

# STRATEGIC PLANNING COMMITTEE

Date of Meeting: **THURSDAY, 2 SEPTEMBER 2021 TIME 7.30 PM**

PLACE: **CATFORD LIBRARY, LAURENCE HOUSE, CATFORD,  
LEWISHAM, SE6 4RU AND REMOTE**

Members of the Committee are summoned to attend this meeting:

## **Membership**

### **Councillors:**

**John Paschoud (Chair)**  
**Leo Gibbons (Vice-Chair)**  
**Kevin Bonavia**  
**Andre Bourne**  
**Suzannah Clarke**  
**Aisling Gallagher**  
**Olurotimi Ogunbadewa**  
**Rachel Onikosi**  
**Stephen Penfold**  
**James-J Walsh**

The public are welcome to attend our committee meetings, however, occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

**Kim Wright**  
**Chief Executive**  
**Lewisham Town Hall**  
**London SE6 4RU**  
**Date: 23 August 2021**

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Committee	PLANNING COMMITTEE	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 2 September 2021

### **Declaration of interests**

Members are asked to declare any personal interest they have in any item on the agenda.

### **Personal interests**

There are two types of personal interest :-

- (a) an interest which you must enter in the Register of Members' Interests\*
- (b) an interest where the wellbeing or financial position of you, (or a "relevant person") is likely to be affected by a matter more than it would affect the majority of inhabitants of the ward or electoral division affected by the decision.

\*Full details of registerable interests appear on the Council's website.

("Relevant" person includes you, a member of your family, a close associate, and their employer, a firm in which they are a partner, a company where they are a director, any body in which they have securities with a nominal value of £25,000 and (i) any body of which they are a member, or in a position of general control or management to which they were appointed or nominated by the Council, and (ii) any body exercising functions of a public nature, or directed to charitable purposes or one of whose principal purpose includes the influence of public opinion or policy, including any trade union or political party) where they hold a position of general management or control

If you have a personal interest you must declare the nature and extent of it before the matter is discussed or as soon as it becomes apparent, except in limited circumstances. Even if the interest is in the Register of Interests, you must declare it in meetings where matters relating to it are under discussion, unless an exemption applies.

### **Exemptions to the need to declare personal interest to the meeting**

You do not need to declare a personal interest where it arises solely from membership of, or position of control or management on:

- (a) any other body to which you were appointed or nominated by the Council
- (b) any other body exercising functions of a public nature.

In these exceptional cases, unless your interest is also prejudicial, you only need to declare your interest if and when you speak on the matter .

### **Sensitive information**

If the entry of a personal interest in the Register of Interests would lead to the disclosure of information whose availability for inspection creates or is likely to create a serious risk of violence to you or a person living with you, the interest need not be

entered in the Register of Interests, provided the Monitoring Officer accepts that the information is sensitive. Where this is the case, if such an interest arises at a meeting, it must be declared but you need not disclose the sensitive information.

### **Prejudicial interests**

Your personal interest will also be prejudicial if all of the following conditions are met:

- (a) it does not fall into an exempt category (see below)
- (b) the matter affects either your financial interests or relates to regulatory matters
  - the determining of any consent, approval, licence, permission or registration
- (c) a member of the public who knows the relevant facts would reasonably think your personal interest so significant that it is likely to prejudice your judgement of the public interest.

### **Categories exempt from being prejudicial interest**

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception)

### **Effect of having a prejudicial interest**

If your personal interest is also prejudicial, you must not speak on the matter. Subject to the exception below, you must leave the room when it is being discussed and not seek to influence the decision improperly in any way.

### **Exception**

The exception to this general rule applies to allow a member to act as a community advocate notwithstanding the existence of a prejudicial interest. It only applies where members of the public also have a right to attend to make representation, give evidence or answer questions about the matter. Where this is the case, the member with a prejudicial interest may also attend the meeting for that purpose. However the member must still declare the prejudicial interest, and must leave the room once they have finished making representations, or when the meeting decides they have finished, if that is earlier. The member cannot vote on the matter, nor remain in the public gallery to observe the vote.

### **Prejudicial interests and overview and scrutiny**

In addition, members also have a prejudicial interest in any matter before an Overview and Scrutiny body where the business relates to a decision by the Executive or by a committee or sub committee of the Council if at the time the decision was made the member was on the Executive/Council committee or sub-committee and was present when the decision was taken. In short, members are not allowed to scrutinise decisions to which they were party.

Committee	STRATEGIC PLANNING COMMITTEE	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 22 September 2021

### MINUTES

To approve the minutes of the meetings of Planning Committee held on the 29 June 2021 and 13 July 2021.

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**LEWISHAM COUNCIL  
STRATEGIC PLANNING COMMITTEE  
THURSDAY, 29 JUNE 2021 AT 7.35 PM  
MINUTES**

**MEMBERS PRESENT:**

Attendance:

In Person: Councillors John Paschoud (Chair), Kevin Bonavia, Suzannah Clarke, Olurotimi Ogunbadewa, Stephen Penfold and James-J Walsh.

Remotely: N/A

**Under Standing Orders:**

Councillor of Bellingham Ward: Allan Hall

**Apologies:** Councillors Andre Bourne and Aisling Gallagher

**OFFICERS:** Planning Officer (Officer), Senior Planning Lawyer (Observing meeting), Head of Development Management (HDM), Committee Officers x 2 (1 in person and 1 remotely).

**EXTERNAL LEGAL REPRESENTATIVE:** Charles Merrett, Barrister, Francis Taylor Building.

**Item  
No.**

**1     Declarations of Interest**

All Members present in the Council Chambers advised they had been lobbied, with regard to Item 3 on the meeting's Agenda.

**2     Minutes**

RESOLVED that the minutes of the meetings of the Strategic Planning Committee held on 23 March 2021 and the AGM, Strategic Planning Committee held on 26 May 2021 be agreed and signed as a correct record.

### **3 LAND AT SYDENHAM HILL ESTATE, LONDON, SE26**

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for the demolition of existing buildings at Mais House and Otto Close garages, SE26, and redevelopment to provide:

- a part four, six and seven storey building and a part two and three storey terrace building providing a total of 110 residential units (use class C3), community room and estate office; together with alterations to the existing ball court; associated works to vehicular and pedestrian access from Sydenham Hill, Lammas Green and Kirkdale; provision of car and cycle parking, refuse storage and landscaping including amenity space and play area.

The committee noted the report and that the main issues were:

- Principle of Development
- Housing
- Urban Design
- Impact on Adjoining Properties
- Transport
- Sustainable Development
- Natural Environment
- Planning Obligations

Following the presentation, Members' raised concerns regarding the application, ecological concerns, accessibility, nomination rights, tenure, internal communal space, planning policy and consultation.

The Officer advised Members the application under consideration was the same application approved in 2020. The application was brought back before the committee, following a successful claim for judicial review in relation to planning permission, as outlined in the Officer's report.

The Officer confirmed there would be a programme of tree planting, to reinstate trees lost at a ratio in excess of two to one. The trees would be climate resistant. The Officer advised Members that the 46 replacement trees would not replicate the existing mature trees to be removed. This is because it would take approximately 5 years for the replacement trees to have the desired effect, of mimicking the existing

canopy. The Officer advised the species of trees to be used could be agreed via a condition included in the agreement with the applicant. Members were advised by the Officer that the development had been designed to accommodate 10% wheelchair user dwellings and would meet the Building Regulation standard (M4(3)). The remaining 90% would meet the accessible and adaptable standard Building Regulation standard (M4(2)). The Officer also referred to the presentation slides to provide clarification with regard to gradients. The Officer informed Members the nomination rights would be 110 Social Rent residential units, with at least 50% of nomination rights given to Lewisham Council. The remaining 50% of nomination rights would go to the applicant, City of London.

The Committee were advised by the Officer that the proposal would comprise of 100% affordable housing (by habitable room), on-site. It would be made up entirely of social rent tenured units. It was felt by officers the proposed housing mix and tenure responded to local needs. In addition, the increased weight given to social rent provision was considered an appropriate response to local need.

The Officer advised Members that the design team would review the location of the central column / investigate its deletion. The Officer stated the applicant would be better placed to better answer the question.

Members were assured by the Officer that the scheme had been amended following significant pre-application discussions. Whilst the scheme was the same as originally submitted, the corresponding application now under consideration, had been reviewed in context of the London Plan 2021 and found consistent.

The Committee were informed by the Officer that full and transparent consultation, with identified direct engagement and consultation events had taken place, as outlined in the Officer's report.

The applicant, addressed the Committee and described the scheme. The advice provided by the Officer, was reiterated by the applicant. Members were advised by the applicant that there were more than 9,000 people waiting for homes on the Lewisham and City of London housing lists. The applicant advised the Committee that they had worked on the application for 4 years. It was stated that 40 consultation events had been held. As a result of the consultations many changes had been made, such as: increase in the number of rooms, height reduced, improvements to the car park and enhancements to the landscaping i.e. open lawns, flower displays and wallflowers.

The applicant informed the Committee that they were committed to replanting more trees than would be removed from the development. Members were assured that the concerns regarding the internal communal space would be addressed after the consultation that had taken place with the local authority's Design Review Panel. The applicant advised Members that there was support for the 110 social rent homes to be provided and stated the development was appropriate with regard to scale, height, uses and grading.

Following Member's enquiries related to objections, viability, internal communal space, ecological concerns and the application.

The applicant acknowledged the objections to the developments height and advised Members that the application site was complicated and it was a 'balancing act' to consider options, challenges and proposals to deliver the scheme. The applicant noted that if the development height were reduced, the number of family units would also be reduced.

The Committee were advised by the applicant, that a reduction in the height of the development, would make it non-viable.

The applicant informed Members that the pillar in the internal communal space would be reviewed with a view to its removal, subject to further design work by condition.

It was agreed the applicant would be willing for a condition regarding the removal of the pillar from the internal communal space could be included in the agreement with the developer.

The applicant confirmed that condition regarding the replanting of tree on the development could be included in the agreement. The Committee were advised the applicant was not a tree expert and therefore could not provide a tree valuation. Members were advised however, that the applicant had a landscape architect. It was confirmed that the architect's landscape plan addressed current and future trees on the development

The Chair advised Members that the issues with regard to the pillar in the internal communal space, could be amended as a reserved matter.

A resident and legal representative speaking for residents addressed the Committee.

The representative advised Members of resident's objections to the proposal due to the impact on: design and impact on surrounding area, local facilities, transport and road network, biodiversity,

consultation, pollution, energy and sustainability. The representative advised Members the consultation felt like a 'tick box' exercise and it had not felt as though resident's concerns had been heard by the developer. The representative also expressed concern with regard to 42 documents that had been published within the last 12 days prior to the Committee meeting.

The objector's legal representative advised that the application had been ongoing for a long time and was 'still not right'. The legal representative outlined various harms, as had been captured in the Officer's report. The representative expressed concern that a number of documents were posted onto the local authority's website in the past week, prior to the Committee meeting. The objector's legal representative advised the developer should review the application and return to the Committee, with an application that had both local support and approval.

Questions were raised by Members relating to footprint, consultation and application amendments.

The representative advised an architect had been employed, who would be able to forward the figures that confirm the footprint of the development would be 42% larger than the current developments footprint.

Members were informed by the representative that during consultation the residents would have liked to have felt they had been 'listened to'. The objector's legal representative provided further clarification where documents had been posted to the local authority website close to and on the same day of the Committee meeting.

The Committee was advised that despite amendments following consultation with residents, some amendments were not satisfactory and therefore what had come forward was 'still objectionable'.

The objectors legal representative advised that it was possible for schemes to be built that avoided harm. Objections with regard to views were noted. Members were advised by the legal representative that the scheme needed to be redesigned.

The Chair acknowledged the concerns raised regarding documentation posted to the local authority's website shortly before the Committee meeting. The Chair advised that planning officers go 'above and beyond' in doing so, to ensure the Committee had all the required information before them to consider the applications before them.

Bellingham Ward Councillor Allan Hall addressed the Committee, under Standing Orders. The Councillor advised refusal of the proposal. It was felt the residents and officers should work together to ensure it was an acceptable proposal. The Councillor referred to the judicial review of the previous application and highlighted that it was the same quashed application that had returned to the Committee again, for consideration. The Councillor reiterated the objections as outlined in the Officer's report, noting each with the decision of the judicial review. The Councillor asked the Committee to consider who else was in support of the application, besides the developer and the local authority.

The Member's questions that followed related to documentation, support for the proposal, footprint, height and mass, pictures and trees.

The Officer advised that most documents had been consultation responses published to the local authority's website and in good time. The Officer advised the Committee that there was 1 response in support of the application, which was noted in the Officer's report. Members were informed by the Officer there was no data available, to compare against the 42% increase of the development footprint, as advised by the representative against the proposal, and that there is no policy test for such measurement

The Officer referred to the presentation slides to provide visual clarification with regard to the height and mass of the development. The Committee were told by the Officer with regard to pictures of trees, CGI was used so that foliage could be shown in context to schemes depicted.

During the course of the meeting, the Committee discussed the replanting of trees to replace the mature trees to be felled. It was felt a condition to ensure the replanting was a good idea. However a member noted that it was also important for the trees to be monitored over the 5 year period to ensure they met the purpose of restoring the tree canopy. The Chair asked the officers to review the current condition governing the tree replanting program to see if it met the 5 year monitoring request put forward by the member.

The Officer advised that Condition 4 of the agreement, could be reviewed and tightened up to cover management and maintenance of the developments landscape over a 5 year period. The period of time could also be increased, if required.

The Officer confirmed that the wording for conditions agreed, would be delegated to planning officers.

The majority of the Members felt the development was beneficial to the local community. Another member noted that the current mental health crisis was also a result of homelessness. The member noted the planning frameworks in place and felt that the challenge was to balance the needs of homelessness. Therefore 110 homes to be delivered was an 'extraordinary' development.

Members voted on the recommendation in the report with a result of 5 in favour of the proposal and, 1 against.

The Committee

## **RESOLVED**

That it be agreed to:

GRANT planning permission subject RESOLVED

That planning permission be GRANTED for the demolition of existing buildings at Mais House and Otto Close garages, SE26, and redevelopment to provide a part four, six and seven storey building and a part two and three storey terrace building providing a total of 110 residential units (use class C3), community room and estate office; together with alterations to the existing ball court; associated works to vehicular and pedestrian access from Sydenham Hill, Lammas Green and Kirkdale; provision of car and cycle parking, refuse storage and landscaping including amenity space and play area, subject to a S106 Legal Agreement, and conditions and informatives outlined in the main report, and in light of additional requirements as follows:

- 1 An additional condition requiring details of the specification of the Mais House entrance lobby outlining how the use of columns and visible structural support has been minimised.
- 2 An amendment to condition 4 'Soft Landscaping' to ensure details of the management and maintenance of the landscaping is secured in perpetuity.

The meeting closed at 9.58 pm.

Chair

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# MINUTES OF THE STRATEGIC PLANNING COMMITTEE

Tuesday 13 July 2021 at 7.30pm

Present (in person): Councillor John Paschoud, Councillor Bonavia, Councillor Clarke, Councillor Onikosi, Councillor Penfold, Councillor Walsh

Also present: Councillor Ogunbadewa

Apologies: Councillor Bourne, Councillor Gibbons, Councillor Gallagher

## 1. Minutes

The minutes of the last meeting will be reviewed at the next meeting

## 2. Declarations of Interest

No interests were declared.

## 3. Industrial Estate, Juno Way, SE14 5RW

The Planning Case Officer presented this report, outlining the details of the application.

The application proposed for the demolition of the buildings and the construction of a multi-level industrial/commercial building, lower level car park and a café. Permission was sought for quantum of uses and the scale of the building. The applicant proposed to split the building into 3 parts, relating to the use of the building.

Access, appearance, landscaping and layout will all be reserved within the approved scale. Following the review of the application, officers were satisfied that the proposed building would be of appropriate scale to the surrounding and would not result in harm to the urban design. The proposal would provide 320% increase in industrial floorspace. Officers were also satisfied that the proposal would provide good use of the industrial floorspace and the land designation that it sits in, that there would be no impact on neighbour amenity and would be acceptable in terms of highways impact. Officers agreed that the proposal would make efficient use of the land and that it was in line with the Council's aspirations for the area. The officer recommendation was to approve the application subject to the conditions outlined in the officer report.

Councillor Bonavia asked if there will be the inclusion of affordable work spaces.

None of the existing tenants are on affordable rent. The development is policy complaint and there is no requirement to provide such space.

Is there a planning condition to ensure the use of the building will be prevented from being used for anything else, i.e. a nightclub. The conditions set out do not permit for such.

Councillor Walsh asked what modelling will be done on the proposal to ensure there will be no impact on the highway. He also asked that despite the 320% increase, is the plan for the space working hard enough. The officer responded that the proposed site is appropriately designed and the design ensures that entering and exiting the site without causing harm to any of the surrounding roads and areas is assured for the vehicles that will service the needs of the building. Officers were satisfied that it is an efficient use of land and that the proposal will be able to support the industrial strategic land allocation as appropriated to the size and scale of the building.

Councillor Penfold raised the issue of objectors who have made claims they were currently paying affordable rent. He asked for confirmation that the local business is paying affordable rent. The Planning Officer confirmed that they had been informed by the applicant that none of the tenants are paying affordable rent.

Councillor Onikosi asked how many objections were received, which was a total of two. She also asked that in regards to nightclubs and raves, if a future applicant wanted to change the use of the space, would they be prevented from doing so, to which the officer confirmed that they would be able to propose an application changing the use.

The applicant then presented on behalf of this item. He stated that the family-owned business had been the owners of the Elizabeth and Juno industrial estate for 21 and 16 years and are experienced developers in commercial property and student accommodation. The industrial property on Juno Way is dated and not fit for developing industrial purposes in London to meet the demands of modern business, the applicant stated. He also said that upgrading the existing building is disproportionately expensive and the quality of the lease terms will continue- all of the current leases within the building are on relatively flexible terms but there are no affordable workspaces in there. Tenants pay fair rent commensurate of the stock that they occupy and there is nothing in their lease agreements that imply affordable rent is paid by tenants. He furthered that tenants are entitled to occupy through to the end of their leases, and are not evicted prior to the end of their leases. In order to maximise the potential of the estate and to maximise the number of jobs in the borough, the proposals are for a multi-level scheme comprising of 4 floors of multi-let commercial and industrial space and café.

The agent also stated that Affordable Rent is a definition in the London Plan and is to do with planning policy, as opposed to a broader, subjective sense as to what is affordable to each individual tenant.

The Senior Planning Officer said that the London Plan does contain affordable workspace policy, however, it is subject to specific criteria, not relevant to the application. Officers were satisfied in this instance, in consultation with policy colleagues, that considering the age of the building, cheaper rent is likely.

Councillor Clarke moved in favour of the application as per the report. This was seconded.

Members voted unanimously in favour of approving the application.

The meeting finished at 8:45pm

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Committee	STRATEGIC PLANNING COMMITTEE	
Report Title	Former Tesco's Car Park, 209 Conington Road, SE13	
Ward	Lewisham Central	
Contributors	Lewis Goodley	
Class	PART 1	02 September 2021

Reg. Nos. DC/21/121768

Application dated 12.05.2021

Applicant Watkin Jones Group.

Proposal An application submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) in connection with planning permission (LBL reference 'DC/17/101621' dated 22/01/2020 as varied by Application 'DC/21/121696' dated 11/05/2021) for 'Construction of three buildings to provide residential dwellings (use class C3) and commercial/ community/ office/ leisure space (Use Class A1/A2/A3/ B1/ D1/ D2) with associated access, servicing, car and cycle parking, landscaping and public realm works at the former car parks, Tesco Store, 209 Conington Road SE13 (revised plans) to vary Conditions 2 (Approved Plans), 12 (Site Contamination), 13 (Remediation Strategy), 18 (Combined Heat and Power Networks), 19 (CHP Abatement), 20 (External Materials / Detail Design), 25 (Living Roofs), 26 (Hard Landscaping Details), 27 (Soft Landscaping), 29 (Bird, Bat Boxes and other Ecology Features), 37 (Retention of Amenity Spaces) and 47 (Approved Quantum) for minor amendments to residential mix, internal layouts, elevational treatment, the introduction of an additional storey (at level 34) to Block B1, a reduction in floor to floor heights to 3metres, a reduction in heights of all three buildings, landscape and access changes.

Background Papers

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

Designation London Plan – Opportunity Area, Regeneration Area, Major Town Centre. Core Strategy – Regeneration and Growth Area, Lewisham Town Centre, Lewisham Town Centre Local Plan – 'Edge of Centre', Conington Road site S6

(allocation for residential-led mixed use development). Flood Zone 1 and Air Quality Management Area.

## Screening

Updated Environmental Statement (ES) accompanies this Section 73 planning application, updating the approved ES considered under LBL planning reference DC/17/101621' dated 22/01/2020 as varied by Application 'DC/21/121696' dated 11/05/2021 in response to Regulation 13 of the Town and Country Planning (EIA) Regulations 2011 (as amended) decision dated 6 December 2016, application reference DC/16/99000.

## **1 SUMMARY**

- 1 The application is to be heard by the Strategic Planning Committee because an amenity society objection and six public objections have been received.
- 2 This report considers the proposals in light of relevant planning policy and guidance, representations received and other material considerations, including the extant planning permission.
- 3 Officers recommend that planning permission (Section 73 Application) should be granted subject to obligations which would be secured by way of a Deed of Variation to the existing agreement made under Section.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 SITE AND CONTEXT**

### ***Site description and current use***

- 4 The site measures 0.0983 ha and comprised hardstanding and previously contained 218 car parking spaces (formerly for the Tesco Lewisham Road store) and an un-made area enclosed by a hoarding. The site is irregular in shape and can be identified as being of two key parcels of land. The site is now a construction site with ground works underway for extant planning permission LBL reference 'DC/17/101621'. The site is shown in the image below.



- 5 The island site – the southernmost portion of the site, currently comprises a car park. It is bounded by Lewisham Station (Platform 4 and former entrance) and the ground level DLR tracks to the south and west respectively, and by the River Ravensbourne to the east/ north east. It is accessed via a footbridge across the river from Silk Mills onto the main vehicular access to the rear of the Tesco store. The River Ravensbourne is within a concrete channel where it abuts the site. The island site has an 8m wide Environment Agency river maintenance zone within it on the eastern edge.
- 6 The former car park to the north is bound by the existing Adana Building and Hester House developments. The car park to the south was accessed via the same access road to the rear of the Tesco Store and comprised unmade land and vegetation. This directly abuts Hester House.
- 7 To the west of both parts of the site, running across both land parcels, is a DLR 5m protection zone, providing DLR rights of access for track maintenance. A main sewer with a 5m easement cuts across the centre of the car park site towards the southern edge of the Tesco store.
- 8 The site is entirely to the north of Lewisham National Rail Station and the Docklands Light Railway (DLR) Station and is within the boundaries of Lewisham Town Centre. The site is considered to be highly accessible; having a Public Transport Accessibility Level (PTAL) rating of 6a and 6b (the highest level available) given the proximity of the station and also 22 local bus routes which extend south towards Bromley and Beckenham and north towards Greenwich and Central London.
- 9 The site falls within the 'Conington Road Policy Area' as defined in the Lewisham Town Centre local Plan (LTCLP) and is identified as Site 'S6' – allocated for potential mixed-use development. The inner part of the site is within Flood Zone 1. The site is within Air Quality Management Area 6

### **Character of area**

- 10 Immediately opposite (east) the site is the main Tesco store. This is accessed via Lewisham Road and has a surface level car park to the front of the store where the locally listed two storey Eagle House office building is located. Beneath the store is a further parking deck, this is visible from the river and Silk Mills Path due to the lower ground level to the south.
- 11 The site is bound by several large regeneration projects within Lewisham Town Centre. To the south is the Lewisham Gateway site which provides four buildings of up to 25 storeys high with ground floor commercial spaces. Phase 2 is now under construction.
- 12 The most significant across Lewisham Town Centre to date are principally located along Loampit Vale where the following applications are of relevance:
- 13 An application for the comprehensive redevelopment of Lewisham Retail Park at Loampit Vale (reference DC/16/97629) for the demolition of all buildings on site to facilitate the provision of 4,343sqm of non-residential floorspace comprising (A1) Shops, (A2) Financial & Professional Services, (A3) Restaurants & Cafés, (B1) Business, (D1) Non-Residential Institutions and (D2) Assembly & Leisure uses and 536 residential units in buildings ranging from 4 – 24 storeys in height with private and communal open spaces, on-site energy centre, car and cycle parking, and associated landscaping and public realm works was approved on 23 March 2019.
- 14 The Lewisham Exchange (former Carpetright) site on Loampit Vale was approved under reference DC/19/110610 The demolition of the existing building and the construction of two buildings of 20 storeys and 35 storeys in height plus basement comprising: 838.2 sqm non-residential floorspace, comprising (A1) Shops, (A2) Financial & Professional Services, (A3) Restaurants & Cafes, (B1) Business, (D1) Non-residential Institutions and (D2) Assembly & Leisure uses; 67 (C3) self-contained housing units with private and communal amenity space; 758 (Sui Generis) student housing bedspaces with communal amenity space; associated ancillary space, including refuse stores and cycle parking; and landscaping and public realm works. This development is now substantially complete at the time of writing this report.
- 15 Adjacent to the Lewisham Retail Park is the completed Thurston Point development, comprising retail space and 406 homes in buildings up to 17-storeys.
- 16 To the north, on the other side of Thurston road, is the TfL bus depot that provides parking facilities for up to 16 buses, driver facilities and additional car/van parking spaces and is in use 24 hours a day. Further to the north is the railway embankment/station platforms and beyond that the residential street of Armoury Way.
- 17 To the north of the site are the Silkworks (Adana Building) and Silvermill (Hester House) developments which form part of the northern section of the Conington Road policy area. These were completed in 2008 and 2010 respectively

## **3 RELEVANT PLANNING HISTORY**

- 18 Planning application ref. DC/17/101621 was submitted in May 2017 for “Construction of three buildings, measuring 8, 14 and 34 storeys in height, to provide 365 residential dwellings (use class C3) and 554.sqm gross of commercial/ community /office/ leisure space (Use Class A1/A2/A3/B1/D1/D2) with associated access, servicing, energy centre, car and cycle parking, landscaping and public realm works”.

- 19 The planning application was considered by the LBL's Strategic Planning Committee on 12 December 2017. Officers recommended the application for approval subject to conditions, S106 agreement and referral to the GLA. Members resolved to defer a decision to allow further consideration, as detailed in LBL's Minutes of the Strategic Planning Committee meeting.
- 20 Further submissions to address the reasons for deferral were then lodged on 8 January 2018 and the application was reconsidered at a Strategic Planning Committee meeting on 3 April 2018, again with a recommendation for approval by Officers, however members resolved to refuse the application.
- 21 The GLA Stage 2 report was issued on 14 May 2018 (ref. GLA/3409a/JS) and confirmed that the Mayor was content to allow LBL to determine the application itself, and the decision notice for refusal was then issued by LBL on 21 May 2018. The reasons for refusal were:
- 22 *The proposed 34 storey building, by reason of its excessive height would detract from the established and emerging Lewisham Town Centre skyline and would appear over bearing at ground floor level, contrary to Policy 18 Location and design of tall buildings in the Core Strategy (2011) and LTC 19 Tall buildings in the Lewisham Town Centre Local Plan (2014). Furthermore, the proposals do not provide sufficient public benefit in terms of providing truly publically accessible rooftop access, affordable housing or undertaking naturalisation of the River Ravensbourne to justify this height in this location.*
- 23 *The proposal fails to provide an access into Platform 4 of Lewisham Station, and fails to provide a secure commitment to its opening, to the detriment of access into Lewisham Station and its overcrowding issues, contrary to Policy LTC 5 Conington Road Policy Area of the Lewisham Town Centre Local Plan (2014).*
- 24 An appeal (ref. APP/C5690/W/18/3205926) was then lodged against this refusal in June 2018, which was recovered by the Secretary of State and a public inquiry held in May 2019.
- 25 On 22 January 2020, the appeal was subsequently allowed by the Secretary of State, and planning permission was granted subject to conditions.
- 26 This permission has since been amended under S96a of the Town and Country Planning Act for Non-Material Amendments by the following applications:
- 27 DC/20/119187 - alterations to Buildings B1 and B2 to provide enlarged resident lounges together with changes to commercial accommodation, residential tenure type and Lewisham Station developer contribution – approved 22 December 2020
- 28 DC/21/121232 - alterations to energy strategy, replacing CHP (conditions 18 and 19) – Approved 05 May 2021.
- 29 DC/21/121233 - alterations to wording of condition 10 (Vibro-compaction Machinery) and condition 17 (BREEAM) – Approved 05 May 2021.
- 30 DC/21/121383 - alterations to condition 6 (Piling Methodology and Operations) – Approved 26 April 2021
- 31 DC/21/121696 – to create a new development quantum condition and alter the description of development to remove reference to development quantum and storey heights – Approved 11 May 2021

- 32 A Deed of Variation to the Section 106 agreement was secured on 22 December 2020, changing the discount market sale to discount market rent for the intermediate affordable units.
- 33 Alongside the 2018 appeal, a revised planning application for the site (DC/18/109184) was submitted to LB Lewisham. The key differences between the appealed application and the DC/18/109184 proposal was enhanced planning benefits, with minor physical amendments. Enhanced public benefits comprised of the increased provision of a public viewing gallery proposal (“Skydeck”) in terms of hours of use and revising how the financial contribution for the upgrade of Lewisham Station was to be paid by front loading the payment so that 50% of the financial contribution would be payable upon signing the S106 agreement.
- 34 This was refused on 13 March 2019, following a direction from the GLA on 4 March 2019, on the grounds of Affordable Housing and Viability Provisions in the s106 agreement. However some of the application submission documents were taken forward as approved documents under permission ref. DC/17/101621 – the application at appeal, with the material planning benefits secured via planning condition and legal agreement.

Pre-application discussions

- 35 Pre-application discussions with London Borough of Lewisham began in February 2021, with a series of meetings being held with planning and design officers. This comprised four separate meetings.
- 36 The written advice from Officers was clear. No weakening of the design quality, durability, appearance of the scheme would be accepted. Officers also sought assurances that the material benefits of the consented scheme, including access to the public Skydeck, affordable commercial floor space or landscaping would be accepted.

Lewisham Design Review Panel

- 37 The amendments to the scheme were presented to the Lewisham Design Review Panel (DRP) on 17 March 2021 and the formal DRP response was received on 31st March
- 38 The key material matters raised by the DRP and the subsequent design response are outlined in the table below. The written response is available in full in Appendix 1.

DRP Comment	Design response/ officer comment
<b>Building 1 ground floor layout</b>	
<p>The proposed overall height of Tower B1 has been reduced by 3215mm. Whilst ordinarily this would be a welcome move, its acceptability has to be balanced against the carefully derived proportions of both the tower and its constituent parts established by the original design and subsequent consent. The Panel were concerned that the reduction in floor to heights seems to diminish the design of the tower. Further illustration of the proposed revisions to the tower’s architecture needed</p>	<p>Additional renders and verified views have been submitted as part of the application.</p> <p>Officers have reviewed and consider that the changes do not impact upon the proportions of the tower or the crown.</p> <p>The Urban Design Officer raises no objection to this change.</p> <p>The Design Champion (EPR) raises no objection.</p>

<p>to be demonstrated by means of detailed renderings from street and more distant views so that the effect of the amendments.</p>	
<p>The Panel supported the enlargement of the ground floor reception area, but commented that the post room could be better accommodated by being recessed deeper into the support/service zones rather than occupying such a prominent part of the ground level footprint.</p>	<p>Officers consider this a minor point and given the extension of the reception area the same standard of accommodation would be provided for residents.</p>
<p>The structural fin wall perpendicular to the main glazed north elevation, though reduced is still very obtrusive and alternative less obtrusive structural outcomes should be explored.</p>	<p>The Applicant has explored reducing this element. Structural issues make this difficult. Officers consider that given the generous proportions and double height of the reception area this element would not detract from what will be an open and welcoming reception area.</p>
<p>The Panel were concerned that the westward expansion of the reception area brought the external glazing and entrance line broadly flush with the main elevation denying any shelter of protection from downdraft, which would not be acceptable.</p>	<p>This is a secondary entrance, with shelter retained for the main entrance. The Applicant has provided updated micro-climate impact surveys and this is assessed in the report below.</p>
<p>The Panel were clear that the whole 1st floor layout needs to be redesigned.</p> <p>The communal terrace has been reduced substantially in area relative to the consented designs which the Panel does not support.</p> <p>Furthermore, that whilst having health benefits, the gym is a niche function, cutting out a certain percentage of the residents having comfortable access onto the terrace.</p> <p>The routes from the stair/lift core to the terrace are narrow and convoluted and not acceptable.</p> <p>The consented designs which offered a large communal terrace with easy access from the residents' communal spaces and the stair/lift core was a far more successful design solution.</p> <p>Architecturally, the proposed single extension to accommodate the gym at the base of the tower is extremely poor and is not supported by the Panel. The Panel suggested that the gym should sit within the</p>	<p>This change has been entirely omitted, with no extension or loss of first floor terrace now proposed.</p> <p>The access would no longer be convoluted.</p> <p>A residents lounge would still front onto the terrace, thus preventing one 'niche' use from dominating or detracting from this amenity area.</p> <p>The first floor commercial space would have internal access from the ground floor and would maintain the approved relationship with the street.</p>

<p>footprint of the tower, if needs be adding a floor or part floor within the building volume.</p> <p>The affordable commercial space at 1st floor is poorly located with a difficult entry point. It should have direct access from the outside and would be far better located as before on the ground floor.</p> <p>Panel suggest that this be relocated.</p>	<p>The affordable commercial workspace would not be located in B1 and has been relocated in line with comments.</p>
<p><b>Building B1 – Detail and Material</b></p>	
<p>The Panel emphasised the importance of a high quality cladding system being selected such that the joints, corners, returns, and soffits were all well executed and visible surface fixings and seals avoided.</p> <p>The Panel challenged the design of the columns/column casings are questioned as shown on the ground and first floor plans as they appear non-aligned and unresolved. The consented scheme had clear ordered columns and established a precedent which should be adhered to.</p> <p>The Panel agreed that GRC should be retained for the lower two storeys including the column cladding, for reasons of durability.</p> <p>The Panel questioned the appropriateness of aluminium cladding, post-Grenfell but noted the team’s assurance that the systems chosen will be fully code compliant.</p> <p>The Panel noted that the applicant team were proposing to use “stone effect” aluminium cladding, commenting that this needs to be demonstrated as a suitable high quality material.</p>	<p>Officers have reviewed the submitted information and agree with the Panel.</p> <p>A condition will be re-imposed requiring a full sample panel of the entire one storey system. This will allow for further scrutiny and review to ensure the materials are appropriate, with joints, corners, returns etc all forming part of that sample.</p> <p>Fire Safety information has been provided. Materials would be subject to review from Building Control specialists.</p> <p>The sample would be reviewed by officers and the Design Champion.</p> <p>The columns would align.</p> <p>The Design Champion raises no concerns in their letter.</p>
<p>The Panel were clear that the window proportions as established by the consented designs should be retained.</p> <p>The Panel considered the reduced depth of the horizontal spandrel bands, which clad the structural zone at 3 floor intervals. The Panel were concerned that reduction in depth, which was originally designed to match the equivalent panels of the tower’s vertical frame, are a noticeable and detrimental change to the designs.</p>	<p>Additional renders and verified views have been submitted as part of the application.</p> <p>Officers have reviewed and consider that the changes do not impact upon the proportions of the tower.</p> <p>The adaptability of the building is not considered to be compromised, with relevant building standards applied during construction.</p>

<p>The thickness of the banding of the original consented scheme contributes heavily to the layering of the building and the strength of reading from a distance. Panel consider the reduction in banding thickness is a step back from original consented scheme. The Panel recommended that the team explore a means of providing the original depth to the bands whilst retaining the window proportions, which may require some further adjustment to the floor to floor heights.</p> <p>The Panel did not support the louvres spanning vertically across the structural floor zones and advised that the precedent of a floor spandrel in the same material as the building cladding to the main grid system as defined in the consented designs, be complied with. The Panel also raised issues in relation to the louvre panels and extracts running through these, questioning how they will be maintained and cleaned and freed from dust and pollution in use.</p> <p>The Panel noted that with no apparent zones to take a range of floor finishes in the detailed section such as wood flooring or thicker finishes and an acoustic layer, the design appear to limit the adaptability of the building over the long term. Although the building is being constructed as build to rent its structural design and spatial zones should allow future adaptability such as units for sale.</p> <p>The design should allow sufficient tolerance to secure the long-term future of the tower in a range of tenures as it will not be possible to adapt the tower once constructed and it is not acceptable that adaptability should not be factored into the design at this stage</p>	<p>The Urban Design Officer raises no objection to this change.</p> <p>The Design Champion (EPR) raises no objection.</p>
<p><b>Building B2 Ground Floor</b></p>	
<p>The Panel felt that the reduction in commercial space had produced a vast entrance lobby space and some rebalancing was needed. This may include a re-evaluation of the building line at ground level, and potentially adding back some commercial space</p> <p>The addition of further residents' amenity room in lieu of the consented one bedroom flat is a positive. The Panel recommended</p>	<p>This amendment would provide additional internal communal residential amenity. Officers do not consider the space to be too large and consider it would provide important amenity space.</p> <p>The minor decrease in commercial floorspace was previously accepted as part of a non-material amendment application.</p>

that full height and full width glazing with access doors be added to form the external envelope between the residents' room and the terrace.	
<b>Buildings B2 and B3</b>	
The reduction in floor to floor heights appear on these buildings to have been relatively successfully accommodated, aided by the retention of the original window and window surround proportions.  The forms, save for some adjustment to the ground footprint of B3 are otherwise largely unchanged from the consented project.	Agreed.
The approach to the cladding of these buildings seems reasonable in principle and the Panel raise and particular issues of concern.	Agreed.
<b>Public Realm</b>	
The proposed landscape design amendments to consented scheme are appropriate and welcomed, but need to be developed in design terms and worked into the wider landscape.  Further work is needed on Buildings B2 and B3 to clearly demonstrate the proper and successful segregation of the private/communal/public realms notably for the apartments at ground floor level. Sectional variation between inside and outside and defensible walled/segregated planted zones are the normal devices for resolving this issue.	The proposals follow the principles of the consented scheme. Further detail has been provided by the Applicant.  It is noted that the Design Champion for landscape raises no objections.

