
<td>Wheelchair user (on completion)</td>
</tr>
<tr>
<td>N.02, N.06, N.10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All other units</td>
<td>M4(2)</td>
<td>Accessible and adaptable</td>
</tr>
</tbody>
</table>

(b) No development shall commence above ground level until written confirmation from the appointed building control body has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a) for that building.

(c) The development shall be carried out in accordance with the details approved under part (b).

**Reason:** To ensure that there is an adequate supply of wheelchair accessible housing in the Borough in accordance with Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the *Lewisham Core Strategy* (June 2011) and DM Policy 32 Housing design, layout and space standards of the *Development Management Local Plan* (November 2014).

13. **Travel Plan**

(a) No part of the development hereby approved shall be occupied until such time as a user’s *Travel Plan*, in accordance with Transport for London’s document ‘Travel Planning for New Development in London’ has been submitted to and approved in writing by the local
planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.

(b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.

(c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).

Reason: In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with Policy 14 Sustainable movement and transport of the Lewisham Core Strategy (June 2011).

14. Delivery and Service Plan

(a) The relevant part of the shall not be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.

(b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity along with details of site management for movement of refuse and storage of refuse buggies.

(c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the relevant part of the development and shall be adhered to in perpetuity.

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Lewisham Core Strategy (June 2011).

15. Cycle Parking Provision

(a) A minimum of 102 cycle parking spaces with 96 long stay (10 for workspace and 86 for residential) secure and dry cycle parking spaces shall be provided at basement level within the development as indicated on the plans hereby approved, and an additional 6 short stay parking spaces (4 for workspace and 2 for residential) provided in accordance with the development as indicated in the plans.

(b) Prior to occupation of the relevant part of the development full details of the cycle parking facilities must be submitted to and approved in writing by the local planning authority. The distribution of the cycle parking spaces within the building between employment and residential to be
compliant with the *London Plan* standards;
(c) All cycle parking spaces shall be provided and made available for use prior to occupation of the relevant part of the development and maintained thereafter.

**Reason:** In order to ensure adequate provision for cycle parking and to comply with the *London Plan* and *London Cycling Design Standards*, and Policy 14: Sustainable movement and transport of the *Lewisham Core Strategy* (2011).

(a) Prior to completion of super-structure details of the proposed cycle welfare facilities (showers, lockers, changing rooms and maintenance space) to provide for the needs of the B1 workspace within the development shall be submitted for the approval of the planning authority;
(b) The facilities shall be provided strictly in accordance with the approved details.

**Reason:** In order to ensure adequate provision for cycle parking and to comply with the *London Plan* and *London Cycling Design Standards*, and Policy 14: Sustainable movement and transport of the *Lewisham Core Strategy* (2011).

**17. External Lighting**
(a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site shall be submitted to and approved in writing by the local planning authority. The details shall accord with page 84 of the Design and Access Statement and the Conington Road Lighting Design Masterplan (Hoare Lee) and include evidence to demonstrate that the proposals minimise pollution from glare and spillage, following the Institute of Lighting Engineer’s guidance and shall not exceed 2 lux at any window of a habitable room.

(b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.

(c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

**Reason:** In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with DM Policy 27 Lighting of the *Development Management Local Plan* (November 2014).
18. **Mechanical ventilation system**

Prior to completion of the building shell full details of the proposed mechanical ventilation strategy shall be submitted to the local planning authority for their approval, to include detailed drawings of venting locations on the elevations.

**Reason:** To ensure that space below second floor level is adequately vented to ensure a clean air supply in order to comply with DM Policy 23: Air Quality and also to ensure that the visual impact of the venting system complies with Policy DM 30: Urban design and Local character of the Development Management Local Plan 2014.

19. **Fixed Plant Noise Control**

(a) The rating level of the noise emitted from fixed plant on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:2014.

(b) Development shall not commence until details of a scheme complying with paragraph (a) of this condition have been submitted to and approved in writing by the local planning authority.

(c) The development shall not be occupied until the scheme approved pursuant to paragraph (b) of this condition has been implemented in its entirety. Thereafter the scheme shall be maintained in perpetuity.