39 The Applicant has not taken the proposals back to DRP at application stage, as required by the Adopted Statement of Community Involvement (SCI). Officers consider that the degree of the changes to the extant scheme in tandem with the clear actions undertaken by the Applicant to respond to the written response of the Panel means that it is not necessary for the proposals to be taken back to the DRP.

40 Furthermore, the scheme quality will be continue to be overseen by the appointed Design Champions (secured in the S106) being the original scheme architects. Conditions relating to landscaping and materials will remain in place and will be subject to further review from Officers and the Design Champion. A departure from the SCI is therefore, on balance, is considered to be minor and acceptable in this instance.

Design Champions Consultation

41 In accordance with the S106 legal agreement accompanying Planning Permission ref. DC/17/101621, EPR and BMD have been retained as Design Champions for the development.

42 Letters have been submitted by the Design Champions agreeing that the changes are considered acceptable and do not result in a dilution of design quality. These form part of the planning submission.

43 The retention of these Design Champions would be maintained as part of a Deed of variation to the signed Section 106 Agreement. This would include the approval of details still to be agreed as part of the planning conditions which relate to the design of the development (including the buildings the hard and soft landscaping.

## 4 CURRENT PLANNING APPLICATION

### 4.1 THE PROPOSALS

44 The application proposes a number of minor-material amendments to planning permission ref. DC/17/101621, with the proposed description of development being:

45 “An application submitted under Section 73 of the Town & Country Planning Act 1990 for a minor-material amendment in connection with application reference DC/17/101621 dated 22 January 2020 (as amended) for 'Construction of three buildings, measuring 8, 14 and 34 storeys in height, to provide 365 residential dwellings (use class C3) and 554.sqm gross of commercial/ community/ office/ leisure space (Use Class A1/A2/A3/ B1/ D1/ D2) with associated access, servicing, energy centre, car and cycle parking, landscaping and public realm works at the former car parks, Tesco Store, 209 Conington Road SE13 (revised plans)' for minor amendments to residential mix, internal layouts, elevational treatment, the introduction of an additional storey (at level 34) to Block B1, a reduction in floor to floor heights to 3m and a reduction heights in all three buildings.”

### 4.2 COMPARISON WITH PREVIOUS SCHEME

46 The proposals would not alter the quantum of the consented development as illustrated in table below.

Use	Consented	Approved Development (NMA DC/20/119187)	Proposed
Residential	365 units	365 units	365 units
Flexible commercial (A1/A2/A3/ B1/ D1/ D2)	284 sqm	132 sqm	134 sqm
Affordable Commercial Space (B1)	270 sqm	270 sqm	270 sqm

47 The full list of amendments proposed are as follows:

#### 48 Block B1

- Typical floor to floor heights reduced from 3.2m to 3m via changes to structure, resulting in a reduction in the overall building height of 3.125m with an internal floor to ceiling height of 2.5m maintained);
- no. additional floor added to provide increased internal amenity for residents;

- Increased internal area at ground floor to provide enlarged reception (this is secondary entrance to the building);
- Reconfigured plant space at ground floor;
- 1 no. 1 bedroom apartment omitted at Level 15 to provide additional plant space;
- Level 01 internal layout adapted to accommodate gym and resident lounge;
- Additional lift added and riser positions reconfigured;
- Apartment layouts reconfigured in accordance with WJG BTR specification;
- Use of louvres above apartment window heads;
- External changes to the fenestration and crown;
- Use of stone-effect PPC aluminium cladding panel above Level 02 to treat elevation instead of glass reinforced concrete (GRC); and
- Addition of extra toilet to service the Skydeck. There will be no change in the size of the external public viewing deck.

49 **Block B2**

- Typical floor to floor height reduced from 3.15m to 3.0m with an internal floor to ceiling height of 2.5m maintained;
- Overall height of building reduced 2.05m;
- Basement plant space reconfigured and FFL amended;
- Provision of back-of-house office and parcel store at Ground Floor;
- no. 2-bed apartment replaced by 1 no. studio and 1 no. 1-bed apartment;
- Internal amenity provided at Level 04 adjacent to Level 04 terrace;
- Lifts increased in size;
- Apartment layouts reconfigured; and
- Use of stone-effect PPC aluminium cladding panel above Level 02 to treat elevation instead of pre-cast concrete.

50 **Block B3**

- Typical floor to floor height reduced from 3.15m to 3.0m with an internal floor to ceiling height of 2.5m maintained;
- Overall height of building reduced 0.985m;
- Apartment layouts reconfigured to WJG BTR Specification; and
- Improved pedestrian entrance at Conington Road.

51 **External features/landscaping:**

- Gate proposed to the south of building B1 will reduce in height and will be relocated.
- Minor changes to accommodate fire vehicles, redesigned secondary access to B1 and redesigned entrance in B3 from Conington Road.

## 52 Layout

- The layout of the proposed development maintains that of the consented development, with the relevant amendments to site layout being:
- Improved pedestrian entrance at Conington Road to B3
- Relocation of gate to the south of building B1
- Minor changes to accommodate fire vehicles (redesigned secondary access to B1 and redesigned entrance in B3)

## 53 Scale and Massing

54 Due to the reduction in floor to floor heights to 3m across all blocks, the overall massing of the buildings has been reduced, despite the provision of an additional storey being added to B1. The amendments to building heights is illustrated in table below.

### 55 Proposed Building Heights

Block	Consented Height	Proposed Height	Difference
B1	124.95m (34 Storeys)	121.825m (35 Storeys)	-3.125m
B2	56.275m (14 Storeys)	54.225m (14 Storeys)	-2.055m
B3	37.385m (8 Storeys)	36.400m (8 Storeys)	-0.985m

## 56 Residential Accommodation

57 Due to the removal of a 1 bedroom unit at floor 15 of B1, and the subdivision of a 2 bed unit into 2no. 1 bedroom unit in B2, the proposals will retain 365 dwellings but with a minor amended housing mix as set out in the table below

Unit	Consented	Proposed	Difference
1 bed	172	171	-1
2 bed	181	184	+3
3 bed	12	10	-2
Total	365	365	0

58 The proposed housing mix by block is therefore as follows

Unit	1 Bed	2 Bed	3 Bed	Total
Block B1	62	116	6	184
Block B2	93	45	0	138

<b>Block B3</b>	16	23	4	43
<b>Total</b>	172	184	10	365

#### Affordable Housing

- 59 No amendment to the consented affordable housing offer is proposed as part of this application. The proposed affordable housing offer is maintained in accordance with the Deed of Variation LBL ref DC/20/119187 dated 22 December 2020, which is as follows

<b>Tenure</b>	<b>Units</b>	<b>Total % by Unit</b>
Discount Market Rent (no more than 80% of market rent)	30	8.2%
Affordable Rent (up to 45% of market value)	27	7.4%
Social Rent	16	4.4%
<b>Total Affordable</b>	<b>73</b>	<b>20%</b>
Market Rent	<b>292</b>	<b>80%</b>
<b>Total</b>	<b>365</b>	<b>100%</b>

- 60 Amendments to the proposed residential amenity provision are proposed as part of this application. This is to accommodate to the Build-to-Rent tenure, the changes are illustrated below:

<b>Block</b>	<b>Original Consent</b>	<b>Approved Development (NMA DC/20/119187)</b>	<b>Proposed</b>	<b>Difference from Approved Development</b>
B1	145 sqm	212 sqm	719 sqm	507 sqm
B2	90 sqm	196 sqm	192 sqm	-4 sqm
B3	0 sqm	0 sqm	0 sqm	0 sqm
Total	235 sqm	408 sqm	911 sqm	503 sqm

- 61 Access to the existing Tesco store remains unchanged, and the development has incorporated the Environment Agency maintenance zone across the island site and the DLR right of access.
- 62 The buildings are arranged around an extension of the historic Silk Mills Path which currently runs between the existing Silkworks and Silver mills developments but terminates at the main car park.
- 63 The application also seeks to facilitate improvements to Lewisham Station including the opening up of Platform 4 onto the island site, and the partial naturalisation of the River Ravensbourne. These are not included in the application itself as both elements are outside of their ownership, however, financial contributions and delivery strategies are set out within the application. This will be unchanged.
- 64 **Changes to existing planning conditions**
- 65 To facilitate the changes and accurately reflect the revised plans the following conditions would need to be amended

<b>Condition (no)</b>	<b>Change required</b>
2. Develop in Accordance with Approved Drawings and Documents	Drawing numbers to be updated with revised drawings.
12. Site Contamination	Update to reflect amended Land Contamination Assessment
13. Remediation Strategy	Update to reflect amended Land Contamination Assessment
18. Combined Heat and Power Networks	Revised to reflect amended Energy Strategy
19. CHP Abatement	Revised to reflect amended Energy Strategy
20. External Materials / Detail Design	Details to be updated to reflect amendments to design and to reference submitted Design and Access Addendum
25. Living Roofs	Update to reflect revised drawing numbers
26. Hard Landscaping Details	Update to reflect Updated Landscaping Scheme
27. Soft Landscaping	Update to reflect Updated Landscaping Scheme
29. Bird, Bat Boxes and other Ecology Features	Update to reflect revised Ecological Verification Survey
37. Retention of Amenity Spaces	Update to reflect revised drawing numbers
47. Approved Quantum (new to permission via S96A application)	Update to reflect revised quantum of commercial floorspace and building heights.

### **4.3 ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 66 Whilst the current Town and Country Planning (Environmental Impact Regulations) date from 2017, transitional arrangements provide that where a scoping opinion request or an Environmental Statement have been submitted prior to the 16th May 2017, the 2011 (Environmental Impact Assessment) Regulations as amended still apply. In this case, a scoping opinion request was submitted to the Council in November 2016 and an Environmental Statement (ES) was submitted to accompany the planning application on the 5th May 2017. Given this, the application is to be determined under the 2011 (Environmental Impact Assessment) Regulations (as amended) (the Regulations).
- 67 By virtue of Regulation 3 of the Regulations the Council cannot grant planning permission in respect of the application unless it has first taken in to consideration the environmental information. The environmental information means the ES, any further or other information received, any representations made by any consultation bodies and any representations made by any other person about the environmental effects of the proposed development.
- 68 Paragraph 10 (b) of Schedule 2 to the EIA Regulations identifies 'urban development projects' as requiring an Environmental Impact Assessment (EIA) if the development

includes more than 1 hectare of development which is not dwelling-house development or it includes more than 150 dwelling-houses or the area of the development exceeds 5 hectares and, in each case, the development is likely to have significant effects on the environment by virtue of factors such as size, nature and location.

- 69 The applicant having agreed that the proposals constituted EIA development and that any formal application would be subject to an ES, formally submitted a Scoping request to the Council, which was issued on the 6 December 2016 (ref: DC/16/99000). The Scoping Opinion issued in December 2016 advised the Applicant that the ES should assess the impact of the proposals in respect of Socio- Economics; Transport and Access; Noise and Vibration; Air Quality; Water Resources and Flood Risk; Ground Conditions and Contamination; Archaeology; Ecology; Wind Microclimate; Daylight Sunlight Overshadowing and Solar Glare; Townscape, Visual and Heritage Setting Effects; and Cumulative Effects.
- 70 Where EIA is required, the EIA Regulations require submission of an ES to assess the likely significant environmental effects of the development at each stage of the development programme i.e. demolition, construction and operation. It must provide an outline of any alternative sites/schemes considered and the reasons for selecting the proposed development site. In terms of the effects of the scheme it must identify the baseline situation, the nature of the impact both direct and indirect, whether it is temporary (demolition and construction) or permanent (operation) and measures to mitigate the adverse impacts in each case. It must also identify the residual effects after mitigation as well as the cumulative effects of such a scheme in relation to other developments in the area. The Council cannot grant planning permission for any development which is required to be subject to EIA unless it has first taken the environmental impacts of the proposed development into account.
- 71 An updated Environmental Statement (ES) accompanies this Section 73 planning application, updating the approved ES considered under LBL planning reference DC/17/101621' dated 22/01/2020 as varied by Application 'DC/21/121696' dated 11/05/2021 in response to Regulation 13 of the Town and Country Planning (EIA) Regulations 2011 (as amended) decision dated 6 December 2016, application reference DC/16/99000.
- 72 This updated ES is referred to where appropriate throughout this report and considered in detail in Section 7.7.

## **5 CONSULTATION**

### **5.1 PRE-APPLICATION ENGAGEMENT**

- 73 None specified by the Applicant relating to the proposed minor material amendments.

### **5.2 APPLICATION PUBLICITY**

- 74 4 site notices were displayed for the planning application and 4 Environmental Statement notices. Notices were displayed on lamp posts around the perimeter to the site, including at Conington Road, Silk Mills Path, the site entrance by the River Ravensbourne bridge and to the north adjacent to the Adana Building.
- 75 The application and supporting documents and other relevant material are lodged on the Council's website in the usual way. A press notice was published in the local newspaper in respect of the planning application accompanied by the Environmental Statement update.

- 76 Letters were sent to all properties and persons previously consulted and businesses in the surrounding area, totalling 1,393. All ward Councillors for Lewisham Central and Blackheath wards were consulted.
- 77 Site notices were displayed on 12 June 2021 and a press notice was published on 02 June 2021.
- 78 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors, including ward Councillors for Blackheath on 26 May 2021.
- 79 6 number responses received, comprising 6 objections, 0 support and 0 comments. 0 petitions received Comments in objection. 1 Society objection from the Blackheath Society was received.

<b>Material Planning consideration</b>	<b>Paragraph(s) where addressed</b>
Build to rent would create a less established community	Section 7.1 and para 146.
Loss of light	Section 7.5
Reduction in overall design quality	Section 7.3
Increased pressure on local services.	Section 7.4, Para 430
Noise and disturbance during construction	Paras 193 – 196, Section 7.7
Loss of 3-bed homes	Section 7.2
Closure of footpaths during construction	Section 7.4 and Paras 193 – 196
Over development/ visual relationship with other tall buildings in the area	Section 7.4, Section 7.7
Over-development of the site with an inappropriate scale	Section 7.5, Section 7.7
No mention of contributions to Lewisham Station improvements.	Para 248
Inability of public transport system to cope	Section 7.4
Noise and disturbance/ micro-climate impact and sound tunnelling	Section 7.5,
Traffic generation/ impact	Section 7.4
Sense of overbearing	Section 7.5, Section 7.7
Overlooking/ loss of privacy	Section 7.5

## 5.3 INTERNAL CONSULTATION

80 The following internal consultees were notified on 27 May 2021.

- Section 106/ CIL Officer
- Road Safety & Sustainable Transport
- Domiciliary Services
- Strategic Waste and Environment Manager
- District Surveyor
- Conservation Officer
- Highways
- Parks Manager
- Environmental Protection
- Education
- Strategic Housing
- Ecological Regeneration Manager
- Legal Services
- Social Care and Health
- Property & Design
- Policy - Sustainable Energy & Construction
- Urban Design
- Asset Strategy & Development
- Conservation Officer

81 **Comments Received:**

82 **Conservation Officer**

83 The Conservation Officer considers that the changes are minor and will not overcome any of the harms that were previously identified to the setting of the nearby Non-designated Heritage Assets locally and on the designated heritage asset Blackheath Conservation Area.

84 The comments raised by the Conservation Officer for the application DC/18/109184 have been re-issued for consideration as the Officer states that the matters raised still stand. But notes that permission has been granted on appeal.

85 Officers note that this application is seeking minor changes to an extant scheme and the matters considered by the Conservation Officer whilst materially relevant have already

been assessed within the context of a near identical scheme. For completeness the matters raised by the Conservation Officer are outlined in full below:

*“I’ve had a look at the proposals and I consider that the changes are minor and will not overcome any of the harms that I previously identified to the setting of the NDHAs locally and on the designated heritage asset Blackheath CA. I’ve attached my comments on 18/109184 here as these still stand.*

### *Significance*

*The site is within APA 6 (Catford/Rushey Green) which follows the course of the River Ravensbourne up to Deptford Creek, APA 8, and is of significance because of the evidence of early settlement and industry along the river.*

*The site’s important industrial history is referred to in the Design Statement submitted with the previous application, 3.6.1 Heritage and the Silk Mills Path*

*In the middle ages, many mills were operating between Lewisham and Catford, creating a ribbon of settlements running north-south to the east of the Ravensbourne. This was an early example of the industrial revolution that was to gradually transform the English economy between the late fourteenth century and the Civil War.*

*The area occupied by the Tesco car park was once the Mill Pond of the historic mill site. It was used for corn milling and by 1371 it was grinding steel. During the Tudor period it became part of the Royal Armoury Mill founded in Greenwich producing specialist armoury for Henry VIII. The mill was largely abandoned after 1637.*

*In the beginning of the 19th century, the site was redeveloped into a small arms factory (c.1807) and the mill was converted to produce silk thread (c.1824), hence the name Silk Mills Path was found. Silk Mills Path is an historical footpath which starts at the railway viaduct in Lewisham Road and continues between the River Ravensbourne and the Tesco store.*

*The ES submitted with the original applications deals with Archaeology at Vol 1, 13.1, and states that after archaeological investigations ‘further consultation was undertaken with GLAAS in February 2017 (refer to Appendix 2.4) and it was agreed that as the geoarchaeological survey demonstrated that most of the Site has been subject to significant truncation during the modern period, and an absence of archaeological deposits surviving in-situ, no further archaeological or geoarchaeological work is required in relation to the Site.’ Whilst no archaeological evidence may survive on site of these former uses, the site does still have historical value. Historical value derives from the ways in which past people, events and aspects of life can be connected through a site to the present. It can be illustrative or associative in attribution. The illustrative aspect relates to the ability of the asset to provide links and insights into past communities and their activities. The associative aspect derives from the association of the asset with a notable historic family, person, event or movement.*

*At the southern end of the site, just outside their red line, there is a cluster of small scale Victorian buildings, identified as the Silk Mills Path area of Special Local Character; an internal list of groups of heritage assets which will, as resources allow, be considered for designation as conservation areas. The small scale and grain, alongside the railway and close to the river creates a highly characterful group of historic and architectural interest, which also creates a connection to the former industrial uses on this site.*

*A short distance to the north on Lewisham Way is the one remaining building connected to the former Anchor Brewery, which is on the Local List as Whitbread Brewery. These are all within the immediate setting of the development.*

*The development will be visible from numerous CAs, as detailed in Montague Evans Built Heritage, Townscape and Visual Impact Assessment: Environmental Statement Volume III, May 2017, and one of the most significant is Blackheath CA, a short distance to the east.*

## *Impact*

### *1. Impact on Blackheath CA*

*The impact of the proposal on the surroundings has been assessed in the Montague Evans Built Heritage, Townscape and Visual Impact Assessment: Environmental Statement Volume III, May 2017.*

*I am most concerned about the impact the tallest, 34 storey, tower will have on the setting of Blackheath Conservation Area and the setting of listed buildings which provide the edge to the heath and contribute significantly to its character.*

*The Heath's character is particularly affected by its relationship with surrounding areas, described in chapter 5 of the CAA: 'The height of Blackheath compared with its surroundings is revealed and rewards the visitor with dynamic and breath taking far reaching views to London-wide reference points such as Canary Wharf, Crystal Palace radio masts, the wooded slopes of Shooters Hill and a number of church spires piercing the low skylines for miles around', I consider that the 'far reaching' nature of these reference points is important in that it emphasises the palpable sense of separation of Blackheath from the City beyond; and also the 'low skylines', where development rarely exceeds the treeline. I do not consider that the proposed tower is comparable to these reference points and instead will erode this sense of separation and the strength in townscape terms of the existing low skyline.*

*The importance of scale of built form around the heath is identified in Chapter 7 - Views which states 'The views out from the Heath are notable in terms of built form for the importance that scale plays in terms of enclosing the Heath at key points and making robust architectural statements. This is more successful at the western (Dartmouth Terrace and adjacent listed pair) and southern edges....' . The tower will rise above the tree line / height of existing buildings which will detract from the visual pre-eminence of the historic buildings, (designated and non-designated) which form the historic edge to the space.*

*The impact of the tower is best demonstrated in views 1, 2 from Shooters Hill, and 3 from Goffers Road, all of which are recognised by the assessment to be of high value:*

*View 1 – The tower will be seen to rise above the eastern edge of the heath (CA sub area 1 – The heath and its edges) high above the houses and trees forming the horizon. The scale of the building and the resulting visual link with Lewisham Town Centre will remove the current valued sense of separation experienced in this part of the CA.*

*View 2 – the tower will be visible in views across the heath to CA sub area 1a - Dartmouth Terrace and Wat Tyler Road, and a group of historic buildings, including Lydia/Sherwell: a semi detached pair of late 18th century houses facing the heath (addressed Dartmouth Gove and Dartmouth Hill) and the adjacent group of 5 substantial later 19th century villas on Dartmouth Terrace. The view has been framed so that these latter buildings are omitted from the shot but they are immediately to the right hand side and in reality will be within this view. The visual presence of the proposed tower will detract from the setting of the historic group, and the scale and visual link with Lewisham Town Centre will remove the current valued sense of separation of this CA.*

*View 3 – the tower will be seen in the close context of a highly significant group of 15 listed buildings, (CA sub area 1f) These date from the early 18th century onwards on*

*Eliot Place and listed at grade II, representing some of the early development permitted to encroach on the edge of the heath - development which was firmly controlled by Lord Dartmouth. The CAA states 'This is a very high quality group forming part of the wider group of historic built form which enclose the Heath. These houses are very sensitive to change but their individuality provides interest and richness to the character of this part of the conservation area'.*

*These buildings fall outside the frame of this shot – they lie immediately to the left of the image and in reality will be seen in this view, and in other views either direction along Goffers Road. The view focuses on the perpendicular street Orchard Drive (sub-area 1e) whose roofscape the tower will impact on. The CAA states 'Orchard Drive is particularly notable for its roofscape presented to the Heath. This comprises a varied group of gables which form a pleasing rhythm which attracts the eye and gently encloses the Heath at this point. This is accentuated by the trees which partially line the Heath side of Orchard Drive...'*

*With regard to its association with existing tall buildings and others emerging at Lewisham Gateway it could be said to form part of a cluster. However, its silhouette and appearance on the skyline do not relate in any coherent way to the other tall buildings when seen from Blackheath, as required by CS15. It extends the group over a wider area north to south, and appears as a linear group rather than a cluster. LBLs Draft Tall Building guidance (currently in development, see Policy team) considers 'clustering' and states that 'The Council consider that the emerging cluster within Lewisham Town Centre will have a coherent silhouette centred on Lewisham Gateway 2 as its tallest element'. This proposal does not relate to this vision by locating an even taller tower outside this existing group.*

*I disagree with Montague Evan's assessment that the impact will be moderately beneficial to each of these views; I consider that the effect of the visibility of the tower in these views would be to substantially detract from the character and appearance of the CA in these three sub-areas, as set out in the CA Appraisal. It would conflict with the 'gentle enclosure' of the Heath created by trees and buildings at its edge, disregard the 'the importance that scale plays in enclosing the heath'; and erode the character and experience of the 'breathtaking far reaching views to London wide reference points' by bringing very tall buildings significantly closer to its edge. Neither does it 'add coherence to the skyline' in these views as required of tall buildings by CS15. It would also harm the setting of the important group of listed buildings on Eliot Place.*

## *2. Impact on historic environment in immediate setting*

*The group of buildings at the junction of Lewisham Way and Silk Mills Path are of fine grain and small scale, at 2-3 storeys high, and are connected visually to the historic townscape elements of railway viaduct, river and the pedestrian Silk Mills Path as it runs through the site.*

*The importance of this group is recognised in the Lewisham Town Centre Local Plan Policy LTC5- Conington Road which guides redevelopment of this site:*

- 1 c: retain and enhance the scale and grain of the existing historic fabric at the southern end of this Policy Area, its mix of uses and townscape character; and*
- 2 b (referring to the Tesco Car Park part of the site) : taller elements of the block should be avoided next to the existing historic fabric and the river.*
- 5.24 Architectural quality: The south east corner of the Policy Area is an existing area of architectural and townscape merit containing buildings with local value. These assets should be protected and enhanced.*

*The proposal has fundamentally ignored these policies and completely fails to address the requirements of it. The historic group is overwhelmed by the scale and form of the tall building, and its setting is obliterated.*

### *3. Heritage value of the development site.*

*Whilst archaeological evidence is judged unlikely to remain, the site does have high historic value, and I consider that it would be an important public benefit to use this to inform a) street, open space and building naming; b) an interpretation strategy for the site; c) materials and detailing of landscaping.*

*a) Have the buildings and streets been named yet? If not this could be an opportunity for local involvement – to suggest and vote on names. It could help to better reveal the history of the site, in line with NPPF 185 c) and d) and 200.*

*Using the name 'Island Gardens' will be confusing as there's already a well known place using this name not far away. I'd highly recommend giving this a different name so as to reinforce its own local distinctiveness and, as above, open this up to the public for ideas and a vote.*

*b) Is there a signage/interpretation strategy proposed? If not I recommend that we add this as a condition, requiring a strategy for on site signage and interpretation referring to the historic significance of the site as detailed in documents submitted with their application, to be submitted for approval and completed prior to completion on site. DM37para 2.2941 refers specifically to archaeological remains being used for educational, recreational and tourism resource, but I consider this can properly be extended to apply to the historic value (as opposed to the evidential value) of the site as well.*

*A benefit of the scheme will be the partial re-naturalisation of the River as it runs through the site, and additional interpretative material about the wildlife connected with this should also be provided. Another benefit of the proposal is the re-connection of the historic Silk Mills Path.*

*c) Who has/is advised on landscaping in this proposal? Are there historic materials on site currently? If so is there a reuse strategy? Do the proposed materials contribute to understanding the history of the site?*

#### *Justification*

*NPPF paras 193 and 194 require that 'great weight should be given to the asset's conservation', with 'any harm or loss of significance requiring clear and convincing justification'. It appears that this process hasn't been undertaken, and the applicant does not recognise any harmful impacts on heritage assets.*

*Following on from the requirements in NPPF, HE guidance on tall buildings states at para 5.5 'In assessing this justification, and in weighing any public benefits offered by a tall building proposal, local planning authorities will need to pay particular regard to the policies in paragraphs 8 and 9 of the NPPF [para 8 in 2018 version] that state that economic, social and environmental gains are to be sought jointly and simultaneously in order to deliver positive improvements in the quality of the built, natural and historic environment. This may involve the examination of alternative designs or schemes that might be more sustainable because they can deliver public benefits alongside positive improvement in the local environment. If a tall building is harmful to the historic environment, then without a careful examination of the worth of any public benefits that the proposed tall building is said to deliver and of the alternative means of delivering them, the planning authority is unlikely to be able to find a clear and convincing*

*justification for the cumulative harm. This same approach is reiterated in the draft London Plan at D8C1d.*

*The exploration of alternative means of delivering them has not apparently been undertaken and, as a result the proposal cannot be justified and does not comply with NPPF 193 & 194.*

*Similarly no justification is given for diverging from Policy in Lewisham Town Centre Local Plan LTC5 (Conington Road), as relates to the location of tall buildings so as to avoid harm to the setting of the group of historic buildings and next to the river.*

#### *Policy*

*Section 68 of the Act states that special regard shall be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses*

*Section 72 of the Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.*

*NPPF Para. 193 - requires great weight to be given to the conservation of designated heritage assets and notes that significance can be harmed or lost through unsympathetic development.*

*NPPF Para 194 - Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.*

*NPPF195 – Substantial harm to a designated heritage asset should be refused (unless substantial public benefits outweigh that harm)*

*NPPF 196 – Less than substantial harm to designated heritage assets should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*

*NPPF 197 – Effect of proposal on non-designated heritage asset should be taken into account; a balanced judgement should have regard to scale of harm or loss and the significance of the heritage asset.*

*NPPF 200 - Local planning authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.*

*Draft London Plan D8 - Tall buildings, particularly in relation to their location , to be identified in a plan-led approach, taking into account considerations including Visual impact (C 1 a: long, mid range and immediate views) and at C1d: Proposals should take account of, and avoid harm to, the significance of London's heritage assets and their settings. Proposals resulting in harm will require clear and convincing justification, demonstrating that alternatives have been explored and there are clear public benefits that outweigh that harm. The buildings should positively contribute to the character of the area.*

*CS15 – Design: 3 c ‘New developments in Lewisham Town Centre.....will need to allow for tall buildings of the highest design quality where they improve and add coherence to the skyline, and do not cause harm to the surrounding environment, including the significance of heritage assets’.*

CS 16 – ‘The Council will work with its partners, including local communities, to ensure that the borough’s heritage assets and those yet to be identified will be valued positively and considered as central to the regeneration of the borough...’

CS18 – Tall Buildings will be considered inappropriate where they would cause harm to the identified qualities of the local character, heritage assets...c) conservation areas and their setting; f) listed buildings and their settings. Lewisham Town Centre Local Plan LTC5- Conington Road; DM36 DM37; Historic England – Tall Buildings (Advice note 4).

#### *Recommendation*

*I note that RB Greenwich hasn’t been consulted and I consider that they should be, as this proposal will impact on the setting of Blackheath CA, half of which is in their borough. Similarly, the Blackheath Society also haven’t been consulted and should be.*

*I have concerns about the way that heritage issues were dealt with in the assessment of the previously submitted scheme.*

- It does not appear that conservation officers were consulted at pre-app or application stage.*
- There was no critical analysis of the impact on Heritage Assets provided by the applicants. This assessment misses out listed buildings eg the 15 LBs on Eliot Place mentioned above.*
- The conclusion at para 8.120 that ‘the setting of both the designated and non-designated heritage assets, would be sufficiently preserved’ has been made without the input of the specialist advice and is unsound.*
- The previous Cttee report also stated that the site is not in an APA: it is, as was recognised by GLAAS in their advice.*
- Neither the Montague Evans TVIA nor the previous Cttee report identified the proximity of the non-designated heritage assets to the south east of the site (Silk Mills Path group) which the Lewisham Town Centre Plan identifies as being sensitive and as such to avoid placing a tall building next to them; neither do they accurately identify the Locally Listed building to the east.*

*I have strong objections to the substantial and lasting harm caused by the visibility of the 34 storey tower on the character and appearance of the 3 named sub-areas of Blackheath CA, and on the setting of listed buildings at the edges of the heath without clear and convincing justification of the harm.*

*The impact on the historic environment has not been assessed thoroughly, and no demonstration of alternatives has been explored or mitigation of the impact on long and mid-range views. Therefore a proper justification of the impacts in relation to public benefit outweighing the harm can be made.*

*The proposal fails to address or meet the many adopted policies and guidance (see Policy section) that consider the site, the historic environment, and views and the impact of tall buildings on them.*

#### *Potential revisions/amendments*

*Notwithstanding my advice above, I recommend that that the implementation of a signage and interpretation strategy for any development permitted here should be required by condition; and that the approach to street, open space and building naming*

*be set out, include public involvement, and be used to support the interpretation strategy, so as to respond to the aspirations of NPPF 200.”*

86 **Ecological Regeneration Manager**

87 Confirmed that the updated the ecology study is supported and that it is noted the Environment Statement states that the proposed changes would not have significant impacts on the approved scheme in terms of ecology. Comments sent requesting clarification relating to conditions 25 (Living Roofs), 27 (Soft Landscaping) and 29 (Bird, Bat Boxes and other Ecology Features).

88 It is confirmed no changes are proposed to the features previously secured and conditioned.

89 **Strategic Housing**

90 We are disappointed that there is no amendment to the number of affordable homes proposed which is still significantly below the policy requirement of 50% affordable: Discount Market Rent – 8.2%; Affordable Rent – 7.4%; Social Rent - 4.4%; Total - 20%

91 The amendments result in the loss of two, 3 bed homes and one 1 bed home to be replaced by three, 2 bed homes and larger communal amenity space. Subject to those units not previously being affordable, we have no objection to this amendment.

92 **Urban Design Officer**

93 Objection, due to what they state as being ‘a significant reduction in the soft landscaping is proposed. In addition, insufficient information has been provided on the brick material requirements for Blocks 2 and 3’.

94 In response, the Applicant has formally confirmed there is no reduction to the soft landscaping and details relating to materials will be considered as part of an approval of details reserved by condition, as per the original consent.

95 These comments were provided prior to the submission of revised plans and clarification from the applicant of the matters raised by the Urban Design Officer. The position before these amendments were given of the Urban Design Officer is stated below in full:

*“All changes to the consented landscape scheme require justification. The reduction in soft landscaping from the consented scheme is strongly opposed. Many residents will be sharing a low quantity of soft landscaping and the quantum and quality of the soft landscaping provided must not be reduced from the consented scheme.*

*The scheme includes complex level changes and therefore it is requested that some topological information is provided on all the landscape plans, as is provided on the landscape drawings of the consented scheme. An amenity space plan is requested as is provided as part of the consented scheme.*

*The Applicant should use the same tree descriptions as used in the consented scheme for ease of comparison. Playspaces for different age groups should be labelled on the plans as per the consented scheme.*

*Further information regarding the site boundary treatments is required.*

*The green colour representing soft landscaping is unduly pale in the comparison drawings on page 40 of the design and access statement showing the proposed*

*scheme. The colours should be the same as those in the approved drawings provided for ease of comparison.*

*Proposed changes to the ramping of pathways require justification.*

*The break in the hedge adjacent to the river buffer planting requires justification.*

*Further information is requested regarding the appearance and heights of all of the retaining walls and balustrading proposed as these will have a significant visual impact.*

*Further information is required regarding the boundary treatment between the communal amenity space and the service road.*

*A tree retention and removal plan is requested as was provided as part of the consented scheme.*

#### *Communal Amenity Area to Block 2*

*The communal amenity area to the north-west of Block 2 adjacent to the bike store on the consented scheme is at ground level but is now shown on level 1. It should remain at ground level for ease of access and integration with the surrounding landscape. A narrow ramp access is proposed leading to this space which is not supported.*

*The proposed design of this communal amenity space includes more hard landscaping than previously which is strongly opposed.*

#### *Communal Amenity Area Adjacent to Block 3*

*The increase in the size of the landscaped play area adjacent to Block 3 is not supported. If more space is required for play then it should be soft landscaped.*

*Removal of landscape buffer to the west of the Block 2 refuse store. This appears to have been replaced with a refuse holding area which is strongly opposed.*

*Soft landscaped buffer on the bridge crossing the river between blocks 1 and 2*

*Landscape buffer that fronts the river in the north-western corner of the site is narrower than in the consented scheme*

#### *Block Paving*

*The direction of the block paving now varies much more than in the consented scheme and this is not supported as it will reduce the unity within the scheme.*

#### *Ecological Details*

*Ecological details should be included on the landscape plan as per those shown in the consented scheme. The locations for stag beetles and kingfisher boxes etc.*

#### *Provision for Future River Access*

*The southern provision for future river access in the consented scheme has been removed from the scheme and should be replaced.*

*The northern provision for future river access should be extended to the edge of the river as per the consented scheme.*

*The Applicant is encouraged to locate temporary benches at the end of both these paths to allow local people to get close to the river and enjoy views of it, prior to the future regeneration of the river frontage.*

*Further access points for people to get close to the river edge are strongly recommended.*

*Service Access Route Behind Block 2 + gates*

*Do not support moving the gate southward as this will reduce the area of public realm and harm views of the building and reduce the quality of the pedestrian route out from the communal amenity space.*

*Materials – All Blocks*

*Insufficient information supplied.*

*The use of the stone effect aluminium is supported as proposed for all blocks subject to seeing it in use as part of a 1:1 mock-up and next to the proposed GRC material to check that their hues and textures appropriately coordinate when juxtaposed.*

*Apart from the proposed change to use stone effect aluminium, all other detail regarding material detail that is included in the Design and Access Statement of the consented scheme must be included in the Design and Access Statement of the proposed scheme. It is noted that, detail relating to the brick requirements for Blocks 2 and 3 that is in the Design and Access statement of the consented scheme is not included in in the Design and Access Statement of the proposed scheme.*

*Internal Layout – All Blocks*

*The changes to the internal layout are supported.*

*BLOCK 1*

*Elevational Treatment*

*Acceptable subject to the below.*

*Further detail regarding the canopies that subdividing the tall ground floor are required.*

*The south elevation of Block 1 appears to be missing from the planning register.*

*Visualisation 6 shows the long oblong aluminium panels being subdivided. This would not be supported and is not consistent with what is shown on the elevation drawings. Visualisation 6 requires correcting.*

*Window Design*

*Further information is requested regarding the window design. It is requested that the windows open to 90 degrees to allow good air flow in to the rooms. This is especially important given that most of the room do not have private external amenity spaces.*

*BLOCKS 2 and 3*

*Elevational Treatment*

*The 2 x central aluminium panels shown on the bay study detail on page 41 of the Design and Access Statement are different heights and this lack of symmetry is not*

*supported as it is not coherent with the symmetry in the rest of the scheme. It is recommended that the central strip is divided in to 3 panels. 2 panels to align with the adjoining windows and 1 panel for the rest of the central space.*

*Otherwise acceptable.”*

Following revised plans and clarification from the applicant, on a number of points, it is considered that the original concerns from the urban design officer have been addressed.

## **5.4 EXTERNAL CONSULTATION**

96 The following External Consultees were notified on 27 may 2021.

- Blackheath Society
- Commission for Architecture and the Built Environment
- Corporation of London
- Docklands Light Railway (DLR)
- Environment Agency
- Government Office for London
- Greater London Authority
- Greater London Industrial Archaeology Society
- Greenwich Conservation Group
- Greenwich Society
- Heathrow Airport, Airside Operations Facility
- Historic England -Listed Buildings
- Historic England Areas of Archaeological Priority
- Ladywell Society
- Lewisham Cyclists
- Lewisham Primary Care Trust
- Lewisham Street Traders Association
- London City Airport
- London Cycling Network
- London Fire Brigade Safety Team
- London Heliport
- London Transport Planning

- London Wildlife trust
- Met Police Design Out Crime Officer (Lewisham)
- Metropolitan Police Designing Out Crime Officer (PC Alan Denyer)
- National Grid
- National Planning Casework Unit (Secretary of State's Planning Casework)
- Natural England
- Network Rail
- Port of London Authority
- Royal Borough of Greenwich
- South East London Chamber of Commerce
- South East London Green Chain
- Southeastern - Railway
- Spacia - National Rail
- Sustrans
- Sydmons Court Residents Association, 11 Sydmons Court
- TfL's Spatial Planning
- Thames Gateway London Partnership
- Thames Water
- The London Society
- London City Airport - The Safeguarding Consultee
- The Victorian Society

97 **Comments Received:**

98 **Blackheath Society**

99 Objection received. The comment states: the scheme now proposed is very different in nature and quality from the "landmark iconic" scheme submitted in 2017. Apart from the change in the nature of the scheme, seemingly already approved, to student style communal accommodation, the latest proposal involves many changes.

100 The changes proposed raise the question of a revised Viability Assessment, which would offer the opportunity to review the very low level of affordable housing ( 20%) still on offer, which was one of our prime objections to the original scheme.

101 **City of London**

- 102 Confirmed, no comments to make.
- 103 **Environment Agency (EA)**
- 104 Confirmed that they had no objection or comments to make.
- 105 **Greater London Authority**
- 106 The GLA state that the minor nature of the changes raises no new strategic matters and the GLA confirm that they do not need to be consulted further.
- 107 **Heathrow Airport Safeguarding**
- 108 No objection. Advise that red static omnidirectional lights will need to be applied at the highest part of the crane and at the end of the jib if a tower crane.
- 109 **Historic England**
- 110 No objection.
- 111 **Natural England**
- 112 Confirmed no comments to make.
- 113 **Metropolitan Police Designing Out Crime Officer**
- 114 A planning condition should require the development to follow the principles and physical security requirements of Secured by Design. Landscaping should be implemented in a manner that prevents crime and anti-social behaviour.
- 115 **London City Airport**
- 116 No comments made. Suggest that a condition is added No cranes or scaffolding shall be erected on the site unless and until construction methodology and diagrams clearly presenting the location, maximum operating height, radius and start/finish dates for the use of cranes during the Development has been submitted to and approved by the Local Planning Authority, the Local Planning Authority having consulted London City Airport.
- 117 **Royal Borough of Greenwich**
- 118 Confirmed no comments to make.
- 119 **Port of London**
- 120 Confirmed no objection.
- 121 **Transport for London**
- 122 Noted that comments would be provided as part of the Stage 1 GLA response. The GLA state that the minor nature of the changes raises no new strategic matters and the GLA confirm that they do not need to be consulted further.

## 6 POLICY CONTEXT

### 6.1 LEGISLATION

123 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to: -

- a) the provisions of the development plan, so far as material to the application,
- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

124 A local finance consideration means: -

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

126 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

127 The development plan for Lewisham comprises the Lewisham Core Strategy, the Lewisham Development Management Local Plan, the Lewisham Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan 2021. The NPPF does not change the legal status of the development plan.

128 Planning (Listed Buildings and Conservation Areas) Act 1990: Section .66/ Section.72 gives the LPA special duties in respect of heritage assets. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a LPA in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

129 Guidance for determining Section 73 of the Town and Country Planning Act 1990 (as amended) applications is set out in the NPPG which states that a minor material amendment is one "whose scale and nature results in a development which is not substantially different from the one which has been approved". This is not a statutory definition but the Department for Housing, Communities and Local Government agree with this statement.

130 It is further stated that the development which the application under s.73 seeks to amend will by definition have been judged to be acceptable in principle at an earlier date. Consequently the extent of the material planning considerations are somewhat restricted and only the amendments being applied for should be considered at this stage. Having said that, when determining the application the LPA will have to consider the application in the light of current policy. The local planning authority therefore has to make a decision focusing on national or local policies which may have changed significantly since the original grant of planning permission as well as the merits of the changes sought.

131 It is important to note that when considering whether development proposals accord with the development plan, it is necessary to consider the question with regard to the development plan as a whole.

Officers consider that the nature of the proposed changes set out are considered to constitute minor material amendments by virtue of the following:

- The redline boundary has not changed and remains as per the original permission.
- The proposals will not result in increased scale of development by site coverage or building heights, and will in fact result in reductions in building heights.
- The proposals do not change the number of dwellings and reduces the quantum of commercial space.
- The proposals will not introduce new or remove permitted land uses.
- It will not generate significant additional or negative environmental impacts beyond what has already been tested and assessed under the original Environmental Statement.
- The proposed amendments will not have a detrimental impact on the visual quality or aesthetic of the scheme

## **6.2 MATERIAL CONSIDERATIONS**

132 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.

133 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

134 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to aforementioned directions and the test of reasonableness.

## **6.3 NATIONAL POLICY & GUIDANCE**

- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

## **6.4 DEVELOPMENT PLAN**

135 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)

- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

## **6.5 SUPPLEMENTARY PLANNING GUIDANCE**

136 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Planning Obligations Supplementary Planning Document (February 2015)
- Shopfront Design Guide Supplementary Planning Document (March 2006)
- River Corridor Improvement Plan (2015)

137 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- London View Management Framework (March 2012)
- Play and Informal Recreation (September 2012)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Social Infrastructure (May 2015)
- Housing (March 2016)
- Homes for Londoners: Affordable Housing & Viability (August 2017)
- Energy Assessment Guidance (October 2018)

## **7 PLANNING CONSIDERATIONS**

138 The main issues are:

- Principle of development
- Layout, Scale and design
- Housing - mix, tenure and standard of accommodation
- Neighbour amenity
- Transport
- Energy and Sustainability
- Flood risk
- Ecology
- Waste
- Planning Obligations

## 7.1 PRINCIPLE OF DEVELOPMENT

- 139 The London Plan Policy identifies Lewisham as a Major Town Centre which should be a focus of new development, ensuring retail and residential development makes a positive contribution to the vitality and viability of the Centre.
- 140 Policy LTC5 of the LTCLP allocates the Site for mixed-use development (including residential) and policy LTC9 of the LTCLP and SD6 of the London Plan support the development of residential in town centres.
- 141 There is strong policy support for development in Lewisham Town Centre in general and for the redevelopment of the application site. The extant permission solidifies this, providing a strong 'fall-back', with the site being previously considered suitable for development with a materially similar development that this now under construction.
- 142 The changes to the affordable housing which have previously been consented (LBL reference DC/20/119187), with Discount Market Rent, Affordable Rent and Social Rent agreed for these affordable units (totalling 73 units).
- 143 The Applicant states that the proposed changes are sought to accommodate a Build to Rent (BtR) product. The extant permission would allow for the remaining market units to be implemented on-site as BtR, with no restriction or legal covenant in preventing private market rent by one operator. This is therefore a material consideration, and is afforded significant weight by Officers.
- 144 Since the agreement to change the affordable residential tenure types was approved the London Plan (2021) has been adopted. Policy H11 of the London Plan is therefore now relevant.
- 145 As identified by the London Plan Boroughs should take a positive approach to Build to Rent (BtR). The London Plan identifies that BtR provides many benefits, including greater assurances within the private rental sector, providing long-term housing for those who cannot afford traditional build to sell properties.
- 146 Within the context of an existing consent for planning permission where BtR can be implemented without restriction, Officers consider that the requirements of Policy H11 would not warrant a reason for refusal.
- 147 Policy H11 (b) states:
- To qualify as a Build to Rent scheme the following criteria must be met:*
- 1) the development, or block or phase within the development, has at least 50 units*
  - 2) the homes are held as Build to Rent under a covenant for at least 15 years*
  - 3) a clawback mechanism is in place that ensures there is no financial incentive to break the covenant*
  - 4) all the units are self-contained and let separately*
  - 5) there is unified ownership and unified management of the private and Discount Market Rent elements of the scheme*
  - 6) longer tenancies (three years or more) are available to all tenants. These should have break clauses for renters, which allow the tenant to end the tenancy with a month's notice any time after the first six months*

*7) the scheme offers rent and service charge certainty for the period of the tenancy, the basis of which should be made clear to the tenant before a tenancy agreement is signed, including any annual increases which should always be formula-linked*

*8) there is on-site management. This does not necessarily mean full-time dedicated on-site staff, but that all schemes need to have systems for prompt resolution of issues and some daily on-site presence*

*9) providers have a complaints procedure in place and are a member of a recognised ombudsman scheme*

*10) providers do not charge up-front fees of any kind to tenants or prospective tenants, other than deposits and rent-in-advance.*

148 The Applicant has agreed that the requirements of Policy H11 (b) (1, 4, 5, 6, 7, 8, 9 and 10) will be secured by legal agreement to ensure that the benefits of BtR are captured in full. This represents a material benefit beyond the consented development, with longer tenancies, rent guarantees, service charge guarantees, on-site management, complaints procedure and no up-front administration fees.

149 Within the context of the existing consent for planning permission Officers consider that applying the requirements of Policy H11 (b) (2 and 3) would not be proportionate or fair as the applicant can implement BtR without restriction. The GLA have, in their response, not raised this as an issue stating that there are no strategic matters raised by the changes. A strategic matter includes affordable housing.

150 An early stage review will be required, as required in the S106 of the extant permission. This would capture any uplift in affordable housing. This is discussed in more detail below.

151 The principle of development is therefore considered acceptable, with no departure from the previously consented scheme. The changes proposed are minor in nature and do not change the consented development in land-use terms.

#### Comprehensive/ Master-planned approach

152 Policy LTC5 requires a comprehensive masterplan for sites to avoid piecemeal development. As stated above, the applicant has control (DLR and Environment Agency access and maintenance zones aside) over the island site and main car park site. The access road is adopted by the London Borough of Lewisham and the Tesco store with its front car park and locally listed Eagle House is within single ownership by Tesco.

153 Through the extant permission a masterplan was considered to support their proposal to demonstrate how their scheme would work with and without the land outside of their control. This shows how the scheme on the northern side of the River Ravensbourne (the main Tesco store) could be brought forward. This is a residential led masterplan, including provision of a smaller food store, other commercial units and the retention of Eagle House.

154 The minor material amendments make no changes to the consented master-plan, the agreed river improvements or the layout of the development as a whole.

#### Land Use: Non-residential Uses

155 The extant planning permission was first granted with 554sqm of flexible A1/A2/A3/B1/D1/D2 space. This was amended via a subsequent S96A non-material amendment application (ref. DC/20/119187) to 402sqm. Since the extant planning

permission was granted a revised planning use class order has been introduced that has removed classes A1, A2, A3, B1, D1 and D2 and instead instated a new all-encompassing Class E with some D1 and D2 uses falling within the new class F.

- 156 The proposed development entails the provision of 134sqm of flexible A1/A2/A3/B1/D1/D2 within building B1 and 270sqm of flexible B1 within building B2, resulting in a total provision of 404sqm. The proposed floorspace closely aligns with what is already permitted, reflects current planning use classes and accords with planning policy. As such, it is considered to be acceptable.
- 157 The three proposed commercial units within Building B2 are provided as affordable workspace (at 70% of market value) to positively contribute towards the provision of space in the area for local start-up businesses. This accords with London Plan Policy E3 of the London Plan, which supports the provision of affordable workspace in certain circumstances.
- 158 The proposed quality of residential accommodation is supported and the proposed amenity spaces, play provision and access to public space is also high quality. This report considers the likely effects of the proposal on neighbours' amenity and finds this to be acceptable in the report below and concludes that the proposed scale and massing is acceptable and the overall development as proposed could be considered exceptional quality. The impacts on the local transport network are assessed in the relevant section of this report and it is considered there is no material alteration, with all impacts being acceptable, subject to appropriate mitigation though securing cycle parking, removing parking permits and contributions towards improvements at Lewisham Station including the provision of a new access into Platform 4.

## 7.2 HOUSING

### Affordable housing and tenure mix

- 159 The NPPF recognises the need to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. The NPPF specifies that local planning authorities should plan for a mix of housing based on current and future demographic trends, identify the size, type, tenure and range of housing that is required in particular locations. This should reflect local demand, and where a need for affordable housing is identified, local planning authorities should set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.
- 160 Policy H6 of the London Plan seeks for affordable housing to comprise a tenure split of at least 30% low-cost rented homes and at least 30% intermediate products, with the remaining 40% to be determined at a borough level. Under Policy H11, which is specific to build-to-rent schemes, it states that the affordable housing offer can be solely Discounted Market Rent (DMR) at a genuinely affordable rent, with preferably at least 30% as London Living Rent.
- 161 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.

- 162 The proposed development would provide 365 new dwellings, of which 73 would be affordable. This amounts to 20.19% by habitable room and 20% by unit.
- 163 Core Strategy Policy 1 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. However, similar to the London Plan, it further states that the appropriate mix for a development should have regard to the physical character and setting of the proposed building; the previous use of the site; access to private amenity space for family dwellings; the likely effect on demand for car parking; the surrounding housing mix; and the location of amenities and social infrastructure.
- 164 The extant planning permission comprised a residential mix of 47% 1-beds, 50% 2-beds and 3% 3-beds. This mix was considered acceptable within the Strategic Planning Committee Report (2017) due to over 50% of the units overall being for 4 person or more, the urban town centre context of the site and keeping the proposed buildings to an appropriate foot plate that optimised the opportunities for potential public realm.
- 165 The proposed mix is very similar at 0.3% studio, 46.8% 1-beds, 50.4% 2-beds and 2.7% 3-beds. These are considered to be de minimis changes that still achieve over 50% of the units being for 4 person or more and a residential mix that is fitting for a high density, town centre setting whilst also best optimising housing delivery. As such, the proposed amendments are considered to accord with planning policy, and wider the context of the permitted scheme.
- 166 The Social Rented and Affordable Rented units would continue to be located in Building B3 as per the original scheme. This is because Registered Providers seek to keep management costs (and therefore service charges) to a minimum so that living costs for rents are at the lowest possible. The proposed discount market rent units would be located in Building B1 and B2.
- 167 Officers consider that the proposed location of the affordable housing units is acceptable, being across all three buildings, as per the extant scheme. There would be no differentiation in terms of the quality of design, materials or finishes between affordable and private homes and all future residents would have access to the same communal open space, irrespective of tenure. This therefore raises no objection and was not a grounds of refusal in the original application.

#### Scheme viability

- 168 The original planning application was supported by a financial viability assessment prepared by James Brown (2017), which was independently reviewed by both GL Hearn on behalf of the council and the GLA. The evidence was later thoroughly considered and interrogated as part of the appeal inquiry process in 2019 and though later referral to Secretary of State. In concluding the inquiry, the Inspector summarised the outcome in paragraph 69 and 70 as follows: "In summary, the inquiry began with LBL calling detailed expert evidence on inter alia costs and values which it said, contrary to the advice it had earlier received from independent consultants, means that the site could provide more than the 20.2% affordable housing offered. All of that evidence was thoroughly and fully tested. The outcome of that was that following cross examination and with the benefit of clear legal advice from experienced leading Counsel, LBL conceded that on a proper consideration of the evidence, it could no longer legitimately or reasonably maintain an affordable housing objection at the inquiry. The Inspector accepted the Council's decision to withdraw and the Council played no further active part.

- 169 Planning permission was, therefore, granted by the Secretary of State via the appeal process for an affordable housing provision of 20.2% by habitable room (20% by unit). Although Policy H5 of the London Plan was not yet adopted when the planning application was submitted or approved, the Secretary of State applied moderate material weight to it in his decision. He later concluded:
- 170 “For the reasons in [Inspector Report paragraph] 147, The Secretary of State agrees with the Inspector that the 20.2% affordable housing proposed by the appellant is the maximum, if not somewhat more, than what can be reasonably provided, and he accordingly attaches very considerable weight to this benefit of the proposal. He finds no conflict with the requirements of London Plan policy 3.12; the Mayor’s Affordable Housing and Viability SPG, Lewisham CS Policy 1 and DMLP Policy DM7. ”
- 171 The proposed development will continue to provide affordable housing in accordance with the Deed of Variation agreement signed in December 2020. This will mean a 20% provision of affordable housing by units (73 in total), comprising a tenure split 22% social rented, 37% affordable rent (at 45% of Market Rent) and 41% discount market rent (80% of open market rent). The discount market rent agreed in the December 2020 Deed of Variation is in lieu of the discount market sale units first agreed for the May 2019 S106 Agreement. The discounted market rent will be located within buildings B1 and B2, whilst the affordable and social rent will be provided in building B3 so as to be readily made available and managed for a registered provider.
- 172 The proposed amendments to the development will not result in any additional dwellings or rentable/sellable residential net internal area (NIA) being created. The amendments to the proposals have sought to create higher quality communal spaces ancillary to the dwellings, including foyers / concierge, back of house areas, improved corridors and social / break-out spaces and facilities. This will not generate greater value for the development, but will make it in line with modern market standards for build to rent schemes, particularly in the context of consumer demands led by the Covid-19 pandemic.
- 173 As such, it is considered that in accordance with Policy H5 the proposed amendments would not materially alter the economic circumstances of the scheme and, therefore, not require a revised viability assessment for this Section 73.
- 174 In the context of the Inspector’s and Secretary of State’s comments, there is considered to be no evidence to indicate a greater provision of affordable housing can be achieved and that the 20.2% committed should be considered as somewhat more than what would be reasonably provided.
- 175 It is noted that the GLA have agreed with this approach and raise no objections as part of this Section 73 application.
- 176 It is considered the proposed development remains acceptable in terms of affordable housing. The development remaining acceptable and that the changes here are minor.
- 177 A further review of the development would take place as set out in the S106 (Schedule 2) with an Early Stage Viability Review still required. This would capture any future uplift in affordable housing and thus provides sufficient assurance that any uplift in affordable housing would not be lost.

#### **Standard of residential accommodation**

- 178 DM Policy 32 ‘Housing design, layout and space standards’ and Policy 3.5 ‘Quality and design of housing developments’ of the London Plan requires housing development to be of the highest quality internally, externally and in relation to their context. These

policies set out the requirements with regards to housing design, seeking to ensure the long-term sustainability of the new housing provision. Informed by the NPPF, the Mayors Housing SPG provides guidance on how to implement the housing policies in the London Plan. In particular, it provides detail on how to carry forward the Mayor's view that "providing good homes for Londoners is not just about numbers. The quality and design of homes, and the facilities provided for those living in them, are vital to ensuring good liveable neighbourhoods".

- 179 Policy D6 of the London Plan requires housing development to be of high quality design. To achieve this, dwellings should meet the minimum space standards set within Table 3.1 of the London Plan, provide private outdoor space, optimise dual aspect units, and ensure adequate ventilation, privacy, daylight and sunlight. Furthermore, Policy S4 requires development to provide at least 10sqm of playspace per child for major residential developments.
- 180 The proposed dwellings will continue to meet minimum space standards and all apartments will continue to benefit from floor to ceiling heights of 2.5m. Whilst the dwellings in Building B2 and B3 will continue to have private balconies or terraces in accordance with minimum standards, Building B1 will still primarily comprise dwellings without outdoor amenity space. This was considered an acceptable approach for the permitted scheme due to:
- 181 It results in a clean and elegant grid structure of the elevations without breaks for balconies, allowing for the strong rhythmic façade to rise up the building.
- 182 The location is in close proximity to the railway line and station and the exposure of the tower meant that any outdoor amenity would likely not be enjoyable by virtue of noise and wind.
- 183 The generous sized dwellings effectively incorporating the floor area of external amenity space within the units.
- 184 The above circumstances remain the case and, consequently are considered to still be acceptable for Building B1 to not have private external amenity space. However, a significant improvement as a result of the proposed amendments is the creation of an additional floor within the building envelope at Level 34 for communal amenity facilities. This floor is proposed to provide a library, yoga studio, lounge and games area.
- 185 As a result of this change, Building B1 will now benefit from 507sqm additional communal amenity space compared to what is currently permitted, with all access . Combined with the generous sized dwellings, the proposals will deliver high quality living for its residents. Building B2 would as a result of the changes have an enlarged internal communal amenity area. As consented access between blocks would be controlled for secured by design purposes, purposes relating to building management and service charge implications. The Skydeck would remain open to the public.
- 186 No single aspect north facing dwellings and 2 and 3 bedroom dwellings have been prioritised for achieving dual aspect.
- 187 There will continue to be a separation between the proposed Building B2 and B3 of 12.5m, limited only to the flank elevations. The separation distance between the southern elevation of B2 and the raised terracing of B1 continues to be 54m, which rises to 74m when measured to the main north western elevation. Windows are off set for primary habitable rooms and private amenity areas. These separation distances and relationships between buildings were found to be acceptable for the permitted scheme, and this should remain the case as they are not being amended as part of the S73 application.

- 188 The proposed development will also continue to provide circa 603sqm of formal and informal playspace across the Site, according with the minimum 10sqm per child requirement under London Plan policy and guidance. The GLA have raised no concerns relating to playspace provision.
- 189 The Applicant has confirmed that the internal daylight/sunlight performance is maintained in line with the consented scheme. A report was prepared by EB7 in support of the original planning permission in 2017. It detailed how the completed scheme would have 98% of rooms meeting daylight ADF criteria and that rooms which do not meet the target are limited to self-shading from balconies or their position at the lower floor of the buildings. For sunlight 87% of units were shown to meet the BRE guidance, where, again, the shortfalls were located due to positioning of balconies and at the lower levels of buildings.
- 190 This level of daylight and sunlight was considered acceptable, particularly in the context of a town centre, urban scheme. The general layout of the proposed dwellings remain broadly as consented, with minor amendments that increase the size of bedrooms and reduce the depths of some of the living areas / kitchens, which will not materially impact on their daylight/sunlight performance.
- 191 Overall, it is considered that the proposed development will continue to achieve a high quality standard of living that is further enhanced by the proposed additional internal ancillary amenity space for its residents. The proposals, therefore, comply with planning policy.
- Privacy and overlooking between proposed units.*
- 192 There would be a separation between the proposed Buildings B2 and B3 of 12.5m, limited only to the flank elevations. There is a separation distance of 54m between the southern elevation of B2 and the raised terracing of B1 which rises to 74m when measured to the main north western elevation. The proposed design has sought to offset the windows of primary habitable rooms and private amenity areas of adjoining residential properties and officers consider all inter-relationships to be acceptable.
- Acoustic Comfort and Air Quality.*
- 193 Chapter 9 and 10 of the original ES assesses the likely significant environmental effects of the proposed development with regard to Noise and Vibration and Air quality. A noise survey details a relatively consistent ambient noise level through both daytime and night time associated with the adjacent DLR and national railway lines that pass the southern boundary of the site.
- 194 The ES finds that required internal acoustic comfort levels would be achieved meeting BS8233 standards through the introduction of three specific glazing conditions, depending on location and exposure to external noise sources. It is recommended that given the need for a high level of sound reduction, details of the proposed acoustic insulation be required by way of a standard condition.
- 195 An assessment of the proposed fixed plant has confirmed that all proposed plant would meet the Council's normal requirements. Officers recommend the imposition of the Council's standard fixed plant noise condition, should the application be approved.
- 196 Whilst the site is located within an Air Quality Management Area, the proposed development would be mechanically ventilated using air drawn from areas away from heavily trafficked main roads which are sources of pollution. The submitted Acoustic and Air Quality Report has been reviewed by the Council's Environmental Health Officer and ES consultant, who have not raised any objections to the proposed development.

*Wind and Microclimate.*

- 197 Chapter 15 of the ES details that a Boundary Wind Tunnel Assessment (BWTA) has been carried out to predict and analyse the wind environment at the site, following development and identify required mitigation. The assessment identifies that balconies would be of a comfortable environment. In areas where mitigation is require, there are higher balustrades and strategic positioning of planers at roof top level, the detail of which has been detailed within the application submission.

Accessible housing.

- 198 Standards for wheelchair accessible housing are covered by Part M of the Building Regulations. Part M is divided into three categories; M4(1) 'visitable dwellings', M4(2) 'accessible and adaptable dwellings' and M4(3) 'wheelchair user dwellings'. Policy 3.8 of the London Plan required that 90 per cent of new build homes in London should meet M4(2) with the remaining 10 percent meeting M4(3). This means that 100 per cent of new build homes should be accessible.
- 199 Core Strategy Policy 1 requires major schemes to provide 10% of all units and each tenure type to be constructed as accessible. Development Management Policy 32 states that the Council will require new build housing to be designed to ensure that internal layout and external design features provides housing that is accessible to all intended users.
- 200 The development has been designed to comply with Part M of the Building Regulations and Section 10 of the accompanying Design and Assess Statement outlines the proposed development has been designed to meet the required regulations both in terms of access to and movement within the proposed buildings and in regard to the internal layout of the proposed units. In this regard, 10% of the proposed residential units would meet the required Part M4(3) of Building Regulations while all other units would meet the Part M4(2) of the Building Regulations. These units would be located in Building B2 and B3. No wheelchair units would be provided in Building B1 due to the spatial constraints on this site, and distance from any car parking provision. Officers consider this approach to be acceptable given it is not possible to provide car parking on the island site without significant detriment to the landscaping proposals or conflict between pedestrians.
- 201 All wheelchair units would have level access to the dedicated car parking spaces within the basement of Building B2.
- 202 All units across the development would meet Building Regulations M4(2) with 10% being built to standard M4(3). The wheelchair units have already been secured in the S.106 to ensure that the Social and Affordable Rent wheelchair units are to be fitted out (subject to need demonstrated by Council waiting list).
- 203 Overall, the proposed standards of accommodation, including the private amenity space proposed for each of the units (with the exception of majority of building B1) proposed are considered to be acceptable for the reasons set out above. The amount and standard of residential accommodation to be provided is considered to be appropriate for this town, albeit edge of, centre location.

*Communal Amenity Space.*

- 204 Standard 4 of the Housing SPG states that, where communal open space is provided, development proposals should demonstrate that the space:
- is overlooked by surrounding development;

is accessible to disabled people including people who require level access and wheelchair users;

is designed to take advantage of direct sunlight; has suitable management arrangements in place.

205 A shared amenity area would be provided on the external deck at B1 and the fourth floor of B2. This is in addition to the 784 sqm of ground floor level soft landscape grass/lawned areas including a large dedicated playspace between the development and the Adana Building and Hester House.

206 The ES outlines an assessment of sunlight. In relation to solar access full sun path details have been provided to detail the extent of sunlight, in terms of hours, for the roof-top communal areas and details that the proposed amenity areas would provide year long, high quality, useable spaces. Officers consider this design approach to provide good quality communal amenity spaces which would augment the private amenity spaces proposed for each unit would further provide improve the overall residential amenity of the development.

### **7.3 URBAN DESIGN**

#### Scale (Massing and Height)

207 Policy LTC19 (Tall buildings) in the LTCLP states that Applicants will need to comply with Core Strategy Policy 18 and then satisfy the specific requirements of Policy LTC19. Policy 18 of the Core Strategy Core Strategy relates to the location and design of tall buildings and identifies Lewisham Town Centre as an appropriate location for tall buildings. The policy also states that tall buildings will be considered inappropriate where they would cause harm to the identified qualities of the local character, heritage assets, landscape and open space features of amongst other designations the World Heritage Site of Maritime Greenwich including its setting and Buffer Zone, the setting of the World Heritage Site and it's Buffer Zone; conservation areas and their settings, and local views and landmarks. Tall buildings will need to be of the highest design quality.

208 The site is identified in the Lewisham Tall Buildings Study. This states that Lewisham Town Centre is not overly sensitive in terms of open space other than Cornmill Gardens, but that amenity around the pedestrianised high street and market should be enhanced, and that the impact of tall buildings on the River Ravensbourne should be taken into consideration when considering the location of tall buildings.

209 In terms of the location of tall buildings the Study notes that tall and bulky buildings forms including Citibank Tower already exist in Lewisham and therefore new tall building developments will not be an unfamiliar urban form in the local context. In terms of the sensitivity of the town centre for tall buildings the Study identifies the northern part of the town centre as being broadly appropriate for tall buildings in principle. The appeal decision granting the 34 storey tower, and Blocks B2 and B3, found the development to be acceptable in height and impacts.

#### *Building B1*

210 The proposed minor material amendments would retain the tower and the consented regular square footprint (with the exception of the projecting amenity terrace) measuring 24m x 24m. In refining the proposed footprint and height,

211 The applicant has prepared an extensive townscape analysis, submitted as part of a Townscape and Visual Impact Assessment (TVIA) which accompanied the ES. Key

views have been fully updated, as scoped by officers. The TVIA and the ES have been updated to reflect the changes.

- 212 The TVIA (and updates) considers the application proposal from 25 view points which were agreed with officers during the application scope. The views have been selected to represent a wide representation of North, East, south and West from urban town centres, conservation areas, listed building settings, open parkland and also neighbouring boroughs namely Royal Borough of Greenwich and London Borough of Tower Hamlets)
- Shooters Hill Road (RBG)
- Shooters hill Road (junction with General Wolfe road) Goffers Road
- Queens House, Royal Greenwich Park (RBG) Island Gardens (LBTH)
- Mountsfield Park
- Blythe Hill Fields Lewisham Hill at Eliot Hill
- Ladywell Road at station exit Algernon Road
- Hilly Fields
- Molesworth St at Lewisham Centre Cornmill Gardens from Ravensbourne River
- Brookbank Road
- Sandrock Road
- St Johns Station (bridge) Coldbath Street at Beck Close
- Lewisham Road at Crossing before Conington Road Thurston Road at Jerrard St junction
- Lewisham DLR station approach Lewisham High Street (near Tower House) Granville Road at Lewisham Road junction Granville Park
- 213 The original TVIA states that in accordance with Policy LTC19 of the Local Plan, detailed modelling has informed the appropriate building height in relation to scale and massing. The assessment details the impact of the development during site preparation and construction through to completion.
- 214 During site preparation and construction the TVIA states that site hoardings, construction movement and tower cranes as typical with a construction site would have a temporary nature on the skyline but are a necessary output from redevelopment. With the development completed the building has been designed to be slender in profile (due to the square footprint which appears equal from every angle) with the recessed upper floors contributing to the buildings elegant and slender composition. Across longer views the development would form part of the Lewisham Town Centre skyline, in an area 'appropriate' for tall buildings, it would clearly mark Lewisham Station.
- 215 Officers consider the TVIA update to be comprehensive and provide a robust analysis of the buildings skyline impact from not only within the borough but further afield including Royal Borough of Greenwich and London Borough of Tower Hamlets.
- 216 The proposed amendments would result in a minor reduction in the total height of B1. Consequently the TVIA impacts previously considered as being acceptable are not

substantially altered as a result of this Section 73 application and is therefore afforded substantial weight within the context of this application.

### *Building B2*

- 217 This block is located on the main car park site and aligns with the DLR tracks to the south. This rises up to 14 storeys as a maximum to the south. The massing of this block rises to become a marker building for what is the end point of an urban block (encompassing B2 and B3, but also the wider Silvermills and Silk Works developments), referencing the taller buildings which enclose the railway station and town centre but being of a definite mid-rise form which is typical to secondary routes in the town centre, such as Thurston Road.
- 218 The 14 storey projection is limited to the southern block of the building which decreases to 4 storeys and rising between 6 and 9 storeys towards the rear. At 14 storeys, this block as a maximum still constitutes a 'tall building'.
- 219 A reduction in height is proposed. The impacts previously assessed are therefore not substantially changed beyond the extant permission.

### *Building B3*

- 220 This building is located on the hoarded site within the car park and would present a frontage onto Conington Road to the north. This is the smallest building, rising from 3 storeys at the north adjacent to Hester House and rising to 8 storeys at the south by the Silks Mills Path. The height of this block is comparable to that of the existing Conington Road developments and is unobjectionable, marking a mid-scale of development. The reduction in scale at this end of the site marking the end of the site allocation and start of the more established residential areas north and west of Lewisham Town Centre.
- 221 Only a reduction in height is proposed. The impacts previously assessed are therefore not substantially changed beyond the extant permission.

### *Conclusions*

- 222 The application site sits within the Conington Road policy area and the immediate context of the site is one of change, with several large mixed-use, residential led developments emerging in recent times. The Core Strategy notes that, subject to meeting the criteria set out in Policy CS18, the site is appropriate for the location of tall buildings to mark the scope and scale of regeneration envisaged. Policy CS18 and the London Plan also note that tall buildings need to be of the highest design quality.
- 223 The proposals minor material amendments would not weaken the consented, extant development. With a tall building positioned well within the cluster of high rise development around the highly connected transport hub. The building would still be read as an individual piece of architecture through its square footprint and elegant form but remain legible as part of a wider group of tall buildings which define the this part of Lewisham Town Centre.
- 224 Buildings B2 and B3 are situated toward the rest and mark a mid-rise scale of development peaking in height along the Silk Mills Path, and decreasing toward existing neighbouring residential development.
- 225 The Environmental Statement (ES) and the updated ES addendum includes a Townscape and Visual Impact Assessment which assesses medium and long-range views of the proposed development. The location of these views was agreed by officers and are consistent with the viewpoints used to assess the impact of the existing tall

buildings situated within the town centre. The assessment took account of the current and emerging townscape of Lewisham Town Centre including Thurston Point, Lewisham Renaissance and approved Lewisham Gateway proposals. Overall the assessment finds that the proposed development, once completed would have a positive benefit to views and the townscape character of Lewisham Town Centre, and highlights its significance as a Major Centre with Metropolitan aspiration. Officers agree with this assessment.

226 As outlined above, the scheme has been reviewed once by the LDRP and twice originally and retains legally secured Design Champions. Officers consider that the applicant has successfully addressed LDRP comments and that the scheme would retain the high design quality proposed from the original application, as set out above, in this instance given the design assurances and long term quality control a departure from the SCI is considered appropriate.

227 Lewisham Officers and the LDRP remain support the scale, massing and height of the proposals which is considered to be convincing and well considered for the site.

*Appearance and architectural design*

228 Policy D3 of the London Plan seeks for development proposals to be of high quality and to contribute to the local character. Policy D9 of the London Plan seeks for tall buildings in particularly to have architectural quality and materials of an exemplary standard to ensure that the appearance and architectural integrity of the building is maintained through its lifespan.

229 Policy D4 of the London Plan also seeks for development proposals to be thoroughly scrutinised by design and conservation officers and experts, including potentially through a design review process where appropriate.

230 The NPPF seeks development to be visually attractive as a result of good architecture and appropriate landscaping. This is to be strengthened in the emerging draft updated

231 NPPF, which will seek to integrate the Government's vision to ensure developments are 'building beautiful'.

232 Paragraph 166 of the Inspector's Report (Appendix 2) for the extant scheme states that "the scheme would be constructed of high quality materials and would contribute positively to the character and appearance of the emerging Lewisham Town Centre". This was agreed by the Secretary of State in his decision in which he states "the scheme would contribute positively to the character and appearance of the emerging Lewisham Town Centre and affords this moderate weight in favour of the proposal", furthermore, "the quality of the building both as a piece of architecture and as a response to context is simply not in doubt".

233 The submitted Design and Access Addendum provided in support of this S73 application details the nature of the changes to the architectural or material treatment of each of the buildings. In terms of Building 1, these changes are primarily proposed in order to incorporate the additional level of residential amenity space within the building envelope at level 34.

234 The changes would maintain the quality of design, approach and materials so that the overall end result is still of a slender, elegant and gridded tower. The proposed amendments have been informed by pre-application engagement and the Lewisham Design Review Panel, in accordance with the London Plan. Updated verified views have been re-taken and the HTVIA Addendum prepared to ensure no further or different impact to that found for the original Environmental Statement.

- 235 The proportions of the building would be maintained, despite the reduction in height and provision of an additional storey. The Applicant has ensured that the proportions of the crown of B1, the grid and fenestration are not diminished, with these vital elements remaining true to the original design approach.
- 236 Overall Officers consider these changes minor and with the review of additional information, including verified views and CGIs that these changes would be inconsequential.
- 237 Comments provided by Architecture Champions (EPR) confirm that in their opinion, and subject to the review of on-site materials the proposed changes do not unacceptably impact on the original consented design approach. Urban Design Officers have not raised concerns, subject to the review of on-site material samples on site. This would be conditioned, with full review by Officers, urban Design Officers and the Design Champion.
- 238 In conclusion, it is found that the proposed development continues to achieve a scheme of high architectural quality and materiality in accordance with planning policy and are, therefore, acceptable.

#### Public realm and landscaping including River Ravensbourne

- 239 The proposed strategy responds to the Silk Mills Path element within the application site, reinstating this key pedestrian and cycling route and seeks to establish a sense of place through creation of public links, playable landscape and public squares.

#### Hard landscaping and street furniture

- 240 Works to the public realm are proposed across both the island site and car park site, each taking a corresponding but alternative character marking their different locations. The island site would provide a new public square, the details submitted showing this laid in linear limestone planks in a silver, mid grey and graphite finish. The Silk Mills Path extending across the main car park would be concrete linear planks in blue and mid grey and silvers. The maintenance accesses (service road to B2 and B1) would be finished in a concrete sett with a natural charcoal colour. The Design and Access Statement provides contextual images, paving sizes and potential suppliers of each material. Final material samples would need to be secured by condition, however, the details submitted and precedent images are of a very high quality and provide suitable assurance as to the landscape concepts durability and robustness as a key route and connection in the north of the Town Centre.
- 241 Street furniture would be provided including raised sculptural planters in Silk Square of varying heights and widths adding a sculptural dimension to the landscape.
- 242 The details provided are considered sufficient in demonstrating a high standard of design for significant areas of hard landscaped public realm which would represent a significant improvement over the existing tarmac surface car parks.

#### Soft landscaping and tree planting

- 243 As detailed above, the applicant has developed a landscape proposal based around a key series of public routes, namely the Silk Mills Path in order to establish three key areas of landscaping which would connect site with the existing Conington Road developments and further formal links cross the town centre. Soft landscaping including lawn, shrub and planted areas would be provided amongst in addition to a significant amount of public realm across the site. Officers consider the soft and hard landscaping combined make a significant positive contribution towards the town centre.

*Island Site/ Silk Square*

- 244 A large public square is proposed outside of Building B1 on the island site, which the applicant refers to as Silk Square. Reached via the existing site accesses, this is a large multi-functional square, including children's play space, piazza and landscaped forecourt for the two storey commercial unit which the plans identify as being in café use with external seating. Soft landscaping and tree planting lines much of the edge of the site and directs pedestrians towards the river edge walk of the island site.
- 245 This is a pedestrian only space, though in the event of emergency vehicles or station maintenance vehicles could gain access. The access road which extends behind the tower is closed off by a large set of gates. These are recessed well behind the façade of the tower and although large, would be discreet in appearance given the location. Further details of the gates final design is to be secured by condition.
- 246 For clarity the Public Square and site generally (aside from the island site rear access road) is entirely open access for pedestrians 24 hours a day, the limited enclosure of the island site access road is to avoid vehicles entering the public square and to direct pedestrians and cyclists to the landscape river edge rather than DLR easement. This approach is strongly supported in providing open and accessible places and communities.
- 247 The public square has been designed to allow for a new northern station entrance into Lewisham Station (platform 4) the commercial units entrance fronting the square and position of the cycle spaces externally are centred around creating a new approach. Whilst the delivery of the station entrance itself would be outside of the applicant's control (this would need to be delivered by Network Rail) a contribution of £469,600 which has been agreed with Network Rail would allow this to take place in the future, once other immediate station works are completed. In addition an S106 agreement would need to be secured to secure 24 hour open and un gated public access across the site.
- 248 Aside from the public square which is the dominant landscape feature, the island site includes a pedestrian walk along the river edge which lead towards a secondary soft landscape area which the applicant refers to as 'island gardens'. In this location the pedestrian path is flanked by level soft landscaping leading towards the river and to the south by a continuous seating bench which is integral to a terraced form with grass mounds, tree planting which extend around the raised amenity deck of the tower. These would provide passers-by with elevated views across the site and the river. The stepped landscape rises from the edge of the island site, increasing in height towards the tower, and appears as an elegant landscape form which directs passers-by towards the public square. The raised terraced seating and grass mounds have the additional benefit of screening the DLR easement and access road which extends around the southern boundary of the island site.
- 249 Officers consider the wider layout and landscaping of the island site and the square to be of a very high standard of design and contribute to the exemplary architecture proposed. The proposed minor changes will maintain this consented approach.
- 250 Officers note the objection from Urban Design Officers but confirm that there is no reduction to the landscape quality, amount of soft landscaping or principles agreed and consented as part of the extant permission.
- 251 The ramp to the first floor roof terrace at building B2 is proposed to accommodate a change in land levels. Whilst this change is regrettable the Applicant has confirmed that this change is required to address the land level changes which were not fully accounted for as part of the consented scheme. Officers consider, on balance, that this alteration is acceptable, maintaining step-free, open and legible access to this amenity space.