**Reason:** To safeguard the amenities of the adjoining premises and the area generally and to comply with DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

20. **BREEAM**

(a) The buildings hereby approved shall achieve a minimum BREEAM Rating of ‘Excellent’.

(b) No development shall commence until a Design Stage Certificate for each building (prepared by a Building Research Establishment qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).

(c) Within 6 months of occupation of any of the buildings, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with part (a) for that specific building.

**Reason:** To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2016) and Lewisham Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable
design and construction and energy efficiency (2011).

21. **Energy and Water Efficiency - New Homes**
The residential units hereby approved shall achieve the following energy efficiency and water efficiency standards:

(i) Energy efficiency - a 33% improvement in the Dwelling Emission Rate over the Target Emission Rate as defined in Part L1A of the 2010 Building Regulations (as amended).

(ii) Water efficiency - The sanitary fittings within each residential dwelling shall include low water use WCs, shower taps, baths and (where installed by the developer) white goods to comply with an average household water consumption of less than 105 litres/person/day.

**Reason:** To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the *London Plan* (2016) and *Lewisham Core Strategy* Policy 7 Climate change and adapting to the effects, Lewisham Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

22. **Air Quality Neutral Assessment**
Prior to the installation of the *Energy Strategy* plant, an *Air Quality Neutral Assessment* will be undertaken associated with the final combustion plant included within the *Energy Strategy* and submitted to London Borough of Lewisham for approval. This will ensure the Building Emissions as set out in Policy 7.14 of the London Plan are met. The Air Quality Neutral Assessment shall include full details of the abatement technology utilised to minimise emissions to air from the Energy Strategy.

**Reason:** In order that the local planning authority may be satisfied that the development is not going to result in significant health impacts to existing and future residents from a deterioration in local air quality and to comply with Policy 7.14 Improving Air Quality of the *London Plan*, Policy 9 Improving local air quality of the *Lewisham Core Strategy* (June 2011) and DM Policy 23 Air Quality of the *Development Management Local Plan* (November 2014)

23. **Satellite Dishes / Antenna**
Notwithstanding the Provisions of Article 4 (1) and part 25 of Schedule 2 of the *Town and Country Planning (General Permitted Development) Order 2015*, no satellite antenna shall be erected or installed on the building hereby approved. The proposed development shall have a central dish or aerial system (for each relevant block) for receiving all broadcasts for the residential units created: details of such a scheme shall be submitted to and approved by the local planning authority prior to first occupation of any block, and the approved scheme shall be implemented and permanently retained thereafter.
**Reason:** In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the *Lewisham Core Strategy* (June 2011) and DM Policy 30 Urban design and local character of the *Development Management Local Plan* (November 2014).

24. **No External Plumbing or Pipes**
Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, including rainwater pipes, shall be fixed on the external faces/front elevation of the building hereby approved, without the prior written consent from the Local Planning Authority(s).

**Reason:** In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the *Lewisham Core Strategy* (June 2011) and DM Policy 30 Urban design and local character of the *Development Management Local Plan* (November 2014).

25. **Retention of Amenity Spaces**
The whole of the amenity space (including roof terraces and balconies) shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

**Reason:** In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with Policy 15 High quality design for Lewisham of the *Lewisham Core Strategy* (June 2011) and DM Policy 32 Housing Design, layout and space standards of the *Development Management Local Plan* (November 2014)

26. **Restriction of Commercial Uses**
Notwithstanding the *Town and Country Planning (General Permitted Development) Order 2015* (or any Order revoking, re-enacting or modifying that Order), the non-residential spaces shall be used for uses falling within B1 (a-b-c) and for no other purpose of the Schedule to the *Town and Country Planning (Use Classes) Order 1987*, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

**Reason:** In order to protect the proposed employment space and to accord with DM Policy 10 of the Development Management Local Plan (2014).

27. **Radio Impact Survey**
Prior to the commencement of the development, a radio impact survey shall be undertaken and submitted to and approved in writing by LBL in consultation with TfL, to assess the impact of the development on the DLR radio signal. Should the development be found to have impact on
the radio signal, no development shall take place until a scheme of mitigation has been agreed in writing with TfL and implemented. The applicant shall also undertake further radio surveys at regular intervals of the development, which shall be submitted to and approved in writing by LBL in consultation with TfL. Should the development be found to have impact on the radio signal, no development shall take place until a scheme of mitigation has been agreed in writing with TfL and implemented.