Access from B2 would remain unchanged and thus this area of important outdoor amenity space will remain widely accessible and attractive to residents.

- 252 All matters relating to landscape specification for both hard and soft landscaping will be reserved by condition. This will be reviewed by urban design and planning officers, including the Landscape Design Champion. Only specifications and details which are of high quality specification, visual appearance and durability in line with the original consent will be permitted. .

*Silk Mills Path and main car park*

- 253 The river edge path which extends from the island site into the main car park is the Silk Mills Path, at this junction of the site it opens up into a wider area of soft landscaping referred to as Conington Green. This includes seating, contoured landscaping with grassed mounds and stepped terraces and tree planting. Hard surfaces allow for a forecourt outside the affordable commercial units at the base of B2 which meet areas of lawn designed for incidental play.
- 254 The main area of playable landscaping would be provided between B2 and B3 and the Adana Building and Hester House developments, divided by Silk Mills Path. This would be formed by contoured grass mounds with trees and area for play equipment. The Design and Access statement indicates that play equipment would be sculptural and interactive, comprising sculpture, seating and more traditional play equipment. Officers consider the provision to be high quality and would allow for safe, secure and importantly fun play space for children, and that final details of the play fittings and their maintenance are secured by condition.
- 255 No trees outside of the application site are to be affected by the proposals. Only trees previously agreed as part of the extant permission will be removed. No reduction in soft landscaping or planting is proposed beyond the consented scheme.
- 256 Officers consider that the proposed layout fully accords with good urban design principles. The active frontages ensure that all elevations would be attractive, safe to use and practical and reinforce the developments exemplary design nature.
- 257 Officers note the objection from Urban Design Officers and make it clear that no trees or landscaping areas previously proposed or retained are being lost as a result of these proposals. All existing trees which are to be removed have been agreed in line with the extant permission and approval of details application 'DC/21/119850'.

*River Ravensbourne*

- 258 The River Corridor Improvement Plan SPD states in Policy 1 that 'for all new development, the Council will require an integrated approach where land and river uses are considered together'. This policy supports Core Strategy Policy 11 'Rivers and Waterways Network' and in particular the aspiration to put the river back at the heart of Lewisham's developments and open spaces. An integrated approach is where the development delivers multiple benefits and enhances the use, enjoyment and setting of the river.
- 259 Policy 2 of the RCIP SPD states that 'for all new development the Council will require consideration of the opportunities for:

*Full river restoration*

*Partial restoration, where it can be demonstrated that full river restoration is not possible; and*

*In-channel enhancements or other appropriate measures, where it can be demonstrated that full and partial river restoration are not possible.*

260 The original obligations and design for the partial naturalisation proposals are maintained and would be carried forward via planning condition and Section 106 agreement. These changes would significantly enhance the river's edge by providing an enhanced experience for Silk Mills Path users, ecological enhancement, access to the water's edge and storm water storage capacity and the outline scheme was accepted by the Environment Agency. This option would retain the existing concrete river bed (but with new planting and gravels at the base) with a reduction to the walls either side by 1500mm and creation of a series of tiered planted landscape beds to create a two stage river channel with pools, marginal and wetland planting with complete pedestrian access into the river with steps and viewing platforms.

261 The proposed minor material amendments will not change the consented river restoration works. All associated planning obligations and requirements would remain.

262 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

### **7.3.1 Impact on Heritage Assets**

263 Section 66 Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on local planning authorities when considering whether to grant planning permission for development which affects a listed building or its setting. In such cases, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Similarly, Section 72 of the Act requires that local planning authorities pay special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. 'Preserving' in the context of the statutory duty means doing no harm.

264 The NPPF states that preserving and enhancing the historic environment is one of the core principles of sustainable development. Policy HC1 of the London Plan similarly requires development proposals to conserve the significance of heritage assets. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.

265 Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment, DMLP 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) and DMLP Policy 37 (Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest) require designated and non-designated heritage assets and Conservation areas and their settings to be protected, preserved and/or enhanced through new development and changes of use.

266 The NPPF gives guidance on the approach when considering the impact of proposals on heritage assets. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given the asset's conservation. The more important the asset, the greater the weight should be. Paragraph 201 advises that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Paragraph 203 of the NPPF requires that 'The effect of an application on the significance of a non-designated heritage asset should be taken into

account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’.

- 267 The application site does not lie within a conservation area or archaeological priority area (APA), although there is an APA (APA 6 - Lewisham and Catford/Rushey Green) in close proximity. The previously approved Archaeological Desk-Based Assessment details that this designation is due to medieval settlements that developed next to the Ravensbourne River. Historic England at the time reviewed the accompanying Archaeological Desk-Based Assessment. As part of this application Historic England have confirmed that there are no objections to the proposed minor material changes.
- 268 Volume 3 of the originally submitted Environmental Statement included a Built Heritage, Townscape and Visual Impact Assessment (prepared by Montagu Evans, 2017), which found that there would be neutral effect on the surrounding heritage assets. Furthermore, Historic England did not raise any objections to the proposed development.
- 269 For the appeal decision, Paragraph 157 of the Inspector’s Report concluded “on heritage matters that the effect of the appeal scheme would be insignificant”. In reaching this conclusion, the Inspector gave consideration to the Maritime Greenwich World Heritage Site, nine surrounding conservation areas, groups of listed buildings between 300 metres and 1km from the site in Blackheath and St Johns and the undesignated Eagle House.
- 270 In terms of views from conservation areas, it was considered that “in all cases, views of the appeal buildings would be fleeting or seen in the context of the much larger group of tall buildings. Where views contribute to heritage significance such as on Blackheath or from Hilly Fields in Brockley, the tower would add interest and form to an already established cluster, aided by the proposed banded façade treatment. The effect would be neutral or slightly positive”.
- 271 In terms of the listed buildings it was considered that “in all cases, for reasons of distance, line of sight, orientation or association with existing tall buildings, the appeal development would have an insignificant effect on their heritage significance. Where streets do provide vistas towards the site there would be a greater magnitude of effect but the tower would serve to mark the town centre and would not prevent appreciation of the architectural qualities of the conservation area in which they lie”.
- 272 The Secretary of State agreed with the Inspector that the effect of the appeal scheme on the range of heritage assets considered would be insignificant. He nonetheless, for the purposes of robustness, gave consideration to paragraph 196 of the NPPF. In so doing, he concluded that positive weighting should be given to the provision of market and affordable housing, and the positive contribution the scheme would make to the character and appearance of the emerging Lewisham Town centre. These attributes outweighed any potential less than substantial harm to heritage assets.
- 273 The proposed changes to the permitted scheme do not change the form, footprint or location of the buildings and the building heights are marginally reduced to varying degrees across the three buildings. The elevations have been revised to reflect a change in floor to floor heights and the creation of an additional level in the tower. As such, the level of visibility is not impacted by the amendments, and a refined tower design approach, formed of a primary grid formation has been retained. Combined with the public benefits still remaining as originally permitted, it is considered that the conclusions formed by the Inspector and Secretary of State remain intact, and the proposals are therefore acceptable in terms of built heritage effects.

- 274 This conclusion is further supported by the submitted AS Addendum Technical Annex 3: Townscape, Visual and Heritage Setting Effects (prepared by Montagu Evans), which finds that the proposed amendments to the permitted scheme do not give rise to materially different findings from the original HTVIA, and as such are acceptable.
- 275 Officers have considered the Council's duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of listed buildings and concluded that the effect of the proposed development on surrounding buildings and conservation areas would be neutral and their setting would be preserved. Accordingly, mitigation is not required.
- 276 In light of the above, officers consider that, the setting of both the designated and non-designated heritage assets, would be sufficiently preserved. Officers also attribute significant weight to the presence of an extant permission, for a materially similar development which has commenced. The proposals would optimise the site, providing an appropriate dwelling mix and tenure split with a high-quality standard of residential accommodation provided for all potential future occupiers providing a substantial number of high-quality new homes within the Borough, commercial floor space, river restoration, landscape and public realm benefits.
- 277 These material public benefits are afforded substantial weight by Officers. As identified by the Inspector the less than substantial harm associated with the original permission remains weighed against public benefits in accordance with Paragraph 199 of the NPPF.

## **7.4 TRANSPORT IMPACT**

### *General policy*

- 278 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 279 LTCLP Policy 21 outlines the Council's aim to improve sustainable transport access within Lewisham Town Centre. London Plan Policy T2 seeks for development proposals to deliver patterns of land use that facilitate residents making shorter, regular trips by walking and cycling. As such, proposals should accord with Healthy Streets Indicators, reduce the dominance of vehicles and be permeable by foot and cycle.
- 280 London Plan Policy T3 seeks for development proposals to support capacity, connectivity and other improvements to the public transport network.
- 281 London Plan Policy T4 seeks for development proposals to reflect and be integrated with current and planning transport access, capacity and connectivity.
- 282 The site still benefits from an excellent PTAL and central location with access to public transport, jobs, amenities and facilities readily available by walking, cycling and public transport in accordance with Healthy Streets. The vehicular access is still to be from Conington Road as currently approved. The proposed scheme remains as per the approved design in improving pedestrian experiences when transitioning across the Site through the extension and formalisation of the Silk Mills Path. The public realm is still designed to be car free with minimal vehicle access.
- 283 The extant planning permission was supported by a Transport Assessment, a Construction Logistics Plan, a Delivery and Servicing Management Plan, an Interim

Retail Travel Plan and an Interim Residential Travel Plan, all of which were independently assessed by Steer Davies Gleave on behalf of the Council in 2017.

- 284 Under condition 14 (Travel Plan) final versions of these documents are to be submitted and approved and it is proposed this condition is replicated should S73 permission be granted. The final and Construction Logistics Plan has already been approved under the discharge of Condition 4 (Construction Management Plan) on 5th May 2021 under DC/21/119851.
- 285 The original Transport Assessment found that vehicle trips on the surrounding road network would reduce given the previous use was as a car park and the proposals were for a car free scheme (other than disabled parking bays). However, the proposed development was anticipated to generally increase usage of public transport, particularly in regard to Lewisham Station, the DLR Station and local buses. As such, a financial contribution was agreed and set within the S106 Agreement (as amended via the 2020 Deed of Variation) for £469,600 towards improvements to Lewisham Station.
- 286 The submitted ES Addendum states that the changes would have no material impact in terms of proposed parking or access arrangements. Whilst background traffic may have changed since the original Transport Assessment was undertaken, the effects are likely to remain within the tolerances of the network as previously reported. Furthermore, due to Covid restrictions, current traffic levels are likely to be artificially low, and therefore the flows used in the original Transport Assessment are likely to remain robust. TfL and LBL Highways have not objected to the proposals on this basis.
- 287 In terms of impact to public transport, this is also considered to be consistent with the impacts found within the original Transport Assessment, with the potential for it to be reduced given the likely long-term evolution for more update of working from home that the Covid-19 pandemic has generated. Notwithstanding this, the S106 contribution for improvements to Lewisham Station will be retained.
- 288 It is, therefore, considered that in the context of the extant planning permission, the proposed amendments to the scheme do not create transport impact implications and continue to be acceptable and in accordance with planning policy.

#### *Car Parking*

- 289 Core Strategy policy CS14 states that the car parking standards contained within the London Plan will be used as a basis for assessment, but nonetheless that there should be a managed and restrained approach to car parking provision.
- 290 Policy T6 of the London Plan seeks to restrict car parking to reflect levels of existing and future public transport accessibility and connectivity. As such, car-free development is stated as being the appropriate starting point for all well-connected sites.
- 291 In terms of disabled parking, Policy T6.1 seeks for developments to ensure 3% of dwellings have a disabled persons parking bay and demonstrate how an additional 7% provision can be made in the future if need requires it.
- 292 The extant planning permission entails a car free development, with the exception of 9 blue badge parking spaces located in the basement of building B2. This did not accord with local planning policy at the time permission was granted, which was for 1 space per accessible dwelling meaning a requirement for 37 spaces.
- 293 The reduced provision was found to be acceptable by officers due to the constraints of the Site and its excellent access to public transport.

294 The site does not form part of the Bakerloo Line Extension Safeguarding route.

*Cycle Parking*

295 The applicant is proposing to provide cycle parking in accordance with the London Plan, although as discussed below, minor changes are needed to accommodate adaptable bicycles. These can be dealt with by condition. The applicant proposes to enhance the Silk Mills Path by providing a clear and legible landscaped route which extends across both ends of the site. The layout and access to all cycle storage would remain as consented.

296 In summary, officers consider that the amount of residential accessible car parking and an otherwise car free scheme proposed accords with Core Strategy Policy 14 by restricting unnecessary vehicle trips.

297 Car permit restrictions. It is recommended that a planning obligation would remain to ensure that residential occupiers of the scheme (with the exception of disabled drivers) would not be eligible to apply for on-street parking permits. This restriction is common to major new developments within the Borough within existing/potential controlled parking zones and is considered appropriate in view of the high PTAL of the development and the need to protect the amenity of existing residents who need to park on-street. The restriction is also supported by TfL, as it would reduce traffic generated by the application scheme. It is recommended that requirement remains in the varied S106 Agreement.

298 Car Club Membership. A Zipcar car club operates throughout the Borough with a mixture of on-street and off-street parking spaces provided. The Applicant is willing to pay car club membership for 3 years for the first occupiers of all the residential units. In addition, based upon anticipated demand, officers consider it would be appropriate for the Applicant to pay for the costs of providing 2 on-street car club bays in the vicinity of the scheme. It is recommended that these measures are secured as part of a revised S106 agreement.

299 Servicing. London Plan Policy T7 requires development proposals to facilitate safe, clean and efficient deliveries and servicing. Provision of adequate space for servicing, storage and deliveries should be made off-street and Delivery and Servicing Plans will be required.

300 The proposed amendments do not impact upon the approved servicing arrangement as detailed in the originally submitted Delivery and Service Plan. The proposed development still includes a service road across the island element of the Site, which extends behind Building 1 where the refuse store / plant room is located. Both Buildings 2 and 3 have refuse stores located at the rear of the building where they adjoin the highway. The overall strategy is reliance on adequate management of the buildings and site, which will be better achieved as the build-to-rent scheme.

301 A final Delivery and Service Plan will need to be submitted and approved via condition. This remains a requirement of the agreed S106 Agreement.

302 Officers are satisfied with the revised servicing proposals for the site, but acknowledge that this is reliant on management of the buildings and site (managed developments are not uncommon on large dense town centre schemes) and therefore such a management strategy is to be secured by s106 legal agreement including details to keep service charges to a minimum for residents. Any deviation or amendment from the service strategy would need to be approved by the Council.

- 303 Public transport impact. Concerns have been raised by local people about overcrowding on rail services at Lewisham station.
- 304 The development is anticipated to generally increase usage of public transport (rail, buses and DLR). Although public transport loadings as a result of this development and unbuilt committed developments would increase at peak times, officers consider that these could be accommodated by the planned significant public transport enhancements in Lewisham town centre.
- 305 It is noted that the proposals would not result in an increase in homes or commercial floorspace beyond that previously consented and thus there would be no greater impact beyond that considered acceptable.
- 306 A planning condition requires 'before and after' tests of DLR radio signal strength and the provision of any necessary boosters.
- 307 The Council is also seeking to improve the environment at Lewisham station, reduce congestion and potentially provide new western and northern accesses to improve the station catchment. Officers are satisfied that the development of this site, particularly the island site would not prejudice any future station development opportunities.
- 308 The original ES also reports on the likely significant cumulative impacts of unbuilt but committed developments in the town centre upon the public transport network and finds these to be acceptable. In this case, the site would generate additional trips onto public transport namely Lewisham Station, DLR Station and local buses. The applicant however, has proposed a financial contribution of £469,600 towards improvements at Lewisham Station where Network Rail would use these funds towards improvements including capacity upgrades the re-opening up of Platform 4 onto the island site. This would significantly improve public transport access north of the Railway Station not just for residents of the development, but existing residents and visitors at this part of Lewisham and towards Blackheath.
- 309 Travel planning. London Plan Policy T4 makes clear that impacts on transport capacity and the network must be fully assessed and that, amongst other things, workplace and residential travel plans should be provided in support of significant applications. The application is supported by satisfactory interim retail/commercial and residential travel plans.
- 310 The construction phase. The London Plan 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.
- 311 The original ES noted that the expected increase in vehicles on the highway, particularly larger vehicles and HGVs, may result in disturbance to other highway users and cause safety concerns. Mitigation is identified as being a Construction Logistics Plan (CLP) and the use of 'Banksmen' to ensure highway safety etc. and wheel washing. Construction has commenced and all construction is being undertaken in accordance with the Construction Environmental Management Plan (CEMP) approved for the discharge Condition 4 (Construction Management Plan) on 5th May 2021 under DC/21/119851. A condition requiring continued compliance with the CEMP is recommended.
- 312 A planning obligation that requires developers of this site to take part within a Lewisham Construction Forum, which will seek to manage and coordinate construction impacts and activities across Lewisham Town Centre will remain unchanged.

## 7.5 LIVING CONDITIONS OF NEIGHBOURS

313 DMLP Policy 32 (Housing design, layout and space standards) requires new schemes to “provide a satisfactory level of privacy, outlook and natural lighting both for its future residents and its neighbours.” The Council’s Residential Standards (updated 2012) also require developments to be neighbourly and sets out relevant guidance.

314 Construction Phase. The ES reports on an assessment of likely significant environmental effects during the construction phase and identifies adverse effects in relation to, amongst other things, traffic, noise and air quality. These would be mitigated as far as reasonably practicable by a Construction Environment Management Plan, which has been secured by condition.

### **Daylight, Sunlight and Overshadowing**

315 The original assessment of daylight and sunlight was 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.

316 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.

317 This site is located within an urban area and a Major Town Centre, appropriate for high density development. Whilst there are some low and medium rise developments in the area north of Conington Road, 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.

318 Furthermore, some properties that currently enjoy a higher than average level of daylight/sunlight because they are located close to an open car park and hoarded site, with an unusually open aspect for a town centre environment, will experience a change in the level of daylight/sunlight received when allocated 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.

319 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).

320 Whereas VSC assessments are influenced by the size of obstruction, ADF is more influenced by the room area, the area of room surfaces, the reflectance of room surfaces and the transmittance of the glazing with the size of the obstruction being a smaller influence. 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. In this case, the relevant tests are essentially whether less than 0.8 times the existing level of daylight and sunlight is retained within a room and whether more than half of any one garden space is over shadowed.

- 321 The applicant has also used 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 'working plane' within a room. In houses a 'working plane' means the horizontal desktop plane at 0.85m high. The NSC divides those areas of the working plane in a room which received direct sky line through the windows from those areas which cannot. BRE guidelines do not state what quantifies the working plane, i.e. the percentage of a working area with light access, so the applicant has assumed a 50% guideline for testing.
- 322 Chapter 16 of the original Environmental Statement outlines an assessment of issues relating to daylight and sunlight, including overshadowing. It was found that reductions of daylight levels would be most noticeable at Adana Building and Hester House, but given the separation distances and self-limiting nature of those existing developments, no further mitigation was considered necessary.
- 323 In the Secretary of State decision and Inspector's Report, it is concluded that while there would be some impact on the daylight, outlook and living conditions of some nearby occupiers, these would not amount to unacceptable impacts. As such, the identified harm was given limited weight against the proposal and the development was granted permission on Appeal.
- 324 The proposed changes retain the same overall footprint, layout and massing of the permitted development. In terms of height, the proposals result in the three blocks reducing by 0.985m - 3.125m. As such, the proposals do not worsen, and could arguably improve, the findings of the originally submitted Daylight and Sunlight Report and will, therefore, continue to remain acceptable and in accordance with planning policy and BRE guideline.
- 325 Sunlight and daylight. The Applicant's original assessment was based on Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH). The
- 326 BRE guidance is that living rooms should ideally receive at least 25% of APSH throughout the year and 5% during winter months and that the difference between APSH is not less than 0.8 times its former value.
- 327 The applicant has taken a baseline survey of daylight and sunlight results without the development in place using VSC, NSC, ADF and ASPH methods. Only site-facing windows of residential properties surrounding the site with a potential to see a change in light have were assessed. The sites tested as 'potentially sensitive receptors' were:
- Adana Building Hester House
- 1-22 Colgate House
- 1-58 Century House
- 1-15 Columbine Way
- Land at Orchard Gardens Estate 150-216 Lewisham Road
- 1-6 Hornbuckle House

Lewisham Gateway Block A (existing and future phases) 1-6 Silk Mills Path

292-322 Lewisham Road Eagle House

Lacey House Dukes Court Nara Building

1-2 Sharestead Villas

Amenity spaces between Adana Building/ Nara Building / Hester House Private gardens at 1-12 Columbine Way

Ravensbourne River

- 328 Additionally, all amenity areas proposed within the development have been tested.
- 329 The report states that the majority of primary windows within the Adana Building and Hester House (the closest residential units to B2 and B3) are heavily obstructed by projecting balconies which self-limit both daylight and sunlight to the window face below or beside. Full baseline results are located in Tables 16.2 to 16.5 of the ES (chapter 16) with assessment of the results on pages 21-27.
- 330 The Adana Building has baseline VSC results that indicate 98 (32%) of the 306 windows tested achieve the target for daylight in BRE guidelines. Generally the windows which fall below this level are already overhung by balconies or are inward facing windows towards the buildings own massing. The APSH results show that 130 (90%) of the 144 windows achieve the BRE targets.
- 331 The Hester House block has baseline VSC results that indicate 112 (46%) of 241 windows achieving the target for daylight in BRE guidelines, again the windows which fall below are typically overhung by balconies, including those inset, or inward facing windows. The APSH results show that 106 (97%) of the 109 rooms achieve BRE guidelines. No 1 Sharsted Villas has a baseline VSC which indicates 6 (75%) of the 8 windows tested meeting recommended VSC levels. None of the windows within this property that face the site are orientated 90 degrees of due south. No 2 Sharsted Villas again has 6 (75%) of windows meeting recommended VSC levels and that 1 room assessed achieves the APSH suggested levels of sunlight within BRE guidance.
- 332 With the development in place at the Adana Building, VSC levels were calculated which show that 152 (50%) of the 306 windows would see no noticeable change in daylight received at the window face. Of the remaining windows 22 would see minor reductions, 16 moderate reductions and 116 substantial reductions in daylight. Many of these windows that experience a noticeable change in daylight levels are situated beneath – or recessed behind balconies – which self-limit light levels at the window face. With the balconies removed (for modelling purposes) as described above, there would be a reduction in substantial losses from 116 to 85 windows. The NSC assessment of this building shows that 100 (58%) of the 171 windows would experience no noticeable change, 6 would have moderate reductions and 42 substantial reductions. With regard to sunlight levels of the 143 rooms, 107 (75%) would show full compliance and with the balconies removed only 8 rooms would not achieve BRE recommendations for sunlight. Of these 3 rooms would exceed the APSH target but not meet the winter APSH target.
- 333 With the development in place at Hester House, 194 (81%) of the 241 windows would see no noticeable change to daylight received at the window face. Of the remaining windows, 4 would see minor reductions, 10 moderate reductions and 33 substantial reductions. Similarly to Hester House, many of the windows that experience a noticeable change in daylight levels are situated beneath or recessed behind balconies with self-limit light levels to the window face. The results of the NSC assessment show that 83 (67%) of the 124 rooms would see no noticeable alteration to daylight. Of the remaining

rooms, 7 would see minor reductions, 7 moderation reductions and 28 substantial reductions. The APSH sunlight assessment shows that 94 (86%) of rooms show full compliance, the 15 rooms that would not achieve full BRE recommended targets are bedrooms.

- 334 At 1 Sharsted Villas with the development in place 2 (25%) of the 8 windows tested would see no noticeable change in daylight at the window face. Of the 6 remaining 5 would experience minor reductions and 1 a moderate reduction. One window is stated as being a flank window serving a room that is served by 2 other windows that experience no noticeable loss in VSC. The remaining 5 windows all experience reductions because of the abnormally high daylight levels in the baseline condition due to no existing buildings on site.
- 335 At 2 Sharsted Villas with the development in place 2 (25%) of the 8 windows tested would see no noticeable change in daylight at the window face. Of the 6 remaining 5 would experience minor reductions and 1 a moderate reduction. Of these 6 windows, 1 is a flank window again serving a room that is served by 2 other windows. The 1 relevant room for sunlight assessment shows full compliance with BRE guidance.
- 336 As discussed above, the existing car park and hoarded site that currently occupy the application site provide a baseline condition which is not typical of an urban location nor reflective of recent development across Lewisham Town Centre, meaning that existing homes facing on to the site experience unusually high levels of daylight and sunlight for their context. In such circumstances, the BRE guidance allows for alternative targets to be met, including the use of a hypothetical 'mirror image' building set an equal distance apart from a boundary as a basis of establishing alternative target values. The ES found that such a test shows that the likely effect of the development to daylight at these neighbours is less than would be in the 'mirrored position' and officers therefore consider the impacts of the development to be acceptable.
- 337 Overshadowing and Sunlight Amenity. The BRE guidance recommends that to appear adequately sunlit throughout the year, at least 50% of a garden or amenity space should receive at least two hours of sunlight on 21 March. The amenity areas tested (private and communal) serving Adana Building, Nara Building, Hester House, 1-12 Columbine Way and the river received direct sunlight or more on the 21st March for more than 50% of the area.
- 338 With the development in place all the tested amenity areas would continue to experience direct sunlight access across more than 50% of the area for 2 hours on the 21st March and see a reduction of less than 20% from the baseline level, officers consider this to be acceptable and of no adverse harm given the town centre nature of the site.
- 339 As part of the development there would be new areas of external amenity spaces created, the ES shows that all amenity space would experience direct sunlight across more than 50% of their area for 2 or more hours on the 21st March which is supported in demonstrating a high standard of accommodation.
- 340 Transient overshadowing: where large buildings are proposed, these may affect a number of gardens and open spaces, therefore a plot of a developments casting shadow has been submitted to demonstrate the impact across the year. The applicants assessment maps three key dates of the year; 21st March Spring Equinox; 21st June Summer Solstice and 21st December Winter Solstice and tracked across hourly intervals between 8:00AM and 7:00PM. Currently there are no transient shadows across the site due to its use as a car park and lack of buildings.
- 341 With the development in place, on the 21st March, as expected the development would cause additional overshadowing to surrounding areas, but that due to the separation

distances between Building B2 and B3 sunlight is able to pass through limiting shadowing to the northern amenity area to between 8am and 10am only. The shadows cast across the amenity area to 1-12 Columbine Way begin at 1pm. Due to the separation between Building B2, B3 and B1 (with its slender thin profile) shadows pass quickly across the afternoon. The same transient shadow from the tower would quickly pass across the River Ravensbourne.

- 342 Solar Glare: The solar glare assessment was completed with guidance from the Commission Internationale de L'Enclairement CIE 146:2002 – CIE Equations for Disability Glare which states 'disability glare is glare that impairs vision, it is caused by scatterings of light inside the eye'. There are no buildings on the site at the moment, meaning no solar glare is cast from the site.
- 343 The applicant originally tested 9 viewpoints of the development in place and impacts upon glare and indicates that where there is solar glare this is kept at a minimum due to passing traffic or trains, and the limited use of reflective materials on the tower which is considered to minimise the developments impact. The proposed minor material amendments would not alter the consented impact.
- 344 Wind/microclimate. The ES reports on an assessment of wind tunnel testing of the proposed development, which considered the likely effects on wind conditions in the surrounding area – including at locations on both sides of Loampit Vale, Jerrard Street and Thurston Road. This found that surrounding streets would be suitable for pedestrians walking through the area and visiting the proposed buildings.
- 345 The proposed development faces existing homes at the Adana Building, Hester House, Silk Mills Path and along Conington Road, although these homes present their rear gardens onto the River and street.
- 346 The windows of Building B1 would front onto Sharstead Villas, but at a distance of 39-39m to the end of their rear gardens which rises to 46 and 47m at their rear elevation. This was considered a significant distance for a town centre and although officers appreciate the difference in scale between the existing two storey villas on the eastern side of the river and the 34 storey tower, the separation distance is greater than the 19-21m achieved on Thurston Road for example and the 25-32m on Loampit Vale between constructed development at Thurston Point and Renaissance and the approved Lewisham Retail Park. This impact was consequently considered acceptable, with an extant and commenced development in place. The proposed minor material amendments would in fact result in a reduction of B1, resulting in an improvement to the consented arrangement.
- 347 The rear windows of B2 and B3 would face onto the Adana Building and Hester House respectively, but would not result in unacceptable overlooking given the separation distances which are comparable to those within the existing Conington Road developments. In the case of Building B3 this has been designed at the lower levels with projecting angled windows which direct view away from Hester House toward the shared amenity space. Lower level balconies also feature privacy screens. As this building rises up it is set back from the lower floors increasing the separation distance. As such officers consider that the relationship between the two buildings and existing development is acceptable.
- 348 Officers consider that the above separation distances and detailed arrangements remain appropriate and should adequately safeguard the privacy of occupiers of existing neighbouring homes. Whilst the loss of a view is not a material planning consideration, officers consider that the replacement of the existing surface car parking and hoarded site with proposed high-quality development with significant public realm, with the

separation distances referred to above, would ensure a reasonable outlook for local residents.

- 349 Noise and Disturbance. The site is in Lewisham Town centre, with heavily trafficked roads on all sides. Proposed measures to control commercial unit opening hours, noise break-out, ventilation equipment, service delivery times and noise from plant and machinery to safeguard the amenity of future residents of the proposed development, discussed above, should ensure that noise and disturbance for existing neighbouring residents would be acceptable.
- 350 Prevention of Crime and Disorder: S.17 of the Crime and Disorder Act 1998 provides (in summary) 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 is reasonable can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment).
- 351 In this instance, officers consider that the layout accords with good urban design principles including active frontages and setting of buildings which provide open sight lines and legible routes across landscaping.
- Removal of certain permitted development rights
- 352 Officers recommend that if this application is approved conditions are imposed to remove certain permitted development rights in respect of the site. Paragraph 017 of that part of the Planning Practice Guidance that is concerned with the use of planning conditions states that “conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances”. Officers in this case consider that exceptional circumstances exist to justify the limited removal of certain permitted development rights as set out in the proposed conditions for the reasons stated therein.

## **7.6 SUSTAINABLE DEVELOPMENT**

### Energy

- 353 Hoare Lea prepared the original Energy Strategy (2017) that supported the extant planning permission and was produced in line with the Energy Hierarchy described in Policy 5.2 of the London Plan of Be Lean, Be Clean and Be Green stages to reduce the energy consumption of the development. This was the guidance used prior to the publication of ‘Mayor of London’s Energy Assessment Guidance: Greater London Authority Guidance on Preparing Energy Assessments as part of Planning Applications (October 2018)’. Within the Mayor of London’s guidance document at paragraph 1.7 it states “...from January 2019 and until central Government updates Part L with the latest carbon emission factors, planning applicants are encouraged to use the SAP 10 emission factors for referable applications when estimating CO2 emission performance against London Plan policies”. At paragraph 4.3, the guidance states that “If gas-engine CHP is also proposed applicants will be expected to provide sufficient information to justify its use and to minimise the carbon and air quality impact...”. The Hoare Lea report was written prior to January 2019 and therefore did not consider the SAP 10 requirements. However, the report did demonstrate how the energy hierarchy ‘be lean’ measures had been incorporated into the design to reduce energy demand. The approved plans indicated a proposed Energy Centre in Building 3 which would serve all three blocks.
- 354 As permitted under the S96A non-material amendment ref. DC/21/121232, the energy strategy was revised in 2021 to an air source heat pump, direct electric heating and photovoltaics based approach, removing the previous CHP system.

- 355 This achieves a better and cleaner system in terms of CO2 emissions and air quality, and as such accords with more up to date planning policy within the London Plan. The revised strategy particularly better aligns with London Plan Policy SI 3, where the use of CHP is no longer the preferred approach.
- 356 The proposed amendments under the S73 application does not seek to revise the energy strategy further, but does incorporate minor design changes to accommodate the revised plant provision needed.
- 357 The other sustainability measures as detailed within the original Sustainability Statement prepared by Hoare Lea will remain and, as such, Condition 17 requires the commercial floorspace within the development to achieve a BREEAM rating of at least 'Very Good'
- 358 The Conington Road Policy Area is not expressly identified for decentralised energy clusters due to its position north of the railway line and distance from other development projects. The applicant has considered the feasibility of an Area Wide Heat Network. The London Heat Map does not identify that the proposed development is located in an area that has the potential for decentralised energy. The nearest existing heat network is at Loampit Vale where an energy centre is located within the Renaissance scheme, this powers the mixed use development and Leisure Centre along with the Thurston Point development and the nearly completed Lewisham Exchange development (former Carpetright). This network is separated by the Lewisham Retail Park scheme (which would secure a connection) but also the Thurston Road bus stand, railway viaduct, Lewisham Station and the River Ravensbourne. Officers therefore considered that it would be unrealistic that a connection from the Loampit Vale energy centre be established.
- 359 The proposals incorporate measures, prioritising higher-order ones, including shading from balconies and appropriate glazing specification, openable windows and Mechanical Ventilation Recovery System with Domestic Active Cooling. Officers consider these measures to be acceptable.

#### *Drainage*

- 360 The site is served by a series of privately owned foul and surface water drains as well as Thames Water combined sewers. In accordance with the London plan, the applicant has calculated their existing run off rate from the site to be 146.5 l/s and in proposed that the new drainage strategy would be limited to 73.2 l/s or 50% of greenfield run off rates as indicated by the London Plan. To achieve this, the surface water discharge rate would be attenuated by the use of SuDS measures.
- 361 Thames Water previously confirmed that they have no objections to the proposals. The proposed drainage strategy complies with key relevant policies and is considered acceptable and it is recommended that its delivery is secured by planning condition. Whilst no ground infiltration systems are proposed, the Environment Agency has asked that a condition be attached to ensure that any such measures are approved by the Council and this is recommended to be attached. It is also recommended that a planning condition reserves the details of the proposed living roofs for approval by the Council to ensure that the details are acceptable.

#### *Flood Risk*

- 362 The River Ravensbourne, a main river, runs through the site dividing the island site from the main Tesco store and car parks. The site is identified as being Flood Zone 1 (a low risk of flooding). The NPPF (Para. 99) states that developments in areas at risk of flooding should employ measures to mitigate flooding without displacing the risk of flooding elsewhere. The Government's Technical Guidance: Flood Risk and Coastal

Change (2014) require the mitigation of the potential impacts of flooding through design and flood resilient and resistant construction. Buildings should also be designed to accommodate a safe exit for less able-bodied residents/users.

- 363 Although the site is adjacent to the River Ravensbourne, it is located in Flood Zone 1, as identified on the EA's Flood Map for Planning, meaning it has a low risk of flooding. The officer's report for the site's extant permission confirms:
- 364 'With the proposed Foul and Surface Water Drainage Strategy in place, the Applicants' revised FRA finds that the risk of flooding from surface water and the surcharge of combined sewers would be low. The risk of flooding from the failure of the nearby Weigall Road Flood Storage Area is also considered to be low. The proposed development does not contain any below ground accommodation such as basement car parking or storage and there is no risk of flooding from high ground water levels.'
- 365 As confirmed within the submitted ES Addendum (2021), the sources and levels of baseline flood risk can be assumed to be materially unchanged to the 2017 Environmental Statement. There are no material changes to the site levels, layout or disposition of vulnerable receptors and the sustainable drainage strategy remains consistent with what was approved.
- 366 The submitted Flood Risk Management Plan, prepared by Tier, demonstrates that the development is considered to be safe and will be managed appropriately during a flood event.
- 367 In addition, any construction impacts that may adversely affect the River Ravensbourne have been appropriately mitigated and controlled through the Construction Environmental Management Plan (CEMP) approved for the discharge Condition 4 (Construction Management Plan) on 5th May 2021 under DC/21/119851.
- 368 The proposed development is therefore considered to have no adverse impact on flood risk, therefore complying with the requirements of planning policy. The Environment Agency have confirmed that they have no objections to the changes.

#### *Improvements to the River Ravensbourne*

- 369 The River Ravensbourne runs through the site, this main river, is identified in the River Corridor Improvement Plan as being of importance for ecology and environmental improvements. The current concrete channel offers little in the way of ecology or visual benefit. The Council therefore has an aspiration to naturalise as much as possible the river corridor thereby offering significant environmental improvements such as those seen at nearby Cornmill Gardens.
- 370 The RCIP sets out an expectation that development proposals will take full account of the river edge and fully naturalise where possible. In this case the applicant proposes a partial naturalisation of the river would be most appropriate in this instance. This is due to a number of factors, firstly, full naturalisation of rivers would use up a significant portion of land on the island site and hinder its redevelopment for other uses and that due to the structural integrity of the overall river channel and adjacent below ground infrastructure it would not be possible (without significant works) to entirely remove the concrete channel. Therefore a series of landscaped terraces would form the new river profile along with in-channel improvements.
- 371 Like the building forms and layouts, the applicant team has been through a series of design proposals for the river which have been discussed with the Environment Agency as to their acceptability. The final scheme has the endorsement of the EA.