**Reason**: To ensure the construction of development does not interfere with the safe operation of the railway and ensure compliance with *London Plan* policy 6.2.

### 28. Radio Frequencies and Construction

Site operatives must use technically or geographically assigned frequencies by Ofcom that do not conflict with the frequencies operated by DLR for the running of the railway.

**Reason**: In construction and operations on site, the developers typically employ radio communications. This is necessary to ensure that communications do not interfere with radio signals for the operation of the railway and ensure compliance with *London Plan* policy 6.2.

### 29. DLR Radio Communications

(a) A ‘pre’ and ‘post development Radio Communications Survey Report shall be submitted to and approved in writing by the local planning authority, in consultation with Transport for London, within 3 months of completion of development. The Report shall set out an assessment of the level of any impact the development has on the strength of DLR radio signals and identify any necessary mitigation measures (including signal boosters).

(b) Any identified necessary mitigation measures shall be implemented within 6 months of the Report being approved.

**Reason**: To ensure that the proposed development does not compromise the safe and effective operation of the DLR network.

### 30. Soundproofing

(a) No development shall commence until full written details, including relevant drawings and specifications of the proposed works of sounds insulation against airborne noise to meet $D'nT,w + Ctr$ dB of not less than 55 for walls and/or ceilings where residential parties non-domestic use shall be submitted to and approved in writing by the local planning authority.

(b) The development shall only be occupied once the soundproofing works as agreed under part (a) have been implemented in accordance with the approved details.

(c) The soundproofing shall be retained permanently in accordance with
the approved details. **Reason:** In the interests of residential amenity and to comply with DM Policy 26 Noise and vibration and DM Policy 32 Housing design, layout and space standards of the *Development Management Local Plan* (November 2014).

**Informatives**

A **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council’s website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. Following comments and concerns received as part of the consultation process revised details were submitted along with and uplift in affordable housing through viability negotiation.

B As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An 'assumption of liability form' must be completed and before development commences you must submit a 'CIL Commencement Notice form' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - [http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx](http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx)

C You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.

D The land contamination condition requirements apply to both whole site and phased developments. Where development is phased, no unit within a phase shall be occupied until a), b) and c) of the condition have been satisfied for that phase.

Applicants are advised to read ‘Contaminated Land Guide for Developers’ (London Borough’s Publication 2003), on the Lewisham web page, before complying with the above condition. All of the above must be conducted in accordance with DEFRA and the Environment Agency's (EA) - Model Procedures for the Management of Land Contamination.

Applicants should also be aware of their responsibilities under Part IIA of the Environmental Protection Act 1990 to ensure that human health, controlled waters and ecological systems are protected from significant harm arising from contaminated land. Guidance therefore relating to their activities on site,
should be obtained primarily by reference to DEFRA and EA publications.

E  You are advised to contact the Council's Drainage Design team on 020 8314 2036 prior to the commencement of work.

F  The assessment of the light spill and lux level at the window of the nearest residential premises shall follow the guidance provided in The Institution of Lighting Engineers, Guidance Notes for the Reduction of Obtrusive Light.

G  It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.

H  Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development. There are Thames Water mains crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information. There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

I  The proposed development is located within 15m of Thames Water underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

J  **Pre-commencement conditions:** The following conditions attached to this decision notice are considered necessary in order to protect the amenities of future occupiers and users of the proposed development and encompasses ecological benefits, and to ensure that the proposed development results in a sustainable and well-designed scheme:

  Condition 3 – Construction Logistics Plan
  Condition 4 - Construction Environment Management Plan
  Condition 5 – Land Contamination
Condition 6 - Crane Management Plan
Condition 7 - Protection of Trees on adjacent Crossfields Estate during construction

K The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.
15.5 APPENDIX ONE: LOCAL MEETING
APPENDIX TWO: INDEPENDENT VIABILITY REVIEW REPORT