- 372 The applicant proposes that the works to the river would be secured through s106 agreement and a delivery strategy. Planning permission would be subject to an index linked financial contribution of £1,590,800 (index linked) to fund the delivery of the masterplan works on the land within the applicants ownership and immediately adjoining side of the river channel including:
- River wall reduction and excavation of soil behind the southern wall to reduce the height of the concrete channel to 1.5m.
- Build up the new southern river bank retaining wall and railings
- Apply new soil and vegetation to southern river bank and remove southern temporary flow diversion wall.
- In channel works allowing for a 30% roughness as a design parameter to demonstrate ecological enhancement.
- 373 The applicant has proposed this delivery strategy via the s106 and subject to a financial contribution because of the need to implement the works as a single project in order to maintain structural integrity of the river channel. The applicant proposes that 50% of the cost to the works necessary would be to the channel itself with wider landscape works secured as part of the development.
- 374 The delivery of the river corridor works would be dependent on Tesco (or any land successor if the site is sold) entering into contract with the applicant of this scheme to deliver the comprehensive works. Any proposed development on the main Tesco site would be expected to make contributions towards the naturalisation of the river as required by the LTCLP and RCIP.
- 375 This environmental contribution and its delivery strategy was extensively discussed between the applicant and the Environment Agency who have agreed to the flood modelling revisions and masterplan river naturalisation scheme submitted. The level of detail provided at the current stage is very detailed and evidences the applicant's commitment to delivering significant improvements to the river edge. The minor material amendments do not seek to change these arrangements and the requirements to prepare the following, as required by the Section 106 Agreement will remain:
- Plans and sections showing the extent of river restoration  
Methodology for construction  
Flood analysis based on the restoration scheme  
Design code detailing design principles relating to planting/ materials and access
- 376 The proposals have been designed around a 'greening' of the river channel, and have been influenced by the works which have been undertaken at nearby Cornmill Gardens which is considered to be a best practice piece of urban river restoration. The plan places a large emphasis on the improvement of ecology and biodiversity by providing large areas for planting and also water capacity.
- 377 The future delivery of the river naturalisation has informed the position of the tower and officers are confident that the application would not prejudice any future delivery works. Although it would have been preferable to secure restoration at the time of this application, officers are mindful of the structural integrity of this part of the channel and various landownerships in this location.
- 378 The S106 contains a fall-back position which allows the Council to require payment of this sum where it considers it is no longer appropriate to apply the contribution for the full

extent of the works and allows the council to use it for affordable housing. This would not be amended as part of any revised S106 Agreement.

### *Contamination*

- 379 As confirmed in the submitted ES Addendum (2021), further intrusive ground investigation works since permission was granted have allowed the sources and levels of contamination risk to be refined and the remediation strategy adapted accordingly. There is no material change to the risk profile of the site and the construction management and remediation strategy remain consistent with those for the approved scheme.
- 380 The submitted Land Contamination Assessment and Remediation Strategies, prepared by Ramboll, confirm that no significant or gross contamination was encountered during investigation of the site, and therefore no specific remediation is considered necessary, with only standard mitigation measures for brownfield land being necessary.
- 381 The extant planning permission (DC/17/101621) contains Conditions 12 (Site Contamination), 13 (Remediation Strategy), and 14 (Verification Report for Land Contamination) requiring the development to undertake the remediation works set out in the Phase 1 Environmental Assessment (March 2017), Phase 2 Environmental Assessment Report (March 2017) and Factual and Interpretative Geotechnical Assessment Reports (January 2017) located within Chapter 12 of the approved Environmental Statement (October 2018) and its appendices, and submit a verification report to confirm this.
- 382 These conditions will be amended and carried over to any new planning permission, incorporating the recommendations of the Ramboll Land Contamination Assessment and Remediation Strategies, and therefore any potential risks of contamination being activated or spread through the proposed development will adequately be controlled and mitigated through these conditions.
- 383 The local geology is a mix of gravels and chalk, with 'made ground' to varying thickness. The site is situated over Principal and Secondary Aquifers and within a Source Protection Zone, which protects the underlying aquifers. The ES takes account of the site's history and notes that remediation of any ground contamination probably took place prior to or during redevelopment. It identifies potential Minor to Major adverse effects during both the construction and operational phases and notes that the potential effects would be mitigated by the completion of an (intrusive) site investigation and further risk assessment work following the grant of permission and the implementation of a Construction Environmental Management Plan (CEMP).
- 384 The Council's Environmental Protection Team and the Environment Agency have not objected to this Section 73 Application.

### *Ecology*

- 385 Core Strategy Policy 12 recognises the importance of the natural environment and the Council's need to conserve nature and promotes living roofs. Policy DMLP 24 requires all new development to take full account of appropriate Lewisham and London Biodiversity Action plans and guidance and minimise potential adverse impacts.
- 386 London Plan Policy G5 require developments to contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. This is required to be assessed through the calculation of the Urban Greening Factor.

- 387 This requirement has been introduced since the extant planning permission was granted and therefore was not required to be addressed or considered by the approved development. Due to the nature of the proposed changes, which do not relate to the landscaping or ecological features on the development, it is considered that assessment of the Urban Greening Factor is not relevant to the assessment of this minor-material amendment application.
- 388 The measures of permitted landscaping, greening and biodiversity measures will not be impacted upon or changed as part of the current proposals. On this basis, it is considered the development offers a significant improvement in urban greening and ecological features compared to the existing site, and therefore still meets the aspirations of the policies set out above.
- 389 The extant consent offers the opportunity for significant enhancements in the biodiversity value of the site, including:
- Planting of 89 trees at ground and terrace levels, covering a variety of species, including those of benefit to wildlife;
- Extensive areas of shrub planting;
- The provision of some relatively 'wild' and diverse areas, including suitable areas in the proposed podium level garden being planted with a range of native wildflower species attractive to invertebrates;
- Non-accessible areas of living roof (approx. 441 sqm) on Buildings B2 and B3 set aside specifically for biodiversity;
- Installation of bird boxes of various sizes to cover a range of local species and the provision of other ecological habitat including stag beetles.
- 390 It is recommended that a planning condition secures the approval and implementation of a Habitat Creation Management Plan (HCMP) to ensure that these potential significant enhancements are realised. It is also recommended that a condition secures the approval of details and delivery of the proposed living roofs.
- 391 The Ecological Regeneration manager raised no objection to the Section 73 application proposals.
- Waste*
- 392 The extant application was supported by a Site Waste Management Plan (SWMP) to support its planning application. This sets out to (a) document the initial waste reduction recommendations made and incorporated within the proposed development and to provide information on how waste management ideas will be implemented throughout the project and (b) enable the waste management recommendations in the report to be incorporated into a site-specific plan to be developed by the principal contractor (with responsibility for developing the SWMP falling on the principal contractor, once appointed).
- 393 The SWMP outlines the potential waste and associated cost reductions through good waste management and design mitigation actions as well as the Applicant's commitments to minimise waste, manage waste efficiently and divert waste from landfill. It includes the target of 90% diversion from landfill for demolition waste and 95% diversion for construction waste. It is recommended that general compliance with the submitted SWMP is secured by way of a planning condition

## 7.7 ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

### Introduction

- 394 The need for and scope of EIA of the proposals is set out in Section 5 of this Report. This Section reviews the various topics covered by the original submitted ES and the ES Addendum (2021).
- 395 The ES Addendum identifies that transitional arrangements under Regulation 76 of the current Regulations make it clear that the 2011 Regulations still apply where an ES has already been submitted. The proposed amendments to the approved development are limited (see Section 2 of the ES Addendum), whilst there have been no material changes to either the condition of the site or the character of the local area since the original assessment (see Section 3 of the ES Addendum).
- 396 In view of the above, and the relatively short period of time that has elapsed since the original application, the original ES is considered to remain largely valid, except where updated by the ES Addendum, which should be read in conjunction with it.
- 397 Following a sifting exercise of non-relevant or unaffected topics, supplementary assessment work has been carried out in relation to the following topics (with responsible consultant):
1. Socio-Economics (Hatch);
  2. Wind Microclimate (RWDI); and
  3. Townscape, Visual and Heritage Setting (Montagu Evans).
- 398 These assessments are appended as Technical Annexes to the ES Addendum. Other environmental work forming part of the application submission documents, including selective updating of baseline, has comprised:
- A Construction Noise Impact Assessment and Building Envelope Reports and Internal Sound Insulation Acoustic Reports for each building;
  - A Flood Risk Management Plan;
  - Ground Investigation Factual Reports and Phase II Environmental Site Investigation and Remediation Strategy Reports; and
  - An Ecological Site Review.
- 399 The sifting exercise undertaken in the ES Addendum states that no further work was required in relation to the following topics, since any associated changes to the scheme or to baseline conditions would be immaterial to the environmental effects as previously reported, and the previous assessment therefore continues to provide a robust basis for determination:
- Transport and Access;
  - Air Quality;
  - Archaeology; and
  - Daylight, Sunlight, Overshadowing and Solar Glare.

400 Non-Technical Summary (NTS). As required by the Regulations, the ES is accompanied by NTS. This provides a brief introduction to the proposals advises on discounted alternative development approaches and summarises the likely level of significant effects and the means of mitigation.

401 Environmental Statement (ES). The sections below set out how the ES has addressed the likely significant environmental effects of the proposed development, what the impacts are and proposed mitigation. It also sets out the Council's conclusions regarding impacts and proposed mitigation measures and identifies the mechanisms by which mitigation would be secured. The headings correspond to the relevant chapters of the ES.

*Development Description*

402 Chapter 2 of the original ES summarises the key aspects of the proposed development, which have been discussed at length in earlier sections of this report. It also identifies key demolition and construction activities and identifies a construction programme and sequencing that was assumed for EIA purposes.

*Alternatives and design evolution*

403 Chapter 3 of the original ES reports on an assessment of a 'do nothing' option and concludes that, in the context of recent development and emerging proposals, if the site was not developed its contribution to policy objectives set out in the Lewisham Town Centre Local Plan (LTCLP) would be limited. Alternative sites were not considered as the site is identified for development in the LTCLP. The chapter goes on to summarise design evolution and the alternative schemes that were considered before arriving at the application scheme.

*Assessment Methodology*

404 The approved scheme was EIA development, and was supported by an environmental statement (ES) prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations, 2011. Replacement EIA Regulations were introduced in 2017. However, since the application constitutes a "subsequent application" under the transitional arrangements for the new regulations, the 2011 regulations still apply.

405 The conclusions of the original ES have been re-visited by the applicant to confirm whether they remain valid in the context of the proposed amendments, as well as of any relevant changes in policy, guidance, baseline conditions or cumulative schemes. Technical re-assessment has been deemed to be required in relation to three topics: Socio-economics; wind environment; and townscape, visual and heritage setting.

406 The re-assessment has confirmed that neither the proposed amendments, nor the changes to baseline conditions or cumulative schemes, are sufficient to alter the conclusions of the original ES in terms of the likely significant effects. The only change to the original mitigation relates to wind, for which a different solution is now proposed at ground-level – the effects, however, are consistent with those originally reported.

407 Officers have reviewed the original ES, together with the ES Addendum (2021) and consider that this approach provides a robust basis for determination of the s73 application in light of the scope of minor changes. Only those matters which were identified as requiring re-assessment are considered.

*Townscape and visual impact – separate document*

- 408 The ES outlines an assessment of townscape and visual impact. Following the Council's Scoping Opinion, this assessment includes above ground heritage assets. The assessment is based on the principles set out in the third (2013) edition of 'Guidelines for Landscape and Visual Impact Assessment', produced by the Landscape Institute with the Institute of Environmental Management and Assessment. It assesses the likely effects of the proposed development using Accurate Visual Representations on the townscape from 25 close range and long- distance view-points (agreed with officers), character areas, conservation areas, listed and locally listed buildings.
- 409 Construction. The assessment finds that, with site hoardings in place to provide some mitigation, cranes and other machinery associated with construction works would contribute to a temporary Moderate Adverse effect on views, townscape character areas and built heritage assets.
- 410 Operation. The assessment concludes that the appearance of the proposed development would contribute positively to views and townscape character, with Minor to Moderate Beneficial effects, depending on the location. In relation to built heritage assets, the assessment found the effects to be neutral.
- 411 Cumulative. The assessment identifies similar temporary Moderate Adverse effects during the construction phase. The introduction of the committed schemes changes the assessment of a number of the identified views – in some cases positively and in others negatively. However, as with the stand-alone scheme, the conclusion is that, in combination with committed schemes, there would be Minor to Moderate Beneficial effects on views and townscape character and a neutral effect on built heritage assets.
- 412 The ES addendum confirms that the scale and/or nature of the Proposed Amendment does not result in a development which is substantially different from the Consent; it is therefore minor material in nature. The Proposed Amendment does not give rise to any materially different findings from the Original HTVIA. Officers Note that the matters raised by Conservation Officers relate to the original scheme and the assumptions of the ES Addendum are not objected to.

*Wind microclimate*

- 413 Chapter 15 of the ES outlines an assessment of issues relating to wind microclimate. This is based on a wind tunnel test, using a 1:300 scale model of the site and surrounding area (taking into account the likely future baseline conditions) within a 360m radius of the centre of the site and adopts the industry-standard Lawson pedestrian comfort criteria for different activities (including long-term sitting, standing or short-term sitting, walking or strolling and business walking) and tests the wind conditions at locations in relation to their intended use. The following configurations were tested in the wind tunnel:
- 414 Configuration 1: the site as existing with the likely future baseline conditions surrounding the site (Phase 1 and 2 – as outline approved, of Lewisham Gateway and Loampit Vale)
- 415 Configuration 2: the development with the likely future baseline conditions surrounding the site
- 416 Configuration 3: the development with landscaping and mitigation measures with likely baseline conditions surrounding the site
- 417 Configuration 4: the development (without landscaping and mitigation measures) with the likely future baseline cumulative schemes.

- 418 Construction. The assessment notes that there is the potential for construction activities to change the local wind environment, but that, in general, pedestrian expectations are such that any adverse conditions are accepted as temporary environmental effects and with standard site hoardings in place the effects are likely to be Indiscernible.
- 419 Operation. The site is sheltered by the surrounding buildings to the south and the proposed design and orientation of development helps to reduce the effects at ground level by reducing facade downwash and wind acceleration. The assessment finds that the adjoining streets would be suitable for their intended activity (leisure strolling) and that entrance areas would be suitable for standing/sitting. The likely effects for the surrounding area are assessed as Indiscernible. The proposed development itself is expected to produce localised areas of increased wind speed – but following the inclusion of mitigation to balcony/terrace areas (including the raising of parapets, the inclusion of planters and the use of screens), these areas are also assessed as being suitable for their intended use (long-term sitting). These mitigation measures have been embedded within the proposed design and the resultant residual effects are assessed as Indiscernible.
- 420 Cumulative. All of the identified cumulative schemes were incorporated in to the wind tunnel model and tested. All effects of the proposed development in combination with other developments were found to be negligible, making no difference to the tolerability of different activities on and around the site. The effect was assessed as Indiscernible.
- 421 The ES Addendum confirms that with the implementation of the proposed landscaping scheme and proposed wind mitigation measures wind conditions at and around the Proposed Development would be suitable and safe for the intended pedestrian use throughout the year. The proposed changes would not cause any harmful impacts beyond those previously assessed.

#### *Socio-economics and Health*

- 422 Chapter 7 of the ES outlines an assessment of issues relating to socio-economic and, following the Council's Scoping Opinion, health. It draws on the findings of other chapters of the ES and is based on the Business Register and Employment Survey; 2011 Census data; indices of Relative Multiple Deprivation; Family Expenditure Survey; NHS and NHS Lewisham Care Commissioning Trust data; Department for Education data/ GLA child Yield and Open Space Calculator; relevant background information from Lewisham Development evidence base and planning application documents to relevant future baseline schemes.
- 423 Construction. The ES concludes that the 650 FTE construction jobs per annum would result in a Minor Beneficial Effect). The ES identifies potential negative effects on health from reduced air quality and noise, but, subject to the implementation of an appropriate Construction Environmental Management Plan (CEMP) considers these to be Neutral.
- 424 Operation. The ES identifies Minor Beneficial Effects associated with the predicted resultant net increase in employment of 28-31 FTE jobs and the net addition of 365 homes (73 of them 'affordable'). In terms of childcare and education, the ES identifies an Indiscernible Effect from the predicted 24 children predicted across the development which would have insignificant in terms of early years, primary and secondary provision.
- 425 The ES estimates a likely net increase in population of 550-600 people. Taking account of existing GP's within 2km of the site and their list sizes relative to commonly used benchmark standards, a small effect on healthcare is identified.
- 426 Cumulative. The ES concludes that there would be an Indiscernible Effect on social infrastructure (taking account of the proposed health facility), Major Beneficial Effects

associated with redevelopment of the local area and improvements to the public realm and amenities and a Moderate Beneficial Effect in relation to employment.

427 The ES Addendum states that based on the minor changes to the Proposed Development, the updated assessment of effects remains the same as the previous assessment. Officers consider this to be accurate.

## **8 LOCAL FINANCE CONSIDERATIONS**

428 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

429 The Community Infrastructure Levy Regulations (April 2010) (as amended) 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.

430 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 and the community facility), a range of other contributions and obligations are considered necessary to make the development acceptable in planning terms.

431 All S106 requirements have been previously secured and are unchanged as a result of this application. The applicant has not sought to make any major changes to the Section 106 Agreement.

432 Officer will seek to negotiate a Deed of Variation that is true to the original Application, with no weakening of the obligation, requirements or restrictions.

433 As set out elsewhere in this report, the obligations outlined above are directly related to the development. They are considered to be fairly and reasonably related in scale and kind to the development and to be necessary and appropriate in order to secure policy objectives, to prescribe the nature of the development, to compensate for or offset likely adverse impacts of the development, to mitigate the proposed development's impact and make the development acceptable in planning terms. Officers are therefore satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations 2010 (as amended).

### *Local Finance Considerations*

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

- 435 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
- 436 sums that a relevant authority has received, or would or could receive, in payment of Community Infrastructure Levy (CIL).
- 437 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 438 CIL is therefore a material consideration. CIL is payable on this application and the Applicant has completed the relevant form.

#### Community Infrastructure Levy

- 439 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. As the development has already commenced any additional floorspace that is CIL liable will be payable.
- 440 The original application has a total CIL liable amount of £4,254,321.78 of which £2,127,160.89 has already been paid.

## **9 EQUALITIES CONSIDERATIONS**

- 441 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.
- 442 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - advance equality of opportunity between people who share a protected characteristic and those who do not;
  - foster good relations between people who share a protected characteristic and persons who do not share it.
- 443 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.
- 444 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: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

- 445 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- The essential guide to the public sector equality duty
  - Meeting the equality duty in policy and decision-making
  - Engagement and the equality duty
  - Equality objectives and the equality duty
  - Equality information and the equality duty
- 446 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: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 447 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 HUMAN RIGHTS IMPLICATIONS

- 448 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:
- Article 8: Respect for your private and family life, home and correspondence
  - Protocol 1, Article 1: Right to peaceful enjoyment of your property
- 449 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.
- 450 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 451 This application has the legitimate aim of providing a new building with employment and residential uses. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

## 11 LEGAL AGREEMENT

452 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. It 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

453 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.

454 All S106 requirements have been previously secured and are unchanged as a result of this application. The applicant has not sought to make any major changes to the Section 106 Agreement.

455 Officers will seek to negotiate a Deed of Variation that is true to the original Application, with no weakening of the obligation, requirements or restrictions.

456 As outlined in the report matters relating to the Build to Rent Tenure will be sought to ensure compliance with Policy H11 'Build to Rent' of the London Plan (2021) part (b) 1, 4, 5, 6, 7, 8, 9 and 10.

457 As set out elsewhere in this report, the obligations outlined above are directly related to the development. They are considered to be fairly and reasonably related in scale and kind to the development and to be necessary and appropriate in order to secure policy objectives, to prescribe the nature of the development, to compensate for or offset likely adverse impacts of the development, to mitigate the proposed development's impact and make the development acceptable in planning terms. Officers are therefore satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations 2010 (as amended).

## 12 CONCLUSION

458 This Report provides Officers comprehensive consideration of the planning application and its supporting documentation, including the further/additional information submitted and representations received.

### Key Considerations

459 This Report has considered the proposals in the light of adopted development plan policies and other material considerations including the information in the ES, the ES Addendum (2021) and other information or representations relevant to the environmental effects of the proposals.

- 460 The Applicant's vision for the development of the Site remains to deliver a high quality, mixed use scheme that will positively contribute towards the Town Centre's regeneration whilst delivering important high-quality new homes, affordable homes, commercial floorspace, affordable commercial floorspace, public realm, river restoration and station improvements.
- 461 The proposed changes seek to deliver improvements to the scheme to improve the quality of residential provided and to facilitate the switch to Build-to-Rent tenure, a tenure type that is not restricted by the original planning consent. The changes include an increased provision of internal amenity space for residents which will improve the quality of living for occupants. Furthermore, the proposed amendments include design change to incorporate a revised energy strategy that achieve improved air quality and carbon emission outcomes, which is of significant benefit.
- 462 Through the additional floor to Block B1, and revised floor to floor heights across the site, a revised façade design is also proposed that successfully maintains the consented architectural approach and quality, whilst reducing the overall heights of the buildings.
- 463 Since the extant permission was granted in January 2020, the latest London Plan has been adopted in March 2021. Officers in this report have identified that within the context of the extant permission and that there is no conflict with the new London Plan, with any notable discrepancies, such as disabled parking, being previously accepted in the determination of the original planning application at Appeal.
- 464 It is considered that the scale of the development remains acceptable, that the proposed buildings and public realm have been designed to respond to the context, constraints and potential of the site and that the development would provide a high standard of accommodation. The proposed development would also deliver key elements of the Council's strategy for the wider Town Centre area.
- 465 The proposals have attracted a six objections and one society objection on a wide range of issues. Those material concerns expressed by local residents and local groups have been considered and addressed in earlier sections of this Report and in provisions set out in the recommended conditions and Section 106 agreement.
- 466 Given the acceptability of the proposed use as well as the totality of the policy compliance, the proposals are considered to be in accordance with the development plan as a whole.
- 467 The NPPF is underpinned by a presumption in favour of sustainable development. Officers consider that with the recommended mitigation, planning conditions and obligations in place, the scheme is consistent with national policy.
- 468 For the reasons addressed in this report, there are no other material considerations which Officers consider outweigh the grant of planning permission. In light of the above, on balance, the application is therefore recommended for approval

## **13 RECOMMENDATION**

- 469 Authorise Officers to negotiate and complete a Deed of Variation to the signed legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the following principal matters including such other amendments as considered appropriate to ensure the acceptable implementation of the development:
- 470 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.

## 13.1 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 from 22 January 2020 on which the permission was granted.

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

### 2. Develop in Accordance with Approved Drawings and Documents

The development shall be carried out in accordance with the plans and drawings detailed below:

LEWIS-BCA-XX-XX-DR-A-06200 Existing Site Section AA Rev P1; LEWIS-BCA-XX-XX-DR-A-06201 Existing Site Section BB Rev P1; LEWIS-BCA-XX-XX-DR-A-06202 Existing Site Section CC Rev P1; LEWIS-BCA-ZZ-00-DR-A-02000 P1\_Existing Site Plan Rev C1; LEWIS-BCA-ZZ-00-DR-A-02010 C3\_Site Plan - Coordinated Building Footprints Rev C3; LEWIS BCA A1 00 DR A 04101 C4 Building 1 - Level 00 GA Plan Rev C4; LEWIS BCA A1 00 DR A 04101 C4 Building 1 - Level 01 GA Plan Rev C4; LEWIS BCA A1 00 DR A 04101 C4 Building 1 - Level 15 GA Plan Rev C3; LEWIS BCA A1 00 DR A 04101 C4 Building 1 - Level 16 GA Plan Rev C3; LEWIS BCA A1 00 DR A 04101 C4 Building 1 - Level 30 GA Plan Rev C4; LEWIS BCA A1 00 DR A 04101 C4 Building 1 - Level 31 GA Plan Rev C3; LEWIS BCA A1 00 DR A 04101 C4 Building 1 - Level 32 GA Plan Rev C3; LEWIS BCA A1 00 DR A 04101 C4 Building 1 - Level 33 GA Plan Rev C3; LEWIS BCA A1 00 DR A 04101 C4 Building 1 - Level 34 GA Plan Rev C3; LEWIS BCA A1 00 DR A 04101 C4 Building 1 - Level 35 GA Plan Rev C3; LEWIS BCA A1 00 DR A 04101 C4 Building 1 - Roof GA Plan Rev C2; LEWIS BCA A1 00 DR A 04101 C4 Building 1 - Levels 2-14 Typical GA Plans Rev C3; LEWIS BCA A1 00 DR A 04101 C4 Building 1 - Levels 17-29 GA Plans Rev C3; LEWIS BCA A2 00 DR A 04100 C3 Building 2 - GA Floor Plan - Ground Floor Rev C3; LEWIS BCA A2 01 DR A 04101 C3 Building 2 - GA Floor Plan - Level 01 Rev C3; LEWIS BCA A2 01 DR A 04101 C3 Building 2 - GA Floor Plan - Level 02 Rev C3; LEWIS BCA A2 01 DR A 04101 C3 Building 2 - GA Floor Plan - Level 03 Rev C3; LEWIS BCA A2 01 DR A 04101 C3 Building 2 - GA Floor Plan - Level 04 Rev C3; LEWIS BCA A2 01 DR A 04101 C3 Building 2 - GA Floor Plan - Level 05 Rev C3; LEWIS BCA A2 01 DR A 04101 C3 Building 2 - GA Floor Plan - Level 06 Rev C3; LEWIS BCA A2 01 DR A 04101 C3 Building 2 - GA Floor Plan - Level 07 Rev C3; LEWIS BCA A2 01 DR A 04101 C3 Building 2 - GA Floor Plan - Level 08 Rev C3; LEWIS BCA A2 01 DR A 04101 C3 Building 2 - GA Floor Plan - Level 09 Rev C3; LEWIS BCA A2 01 DR A 04101 C3 Building 2 - GA Floor Plan - Level 10 Rev C3; LEWIS BCA A2 01 DR A 04101 C3 Building 2 - GA Floor Plan - Level 11 Rev C3; LEWIS BCA A2 01 DR A 04101 C3 Building 2 - GA Floor Plan - Level 12 Rev C3; LEWIS BCA A2 01 DR A 04101 C3 Building 2 - GA Floor Plan - Level 13 Rev C3; LEWIS BCA A2 B1 DR A 04115 C2 Building 2 - GA Floor Plan - Basement level Rev C2; LEWIS BCA A2 RF DR A 04114 C1 Building 2 - GA Roof Plan Rev C1; LEWIS BCA A3 00 DR A 04100 C2 Building 3 - GA Floor Plan - Ground Floor Rev C2; LEWIS BCA A3 01 DR A 04101 C2 Building 3 - GA Floor Plan - Level 01 Rev C2; LEWIS BCA A3 01 DR A 04101 C2 Building 3 - GA Floor Plan - Level 02 Rev C2; LEWIS BCA A3 01 DR A 04101 C2 Building 3 - GA Floor Plan - Level 03 Rev C2; LEWIS BCA A3 01 DR A 04101 C2

Building 3 - GA Floor Plan - Level 04 Rev C2; LEWIS BCA A3 01 DR A 04101 C2  
Building 3 - GA Floor Plan - Level 05 Rev C2; LEWIS BCA A3 01 DR A 04101 C2  
Building 3 - GA Floor Plan - Level 06 Rev C2; LEWIS BCA A3 01 DR A 04101 C2  
Building 3 - GA Floor Plan - Level 07 Rev C2; LEWIS BCA A3 B1 DR A 04109 C3  
Building 3 - GA Lower Ground Floor Rev C3; LEWIS BCA A3 RF DR A 04108 C2  
Building 3 - GA Roof Plan Rev C2; LEWIS BCA A1 XX DR A 05101 C3 - Building 1-  
North Elevation Rev C3; LEWIS BCA A1 XX DR A 05103 C3 - Building 1- East  
Elevation Rev C3; LEWIS BCA A1 XX DR A 05104 C3 - Building 1- West Elevation  
Rev C3; LEWIS-BCA-A2-ZZ-DR-A-05101-C2 Building 2 Elevation - Facade 1 Rev C2;  
LEWIS-BCA-A2-ZZ-DR-A-05102-C2 Building 2 Elevation - Facade 2 Rev C2; LEWIS-  
BCA-A2-ZZ-DR-A-05103-C2 Building 2 Elevation - Facade 3 Rev C2; LEWIS-BCA-  
A2-ZZ-DR-A-05104-C2 Building 2 Elevation - Facade 4 Rev C2; LEWIS-BCA-A2-ZZ-  
DR-A-05105-C2 Building 2 Elevation - Facade 5 Rev C2; LEWIS-BCA-A2-ZZ-DR-A-  
05106-C2 Building 2 Elevation - Facade 6 Rev C2; LEWIS-BCA-A2-ZZ-DR-A-05107-  
C2 Building 2 Elevation - Facade 7 Rev C2; LEWIS-BCA-A2-ZZ-DR-A-05108-C2  
Building 2 Elevation - Facade 8 Rev C2; LEWIS BCA A3 ZZ DR A 05102 C2  
BUILDING 3 - GA ELEVATION - FACADE 02 Rev C2; 0583-PLI-XX-XX-DR-L-0140 -  
Long Sections Sheet 1 Rev 1; 0583-PLI-XX-XX-DR-L-0141 - Long Sections Sheet 2  
Rev 1; 0583-PLI-XX-XX-DR-L-0410 - Strategic Levels Sheet 1 Rev 5; 0583-PLI-XX-  
XX-DR-L-0411 - Strategic Levels Sheet 2 Rev 4; 0583-PLI-XX-XX-DR-L-0412 -  
Strategic Levels Sheet 3 Rev 4; 0583-PLI-XX-XX-DR-L-0413 - Strategic Levels Sheet  
4 Rev 4; 0583-PLI-XX-XX-SP-L-0210 - Outline Specification Rev 3 (received 12 May  
2021);

LEWIS BCA A1 XX DR A 05102 C5 - Building 1- South Elevation Rev C5; LEWIS  
BCA A3 ZZ DR A 05101 C3 BUILDING 3 - GA ELEVATION - FACADE 01 Rev  
C3; LEWIS BCA A3 ZZ DR A 05103 C3 BUILDING 3 - GA ELEVATION - FACADE 03  
Rev C3; 0583-PLI-XX-XX-DR-L-0130 - General Arrangement Plan Rev P5; 0583-PLI-  
XX-XX-DR-L-0210 - Hard Works Strategy Sheet 1 Rev 6; 0583-PLI-XX-XX-DR-L-  
0211 - Hard Works Strategy Sheet 2 Rev 5; 0583-PLI-XX-XX-DR-L-0212 - Hard Works  
Strategy Sheet 3 Rev 5; 0583-PLI-XX-XX-DR-L-0213 - Hard Works Strategy Sheet 4  
Rev 5; 0583-PLI-XX-XX-DR-L-0900 - Amenity Space Plan Rev 1; 0583-PLI-XX-XX-  
SP-L-0901 - Block 3 Space Measure Comparison Rev 1 (received 11 August 2021).

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. Demolition Management Plan**

All demolition shall be carried out in accordance with the Demolition Management Plan  
and all details approved under reference DC/21/119851 (05 May 2021).

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 14  
Sustainable movement and transport of the Core Strategy (June 2011), and Policy T7  
Deliveries, servicing and construction and Policy SI 1 Improving air quality of the  
London Plan (March 2021).

### **4. Construction Management Plan**

All construction shall be carried out in accordance with the Construction Management  
Plan and all details approved under reference DC/21/119851 (05 May 2021).

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 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy T7 Deliveries, servicing and construction and Policy SI 1 Improving air quality of the London Plan (March 2021).

## **5. Construction Methodology**

All construction shall be carried out in accordance with the Construction Management and Methodology Plan and all details approved under reference DC/21/119851 (05 May 2021).

Thereafter, the works shall not be carried out other than in accordance with the approved details.

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 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy T7 Deliveries, servicing and construction and Policy SI 1 Improving air quality of the London Plan (March 2021).

## **6. Piling Methodology and Operations**

All piling shall be carried out in accordance with the Piling Method Statement and details approved under reference DC/21/119851 (05 May 2021) and DC/21/121694 (02 July 2021).

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 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy T7 Deliveries, servicing and construction and Policy SI 1 Improving air quality of the London Plan (March 2021).

## **7. Construction Noise and Vibration Monitoring**

The development shall be constructed in accordance with the Noise Monitoring Methodology and details approved under reference DC/21/119852 (22 April 2021).

The approved monitoring methodology and equipment shall be employed and the monitoring data shall be made available to the local planning authority to view live on line at all times, provided this condition shall not be breached in the event of a temporary disruption in the live feed in which case urgent endeavours shall be used to resume the live feed without compromising the integrity of the data record.

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 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy T7

Deliveries, servicing and construction and Policy SI 1 Improving air quality of the London Plan (March 2021).

## **8. Considerate Constructors Scheme**

All construction shall take place in accordance with the details approved under reference DC/21/119850 (05 May 2021).

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 T7 Deliveries, servicing and construction and Policy SI 1 Improving air quality of the London Plan (March 2021).

## **9. Telecommunications**

Prior to the commencement of superstructure works, a study undertaken by a body or person approved by the Confederation of Aerial Industries or by OFCOM shall be submitted to and approved in writing by the local planning authority which:

- i. identifies the area within which television signal reception might be interfered with by the development and;
- ii. measures the existing television signal reception within the study area and;
- iii. assesses the impact of the permitted development on the television signal reception of those in the study area and proposes appropriate measures to mitigate such effects so that the signal shall be of at least the same quality as that before the development was undertaken, as recorded under (ii) above, and which provides contact details at the developer and at the local planning authority for persons whose reception has been affected by the development to provide notice that their reception has been so affected.

As soon as reasonably practicable and in any event within one month of receiving notice, and subject to those who have notified the developer or the local planning authority that their signal reception has been interfered with, providing that they consent, the developer shall undertake the appropriate mitigation works as identified in the approved study. The developer shall remain responsible for such mitigation works for notifications before the expiry of 12 months from the practical completion of the whole development.

Reason: To prevent any undue impacts or interference with aviation, navigation or telecommunication, Policy D9 Tall Buildings of the London Plan (March 2021).

## **10. Vibro-compaction machinery**

No vibro-compaction machinery is to be used in the development unless details of the use of such machinery and a method statement have been submitted to and approved in writing by the Local Planning Authority in consultation with Transport for London. The works shall only be carried out in accordance with the approved method statement.

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 T7 Deliveries, servicing and construction and Policy SI 1 Improving air quality of the

London Plan (March 2021) and DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

## **11. External Lighting onto DLR tracks**

No external lights nor those installed during the construction period shall shine directly onto DLR's railway tracks.

Reason: To safeguard the safe operation of the DLR in accordance with Policy T4 Assessing and mitigating transport impacts of the London Plan (March 2021).

Reason: To safeguard the safe operation of the DLR in accordance with Policy T4 Assessing and mitigating transport impacts of the London Plan (March 2021).

## **12. Site Contamination**

1. The development hereby approved shall not be built otherwise than in accordance with the recommendations of the Phase 1 Environmental Assessment (March 2017), Phase

2. Environmental Assessment Report (March 2017) and Factual and Interpretative Geotechnical Assessment Report (January 2017) located within Appendices 12.1, 12.2 & 12.3 of the Environmental Statement (October 2018) respectively.

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.

3. 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 postremediation 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).

## **13. Remediation Strategy**

The development hereby approved shall not be built otherwise than in accordance with the remediation scheme set out at Chapter 12 of the Environmental Statement (October 2018) which shall be implemented in full, unless with the express prior written consent of the Local Planning Authority.

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).

#### **14. Verification Report for Land Contamination**

If remediation is required in line with Condition 12 a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

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).

#### **15. Drainage Strategy**

The Development shall be implemented in accordance with the Drainage Strategy (September 2018) in the Environmental Statement Appendix 11.2 (October 2018). No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. The development shall be constructed in accordance with the approved details.

Reason: In order to ensure that the development incorporates sustainable urban drainage systems in accordance with paragraph 165 of the NPPF, Core Strategy Policy 10 (June 2011) and Policies SI 12 Flood risk management and SI 13 Sustainable drainage of the London Plan (March 2021).

#### **16. DLR Radio Communications**

Before any superstructure is constructed, a 'pre' development Radio Communications Survey 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, a 'post' completion Radio Communications Survey Report shall be submitted to and approved in writing by the local planning authority, in consultation with Transport for London. 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).

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

Reason: To safeguard the safe operation of the DLR in accordance with Policy T4 Assessing and mitigating transport impacts of the London Plan (March 2021).

## **17. BREEAM**

The buildings hereby approved shall achieve a BREEAM Rating of at least 'Very Good' at shell and core, in accordance with the BREEAM Pre-Assessment in the Sustainability Statement Appendix 1 (21 September 2018).

After 6 months from the commencement of development 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.

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 for that specific building.

Reason: To comply with Policy SI 2 Minimising greenhouse gas emissions of the London Plan (March 2021) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

### **Condition 18 - Heat and Power Networks**

No development above ground level shall commence until details of the proposed heat networks and system set out in the applicant's Energy Strategy (21 September 2018) and Sustainability Statement (21 September 2018); Building 3 (Watkin Jones - Jeff Williams 05 March 2021); Addendum to Energy Strategy - CDP 30 November 2020 - Issue 3; Hot Water Loads - Issue 1 21 April 2021; have been submitted to and approved in writing by the local planning authority.

Reason: To comply with Policy SI 3 Energy infrastructure of the London Plan (March 2021) and Core Strategy Policy 7 Climate change and adapting to the effects and Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

### **Condition 19 - Energy Abatement**

Prior to installation of the relevant part of the development full details of the abatement technology utilised to minimise emissions (including noise) to air from the hereby approved air source heat system have been submitted to and approved in writing by the local planning authority.

The associated abatement shall be installed in accordance with the approved details prior to occupation of the development and shall thereafter be maintained in accordance with the approved specification.

**Reason:** To comply with Policy SI 3 Energy infrastructure of the London Plan (March 2021) and Core Strategy Policy 7 Climate change and adapting to the effects and Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011) and DM Policy 26 Noise and Vibration of the Development Management Local Plan (2014).

## 20. External Materials / Detail Design

No above ground construction of the relevant part of the development Buildings B1, B2 or B3) shall take place until a detailed schedule and samples have been submitted

to and approved in writing by the local planning authority. The submitted details shall include:

- a) Mock-up panels of the external cladding materials and glazing,
- b) Samples of all other external facing materials;
- c) Doors and windows to include details and specification of acoustic glazing and ventilation for the residential accommodation;
- d) Balconies, balustrades and privacy screens to the residential accommodation;
- e) Drawings and details of material finish to the 'Lewisham Skydeck' The details of the external materials should generally accord with the type and quality of materials indicated within the Brock Carmichael Architects *Design and Access Statement (May 2021) Ref 21.041 Revision P02*. The development shall be carried out in complete accordance with the approved details.

### Building B1

2m x 2m sample panel(s) to be constructed on site to detail the following:

- proposed aluminium feature panels in a range of tones from dark bronze through to pale bronze and silver;
- white off/white GRC and Stone affect PPC Aluminium Cladding panels including textured panel, including details of fixing
- vertical slats in PPC/ anodised aluminium
- metal canopies to commercial unit
- pre-cast concrete vertical ribbed panel
- all metal work to the rear service elevation
- all windows and doors
- access gates
- the underside of the roof of the recessed ground floor

### Building B2 and B3

2m x 2m sample panel(s) to be constructed on site to detail the following:

- all brickwork and mortar colour and pointing, with detail of soldier courses and projecting headers
- all metalwork

- all windows and doors
- pre-cast concrete/ GRC and Stone affect PPC Aluminium Cladding panels

Other

- Mock-up of all balconies including soffits, balustrades/ screening and decking.
- Materials and doors for the external cycle store adjacent to Building B2.
- All boundary treatments (balustrades).

The development shall not be constructed other than in accordance with the approved details and samples

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.

**21. Tall Building Lighting Strategy**

Prior to the occupation of the building a *Tall Building Lighting Strategy* for Building B1 shall be submitted to the local planning authority for its approval in writing.

Lighting in accordance with the approved strategy shall be implemented prior to the use of the “Skydeck”; and the lighting fixtures shall be retained and maintained in perpetuity.

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)

**22. External Plumbing and 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 buildings hereby approved, without the prior written consent from the Local Planning Authority.

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 Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

**23. Mobile Telecommunications Equipment**

No mobile telecommunications equipment shall be erected on the external surfaces of any building in the development.

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. Satellite Dishes / Antennae**

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 antennae shall be erected or installed on the buildings 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).

## **25. Living Roofs**

The development hereby approved shall not be built otherwise than with a 'biodiversity living roof' laid out in accordance with plan nos. 0583-PLI-XX-XX-DR-L-0213 Rev 04. The living roofs shall not be used as an amenity or sitting out space of any kind. Evidence that the roof has been installed in accordance with the approved plan shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development.

Reason: To comply with Policy G6 Biodiversity and access to nature of the London Plan (2021), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

## **26. Hard Landscaping Details**

No development above ground level shall take place until details of hard landscaping have been submitted to and approved in writing by the local planning authority. The details shall generally accord with Plincke Drawing 0583-PLI-XX-XX-DR-L-0130 Rev 04 and Plincke Outline Specification ref 0583-PLI-XX-XX-SP-L-0210 Rev 03 and include services (electricity and water) within Silk Square to enable external activities or events to be accommodated within the space. The development shall be carried out in accordance with the approved details.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal 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) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character; and Policies SI 12 Flood risk management and SI 13 Sustainable drainage of the London Plan (March 2021).

## **27. Soft Landscaping**

Prior to first occupation of the development, a scheme for the management and maintenance of the landscaping for a minimum period of five years shall be submitted to and approved in writing by the local planning authority, in general accordance with Plincke Drawing 0583-PLI-XX-XX-DR-L-0130 Rev 04 and Plincke Outline Specification ref 0583-PLI-XX-XX-SP-L-0210 Rev 03.

All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the relevant part of the development. Any trees or plants which within a period of five years from the completion of that part of the

development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the 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).

## **28. Protection of Trees During Construction**

The development shall be constructed and maintained thereafter in accordance with the tree protection measures details approved under reference DC/21/119850 (05 May 2021).

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 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).

## **29. Bird, Bat Boxes and other Ecology Features**

Details of the number and location of the bird/bat boxes and other ecology features and habitat to be provided as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to commencement of above ground works and shall generally accord with the detail shown on drawings BMD.200.DR.P001 rev C and BMW.200.DR.P102 rev C and the Ecological Assessment Report, dated 12 December 2016 (Appendix 14.1 of the Environmental Statement, October 2018). The approved features shall be installed before occupation of the building and maintained for the life of the development.

Reason: To comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

## **30. Open Space Management and Maintenance Plan**

An Open Space Management & Maintenance Plan shall be submitted within 6 months of commencement of development above ground floor slab level. This shall include full details of the size, location, layout and detailed design of the proposed children's play areas. It shall also include management & maintenance and responsibilities for all communal play spaces/amenity spaces and all publicly accessible open spaces, including the first floor amenity terrace to Building B1 and the fourth floor roof terrace to Building B2.

Once provided, these spaces shall be managed and maintained in accordance with the approved Plan.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the 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).

## **31. Soundproofing**

No above ground construction of the relevant part of the development (i.e. Building B1, B2 or B3) shall take place until full written details, including relevant drawings and specifications of the proposed works of sound insulation against airborne noise to meet  $DnT,w + C_{tr}$  dB of not less than 55 for walls and/or ceilings where residential parties non domestic use have been submitted to and approved in writing by the local planning authority.

No part of the development hereby approved shall be occupied until the approved soundproofing works as agreed have been implemented in accordance with the approved details.

The soundproofing shall be retained permanently in accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

### **32. External Lighting**

Prior to occupation of the relevant part of the development (Building B1, B2 and B3) 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 generally 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.

Any such external lighting shall be installed in accordance with the approved drawings and any directional hoods shall be retained permanently.

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).

### **33. Delivery and Service Plan**

No part of the development (Buildings B1, B2 or B3) shall be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.

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 moveable refuse containers.

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 for the life of the development.

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

### **34. Electric Vehicle Charging Points**

Details of the electric vehicle charging points to be provided in the basement of Building B2 together with a programme for their installation and maintenance shall be submitted to and approved in writing by the local planning authority prior to occupation of that building.

The approved electric vehicle charging points shall be installed prior to first occupation of Building B2 and shall thereafter be retained and maintained in accordance with the approved details.

Reason: To reduce pollution emissions in an Area Quality Management Area in accordance with Policy T6 Car parking in the London Plan (March 2021), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

### **35. Cycle Parking Provision**

Prior to construction of the relevant part of the development (Buildings B1, B2 and B3) full details of the cycle parking facilities for at least 569 cycles must be submitted to and approved in writing by the local planning authority.

All cycle parking spaces shall be provided and made available for use prior to occupation of the relevant part of the development, and retained thereafter.

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy T5 cycling and Table 10.2 of the London Plan (March 2021) and Policy 14: Sustainable movement and transport of the Core Strategy (2011).

### **36. Car Club Parking Locations**

Prior to occupation of Building B2 a plan showing the location of two car club spaces shall be submitted to and approved in writing by the local planning authority. The spaces shall be provided in accordance with the details approved and shall be made available for use prior to occupation of Building B2. Thereafter the spaces shall be retained and used only for parking cars associated with the car club.

Reason: To limit car ownership/use and encourage sustainable modes of transport in accordance with Policy T6.1 Residential Parking of the London Plan (March 2021) and Objective 9: Transport and accessibility and Core Strategy Policy 14: Sustainable movement and transport (June 2011), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

### **37. Retention of Amenity Spaces**

The whole of the amenity space (including roof terraces and balconies) as shown on drawing no. 0583-PLI-XX-XX-DR-L-0130 Rev 04 and Plincke Outline Specification ref 0583-PLI-XX-XX-SP-L-0210 Rev 03 hereby approved 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 Core Strategy (June 2011) and DM Policy 32 Housing Design, layout and space standards of the Development Management Local Plan (November 2014)

### **38. Operation of Commercial Use in Building B1**

A Scheme of Operation for the commercial use falling within Use Class A1, A2, A3, D1 and D2 within the ground and first floors of Building B1, including details of proposed hours of operation (including servicing) and the use and extent of the outdoor seating area, is to be submitted to and approved in writing by the local

planning authority prior to occupation. The premises shall not be operated otherwise than in accordance with the approved Scheme.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with DM Policy 26 Noise and Vibration, DM Policy 32 Housing design, layout and space standards, DM Policy 14 District centres shopping frontages, DM Policy 15 Neighbourhood Local Centres, DM Policy 16 Local shopping parades and corner shops, of the Development Management Local Plan (November 2014).

### **39. 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 in Building B1 (including entirety of the first floor) and B2 shall be used for uses falling within A1, A2, A3, B1, D1 (health, education including nurseries, museum and art galleries) and D2 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 Policy 5 Other employment locations of the Core Strategy (2011), Policy LTC5 Conington Road Policy Area of the Lewisham Town Centre Local Plan (2014), and Policy DM Policy 10 Local employment locations of the Development Management Local Plan (2014).

### **40. Ventilation Equipment for A3 Uses**

The specification of the ventilation system in respect of any A3 use of a Commercial Unit, which shall include measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencers and anti-vibration mountings where necessary) shall be submitted to and approved in writing by the local planning authority prior to first use for A3 purposes.

No non-residential unit shall be first occupied for A3 purposes until the approved ventilation systems have been installed in accordance with the plans and specification approved and such ventilation systems shall thereafter be permanently retained and maintained in accordance with the approved specification.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Policy 17 Restaurants and cafes (A3 uses) and drinking establishments (A4 uses) and DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

### **41. Fixed Plant Noise Control**

The rating level of the noise emitted from fixed plant on the site shall be at least 5dB below the existing background level during the day (07:00-19:00), evening (19:00-23:00) and night-time (23:00-07:00) periods, when assessed in accordance with BS4142:2014. The noise levels shall be determined at the façade of the nearest noise sensitive property to the fixed plant.

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).

#### **42. Shop Front Design**

The construction of Buildings B1 and B2 above ground floor slab level shall not commence until plans and sectional details at a scale of 1:10 or 1:20 showing the proposed frontages to the commercial units in Building B1 and Building B2 have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details and the shopfront fronts fitted before first occupation of any residential unit within the respective block.

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

#### **43. Privacy Screens**

The privacy screens to the balconies of Building B3 as detailed on Page 177 of the Design and Access Statement (May 2017) shall be implemented before any dwelling in that block is first occupied. The approved screens shall be permanently retained.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

#### **44. Surface Water**

Prior to first occupation the drainage systems for the infiltration of surface water drainage into the ground are to be submitted and approved by the local planning authority, demonstrating that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: In order to ensure that the development incorporates sustainable urban drainage systems in accordance with paragraph 165 of the NPPF, Core Strategy Policy 10 (June 2011) and Policies SI 12 Flood risk management and SI 13 Sustainable drainage of the London Plan (March 2021).

#### **45. River Ravensbourne Buffer Zone**

The development shall be carried out in accordance with the approved details approved DC/21/119850 (05 May 2021) and the buffer zone maintained thereafter until 'river corridor improvement works' (to be secured through a planning obligation) has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To comply with PolicyG6 Biodiversity and access to nature of the London Plan (2021), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

#### **46. Travel Plan**

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.

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.

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 Core Strategy (June 2011).

#### **47: Approved Quantum**

The development shall be implemented in accordance with the following approved details:

- a) 365 residential dwellings (use class C3);
- b) 554sqm gross of commercial/ community/ office/ leisure space (Use Class A1/A2/A3/ B1/ D1/ D2); and
- c) 3no. buildings measuring 8, 14 and 34 storeys in height.

**Reason:** To ensure that the development is implemented as approved and is acceptable to the local planning authority.

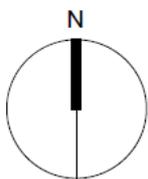
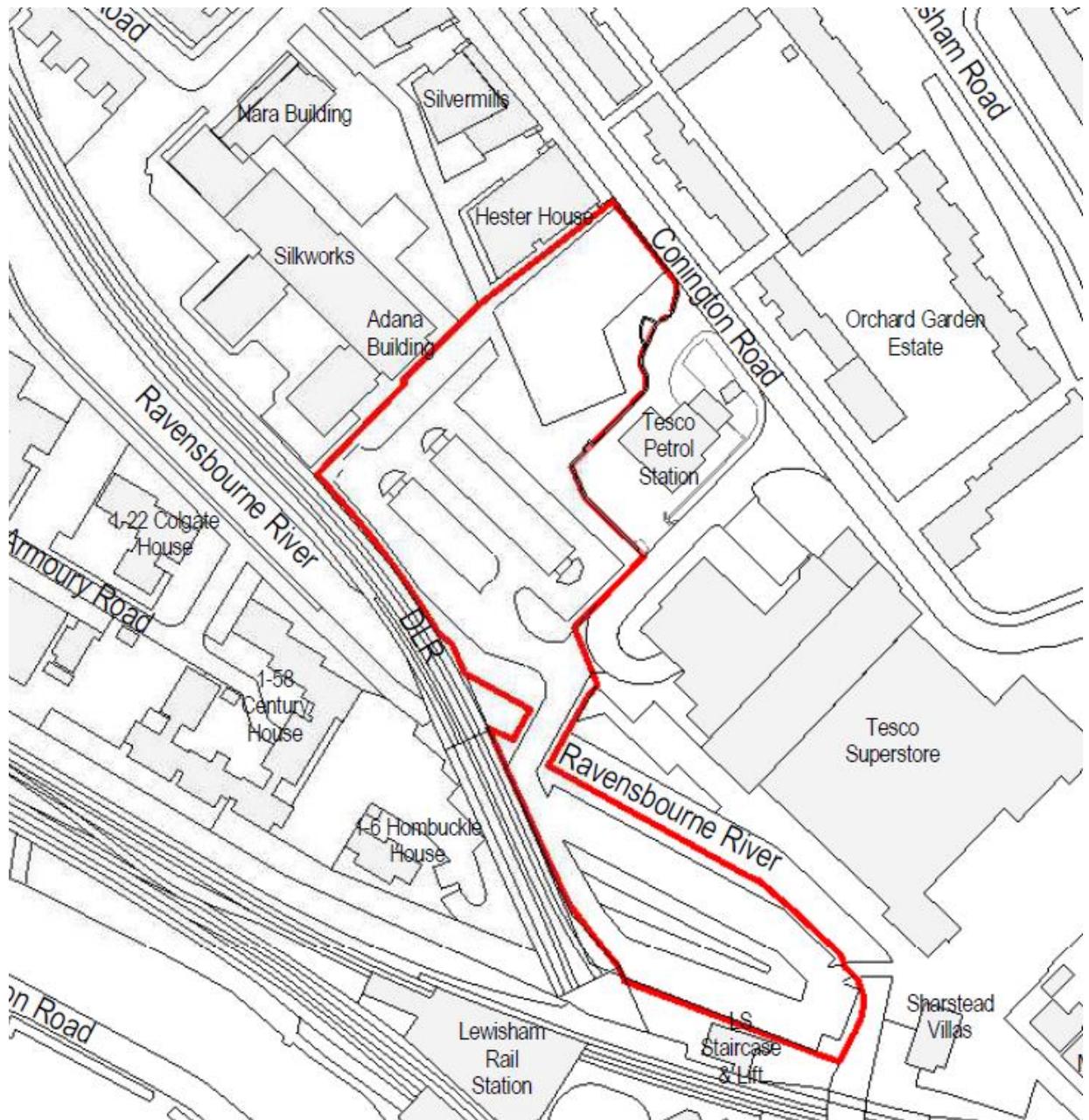
## **13.2 INFORMATIVES**

- 1) **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, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.
- 2) 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\*\*](http://www.lewisham.gov.uk)
- 3) You are advised that the approved development is subject to a Section 106 agreement (as amended). Please ensure that the obligations under the Section 106 agreement are addressed in accordance with the details and timeframes set out in the agreement. If you have any questions regarding the agreement or how to make a payment or submission required under the

agreement, please contact the S106/CIL team on  
[cil@lewisham.gov.uk](mailto:cil@lewisham.gov.uk)

**Appendix One – Design Review Panel Response (29 March 2021)**

**Appendix Two – Appeal Decision DC/17/101621**



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# LEWISHAM DESIGN REVIEW PANEL

## DESIGN REVIEW REPORT

Project	<b>209 Conington Road</b>
Status	<b>Pre-application: 3<sup>rd</sup> Review</b>
Review Date	17 March 2021
Issue Date	29 March 2021

In attendance:

### **Design & Planning Team**

<b>Applicant</b>	<b>Watkin Jones</b> Graham Nelson Jeff Williams Clare Droog
<b>Architects</b>	<b>Brock Carmichael</b> Phil Malthouse
<b>LDRP Panel Members</b>	Keith Williams (Chair)* Martha Alker* Dominique Oliver Amanda Reynolds Keith Tillman*

### **Local Planning Authority London Borough of Lewisham**

Michael Forrester, Major and Strategic Projects Manager  
Ruth Coulson, Principal Urban Design Officer  
Konoya Kabir, Assistant Strategic Planning Officer

\*Denotes LDRP member who has evaluated this project at earlier LDRP review.

This report forms the response of Lewisham Design Review Panel (LDRP) to the virtual presentation of the project 17<sup>th</sup> March 2021.

### **DECLARATIONS**

No conflicts of interest were declared.

### **VIRTUAL SITE VISIT**

The DRP was virtual and did not include a formal site visit due to the Covid-19 lockdown restrictions currently in force. Three of the five panel members had reviewed the scheme in the past and comprehensive photographs of the site were provided as well as a virtual walk through on 'Google Maps' prior to the review. Therefore, all Panel Members were familiar with the site, its context and constraints.

### **SITE AND ITS CONTEXT**

The site comprises the former Tesco car park, accessed from Conington Road. The site includes a bridge over the Ravensbourne River.

The site is Lewisham Town Centre. Lewisham Station adjacent to the site, to the south. The site lies within the Lewisham Town Centre Local Plan site policy area 'LTC5'. Policy LTC5 identifies mixed-use redevelopment alongside improved connectivity and river restoration to the River Ravensbourne.

# LEWISHAM DESIGN REVIEW PANEL

## DESIGN REVIEW REPORT

Planning permission was granted at appeal in January 2020 for:

*'construction of three buildings, measuring 8, 14 and 34 storeys in height, to provide 365 residential dwellings (use class C3) and 554 square metres (sqm) gross of commercial/ community/ office/ leisure space (Use Class A1/A2/A3/B1/D1/D2) with associated access, servicing, energy centre, car and cycle parking, landscaping and public realm works' - LBL reference 'DC/17/101621'.*

### **DESCRIPTION OF THE PROPOSAL**

The Applicant is in pre-application discussions with Officers relating to the following proposed changes to the consented project:

#### **Site-wide Changes**

- A reduction in the floor to floor heights across all blocks (internal floor to ceiling heights maintained)
- A change from CHP to air source heat pump

#### **Building B1 (Tower)**

- An expansion of the ground floor entrance lobby
- External changes to the fenestration and crown
- Alteration to external materials from GRC to aluminium
- Total resident internal amenity provision increased at top floor 'deck' level and extended first floor level
- Alteration to the overall unit mix
- Storey heights reduced generally across scheme by 200mm per floor enabling a single additional storey to Tower B1 (internal floor to ceiling heights remain unchanged)
- Provision of plant at 15<sup>th</sup> storey level
- Internal core arrangement modified to accommodate an additional (third) lift and rubbish chutes

#### **Building B2**

- Changes to materials including window surrounds

#### **Building B3**

- Improved pedestrian entrance at Conington Road
- Reduction in plant floorspace

# LEWISHAM DESIGN REVIEW PANEL

## DESIGN REVIEW REPORT

### **STAGE OF PROPOSAL**

There have been two pre-application meetings in relation to this site.

The Panel had discussed the proposals on several occasions when promoted by a different applicant and design team prior to the planning submission and subsequent grant of planning permission, LBL reference 'DC/17/101621'.

The proposals are brought before the Panel with a different owner and design team to discuss the design approach of the options which explore opportunities for accommodating an additional floor, changes to the composition of the fenestration and crown of the building and the changes to the external materials. It is noted that EPR Architects have been retained as "Design Guardian" as required by the S102 agreement.

### **DESIGN REVIEW PANEL**

The Panel welcomed the opportunity to re-engage with the project and thanked the team for the presentation, before then inviting LBL planning officers' view.

### **LOCAL AUTHORITY PLANNING OFFICERS' VIEW**

Officers are fully supportive of the principle of providing an additional floor level to provide space to accommodate a more sustainable energy strategy.

Officers raised concerns relating to the potential reduction in floor to ceiling heights. The Applicant has however confirmed a reduction is not required, instead offering an engineering solution to reduce slab depths in building B1 and that the floor to ceiling heights of 2500mm will be maintained throughout as a minimum.

The provision of increasing the quantum of residential amenity space is supported in principle, provided that the changes do not weaken the wider public benefits of the consented scheme. This includes functional amenity space, the amount of commercial floorspace (including affordable commercial floorspace) and the public viewing deck.

Officers are concerned that the proposed first floor gym within building B1 could diminish the attractiveness of the first floor terrace and the flexibility offered by a residents' lounge opening onto a terrace (as provided in the consented project). The single storey extension requires further refinement, impacting negatively on the appearance of the development.

The loss of the space resultant from the extended lobby to Building B1 is considered to diminish the quality of this entrance, removing an important area of transition.

The reduction in size to the public viewing deck is unacceptable.

The reduction in communal toilet provision is also a concern.

### **Height, Massing and Architectural Approach**

Overall the proposals would result in a small reduction to the height of Tower B1. The tower previously employed proportions true to the Golden Section.

Officers have concerns that this change, in addition to an extra storey, would negatively affect the proportions of the building, the fenestration and the crown.

- Officers are concerned that the changes to the proposed materials could lessen the design quality of Tower B1 and building B2.
- Tower B1 – officers need assurance that the materials will have the same visual quality and durability as with the consented scheme.

# LEWISHAM DESIGN REVIEW PANEL

## DESIGN REVIEW REPORT

- Building B2 – officers need assurance that the proposed changes to the materials to the window surrounds are of good quality and will retain the sense of weight and texture.

### **Immediate Townscape**

Detailed CGIs and further testing showing the tower within the context of locally consented and planned tall buildings must be undertaken.

### **Public Realm/ Landscaping**

The overall landscape strategy and detailed design must be updated and enhanced to reflect the proposed changes. The enlarged external area adjacent B2 from Conington Road is welcomed.

### **POINTS OF CLARIFICATION**

Following the presentation by the architect and after Panel enquiry, the applicant team stated that:

- The floor to floor heights been reduced without changing internal floor to ceiling. This is achieved by reducing the depth of the structural floor slabs
- Airborne sound is dealt with sufficiently by the density of the concrete. Impact sound is dealt with by the resilient floor finish and a layer of plaster board below the ceiling. Compliance with the Building Regulations in relation to sound can be achieved in this manner
- Buildings B2 and B3 materials include a Corium brick slip system
- The proposed aluminium panel systems will be unitised
- The material proposed for the horizontal banding) is expected to remain as GRC as consented

### **DESIGN REVIEW PANEL COMMENTS**

The Panel were appreciative of the quality of the team's presentation, which greatly aided the discussion and the Panel's assessment of the project.

The Panel's comments are set out below:

### **FORM, MASSING & LAYOUT**

#### **Building B1 (Tower)**

The proposed overall height of Tower B1 has been reduced by 3215mm. Whilst ordinarily this would be a welcome move, its acceptability has to be balanced against the carefully derived proportions of both the tower and its constituent parts established by the original design and subsequent consent. The Panel were concerned that the reduction in floor to heights seems to diminish the design of the tower. Further illustration of the proposed revisions to the tower's architecture needed to be demonstrated by means of detailed renderings from street and more distant views so that the effect of the amendments, when they are further developed in the context of this commentary, can be more accurately evaluated. (see also section on Detail + Materials below)

#### **Buildings B2 & B3**

The reduction in floor to floor heights appear on these buildings to have been relatively successfully accommodated, aided by the retention of the original window and window surround proportions. The forms, save for some adjustment to the ground footprint of B3 are otherwise largely unchanged from the consented project.

# LEWISHAM DESIGN REVIEW PANEL

## DESIGN REVIEW REPORT

### **Building B1 (Tower)**

#### **Ground Floor Layout**

The Panel supported the enlargement of the ground floor reception area, but commented that the post room could be better accommodated by being recessed deeper into the support/service zones rather than occupying such a prominent part of the ground level footprint.

The Panel commented that the repositioned staircase now has more prominence within the reception space and has improved the layout. The Panel welcome the additional lift to three which seems a more appropriate provision for the building.

The structural fin wall perpendicular to the main glazed north elevation, though reduced is still very obtrusive and alternative less obtrusive structural outcomes should be explored.

The Panel were concerned that the westward expansion of the reception area brought the external glazing and entrance line broadly flush with the main elevation denying any shelter of protection from downdraft, which would not be acceptable.

### **Building B1 (Tower)**

#### **Gym and Terrace 1<sup>st</sup> Floor**

The Panel were clear that the whole 1<sup>st</sup> floor layout needs to be redesigned.

The communal terrace has been reduced substantially in area relative to the consented designs which the Panel does not support.

Furthermore, that whilst having health benefits, the gym is a niche function, cutting out a certain percentage of the residents having comfortable access onto the terrace.

The routes from the stair/lift core to the terrace are narrow and convoluted and not acceptable. The consented designs which offered a large communal terrace with easy access from the residents' communal spaces and the stair/lift core was a far more successful design solution.

Architecturally, the proposed single extension to accommodate the gym at the base of the tower is extremely poor and is not supported by the Panel. The Panel suggested that the gym should sit within the footprint of the tower, if needs be adding a floor or part floor within the building volume.

The affordable commercial space at 1<sup>st</sup> floor is poorly located with a difficult entry point. It should have direct access from the outside and would be far better located as before on the ground floor. Panel suggest that this be relocated.

### **Building B2**

#### **Ground floor**

The Panel felt that the reduction in commercial space had produced a vast entrance lobby space and some rebalancing was needed. This may include a re-evaluation of the building line at ground level, and potentially adding back some commercial space.

#### **1<sup>st</sup> floor**

The addition of further residents' amenity room in lieu of the consented one bedroom flat is a positive. The Panel recommended that full height and full width glazing with access doors be added to form the external envelope between the residents' room and the terrace.

### **PUBLIC REALM AND LANDSCAPE**

The proposed landscape design amendments to consented scheme are appropriate and welcomed, but need to be worked into the wider landscape.

# LEWISHAM DESIGN REVIEW PANEL

## DESIGN REVIEW REPORT

The Panel drew attention to need to ensure that the external environment will be safe, welcoming, robust, and establish successful urban planting. The team will need to demonstrate that lighting, wind/ downdraft mitigation have been successfully resolved (see also sections on Microclimate and Lighting below).

### **Public Realm And Landscape : Building B2**

The Panel challenged the reduction in size of the triangular planted spaces to the first floor level communal terrace between buildings B2 & B3. Clarification is needed as to landscape design intent, plant species and detailed design of the planters, pathways and seating arrangements.

Further work is needed to clearly demonstrate the proper and successful segregation of the private/communal/public realms notably for the apartments at ground floor level. Sectional variation between inside and outside and defensible walled/segregated planted zones are the normal devices for resolving this issue.

### **Public Realm And Landscape : Building B3**

The Panel supported the reduction to the building footprint at street level at its junction with Conington Road.

The Panel recommend that further work is undertaken to establish likely desire lines and to add pathways toward the building to accommodate the expected direction of pedestrian travel.

Further work is needed to clearly demonstrate the proper and successful segregation of the private/communal/public realms notably for the apartments at ground floor level. Sectional variation between inside and outside and defensible walled/segregated planted zones are the normal devices for resolving this issue.

## **DETAIL & MATERIAL**

### **Building B1 (Tower)**

The Panel emphasised the importance of a high quality cladding system being selected such that the joints, corners, returns, and soffits were all well executed and visible surface fixings and seals avoided.

The Panel challenged the design of the columns/column casings are questioned as shown on the ground and first floor plans as they appear non-aligned and unresolved. The consented scheme had clear ordered columns and established a precedent which should be adhered to.

The Panel agreed that GRC should be retained for the lower two storeys including the column cladding, for reasons of durability.

The Panel questioned the appropriateness of aluminium cladding, post-Grenfell but noted the team's assurance that the systems chosen will be fully code compliant.

The Panel noted that the applicant team were proposing to use "stone effect" aluminium cladding, commenting that this needs to be demonstrated as a suitable high quality material.

The Panel were clear that the window proportions as established by the consented designs should be retained.

The Panel considered the reduced depth of the horizontal spandrel bands, which clad the structural zone at 3 floor intervals. The Panel were concerned that reduction in depth, which was originally designed to match the equivalent panels of the tower's vertical frame, are a noticeable and detrimental change to the designs.

# LEWISHAM DESIGN REVIEW PANEL

## DESIGN REVIEW REPORT

The thickness of the banding of the original consented scheme contributes heavily to the layering of the building and the strength of reading from a distance. Panel consider the reduction in banding thickness is a step back from original consented scheme. The Panel recommended that the team explore a means of providing the original depth to the bands whilst retaining the window proportions, which may require some further adjustment to the floor to floor heights.

The Panel did not support the louvres spanning vertically across the structural floor zones and advised that the precedent of a floor spandrel in the same material as the building cladding to the main grid system as defined in the consented designs, be complied with. The Panel also raised issues in relation to the louvre panels and extracts running through these, questioning how they will be maintained and cleaned and freed from dust and pollution in use.

The Panel noted that with no apparent zones to take a range of floor finishes in the detailed section such as wood flooring or thicker finishes and an acoustic layer, the design appear to limit the adaptability of the building over the long term. Although the building is being constructed as build to rent its structural design and spatial zones should allow future adaptability such as units for sale. The design should allow sufficient tolerance to secure the long-term future of the tower in a range of tenures as it will not be possible to adapt the tower once constructed and it is not acceptable that adaptability should not be factored into the design at this stage.

### **Buildings B2 & B3**

Comments under Materials + Detail : Securing Quality below, the approach to the cladding of these buildings seems reasonable in principle and eth Panel raise and particular issues of concern.

### **MICROCLIMATE**

The environmental studies presented seemed minimal in scope for both daylight/sunlight and wind. The Panel questioned whether further mitigation measures will be needed to address the potential for unacceptable downdraught in the public realm to be caused by the buildings and suggested that further work wind analysis coupled with the architectural detail will be needed to fully resolve this issue.

### **DETAIL & MATERIAL : SECURING QUALITY**

The applicant team should note the Panel's general guidance on material, quality and detail. At planning application stage the quality of the detailing needs to be demonstrated through large scale drawings 1:20 and 1:5 of key elements of the building and landscape, and should be accompanied by actual material samples which should be secured as part of any planning approval.

### **LIGHTING**

Although not discussed in detail at this review, the applicant the team should note the Panel's general advice that the proposals need to be developed to consider the diurnal/nocturnal aspects of the public realm and should include high quality lighting design work integrated into the landscape and architectural strategy.

### **SUSTAINABILITY**

Discussed only in outline at this review, Panel encouraged the highest levels of sustainability and noted the emerging intentions in the Design Team's statements to that effect. The design team should establish clearly to the satisfaction of the LPA, their intentions toward sustainability, carbon reduction and energy use targets for the development.

### **SUMMARY**

The Panel continues to endorse the principle of the development and considers the proposed uses appropriate. The important aspect in respect of this stage of the project is for the Panel to be satisfied that the proposed amendments to the consented designs do not diminish their quality.

# LEWISHAM DESIGN REVIEW PANEL

## DESIGN REVIEW REPORT

### **Summary : Form, Massing & Layout**

#### **Building B1 (Tower)**

The proposed overall height of Tower B1 has been reduced by 3215mm. Whilst ordinarily this would be a welcome move, its acceptability has to be balanced against the carefully derived proportions of both the tower and its constituent parts established by the original design and subsequent consent. The Panel were concerned that the reduction in floor to heights seems to diminish the design of the tower. Further illustration of the proposed revisions to the tower's architecture needed to be demonstrated by means of detailed renderings from street and more distant views so that the effect of the amendments, when they are further developed in the context of this commentary, can be more accurately evaluated. (see also section on Detail + Materials)

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#### **Building B1 (Tower)**

##### **Ground Floor Layout**

The Panel supported the enlargement of the ground floor reception area, but commented that the post room could be better accommodated by being recessed deeper into the support/service zones rather than occupying such a prominent part of the ground level footprint.

The Panel commented that the repositioned staircase now has more prominence within the reception space and has improved the layout. The Panel welcome the additional lift to three which seems a more appropriate provision for the building.

The structural fin wall perpendicular to the main glazed north elevation, though reduced is still very obtrusive and alternative less obtrusive structural outcomes should be explored.

The Panel were concerned that the westward expansion of the reception area brought the external glazing and entrance line broadly flush with the main elevation denying any shelter of protection from downdraft, which would not be acceptable.

#### **Building B1 (Tower)**

##### **Gym and Terrace 1<sup>st</sup> Floor**

The Panel were clear that the whole 1<sup>st</sup> floor layout needs to be completely redesigned as the layout amendments are not acceptable as set out in detail in this commentary.

Architecturally, the proposed single extension to accommodate the gym at the base of the tower is extremely poor and is not supported by the Panel. The Panel suggested that the gym should sit within the footprint of the tower, if needs be adding a floor or part floor within the building volume.

The affordable commercial space at 1<sup>st</sup> floor is poorly located with a difficult entry point. It should have direct access from the outside and would be far better located as before on the ground floor. Panel suggest that this be relocated.

#### **Building B2**

##### **Ground floor**

The Panel felt that the reduction in commercial space had produced a vast entrance lobby space and some rebalancing was needed. This may include a re-evaluation of the building line at ground level, and potentially adding back some commercial space.

# LEWISHAM DESIGN REVIEW PANEL

## DESIGN REVIEW REPORT

### **Summary : Public Realm & Landscape**

The proposed landscape design amendments to consented scheme are appropriate and welcomed, but need to be developed in design terms and worked into the wider landscape.

Further work is needed on Buildings B2 and B3 to clearly demonstrate the proper and successful segregation of the private/communal/public realms notably for the apartments at ground floor level. Sectional variation between inside and outside and defensible walled/segregated planted zones are the normal devices for resolving this issue.

### **Summary : Detail & Material**

The Panel emphasised the importance of a high quality cladding system being selected such that the joints, corners, returns, and soffits were all well executed and visible surface fixings and seals avoided.

The Panel considered the reduced depth of the horizontal spandrel bands, which clad the structural zone at 3 floor intervals. The Panel were concerned that reduction in depth, which was originally designed to match the equivalent panels of the tower's vertical frame, are a noticeable and detrimental change to the designs.

The thickness of the banding of the original consented scheme contributes heavily to the layering of the building and the strength of reading from a distance. Panel consider the reduction in banding thickness is a step back from original consented scheme. The Panel recommended that the team explore a means of providing the original depth to the bands whilst retaining the window proportions, which may require some further adjustment to the floor to floor heights.

The Panel did not support the louvres spanning vertically across the structural floor zones and advised that the precedent of a floor spandrel in the same material as the building cladding to the main grid system as defined in the consented designs, be complied with. The Panel also raised issues in relation to the louvre panels and extracts running through these, questioning how they will be maintained and cleaned and freed from dust and pollution in use.

The Panel noted that with no apparent zones to take a range of floor finishes in the detailed section such as wood flooring or thicker finishes and an acoustic layer, the design appear to limit the adaptability of the building over the long term. Although the building is being constructed as build to rent its structural design and spatial zones should allow future adaptability such as units for sale. The design should allow sufficient tolerance to secure the long-term future of the tower in a range of tenures as it will not be possible to adapt the tower once constructed and it is not acceptable that adaptability should not be factored into the design at this stage.

The Panel challenged the design of the columns/column casings are questioned as shown on the ground and first floor plans as they appear non-aligned and unresolved. The consented scheme had clear ordered columns and established a precedent which should be adhered to.

The Panel agreed that GRC should be retained for the lower two storeys including the column cladding, for reasons of durability.

The Applicant team need to demonstrate that the proposed changes in materials do not produce a diminution in quality relative to the consented designs.

### **Summary : Microclimate**

The environmental studies presented seemed minimal in scope for both daylight/sunlight and wind. Although not explored in detail at this review, the Panel questioned whether further mitigation measures will be needed to address the potential for unacceptable downdraught in the public realm to be caused by the height of the buildings and suggested that further wind analysis coupled with the architectural detail will be needed to fully resolve this issue.

# LEWISHAM DESIGN REVIEW PANEL

## DESIGN REVIEW REPORT

Overall the Panel was clear that further revisions, testing and design development is needed to convince that the proposed amendments do not diminish the quality of the consented designs, in particular in relation to Building B1 which is of most concern, and the grounding of Buildings B1 and B2.

This report constitutes the formal response of Lewisham Design Review Panel to the project as presented at review on 17<sup>th</sup> March 2021 and supersedes any earlier advice given by the Panel on this project.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K Williams', with a horizontal line above the 'i'.

**Keith R Williams** FRIBA MRIAI FRSA: Chair LDRP



**Ministry of Housing,  
Communities &  
Local Government**

James Harris  
Lichfields  
14 Regents Wharf  
All Saints Street  
London  
N1 9RL

Our ref: APP/C5690/W/18/3205926  
Your ref:

22 January 2020

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL MADE BY MB HOMES LEWISHAM LTD  
LAND AT FORMER CAR PARKS, TESCO STORE, CONINGTON ROAD, LEWISHAM,  
LONDON SE13 7LH  
APPLICATION REF: DC/17/101621**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Paul Jackson BArch (Hons) RIBA, who held a public local inquiry which opened on 14 May 2019 into your client's appeal against the decision of London Borough of Lewisham to refuse your client's application for planning permission for construction of three buildings, measuring 8, 14 and 34 storeys in height, to provide 365 residential dwellings (use class C3) and 554 square metres (sqm) gross of commercial/ community/ office/ leisure space (Use Class A1/A2/A3/B1/D1/D2) with associated access, servicing, energy centre, car and cycle parking, landscaping and public realm works, in accordance with application ref: DC/17/101621, dated 12 May 2017
2. On 2 May 2019, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended that the appeal is allowed and planning permission granted subject to conditions.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and agrees with his recommendation. He has decided to allow the appeal and grant planning permission subject to conditions. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.
5. An application for a partial award of costs was made by MB Homes Lewisham Ltd against the Greater London Authority (GLA) (IR8). This application is the subject of a separate report and a decision letter is also being issued today.

Ministry of Housing, Communities & Local Government Tel: 0303 444 3594  
Andrew Lynch, Decision Officer Email: PCC@communities.gov.uk  
Planning Casework Unit  
3rd Floor Fry Building  
2 Marsham Street  
London SW1P 4DF

## **Procedural matters**

6. The Secretary of State notes at IR2-7 that a second application was submitted with the objective of addressing the reasons for refusal (IR3). To overcome the harm that had been identified by members, the appellant agreed with the Council that the amendments from the second scheme should be imported into the appeal scheme. The Secretary of State also notes that the drawings listed in conditions in Annex A reflect the first application with the agreed alterations from the second scheme. However, the Secretary of State does not consider that the importation of the amendments raises any matters that would require him to refer back to the parties for further representations prior to reaching his decision on this appeal, and he is satisfied that no interests have thereby been prejudiced.

## **Policy and statutory considerations**

7. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
8. In this case the development plan consists of the London Plan (LP) of 2016, the Lewisham Core Strategy (LCS) of 2011, the Lewisham Development Management Local Plan (DMLP) of 2014 and the Lewisham Town Centre Local Plan of 2014.
9. The Secretary of State considers that relevant development plan policies include those set out at IR14-16.
10. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the Lewisham Tall Buildings Study (updated in 2012) and Supplementary Planning Guidance (SPG) entitled 'Homes for Londoners: Affordable Housing and Viability' of 2017. The revised National Planning Policy Framework was published on 24 July 2018 and further revised in February 2019. Unless otherwise specified, any references to the Framework in this letter are to the 2019 Framework.
11. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.
12. In accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

### *Emerging plan*

13. The Examination in Public of the London Plan has concluded and the Panel presented their report to the Mayor in October 2019. On 9 December 2019, the Mayor of London submitted his “Intend to Publish” version of the London Plan to the Secretary of State for his consideration.
14. The Secretary of State considers that the emerging policies of most relevance to this case are those set out in IR17-18. Since the close of the Inquiry, the references / titles of some key policies have changed in the “Intend to Publish” version, for example, policies D1A and D1B (London’s form, character and capacity for growth), D3 (Optimising site capacity through the design-led approach), D9 (Tall buildings) and H5 (Threshold approach to applications).
15. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. Following recent progress with the emerging London Plan, the Secretary of State concludes that NLoP policies carry moderate weight.

### **Main issues**

16. The Secretary of State agrees with the Inspector that the main considerations are those set out in IR125.

### *Provision of affordable housing*

17. The Secretary of State agrees with the Inspector that the essential differences on viability between the parties lies in a variation of around £11m in construction costs (including fees and profit); and private residential values (IR127).

#### *Construction costs*

18. The Secretary of State notes that CDM (for the GLA) consider build costs to be overstated (IR129). However, the Secretary of State also notes that independent costs estimates produced by 3 firms of costs consultants were within 2 percentage points of each other. He agrees with the Inspector that no evidence has been produced in any later analyses to show that those build costs, or any element of them considered for viability purposes, are unreasonable (IR128-131).

#### *Fees*

19. The Secretary of State notes that the level of fees remained a point of difference at the beginning of the Inquiry. The Secretary of State also notes that while detailed analysis of this issue did identify an overstatement of fees of less than £1m, this is far below the overstatement claimed by the Council and GLA. He further notes that, at the Inquiry no evidence was forthcoming from the GLA’s costs witness, CDM, to support their contention that preliminaries are set too high or that the level of professional fees of around 10% would be excessive for a project of this nature. In addition, the Council’s costs witness accepted that if a reasonable preliminaries figure of 17% or so was adopted then the whole argument in support of the £5.5m fees deduction from the overall level of costs fell away (IR132-133).

### *Profits*

20. For the reasons given in IR134-135, the Secretary of State agrees with the Inspector that the proposed profit levels are reasonable for this scheme.
21. For the reasons given in IR136 the Secretary of State agrees with the Inspector that no evidence was offered by the Council or the GLA to counter the appellant's build costs analysis or the level of fees or profit.

### *Private residential values*

22. The Secretary of State has carefully considered the Inspector's analysis in IR137-146 and agrees that the GLA's suggested values would be unlikely to be achievable in the market (IR144).
23. The Secretary of State also notes that the GLA accepted at the Inquiry that if the £11m alleged surplus on fees and construction costs did not exist, then the claimed remaining £900,000 (IR132) would not have led to a direction to refuse from the Mayor's office (IR146). For the reasons in IR147, the Secretary of State agrees with the Inspector that the 20.2% affordable housing proposed by the appellant is the maximum, if not somewhat more, than what can be reasonably provided, and he accordingly attaches very considerable weight to this benefit of the proposal. He finds no conflict with the requirements of LonP policy 3.12; the Mayor's Affordable Housing and Viability SPG, Lewisham CS policy 1 and DMLP policy DM7.

### *Late stage review*

24. For the reasons given in IR148-149, the Secretary of State agrees with the Inspector that there is no pressing case for a late stage review for a scheme such as this, where development is proposed to be completed in a single phase. He finds no conflict with the requirements of LP policy 3.12, the Mayor's Affordable Housing and Viability SPG, Lewisham CS policy 1 and DMLP policy DM7.

### *Other matters*

#### *Character and appearance*

25. For the reasons given in IR150-151, the Secretary of State considers the public benefits in the form of improvements to the Silk Mills path, the access to the station and the new public space outweigh any additional harm identified in relation to the small scale housing to the south east of the tower (IR152). For the reasons given in IR153 the Secretary of State agrees with the Inspector that there would be no harm caused to any view from locations including Blackheath, Blythe Hill Fields, Hilly Fields and Mountsfield Park. The Secretary of State agrees with the Inspector's conclusions in IR166 that the scheme would contribute positively to the character and appearance of the emerging Lewisham Town Centre and affords this moderate weight in favour of the proposal.

#### *Heritage matters*

26. For the reasons given in IR154-157, the Secretary of State agrees that the effect of the appeal scheme on the range of heritage assets considered would be insignificant. While the Inspector has not identified any specific harm to any heritage asset, on the basis that an insignificant effect might still qualify as less than substantial harm, the Secretary of State has had regard to paragraph 196 of the Framework, and on a precautionary basis,

has carried out the balancing exercise set out there. He has set out his conclusions in paragraph 31 of this letter.

### *Living conditions*

27. For the reasons given in IR158-164, the Secretary of State agrees with the Inspector's conclusion in IR164 that while there would be some impact on the daylighting, outlook and living conditions of some nearby occupiers, these would not amount to unacceptable impacts, and he affords the identified harm limited weight against the proposal.

### **Planning conditions**

28. The Secretary of State has given consideration to the Inspector's analysis at IR121-124, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 55 of the Framework and that the conditions set out at Annex A should form part of his decision.

### **Planning obligations**

29. Having had regard to the Inspector's analysis at IR119, the planning obligation dated 31 May 2019, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR120 that the obligation, except with respect to a late review mechanism, complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework.

### **Planning balance and overall conclusion**

30. For the reasons given above, the Secretary of State considers that the appeal scheme is in accordance with LonP policy 3.12, the Mayor's Affordable Housing and Viability SPG, Lewisham CS policy 1 and DMLP policy DM7, and is in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
31. Against the proposal, the Secretary of State affords limited weight to any impacts on living conditions. In favour, the Secretary of State affords very considerable weight to the provision of market and affordable housing. He also affords moderate weight to the positive contribution to the character and appearance of the emerging Lewisham Town centre.
32. The Secretary of State has considered whether the identified 'less than substantial' harm to the significance of the heritage assets identified in IR154-157 is outweighed by the public benefits of the proposal. In accordance with the s.66 duty, he attributes considerable weight to the harm. The Secretary of State has identified the benefits of the scheme and the weight he has afforded to these in paragraph 29 of this letter.
33. Overall the Secretary of State considers that the benefits of the appeal scheme are collectively sufficient to outbalance the identified 'less than substantial' harm to the significance of the heritage assets identified in IR154-157. He considers that the balancing exercise under paragraph 196 of the Framework is therefore favourable to the proposal.

34. The Secretary of State concludes that there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
35. The Secretary of State therefore concludes that the appeal should be allowed and planning permission granted.

### **Formal decision**

36. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants planning permission subject to the conditions set out in Annex A of this decision letter for construction of three buildings, measuring 8, 14 and 34 storeys in height, to provide 365 residential dwellings (use class C3) and 554 square metres (sqm) gross of commercial/ community/ office/ leisure space (Use Class A1/A2/A3/B1/D1/D2) with associated access, servicing, energy centre, car and cycle parking, landscaping and public realm works in accordance with application ref: DC/17/101621 dated 12 May 2017 (as amended see paragraph 6 of this letter).
37. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

### **Right to challenge the decision**

38. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
39. A copy of this letter has been sent to the Council of the London Borough of Lewisham and the Greater London Authority. Notification has been sent to others who asked to be informed of the decision.

Yours faithfully

*Andrew Lynch*

**Andrew Lynch**

Authorised by the Secretary of State to sign in that behalf

## Annex A List of 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.

### 2. Develop in Accordance with Approved Drawings and Documents

The development shall be carried out in accordance with the plans and drawings detailed below:

10472-EPR-ZA-ZZ-TP-A-0100	rev 02;	10472-EPR-ZA-ZZ-TP-A-0001	rev 02;
10472-EPR-ZAA-AA-TP-A-002	rev 02;	10472-EPR-ZA-BB-TP-A-003	rev 02;
10472-EPR-ZA-CC-TP-A-004	rev 02;	10472-EPR-ZA-ZZ-TP-A-0101	rev 04;
10472-EPR-ZA-B1-TP-A-0102	rev 02;	10472-EPR-ZA-GF-TP-A-0103	rev 04;
10472-EPR-ZA-01-TP-A-0104	rev 04;	10472-EPR-ZA-T1-TP-A-0105	rev 04;
10472-EPR-ZA-RF-TP-A-0106	rev 05;	10472-EPR-ZA-AA-TP-A-0500	rev 03;
10472-EPR-ZA-BB-TP-A-0501	rev 04;	10472-EPR-ZA-CC-TP-AQ0502	rev 04;
10472-EPR-ZA-DD-TP-A-0503	rev 03;	10472-EPR-ZA-EE-TP-A-0504	rev 02;
10472-EPR-ZA-FF-TP-A-0505	rev 04;	10472-EPR-01-GF-TP-A-0200	rev 04;
10472-EPR-01-01-TP-A-0201	rev 04;	10472-EPR-01-T1-TP-A-0202	rev 05;
10472-EPR-01-GF-TP-A-0203	rev 05;	10472-EPR-01-01-TP-A-0204	rev 04;
10472-EPR-01-T1-TP-A-0205	rev 04;	10472-EPR-01-15-TP-A-0206	rev 04;
10472-EPR-01-30-TP-A-0207	rev 04;	10472-EPR-01-T2-TP-A-0208	rev 04;
10472-EPR-01-33-TP-A-0209	rev 04;	10472-EPR-01-RF-TP-A-0210	rev 05;
10472-EPR-01-RF-TP-A-0211	rev 05;	10472-EPR-01-XX-TP-A-0212	rev 01;
10472-EPR-01-XX-TP-A-0213	rev 01;	10472-EPR-01-NO-TP-A-0400	rev 04;
10472-EPR-01-EA-TP-A-0401	rev 04;	10472-EPR-01-WE-TP-A-0402	rev 04;
10472-EPR-01-SO-TP-A-0403	rev 04;	10472-EPR-01-XX-TP-A-0404	rev 03;
10472-EPR-01-XX-TP-A-0405	rev 03;	10472-EPR-01-XX-TP-A-0406	rev 03;
10472-EPR-01-XX-TP-A-0407	rev 03;	10472-EPR-01-XX-TP-A-0408	rev 03;
10472-EPR-01-XX-TP-A-0409	rev 03;	10472-EPR-01-XX-TP-A-0410	rev 03;
10472-EPR-01-XX-TP-A-0411	rev 03;	10472-EPR-01-XX-TP-A-0412	rev 03;
10472-EPR-01-XX-TP-A-0413	rev 04;	10472-EPR-01-XX-TP-A-0414	rev 04;
10472-EPR-01-AA-TP-A-0500	rev 04;	10472-EPR-01-BB-TP-A-0501	rev 04;
10472-EPR-02-B1-TP-A-0299	rev 04;	10472-EPR-02-GF-TP-A-0200	rev 07;
10472-EPR-02-01-TP-A-0201	rev 06;	10472-EPR-02-02-TP-A-0202	rev 06;
10472-EPR-02-03-TP-A-0203	rev 06;	10472-EPR-02-04-TP-A-0204	rev 06;
10472-EPR-02-05-TP-A-0205	rev 06;	10472-EPR-02-06-TP-A-0206	rev 06;
10472-EPR-02-07-TP-A-0207	rev 06;	10472-EPR-02-08-TP-A-0208	rev 06;
10472-EPR-02-09-TP-A-0209	rev 06;	10472-EPR-02-10-TP-A-0210	rev 06;
10472-EPR-02-11-TP-A-0211	rev 06;	10472-EPR-02-12-TP-A-0212	rev 06;
10472-EPR-02-13-TP-A-0213	rev 06;	10472-EPR-02-RF-TP-A-0214	rev 06;
10472-EPR-02-ZZ-TP-A-0215	rev 02;	10472-EPR-02-ZZ-TP-A-0216	rev 02;
10472-EPR-02-ZZ-TP-A-0217	rev 02;	10472-EPR-02-ZZ-TP-A-0218	rev 02;
10472-EPR-02-ZZ-TP-A-0219	rev 02;	10472-EPR-02-ZZ-TP-A-0220	rev 02;
10472-EPR-03-ZZ-TP-A-0221	rev 02;	10472-EPR-03-ZZ-TP-A-0222	rev 01;
10472-EPR-03-ZZ-TP-A-0223	rev 01;	10472-EPR-03-ZZ-TP-A-0224	rev 01;
10472-EPR-03-ZZ-TP-A-0225	rev 01;	10472-EPR-ZA-ZZ-TP-A-0226	rev 01;
10472-EPR-02-EL-TP-A-0400	rev 04;	10472-EPR-02-EL-TP-A-0401	rev 04;

10472-EPR-02-EL-TP-A-0402 rev 05; 10472-EPR-03-EL-TP-A-0403 rev 03;  
 10472-EPR-03-EL-TP-A-0404 rev 03; 10472-EPR-03-EL-TP-A-0405 rev 04;  
 10472-EPR-03-EL-TP-A-0406 rev 04; 10472-EPR-02-XX-TP-A-0407 rev 04;  
 10472-EPR-02-XX-TP-A-0408 rev 03; 10472-EPR-02-XX-TP-A-0409 rev 03;  
 10472-EPR-02-XX-TP-A-0410 rev 03; 10472-EPR-02-XX-TP-A-0411 rev 02;  
 10472-EPR-02-XX-TP-A-0412 rev 02; 10472-EPR-03-XX-TP-A-0413 rev 05;  
 10472-EPR-03-XX-TP-A-0414 rev 04; 10472-EPR-03-XX-TP-A-0415 rev 02;  
 10472-EPR-02-XX-TP-A-0416 rev 01; 10472-EPR-02-XX-TP-A-0417 rev 01;  
 10472-EPR-02-XX-TP-A-0418 rev 01; 10472-EPR-02-XX-TP-A-0419 rev 01;  
 10472-EPR-02-XX-TP-A-0420 rev 01; 10472-EPR-03-XX-TP-A-0421 rev 01;  
 10472-EPR-03-XX-TP-A-0422 rev 01; 10472-EPR-02-GS-TP-A-0500 rev 04;  
 10472-EPR-02-GS-TP-A-0501 rev 04; 10472-EPR-03-GS-TP-A-0502 rev 04;  
 10472-EPR-02-EL-TP-A-0503 rev 03; 10472-EPR-02-EL-TP-A-0504 rev 04;  
 10472-EPR-02-EL-TP-A-0505 rev 04;  
 BMD.200.DR.P001 rev c; BMD.200.DR.P001 rev c; BMD.200.DR.P101 rev c;  
 BMD.200.DR.P102 rev c; BMD.200.DR.P103 rev a; BMD.200.DR.P104 rev d;  
 BMD.200.DR.P106 rev a; BMD.200.DR.P107 rev B; BMD.200.DR.P108 rev a;  
 BMD.200.DR.P201 rev b; BMD.200.DR.P202 rev a; BMD.200.DR.P300 rev a;  
 BMD.200.DR.P301 rev c; BMD.200.DR.P302 rev b

The development shall also be carried out in general accordance with the documents detailed below:

Environmental Statement May 2017); Planning Statement (May 2017); Design and Access Statement (May 2017); Statement of Community Involvement (May 2017); Fire Strategy Letter (August 2017); Supplementary Design and Access Statement (October 2018); Skydeck Lewisham' Proposal (October 2018); Energy Strategy (October 2018); Sustainability Statement (October 2018); Internal Daylight & Sunlight Report (October 2018); Design Stage Site Waste Management Plan (October 2018); Site Suitability Study (October 2018); Health Impact Assessment (October 2018); Viability Report (October 2018); Planting Palette (October 2018).

### 3. Demolition Management Plan

No demolition shall take place until a Demolition Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall provide for:

- the parking of vehicles of site operatives and visitors;
- details of the site manager, including contact details (phone, facsimile, email, postal address) and the location of a large notice board on the site that clearly sets out this information;
- loading and unloading of plant and materials;
- the times during which demolition shall take place;
- storage of plant and materials used in demolition;
- the erection and maintenance of security hoardings;
- measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage, loading and unloading of plant and materials and similar demolition activities;
- measures to be adopted to ensure that the access from the emergency exits is safe and not obstructed during the works;
- wheel washing facilities;

- measures to control the emission of dust, dirt, noise and vibration during demolition;
- a scheme for recycling/disposing of waste resulting from demolition;
- all non-road mobile machinery used in connection with the demolition of the development hereby approved must meet the minimum emission requirements set out in the Mayor of London's Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance 2014.
- Thereafter, demolition works shall only be carried out in accordance with the approved details.

#### **4. Construction Management Plan**

No construction works shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- the parking of vehicles of site operatives and visitors;
- details of the site manager, including contact details (phone, facsimile, email, postal address) and the location of a large notice board on the site that clearly identifies these details of the site manager;
- loading and unloading of plant and materials;
- the times during which construction shall take place;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoardings;
- measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage, loading and unloading of plant and materials and similar construction activities;
- measures to be adopted to ensure that the access from the emergency exits is safe and not obstructed during the works;
- wheel washing facilities;
- measures to control the emission of dust, dirt, noise and vibration during construction;
- a scheme for recycling/disposing of waste resulting from construction works;
- all non-road mobile machinery used in connection with the construction of the development hereby approved (NRMM) must meet the minimum emission requirements set out in the Mayor of London's Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance 2014; and
- crane lighting and location of cranes.

#### **5. Construction Methodology**

No works of excavation or construction are to be carried out until details of such works have been submitted to and approved in writing by LBL in consultation with TfL/ Network Rail. These details should comprise of:

- a) Geotechnical report for the site;
- b) Superstructure design and construction methodology (including verified

- calculations and any lift pits);
- c) Plans for any proposed scaffolding in proximity of the railway;
- d) An impact assessment setting out predicted ground and structure movements;
- e) Emergency preparedness plan, detailing actions to be implemented if Network Rail advises that it is to stop trains due to an incident at the station, following receipt of the relevant information from Network Rail;
- f) Ground and structure movement monitoring regime; and
- g) Risk assessments and method statements for all structural works, excavation and installation of services in the land.

Thereafter, the works shall not be carried out other than in accordance with the approved details.

## **6. Piling Methodology and Operations**

No piling shall take place until a *Piling Method Statement* (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to adjoining property, subsurface water infrastructure and the safe operation of railway assets, and a programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water and Transport for London (TfL). Any piling must be undertaken in accordance with the terms of the approved *Piling Method Statement*.

## **7. Construction Noise and Vibration Monitoring**

Prior to the commencement of development, details of a noise monitoring methodology shall be submitted to the local planning authority for approval in writing.

This methodology shall include:

- a) permanent monitoring at a location to be agreed with the Council and the owners of 2 Sharsted Villas (either within the garden of 2 Sharsted Villas or on the site boundary opposite) throughout the construction of the development, including the enabling works;
- b) temporary monitoring at any other location as reasonably requested by the local planning authority;
- c) details of the equipment to be used (which shall be of a type that can transmit live monitoring of noise data direct to the Main Constructor (appointed under the Considerate Constructor Scheme) and
- d) details of how and on what the equipment is to be attached, including the height and details of any structure to be used; and
- e) details of the Constructor's monitoring and remedial action procedures, if the results indicate that the noise levels from the site exceed those as agreed with Council.

The approved monitoring methodology and equipment shall be employed and the monitoring data shall be made available to the local planning authority to view live on line at all times, provided this condition shall not be breached in the event of a temporary disruption in the live feed in which case urgent endeavours shall be used to resume the live feed without compromising the integrity of the data record.

## **8. Considerate Constructors Scheme**

Details demonstrating that the developer or constructor has joined the Considerate Constructors Scheme shall be submitted to the local planning authority prior to commencement of works on site and the developer or constructor shall thereafter adhere to the requirements of the Scheme for the period of construction of the development.

## **9. Telecommunications**

Prior to the commencement of superstructure works, a study undertaken by a body or person approved by the Confederation of Aerial Industries or by OFCOM shall be submitted to and approved in writing by the local planning authority which:

- i. identifies the area within which television signal reception might be interfered with by the development and;
- ii. measures the existing television signal reception within the study area and;
- iii. assesses the impact of the permitted development on the television signal reception of those in the study area and proposes appropriate measures to mitigate such effects so that the signal shall be of at least the same quality as that before the development was undertaken, as recorded under (ii) above, and which provides contact details at the developer and at the local planning authority for persons whose reception has been affected by the development to provide notice that their reception has been so affected.

As soon as reasonably practicable and in any event within one month of receiving notice, and subject to those who have notified the developer or the local planning authority that their signal reception has been interfered with, providing that they consent, the developer shall undertake the appropriate mitigation works as identified in the approved study. The developer shall remain responsible for such mitigation works for notifications before the expiry of 12 months from the practical completion of the whole development.

## **10. Vibro-compaction machinery**

No vibro-compaction machinery is to be used in the development unless details of the use of such machinery and a method statement have been submitted to and approved in writing by the Local Planning Authority in consultation with Transport for London. The works shall only be carried out in accordance with the approved method statement.

## **11. External Lighting onto DLR tracks**

No external lights nor those installed during the construction period shall shine directly onto DLR's railway tracks.

## **12. Site Contamination**

The development hereby approved shall not be built otherwise than in accordance with the recommendations of the Phase 1 Environmental Assessment (March 2017), Phase 2 Environmental Assessment Report (March 2017) and Factual and Interpretative Geotechnical Assessment Report (January 2017) located within Appendices 12.1, 12.2 & 12.3 of the Environmental Statement (October 2018) respectively.

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.

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.

## **13. Remediation Strategy**

The development hereby approved shall not be built otherwise than in accordance with the remediation scheme set out at Chapter 12 of the Environmental Statement (October 2018) which shall be implemented in full, unless with the express prior written consent of the Local Planning Authority.

## **14. Verification Report for Land Contamination**

If remediation is required in line with Condition 12 a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a ‘long-term monitoring and maintenance plan’) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

## **15. Drainage Strategy**

The Development shall be implemented in accordance with the Drainage Strategy (September 2018) in the Environmental Statement Appendix 11.2 (October 2018). No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. The development shall be constructed in accordance with the approved details.

## **16. DLR Radio Communications**

Before any superstructure is constructed, a 'pre' development Radio Communications Survey 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, a 'post' completion Radio Communications Survey Report shall be submitted to and approved in writing by the local planning authority, in consultation with Transport for London. 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).

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

## **17. BREEAM**

The buildings hereby approved shall achieve a BREEAM Rating of at least 'Very Good' at shell and core, in accordance with the BREEAM Pre-Assessment in the Sustainability Statement Appendix 1 (21 September 2018).

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.

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 for that specific building.

## **18. Combined Heat and Power Networks**

No development shall commence until details of the proposed heat networks and gas-fired Combined Heat and Power (CHP) system set out in the applicant's *Energy Strategy (21 September 2018) and Sustainability Statement (21 September 2018)* have been submitted to and approved in writing by the local planning authority.

The details shall include the commissioning of the networks and CHP system and details of the catalytic converter if required. Prior to the installation of the plant an Air Quality Neutral Assessment shall be completed and submitted to the local planning authority for their written approval.

The networks and systems shall be provided in accordance with the approved details and maintained thereafter.

## **19. CHP Abatement**

Prior to installation of the relevant part of the development full details of the abatement technology utilised to minimise emissions to air from the CHP system have been submitted to and approved in writing by the local planning authority. The CHP and associated abatement shall be installed in accordance with the approved details prior to occupation of the development and shall thereafter be maintained in accordance with the approved specification.

## **20. External Materials / Detail Design**

No above ground construction of the relevant part of the development (Buildings B1, B2 or B3) shall take place until a detailed schedule and samples have been submitted to and approved in writing by the local planning authority. The submitted details shall include:

- a) Mock-up panels of the external cladding materials and glazing,
- b) Samples of all other external facing materials;
- c) Doors and windows to include details and specification of acoustic glazing and ventilation for the residential accommodation;
- d) Balconies, balustrades and privacy screens to the residential accommodation;
- e) Drawings and details of material finish to the 'Lewisham Skydeck'

The details of the external materials should generally accord with the type and quality of materials indicated within pages 141 and 178 of the *Design and Access Statement (May 2017)*. The development shall be carried out in complete accordance with the approved details.

### **Building B1**

2m x 2m sample panel(s) to be constructed on site to detail the following:

- proposed aluminium feature panels in a range of tones from dark bronze through to pale bronze and silver;
- white off/white GRC panels including textured panel, including details of fixing
- vertical slats in PPC/ anodised aluminium
- metal canopies to commercial unit
- pre-cast concrete vertical ribbed panel
- all metal work to the rear service elevation
- all windows and doors
- access gates
- the underside of the roof of the recessed ground floor

### **Building B2 and B3**

2m x 2m sample panel(s) to be constructed on site to detail the following:

- all brickwork and mortar colour and pointing, with detail of soldier courses and projecting headers
- all metalwork
- all windows and doors

- pre-cast concrete/ GRC

### Other

- Mock-up of all balconies including soffits, balustrades/ screening and decking.
- Materials and doors for the external cycle store adjacent to Building B2.
- All boundary treatments (balustrades).

The development shall not be constructed other than in accordance with the approved details and samples.

## **21. Tall Building Lighting Strategy**

Prior to the occupation of the building a *Tall Building Lighting Strategy* for Building B1 shall be submitted to the local planning authority for its approval in writing.

Lighting in accordance with the approved strategy shall be implemented prior to the use of the "Skydeck"; and the lighting fixtures shall be retained and maintained in perpetuity.

## **22. External Plumbing and 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 buildings hereby approved, without the prior written consent from the Local Planning Authority.

## **23. Mobile Telecommunications Equipment**

No mobile telecommunications equipment shall be erected on the external surfaces of any building in the development.

## **24. Satellite Dishes / Antennae**

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 antennae shall be erected or installed on the buildings 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.

## **25. Living Roofs**

The development hereby approved shall not be built otherwise than with a 'biodiversity living roof' laid out in accordance with plan nos. BMD.200.DR.P107 rev B. The living roofs shall not be used as an amenity or sitting out space of any kind. Evidence that the roof has been installed in accordance with the approved plan shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development.

## **26. Hard Landscaping Details**

No development above ground level shall take place until details of hard landscaping have been submitted to and approved in writing by the local planning authority. The details shall generally accord with pages 78 and 79 of the *Design and Access Statement (May 2017)* and include services (electricity and water) within Silk Square to enable external activities or events to be accommodated within the space. The development shall be carried out in accordance with the approved details.

## **27. Soft Landscaping**

Prior to first occupation of the development, a scheme for the management and maintenance of the landscaping for a minimum period of five years shall be submitted to and approved in writing by the local planning authority, in general accordance with the landscaping scheme on pages 82 and 83 of the Design and Access Statement.

All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the relevant part of the development. Any trees or plants which within a period of five years from the completion of that part of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

## **28. 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 relevant part of the development (Building B1, B2 and B3) and should reflect the information set out in drawing BMD.200.PR.103 rev A on the trees to be retained. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). 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.

## **29. Bird, Bat Boxes and other Ecology Features**

Details of the number and location of the bird/bat boxes and other ecology features and habitat to be provided as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to commencement of above ground works and shall generally accord with the detail shown on drawings BMD.200.DR.P001 rev C and BMW.200.DR.P102 rev C and the Ecological Assessment Report, dated 12 December 2016 (Appendix 14.1 of the Environmental Statement, October 2018). The approved features shall be installed before occupation of the building and maintained for the life of the development.

## **30. Open Space Management and Maintenance Plan**

An Open Space Management & Maintenance Plan shall be submitted within 6 months of commencement of development above ground floor slab level. This shall include full details of the size, location, layout and detailed design of the proposed children's play areas. It shall also include management & maintenance and responsibilities for all communal play spaces/amenity spaces and all publicly accessible open spaces, including the first floor amenity terrace to Building B1 and the fourth floor roof terrace to Building B2.

Once provided, these spaces shall be managed and maintained in accordance with the approved Plan.

## **31. Soundproofing**

No above ground construction of the relevant part of the development (i.e. Building B1, B2 or B3) shall take place until full written details, including relevant drawings and specifications of the proposed works of sounds insulation against airborne noise to meet  $D_{nT,w} + C_{tr}$  dB of not less than 55 for walls and/or ceilings where residential parties non domestic use have been submitted to and approved in writing by the local planning authority.

No part of the development hereby approved shall be occupied until the approved soundproofing works as agreed have been implemented in accordance with the approved details.

The soundproofing shall be retained permanently in accordance with the approved details.

## **32. External Lighting**

Prior to occupation of the relevant part of the development (Building B1, B2 and B3) 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 generally 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.

Any such external lighting shall be installed in accordance with the approved drawings and any directional hoods shall be retained permanently.

### **33. Delivery and Service Plan**

No part of the development (Buildings B1, B2 or B3) shall be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.

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 moveable refuse containers.

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 for the life of the development.

### **34. Electric Vehicle Charging Points**

Details of the electric vehicle charging points to be provided in the basement of Building B2 together with a programme for their installation and maintenance shall be submitted to and approved in writing by the local planning authority prior to occupation of that building.

The approved electric vehicle charging points shall be installed prior to first occupation of Building B2 and shall thereafter be retained and maintained in accordance with the approved details.

### **35. Cycle Parking Provision**

Prior to construction of the relevant part of the development (Buildings B1, B2 and B3) full details of the cycle parking facilities for at least 569 cycles must be submitted to and approved in writing by the local planning authority.

All cycle parking spaces shall be provided and made available for use prior to occupation of the relevant part of the development, and retained thereafter.

### **36. Car Club Parking Locations**

Prior to occupation of Building B2 a plan showing the location of two car club spaces shall be submitted to and approved in writing by the local planning authority. The spaces shall be provided in accordance with the details approved and shall be made available for use prior to occupation of Building B2. Thereafter the spaces shall be retained and used only for parking cars associated with the car club.

### **37. Retention of Amenity Spaces**

The whole of the amenity space (including roof terraces and balconies) as shown on drawing no. BMD200.DR.P104 rev D hereby approved shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

### **38. Operation of Commercial Use in Building B1**

A Scheme of Operation for the commercial use falling within Use Class A1, A2, A3, D1 and D2 within the ground and first floors of Building B1, including details of proposed hours of operation (including servicing) and the use and extent of the outdoor seating area, is to be submitted to and approved in writing by the local planning authority prior to occupation. The premises shall not be operated otherwise than in accordance with the approved Scheme.

### **39. 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 in Building B1 (including entirety of the first floor) and B2 shall be used for uses falling within A1, A2, A3, B1, D1 (health, education including nurseries, museum and art galleries) and D2 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).

### **40. Ventilation Equipment for A3 Uses**

The specification of the ventilation system in respect of any A3 use of a Commercial Unit, which shall include measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencers and anti-vibration mountings where necessary) shall be submitted to and approved in writing by the local planning authority prior to first use for A3 purposes.

No non-residential unit shall be first occupied for A3 purposes until the approved ventilation systems have been installed in accordance with the plans and specification approved and such ventilation systems shall thereafter be permanently retained and maintained in accordance with the approved specification.

### **41. Fixed Plant Noise Control**

The rating level of the noise emitted from fixed plant on the site shall be at least 5dB below the existing background level during the day (07:00-19:00), evening (19:00-23:00) and night-time (23:00-07:00) periods, when assessed in accordance with BS4142:2014. The noise levels shall be determined at the façade of the nearest noise sensitive property to the fixed plant.

### **42. Shop Front Design**

The construction of Buildings B1 and B2 above ground floor slab level shall not commence until plans and sectional details at a scale of 1:10 or 1:20 showing the proposed frontages to the commercial units in Building B1 and Building B2 have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details and the shopfront fronts fitted before first occupation of any residential unit within the respective block.

#### **43. Privacy Screens**

The privacy screens to the balconies of Building B3 as detailed on Page 177 of the *Design and Access Statement* shall be implemented before any dwelling in that block is first occupied. The approved screens shall be permanently retained.

#### **44. Surface Water**

The drainage systems for the infiltration of surface water drainage into the ground are to be submitted and approved by the local planning authority, demonstrating that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

#### **45. River Ravensbourne Buffer Zone**

No development beyond works of site clearance and ground excavation shall take place until a scheme for the provision and management of a buffer zone of sufficient size to enable 'river corridor improvement works' (to be secured through a planning obligation) has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme. The scheme shall include:

- (i) plans showing the extent and layout of the buffer zone;
- (ii) details demonstrating that the buffer zone is sufficient to enable 'river corridor improvement works';
- (iii) details of any proposed planting scheme (for example, native species);
- (iv) details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management as well as production of detailed management plan.

#### **46. 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).



# **Report to the Secretary of State for Housing, Communities and Local Government**

**by Paul Jackson BArch(Hons) RIBA**

**an Inspector appointed by the Secretary of State**

**Date: 1 August 2019**

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**Town and Country Planning Act 1990**  
**The Council of the London Borough of Lewisham**  
**Appeal by**  
**MB Homes Lewisham Ltd**

Inquiry opened on 14 May 2019

Former Car Parks, Tesco Store, Conington Road, Lewisham, London SE13 7LH

File Ref: APP/C5690/W/18/3205926

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**File Ref: APP/C5690/W/18/3205926**  
**Former Car Parks, Tesco Store, Conington Road, Lewisham, London**  
**SE13 7LH**

- The application was recovered for decision by the Secretary of State by a direction, made under section 79 and paragraph 3 of Schedule 6 of the Town and Country Planning Act 1990, on 2 May 2019.
- The appeal is made by MB Homes Lewisham Ltd against the decision of the Council of the London Borough of Lewisham.
- The application DC/17/101621, dated 12 May 2017, was refused by notice dated 21 May 2018.
- The development proposed comprises construction of three buildings, measuring 8, 14 and 34 storeys in height, to provide 365 residential dwellings (use class C3) and 554 square metres (sqm) gross of commercial/ community/ office/ leisure space (Use Class A1/A2/A3/B1/D1/D2) with associated access, servicing, energy centre, car and cycle parking, landscaping and public realm works at the former car parks, Tesco Store, 209 Conington Road, SE13.
- The reason given for recovery of the appeal is that it involves proposals for residential development of over 150 units or on sites of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

**Summary of Recommendation: That the appeal is allowed, and planning permission granted subject to conditions**

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**Preliminary Matters**

1. The Inquiry opened on 14 May 2019 and sat for 4 days. An accompanied site visit was carried out on Friday 17 May including the surrounding area and more distant viewpoints on Blackheath and elsewhere.
2. The background to the appeal and Inquiry is set out in the most recent Statements of Common Ground (SOCG) of 10 May 2019<sup>1</sup>. To summarise the critical events, the proposed development was refused by the Council for reasons relating to excessive height and insufficient public benefits including affordable housing, a failure to provide an access onto Platform 4 of Lewisham Station and insufficient assurance that naturalisation of the River Ravensbourne would take place. The Greater London Authority (GLA) did not pursue their objections on affordable housing at this point, as the application was being refused partly on that ground.
3. A second application<sup>2</sup> for a very similar scheme was then submitted with the objective of addressing the reasons for refusal. This scheme incorporated a 'skydeck' and brought forward funds for the station access, amongst other things. On receipt of further information, the Council considered that there would be a viability shortfall and the offer of 20.19% by habitable room was more than the maximum reasonable provision. The Council considered this and other changes outweighed any remaining harm and resolved to approve

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<sup>1</sup> Core Documents I4 and I5

<sup>2</sup> Ref DC/18/109184

the second scheme<sup>3</sup>. The GLA however criticised the affordable housing provision.

4. The appellant had meanwhile appealed the first application. The Council, on the advice of external consultants, decided not to maintain the reason relating to affordable housing on appeal. To overcome the harm that had been identified by members, the appellant agreed with the Council that the amendments from the second scheme should be imported into the appeal scheme. For the avoidance of doubt, the drawings listed in the suggested conditions in Annex 2 reflect the first application with the agreed alterations from the second scheme. There is no dispute that anyone is placed at any disadvantage by the Secretary of State considering the appeal proposal accordingly.
5. Following Stage 2 referral the GLA directed on 4 March 2019 that the second application be refused on the basis that the affordable housing contribution had not been adequately justified and was not the maximum that could reasonably be delivered. The GLA also considered that the draft Section 106 (S106) Agreement contained inadequate provision of a late viability review mechanism. As the schemes were identical, it became necessary for the Council to resist the appeal scheme solely on the GLA grounds of insufficient affordable housing and an inadequate late review mechanism.
6. On the second day of the Inquiry, following cross examination of the Council's costs witness, the GLA's advocate advised that she could not then represent the GLA on matters of costs because of a conflict of interest. After later cross-examination of the GLA's viability witness, the Council conceded that the evidence demonstrated that the margin of surplus, on the Council's assessment of viability, fell within an acceptable margin of error. The Council advised that in light of the reduction in surplus, there was no practical purpose in contesting the affordable housing issue further. The Council then formally accepted that the proposed 20.2% affordable housing contribution proposed in the S106 Agreement is the maximum reasonable contribution.
7. The Council took no further part in the Inquiry, except to prepare a brief explanatory statement at the request of the Inspector, for the benefit of the Secretary of State<sup>4</sup>. The GLA however continued with its objections as an unrepresented principal party.
8. At the Inquiry an application for costs was made by MB Homes Lewisham Ltd against the GLA. This application is the subject of a separate Report.

### **The Site and Surroundings**

9. A full description of the site is contained within the SOCG. It is irregularly shaped in 2 main parts: the 'island' bound by the raised railway embankment at Lewisham station, the Docklands Light Railway (DLR) and the Ravensbourne river, which is in a deep concrete culvert at this point; and the 'car park' area consisting of a more or less flat area of concrete between an existing Tesco store and the DLR. The 2 parts are connected by a bridge over

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<sup>3</sup> SOCG paragraph 6.21

<sup>4</sup> Doc 21

the Ravensbourne. As well as the adjacent Tesco store, the site is within easy walking distance of the retail centre of Lewisham.

10. The site lies north of and adjacent to the Lewisham Transport Interchange consisting of the 4-platform Lewisham station and a bus station. Lewisham station provides easy access to central London. The site has a Public Transport Accessibility Level (PTAL) of 6a and 6b, the highest available. On the south side of the railway is an extensive area which has been redeveloped with mainly high density housing in blocks ranging up to 25 storeys with new developments planned of up to 30 storeys. Of particular relevance is the Lewisham Gateway scheme on the other side of the railway. This consists of the first phase, 'Portrait 1' and 'Portrait 2', comprising 193 apartments in two blocks of 25 and 15 storeys with ground floor retail space. Construction of the next phase of, currently, 15 and 22 storey buildings providing 169 new homes with ground floor retail and restaurants, is under way.
11. Surrounding residential development consists of 2 storey Victorian dwellings immediately to the south east and contemporary 8-9 storey apartment blocks to the north west.

### **The Proposal**

12. The 34 storey Block B1 would be located on the island site. The 8 and 14 storey Blocks 2 and 3 would continue the existing theme of flatted development to the north west and also form a 'step up' towards Block B1. In the first instance, landscaping of the river edge would include a railing along the existing sheet piled culvert edge but in future, in collaboration with the landowner on the opposite side, would include partial naturalisation of the banks including tiered landscaped beds with public access<sup>5</sup>. A benefit of the scheme is the re-connection and better definition of a public right of way from Silk Mills Path to the south east with Deptford to the north. This currently crosses the Tesco car park area but is not well signed or laid out.

### **Planning Policy**

13. The development plan consists of the London Plan of March 2016 (LonP), the Lewisham Core Strategy of 2011 (CS), the Lewisham Development Management Local Plan of 2014 (DMLP) and the Lewisham Town Centre Local Plan of 2014 (LTCLP).
14. Lewisham Town Centre falls within an area of identified high growth in the LonP designated as the Lewisham, Catford and New Cross Opportunity Area (OA 20, policy 2.13). Lewisham is designated as one of London's Major Town Centres within which CS spatial policies SP1 and SP2 promote regeneration and growth opportunities, with the aim of achieving Metropolitan Centre status by 2026 (Objective 1 LTCLP). The LTCLP provides the regeneration strategy for the centre.
15. The site itself falls within the Conington Road Policy Area (CRPA) within Lewisham town centre, covered by LTCLP policy LTC5. It is included within an area designated in Figure 6.3 to policy LTC19 as an appropriate location for

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<sup>5</sup> See Doc 12. Secured by means of a financial obligation in the S106 Agreement

tall buildings. The site is identified in the Lewisham Tall Buildings Study (updated in 2012) which formed part of the CS evidence base and informed the LTCLP. The Study notes that tall and bulky buildings forms including Citibank Tower already exist in Lewisham and therefore new tall building developments will not be an unfamiliar urban form in the local context.

16. The provision of affordable housing is the subject of LonP policies 3.11 and 3.12, CS policy SP1 and DMLP policy DM7. LonP policy 3.12 advises that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes having regard to a number of criteria. Paragraph B says that negotiations on sites should take account of their individual circumstances including development viability. Supplementary Planning Guidance (SPG) entitled '*Homes for Londoners: Affordable Housing and Viability*' of 2017 advises that the Mayor's long-term strategic aim is for half of all new homes in London to be affordable. The SPG is intended to help ensure that where development appraisals take place, they are robustly and consistently scrutinised, whilst its approach will also reduce the risk and increase the speed of the planning process for those schemes which deliver more affordable homes. The third part of the SPG provides detailed guidance on viability assessments, aiming to establish a standardised approach. The SPG sets out what information and assumptions should be included in a viability assessment.
17. The draft New London Plan (NLP) is at examination stage. Draft policy H1 increases the 10 year target for Lewisham for the period 2019/20 to 2028/29 to 2117 units per year, and the indicative homes target for the New Cross/Lewisham/Catford OA to 13500 dwellings. The Council's comments in March 2018 on the NLP supported the overall approach applied to town centre development in draft policies SD6-SD9, which provide strategic support to the work being planned and undertaken by the Council in intensifying Lewisham town centre. The Council also welcomes the approach to tall buildings, but noted that further clarification around the design-led approach to optimising housing density (draft policy D6) and the approach to tall buildings (draft policy D8) should recognise that whilst tall buildings have a place in parts of London, it is the quality of place-making that is key.
18. NLP policy H6 advises that viability review mechanisms should be applied to all viability tested applications at early and late stages in the development process (and mid-term reviews in the case of longer phased schemes) to ensure that affordable housing delivery is maximised as a result of any future improvement in viability.

### **The Case for MB Homes Lewisham Ltd**

*The main points are:*

*-The proposed development complies with the up-to-date development plan*

19. The conclusion reached in the SOCG<sup>6</sup> is to the effect that (apart from the affordable housing policies which were still at large as a result of the matters

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<sup>6</sup> Paras 6.21 and 6.22

set out above) the proposal accorded with the relevant policies of all relevant limbs of the plan. This has consistently been the position of the Council officers.

20. The site lies in both an OA and in a Town Centre (TC). The site is an appropriate place for a tall building in principle, subject to more detailed considerations. The appellant, the Council and the GLA all agree that the proposals comply with strategic policy 7.7 of the LonP which is of key importance. The CS positively requires "Central" densities to be achieved within the TC and accepts that radical upgrading of the physical environment is a necessity, which in turn needs to allow for tall buildings to achieve that end. Such tall buildings are required to be of the highest design quality, to add coherence to the skyline and not to cause harm to the surrounding environment including heritage assets. The CS policy on tall buildings shadows policy 7.7 from the LonP in terms of its detailed criteria.
21. The entire application site is unambiguously contained in an area which is identified on Figure 6.3 of the LTCLP as appropriate for tall buildings. The boundary of the area identified as appropriate for tall buildings forms a defined part of the Conington Road Policy Area which has its own policy LTC5 guiding development.
22. Two elements of the policy require special consideration. Part C states that proposals will be required to contribute to the realisation of the following principles: "retain and enhance the scale and grain of the existing fabric at the southern end of this Policy Area, its mix of uses and townscape character". The existing fabric, its grain and its scale is simply not altered by the proposal. The townscape character of the area itself will not alter either.
23. The setting of the area will alter and to that extent there might be a potential impact on the townscape. But none of the relevant buildings has a statutorily protected setting or relies on that setting for any significance. The overall setting of this area of townscape will be immeasurably enhanced compared to the existing position. The existing townscape character of this area already and inevitably now reflects its existence in and close to the heart of the TC. The juxtaposition of height which this scheme brings is already an integral part of its character.
24. The second element of the policy provides that "taller elements of the block should be avoided next to the historic fabric and the river". This cannot be a prohibition of tall buildings. It identifies a principle of potential avoidance in the context of the development of the "taller elements "of a block development of site 6 on Figure 5.3 of the LTCLP. The proposed development is not the taller element of a block of development, but a slim singular freestanding building of a type not specifically contemplated by the policy.
25. The tall building element of the proposal does not cause any harm to the river to which it is adjacent. Rather it significantly enhances it and raises the potential for it to be enhanced.
26. In any case, the development falls to be seen in the context of the development plan as a whole, which seeks to ensure a radical physical change to the centre driven by tall buildings and a coherent skyline. A rational and reasonable element of any coherent skyline policy would suggest

the appropriateness of both marking the Borough's most important transport interchange and consolidating the existing and emerging cluster, itself at present a little amorphous and lacking in coherence, with a clean elegant slender marker. The quality of the building both as a piece of architecture and as a response to context is simply not in doubt. It has not been challenged in any meaningful way by any party to the Inquiry.

27. In more detailed terms the development complies with the general and specific housing policies of the plan in terms of mix of units, tenure of units, affordable housing quantum and mix. In particular it meets a very pressing need for housing and affordable housing in the Borough and the capital as a whole. As a proposal which is consistent with an up-to date development plan, it gains the benefit of the straightforward "presumption in favour of sustainable development" which means that permission should be granted without further delay.

*-Viability Methodology*

28. To be viable in strict policy terms, a development needs at current day values and costs to produce a Development Value which exceeds a Development Cost (which itself includes an appropriate rate of return for a developer). If it does, then such a value (the residual land value) must exceed a benchmark land value which represents what the landowner could otherwise do with his land. This is usually represented by the existing use value of the site plus a premium for the landowner, to represent the trouble and risk of change and, to a degree, of engaging with the planning system. It is also possible to "look at this proposition through the other end of the telescope" by establishing whether at the relevant benchmark land value, the development gives rise to the objectively identified appropriate benchmark level of profit for the developer.
29. Planning policy requires the planning system to operate objectively and not to seek demands on a development by way of affordable housing or other requirements that would push a development beyond viability judged either as a benchmark land value or an appropriate rate of return. There was no challenge to the applicability or accuracy of the approach at the inquiry. Indeed before the Council's withdrawal from the case its viability witness accepted that it was the appropriate methodology to adopt.
30. Planning Practice Guidance (PPG) now requires this approach to be adopted for reasons of transparency and consistency across the sector. Particularly in London, this approach means that developers are often faced with developments which at current day values are not viable by this objective test. Each developer has to consider whether or not to proceed based upon its own particular circumstances. Key considerations for a developer include the actual level of profit received, the nature of the long term holding of the asset, the potential for growth in capital value, the risk appetite of the particular developer and the importance of providing a margin of comfort at determinations to avoid the need for multiple and expensive applications and a range of other matters.
31. The appellant and the Council's independent consultants have used the PPG approach and its attendant methodology. The GLA has stated such in terms.

*-The development brings with it at least the maximum reasonable amount of affordable housing according to policy*

32. Key to the withdrawal of the Council and to a determination of the viability case in the round is a proper understanding of first, the issue of costs and second, private residential values. Once the position in relation to these is understood, there is no reasonable way in which it could be argued that 20.2% affordable housing is insufficient in policy terms. The Council accepted that the issue of costs is capable of being determinative of this appeal on its own, though the issue on values is also very clear.

*-Construction costs*

33. A full and detailed elemental analysis of the costs of the project was constructed in accordance with best practice according to RICS New Rules of Measurement and the RICS Black Book. This was accepted by the Council's costs witness and not challenged by the GLA. The original plan was the subject of careful and critical analysis by the Council's own independent consultant quantity surveyors. Alterations to the plan were negotiated until both parties were satisfied that the construction cost element was accurate and reasonable.
34. Following the GLA's direction to refuse, the Council instructed their costs witness to consider the issue of construction costs. He sought to cross check the elemental analysis by using the BCIS elemental data base. This is one of the specific ways in which decision makers are told to judge and benchmark the reasonableness of costs. He used that part of the database dealing with buildings which were 6+ storeys high. At Inquiry, he agreed that data base would tend to underestimate the overall construction cost. He had however brought judgment to bear when considering the place of the BICS elements in the overall consideration of costs.
35. His conclusion was that, taking all of the 70 or so elements of the proposal and benchmarking them against the equivalent elemental evidence contained in BCIS, the construction costs overall were entirely fair and reasonable. Indeed on the tower- by far the largest element of the costs schedule- the Council's benchmarked costs were in fact higher than the appellants. It was on this clear basis that the Council's costs witness concluded that the appellant's costs were reasonable, fair and accurate.
36. In addition, the Council had been specifically warned that the construction costs would be likely to increase as a result of the post-Grenfell exterior cladding issue. For the express purposes of the inquiry, and in a reasonable effort to take this matter beyond any reasonable doubt, the appellants instructed an entirely new and bespoke analysis of costs by a market leading quantity surveyor. Although the exercise is labelled a review of costs, they were asked to consider the unpopulated cost plan from scratch and without reference to the earlier figures to produce a construction cost estimate.<sup>7</sup>
37. As the Council fairly accepted, that estimate, though marginally higher than the initial estimates, fell with 2% or thereabouts of the Council's costs

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<sup>7</sup> Mr J Brown's Appendix 4

witness. There was therefore complete agreement (in valuation terms) as to the reasonable nature of the construction cost element of the case. In addition, new work is benchmarked against a significant number of other relevant schemes. The costs in this case are actually well below the average costs of the relevant benchmark data set.

38. The GLA's costs witness estimated that the construction costs had been overestimated in the region of £5.5m. This was a surprising assertion in the circumstances of the case. But the position was much worse and much more unreasonable than that on proper examination. The GLA produced none of the type of market-based evidence which the PPG indicates is required to support such assertions. A series of unsubstantiated, unevicenced and unparticularised assertions and opinions were put forward which were incapable of any proper testing or interrogation. In this respect and on this point, the GLA simply failed to call or to substantiate in any evidentially relevant way its assertions that the cost element of the case was deficient at all, much less by £5m. The attempts to refer for the first time in evidence to "cases that I know about" or "other cases involving concrete" was correctly ruled inadmissible.
39. It transpired that the GLA had simply refused to engage with any of the evidence relevant to the inquiry on this issue. Their costs witness indicated that it was no part of his brief to look at or to consider the evidence submitted to the inquiry by others on the issue of costs. He was therefore unable to comment on the appellant's cost checking exercise and its reasonableness or even on the line-by-line rebuttal of his own evidence provided by the appellant's quantity surveyor.
40. In addition the GLA, despite a clear invitation from the Inspector, chose not to challenge any of appellant's costs evidence. There is simply no way in which the Secretary of State can reduce this agreed position by reference to the GLA's unevicenced, unparticularised assertions. There is no reasonable or rational mechanism by which the Inspector or Secretary of State can reduce the costs figure. The GLA's evidence on costs has such little probative value that it fails the test of being "evidence" in the proper sense of the word.
41. Construction costs therefore do not fall to be reduced by £5.5m as alleged by the GLA. That suggestion is unsupported by any evidence and is manifestly unreasonable in substance. The GLA's approach to the matter at inquiry is also manifestly unreasonable.

*Fees -the alleged 'double count'*

42. It is agreed between all parties that if fees have been or are reasonably likely to be incurred as part of a project then they should be taken into account as part of the overall assessment of Gross Development Value (GDV). This is particularly the case in large complex cases involving significant infrastructure and civil engineering works. It was also agreed by the Council's costs witness who has more than 50 years' experience on these matters that where it is possible accurately to identify costs and fees already incurred and to be incurred, then a calculation based on that evidence should be used in preference to a global percentage estimate.

43. In this case, there was a methodological dispute as to whether pre-novation design fees ought to be included within main contractor preliminaries or not. That rather esoteric debate does not alter the acceptance of the fact that all fees properly incurred, pre-novation or otherwise ought to be included in the overall cost figures.
44. Thus, to assess what that overall position ought to be, the appellant undertook two exercises which established beyond doubt that removing a further £5.5M from the costs would result in a wholly inappropriate underestimation of fees. It analysed what fees had already been expended and could reasonably be expected to be spent in addition to the pre-novation fees. This was undertaken by independently contacting all of the relevant professionals and by carefully producing a detailed schedule of costs overall. This had the impact of reducing the assessed costs by around £900,000<sup>8</sup>.
45. Second, a construction cost plan was prepared which avoided the methodological debate referred to above. It removed all fees to "below the line". That exercise utilised a contractor's preliminaries figure based on bench marking data of circa 17%<sup>9</sup> as opposed to the unreasonably low figure of 12-13% which would result from the deduction of the alleged "double count" on the appellant's original figures.
46. The Council's costs witness accepted that all of the evidence pointed to the acceptability of a preliminaries figure towards this end of the range and that acceptance was also consistent with Carter Jonas' advice to the Council in the email of 11 February 2019<sup>10</sup> where 20% was said to be not unreasonable. The appellant's costs rebuttal also contains a range of 12 similar projects where the range of prelims is significantly in excess of 12-13%.
47. If the removal of the double count from the prelims were to take place in a mechanical way, there is an acceptance that the preliminaries allowed for by the appellant would be unreasonably low. If prelims are restored to the appropriate range, then the costs originally assumed are appropriate and there is no need to remove the £5.5m alleged double count. Or indeed the circa £900,000 removed for caution in the appellant's checking exercise.
48. The Council's costs witness was very clear that if a reasonable prelim figure of 17% or so was adopted then the whole argument in support of the £5.5M deduction from the overall level of costs fell away. And as a result of simply this concession, the entirety of the Council's case against the proposal fell away. There was simply no case to be made.
49. Despite being in the inquiry at all relevant times, the GLA made no challenge to the appellant's analysis. The GLA was not prepared to reconsider its position in the light of the additional evidence and in the light of the position of the council's witness and leading Counsel on the issue.
50. For all of the reasons set out here there should be no deduction of £5.5m. The figure originally adopted should be used.

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<sup>8</sup> £954,737. Mr J Brown's Appendix 3

<sup>9</sup> Mr J Brown's Appendix 4

<sup>10</sup> Mr Jones Annex 9

51. Before turning to the issue of values, the effect of removing the £5.5M reduction in construction costs and the inappropriateness of reducing the costs overall by a further £5.5M ought to be considered. It goes to the heart of why the Council felt unable to support their reason for refusal and explains why the GLA is in a parlous position.
52. The note handed in by the GLA half way through its evidence in chief<sup>11</sup> explained that on its main case, there was a £11.9m surplus that it was alleging meant that more affordable housing could be provided by the proposal. It was then accepted clearly and emphatically that if the surplus were alleged to be just £900,000, then on a project of this scale, bearing in mind margins for error, the Mayor would not have directed refusal of the application.

*-Values*

53. Importantly it was also accepted that now that the actual and complete schedule of actual sales figures for the Portrait 2 block of the Gateway scheme is available, there would be a need to reduce the GDV of the proposal by a sum to represent the actual average delivered up by that proposal. That was £15 per square feet (psf) lower than anticipated by the GLA. There is a dispute between the parties as to exactly how much should be removed from the GDV. The appellant says that because there are homes in the proposal in the first 4 floors, the reduction is in the region of £3m. The GLA assesses that the reduction is in excess of £1m.
54. Either way, the entirety of the GLA's primary case on surplus (Portrait 2 plus 10%) is removed. There is no realistic case left to be put. This was the position adopted by the Council even when its values were higher than any of those taken by the GLA. The GLA is being wholly unreasonable in maintaining a position that flies in the face of the evidence so clearly and so emphatically.
55. The only way in which either the LBL or the GLA were able to begin to argue that the proposal could afford to deliver more affordable housing was to unrealistically inflate the values ascribed to the private residential apartments in the scheme. The level of hike needed was so substantial that it gave rise to unusual valuation anomalies.
56. Neither the Council nor the GLA analyses bore any meaningful relationship to the market evidence. Rather, values were pushed to a stratospherically different level. Before even looking at the methodology in any detail a very simple examination of the relevant comparables in any detail meant that the out of step nature of the claims was very apparent. Claims of average £psf figures well in excess of £700 and 1 bed apartment values breaching the £500,000 mark<sup>12</sup> were a feature of both the GLA and LBL cases.
57. It is little surprise that both parties' methodologies were riddled with errors which gave rise to figures which were strangers to the market.

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<sup>11</sup> Doc 11

<sup>12</sup> Ineligible for Help to Buy

58. The application is high quality and will command higher rates than Portrait 2, but that does not give carte blanche to valuers to simply remove the roof on values in the unsubstantiated way that the objectors did. The appellant's viability witness adopted a level of £657.43 psf across the proposal as a whole (the rate would be higher for the tower). This rate was consistent with the rate agreed following months of negotiation and iteration with consultants. He had had regard to the way in which values had increased with height in P1 and P2 and formed a judgment which he had then tested against the market evidence. However, the actual values from P2 proved to be lower than he anticipated. But he did not alter his figure downwards. He was very clear that he thought his overall figure was both reasonable and optimistic.
59. To set against this evidence, an independent assessment of market value from an agency perspective was independently sought. It was a "blind" exercise with a team used to selling into this very market thousands of units a year. The market was not only tested from the perspective of saleability and comparables but cross checked against affordability, in particular the ability to gain a mortgage in the present market. The analysis was very clear that 1 bed flats at high £400K-£500K values meant that they would simply be unable to achieve mortgage lending in the Lewisham context.
60. Set against that, the Council's viability witness's initial assessment leading to the up to £779 psf figure was based solely on a pseudo mathematical exercise. No weight should be given to it because it forms part of a case that has been withdrawn in its entirety. It therefore hasn't been dealt with in full by the appellant because it doesn't need to be. It simply doesn't work as intended because it contains significant errors<sup>13</sup>. P2 is an up to date comparable. Suggestions that it sits somehow in a quieter less "to be developed" area are simply not true.
61. The GLA produced a range of three figures. It accepted that its lowest figure was its main case with the other two and higher figures only sensitivities. All three of the figures result from a methodology that was only disclosed to the inquiry during evidence in chief. It too is wholly non-transparent and indeed is inconsistent with the description and intention of the GLA. The aim of the GLA was to seek to enhance the Portrait 2 £psf levels by approximately 10%. But the following points arise:
- The average levels of Portrait 2 were £15psf lower than the GLA had taken, so the GLA's starting point on their own case needs to be reduced by this sum. We say £3m odd, the GLA accept £1m plus. Either matter, considering the cost analysis identified above, is sufficient to wipe out the GLA's case based on a 10% difference;
  - The actual increases as added to the GLA spreadsheet are in fact considerably well above the 10% intended in many respects. This results

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<sup>13</sup> Eg the tables on pp 20 and 21 are inconsistent. Also the use of a linear addition to calculate a compound rate massively and exponentially increases the height premium

from the fact that the two upper cases relied upon are as a starting point well above 10%;

- The use of a linear increase as oppose to a cumulative ((n-1)v) approach has significantly overestimated the increase up the tower;
- There is an obvious double count in the figures on the methodology identified in the in chief paper that the GLA is simply unable clearly to explain. That is because any addition of a percentage for height in addition to the height differentials which are already embedded in the Portrait 2 floor by floor figures (by definition up to floor 22) would be a clear duplication.

62. All of these matters are now summarised on the spreadsheet indicating the various different parties positions<sup>14</sup>.

63. For all of these reasons, the value figures used by the appellant should be used. Whether they are or not, for the reasons set out above, there is no sustainable case that the proposal can afford realistically to provide more than the identified level of affordable housing. The Council was right to withdraw.

*-Public benefits*

64. There is little dispute between the parties as the nature and scale of the public benefits of the proposal. They are major, substantial and manifold. These are not exhaustive but identify the most significant benefits.

65. Housing and affordable housing are clearly going to be given substantial weight. That is the very consistent position.

66. Although more subjective in assessment, the creation of a pinnacle to a coherent, legible and regenerated town centre is by itself a significant public benefit. It will be a beacon of regeneration of a new important town centre. So too will the high quality exemplary architecture which will bring to the site.

67. The issue of overlooking has been raised and is understood and of course the nature of the building and the number of windows in the relevant facades is a material condition. The nearest relevant premises are over 46 m away from the relevant windows. These relationships (and much closer) are commonplace now in London and in particular in London Town Centres. If the proximity of nearly 50 m was insufficient, large areas of OAs identified as suitable for tall buildings would of necessity need to shrink. There is no harm here.

68. The same goes for the townscape and any non-designated heritage asset or setting that might be identified. The Council identified 3 potential candidates but found that their heritage significance has been preserved. Any loss of significance can only be right at the lowest end of non-heritage asset harm which itself gives rise to no statutory presumption or significance.

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<sup>14</sup> Doc 17

*-Conclusion*

69. In summary, the inquiry began with LBL calling detailed expert evidence on inter alia costs and values which it said, contrary to the advice it had earlier received from independent consultants, meant that the site could provide more than the 20.2% affordable housing offered. All of that evidence was thoroughly and fully tested. The outcome of that was that following cross examination and with the benefit of clear legal advice from experienced leading Counsel, LBL conceded that on a proper consideration of the evidence, it could no longer legitimately or reasonably maintain an affordable housing objection at the inquiry. The Inspector accepted the Council's decision to withdraw and the Council played no further active part.
70. The GLA which had witnessed the same evidence, and which had been represented by the same Leading Counsel, refused to see the appropriateness of that course and continued to advance, in the face of the clearest evidence, a case against the proposal. The case it advanced lacked any evidential support, and on the main issue of difference between the parties was based on literally no more than unsupported assertion. The appellants evidence was then wholly unchallenged as to values or as to costs either by LBL (who had by that position removed themselves from the inquiry) or inexplicably by GLA who were represented at the inquiry but chose not to take the opportunity to cross examine.
71. Lest it be said that the absence of challenge was related to the departure of the GLA from its Leading Counsel the following is relevant:
- The GLA when presented with the fact that its Counsel would no longer represent it for proper professional reasons indicated formally in her last formal act, that it had considered making an application for an adjournment to secure representation or carrying on at the inquiry as a party without representation and had firmly concluded that it would prefer to carry on playing its part at the inquiry: it made no application for an adjournment or any suggestion that its ability properly to conduct itself at the inquiry would be hindered.
  - It must also be remembered that at all material times until the Friday before the inquiry, the GLA was asking that it be allowed to attend and speak without Counsel or any other form of representation: the characterisation of the joint instruction as a minor change of procedure was maintained in the face of concerns raised by the Appellant and:
  - The GLA as an organisation is very well used to public inquiries and understands the relevant procedures, protocols and their consequences: especially where a refusal has in effect resulted directly and solely as a result of the direction of the exercise of the GLAs powers.
72. The appellant's evidence was not challenged in any material way by the GLA. That extraordinary position is particularly meaningful in a case where it was the GLA's direction to refuse planning permission (and only that direction) which had resulted in the LBL effectively reversing its formal resolution to grant planning permission. Without that direction, there would have been no inquiry.

73. There is no requirement in policy for a late stage review mechanism to be imposed. Whilst it is required in emerging policy, there are significant objections. For all these reasons, applying the provisions of the NPPF, any harm or any breach of the development plan occasioned by such harm is more than outweighed by the public benefits and the material considerations to which such benefits give rise.

### **Statement for the Council of the London Borough of Lewisham**

74. It became necessary as a consequence of the GLA's direction for the Council to resist the appeal on the grounds of affordable housing. It obtained the advice of a further independent viability expert, who confirmed that the appellant's viability appraisal which produced a deficit of £20m was not correct. His own viability appraisal demonstrated a scheme surplus of £4,446,921 based on 2018 Residential Pricing, and £8,706,243 based on 2017 residential pricing.
75. Approximately £5m of the appraisal surplus arose from a review of the appellant's material available before exchange of proofs, which appeared to show a double counting of fees in the order of £5m in relation to the build cost estimate. When the appellant's viability proof was received and reviewed it did not appear that the short reference in paragraph 7.2 to the Gardiner & Theobald review<sup>15</sup> report raised any pertinent issue. This was particularly so as the proof suggested that the appellant's basis for assessment of costs was unaltered.
76. As a consequence the Council's viability witness did not send its costs witness the appellant's viability proof (which dealt with numerous other issues not relevant to costs estimates). On review at the Inquiry, the Council's build cost estimate was revised from £107,179,737 to £111,809,368 representing a difference of £4,629,631. The consequence of this was that it changed appraisal A - 2018 Residential Pricing to negative £1,155,982 and Appraisal B - 2017 residential pricing (less HPI) reduced to £ 3,111,251. This still represents a £20m disparity approximately with the appellant's viability conclusions. It nonetheless reduced the margin of surplus on the Council's assessment to fall within an acceptable margin of error.
77. The Council does not accept the methodology or conclusions of the appellant's appraisal. However in light of the reduction in surplus on the Council's own assessment, there was no practical purpose in contesting the affordable housing issue further and the Council accepted that the affordable housing contribution proposed is the maximum reasonable contribution.

### **Interested parties**

#### ***The GLA***

*The following is based on the position statement submitted by the GLA on day 2 of the Inquiry<sup>16</sup>. No closing remarks were submitted by the GLA.*

*The main points are:*

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<sup>15</sup> James Brown Proof of Evidence Appendix 4

<sup>16</sup> Doc 11

78. The appellant's Financial Viability Assessment (FVA) witness tested six scenarios with a range of affordable housing mixes of between 12.5% to 35%. He concluded that they were all well below the assumed benchmark land value (BLV) with negative residual values in all but one of the scenarios with 12.5% affordable housing. The residual land values ranged from negative £18.2m to positive £2.46m which was still below the BLV and so it was concluded that none of the scenarios were viable.

79. Despite this apparent lack of viability, the initial proposed affordable housing level of 12.5% was increased over subsequent meetings to approximately 20% by unit number. It was not clear which cost and value assumptions could be adjusted to enable his client to increase the proposed level of affordable housing in the scheme. This raises doubts about the reliability of the FVA.

80. The GLA's view is that the assessment of viability did not take into full account the relevant factors affecting some of the cost and value inputs to the appraisals and that the development could viably deliver more affordable housing. The majority of the inputs included in the application FVA are considered typical but the assumptions made in support of the following elements are unjustified:

- i) Market value of residential units;
- ii) Build costs; and
- iii) Profit level for market housing.

81. There were also concerns about the assumptions on finance rates and affordable housing values but these three elements are most significant and together they all have a cumulative overall impact on viability levels.

*Market value of residential units*

82. Analysis of sales evidence needs to make adjustments for a number of factors, such as the overall similarities and differences between the schemes, changes in market conditions and the reliability of information. Although there are no completely comparable schemes, the GLA would agree that the development at Portrait 2 provides a reasonable basis for the assessment of sales values. It is relatively nearby, with similar accessibility to the rail network. However there are three main differences that need to be considered in using the evidence from Portrait 2 to arrive at appropriate values for the appeal scheme.

83. Portrait 2 is on a busy road network and is part of a larger building site with continuous building works planned for at least three years or possibly longer. This general disturbance, noise and impact on views would affect sales values. Place making attractions of the overall development are still some years away. Savills' comment that "Lewisham Gateway could be argued to be in a worse location, being impacted by the heavy road traffic on the A20.." <sup>17</sup> supports this view.

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<sup>17</sup> Mr Vaughan's Proof of Evidence at para 8.3.5

84. By contrast, the appeal site is located in a quiet position immediately adjacent to the railway station, with road access from a mature, quiet and attractive residential neighbourhood. The site is the last developable plot in this area, benefitting from the existing place-making from earlier developments. The GLA therefore considers that the appeal site would achieve values in excess of those achieved at Portrait 2. It is also important to consider that sales at Portrait 2 were all agreed pre-completion of the building works, in other words they were forward sold. This substantially 'de-risks' a development and as a consequence prices below full market may be accepted to facilitate this.
85. The GLA also consider that the appellant and their agents have taken insufficient account of the premium paid for higher floors in residential development and the benefit of clear views. The towers in the Portrait Development are close together meaning that a significant number of flats will have restricted views even on the upper floors. The GLA have carried out an exercise to assess the GDV of the appeal scheme which adjusts the market evidence from the Portrait 2 scheme for location and then the additional height in the appeal scheme. In our view the values achieved in the appeal scheme would be approximately 10% more than those in Portrait 2 for the reasons already discussed. We have therefore tested a blended rate of £700 per square foot (psf), £712.50 psf and £725 psf and applied this to floors 4-22 in the tower, setting out how this would translate into unit prices. Values increase on a floor by floor basis from floors 10-33 of 1.4 by floor (linear) giving an overall average of £744 psf. The GLA has assumed the values in B2 would be a minimum of £689 psf - a slightly lower figure as this is a lower building than Portrait 2. The average values tested are £725, £738 and £750 psf.
86. Taking all these points in to account, it is clear that the assessed market residential sales values are below what is realistically achievable. This is the best residential site in Lewisham which will set a new ceiling for values - this is normal in regeneration scheme where higher quality schemes coming forward where place making has already occurred will attack values beyond those previously achieved.

#### *Build costs*

87. The GLA is also concerned that the build costs for this scheme have been over-estimated. A more detailed explanation, particularly regarding double counting of fees within the preliminaries and excessive elemental costs is provided<sup>18</sup>. The appellant's initial Cost Report notes that the overall efficiency of the proposed scheme is lower than they would expect to see and the team should explore options to increase efficiency to assist with the overall viability. The 'value engineering' usually done at this stage in the design of the development seems to be, at best, incomplete.

#### *Profit*

88. The appellant has adopted the approach of assuming 22.5% on cost which equates to 18.36% on GDV in Scenario 3. If this profit quantum was

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<sup>18</sup> Evidence of Mr S Brown of CDM Project Services

compared with the lower GDV in Scenario 1 with 20% affordable housing this would be a higher percentage - over 20% on the combined GDV. The GLA's view is that an appropriate assumption in respect of the profit on the market housing should be 17.5%. GL Hearn for the Council proposed 6% profit on the affordable housing and 15% on the commercial element, figures which are considered reasonable and are now standard assumptions in FVAs.

89. This scheme consists of two distinct elements – the tower on the Island Site and the lower rise development on the Car Park Site. A blended rate of 17.5% is considered appropriate. This rate is further supported by the potential to sell a large percentage of units off plan in this location.
90. The GLA's statement sets out the details of two cases<sup>19</sup> where sites sold with planning for sums significantly in excess of the residual land values accepted as part of the planning process. The conclusion of this is that profit levels agreed as part of the planning process are often higher than the developer is prepared to accept although it is acknowledged that sales value may also be underestimated or costs over-estimated.
91. There is a further example now in the Carpetright site where the scheme appraisal submitted by the applicant as part of the process of agreeing the S106 Agreement showed a profit of only 12.34% with a Benchmark Land Value (BLV) of £6.9m as a fixed input and 22.5% affordable housing. Sales values were £725 psf. This site then sold for £18.75m with that consent.

*Sense check*

92. This is lacking in the appellant's evidence. The recent Carpetright site land transaction shows that the residential development market in its various guises is active and buoyant in this location. The fact that the Portrait 2 units were forward sold contradicts comments about poor market activity. Internal GLA monitoring has shown that in 2018, the average level of affordable housing secured in schemes that were referred to the Mayor and were subsequently approved by the local authority was 34% (by unit). There are no justifiable reasons for this scheme not to provide substantially more affordable housing than has been proposed. The BLV is in the lower range for London and reflects about 3% of GDV and so should enable higher levels of affordable housing to be delivered.
93. The logical conclusion is that other aspects such as the overall design and building efficiency, overestimated build costs and an underestimate of values are all contributory. The GLA's appraisals are updated to incorporate the inputs now agreed between the parties in terms of the BLV, the Net Internal Area (NIA) of the market housing, the River Culvert costs and Community Infrastructure Level (CIL) charges provided by the Council. The overall conclusion in terms of the surplus generated is slightly lower than those produced in the appraisals in the GLA statement with the surplus generated by the minimum values appraisal showing a surplus of £11.9m. We have also looked at what the scheme could provide based on the tenure mix proposed by the applicant - with 30% affordable housing the scheme would still produce a surplus of £3.7m. Further adjustments would be required to

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<sup>19</sup> page 25

address changes in build costs to arrive at an accurate figure, but this shows that the maximum level of affordable housing is in fact in excess of this figure.

*The S106 Late Review mechanism*

94. National guidance in PPG supports the use of viability review mechanisms to ensure policy compliance and optimal public benefits through economic cycles. This states that review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project.
95. PPG does not place any limitation on the use of late viability reviews according to the scale or time taken to deliver a development. Rather it explicitly refers to reassessing viability to seek compliance with relevant policies over the lifetime of the project. This can only be done through a late review.
96. The requirement for a late review in the Draft London Plan is a material consideration in determination of the application and is consistent with and achieves the objectives for review mechanisms set out in PPG. Now well advanced entering into the final stages of examination.
97. The High Court judgment<sup>20</sup> on the Affordable Housing & Viability SPG in respect of late reviews was clear that the draft London Plan was unaffected by the judgment and has 'no lesser weight than the SPG'. The judgment confirmed that 'The status of SPG matters little now that the draft London Plan has been published and consulted upon, containing H6' and 'The issue about the status and consistency of the SPG is not one of continuing importance.'
98. There is obviously uncertainty regarding development costs and values as set out in the different opinions expressed by viability advisors and cost consultants acting for the parties. Evidence presented by the Council's and GLA's viability experts and cost consultants indicates that the residential values adopted by the appellant's assessor have been understated and construction costs overstated. Residual valuation models are highly sensitive to small changes in value and cost inputs. A series of more pessimistic / downside assumptions has the potential to significantly understate the residual value of a proposed development. The late review provides the opportunity to assess the accuracy of the cost and value assumptions that underpin the level of proposed affordable housing through assessing actual costs and values that are incurred.
99. There is potential for significant changes in values and costs between the grant of planning permission and completion of the development. In the last four years average new build house prices in Lewisham have increased by 18% (Feb '15 to Feb '19). In the four preceding years values increased by 51% (Feb '11 to Feb '15) This indicates that significant increases in

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<sup>20</sup> McCarthy and Stone Retirement lifestyles Ltd & Others, R (on the application of) v Greater London Authority [2018] EWHC 1202 (Admin) (23 May 2018) and Declaration 4 June 2018

residential values could arise during the lifetime of the development which would fundamentally change the viability of the proposal.

100. The following factors should be noted:

- A low level of affordable housing proposed by the appellant despite significant identified housing need.
- The appellant agreed to provide early and late reviews on the second (2018) scheme.
- The proposed level of affordable housing has not been verified as being the maximum reasonable level of affordable housing by the Council's expert witness and the GLA's expert viability team as demonstrated by the evidence presented to the inquiry.
- The appellant's conclusion that the scheme generates a significant deficit (even without the provision of affordable housing) is not credible.
- The appellant's stated deficit position which they wish to allow for in the proposed early review mechanism has not been verified and is not supported by the evidence presented by the GLA and the Council.
- The argument that there should not be a late viability review because the appellant needs to make up some of the identified deficit during the course of delivery of the development and residential sale is not credible and is not sufficient justification for the absence of a late review in this case.

### ***The Blackheath and Ladywell Societies***

*The main points are:*

101. The Societies welcome development of this site to provide new homes, including affordable ones. The deal offers Lewisham 365 homes on an underused brownfield site, in return for several claimed public benefits. 43 social/affordable rent homes (11.8%) and 30 Discounted Market Sale homes (8.2%) is way below targets and is costing the appellant much less than would 20 genuinely affordable rentals. Like other Lewisham town centre schemes, this one claims to be unviable, which seems implausible for such a tall and straightforward scheme, but the developer is generously offering a modest amount of affordable housing to help gain approval. In some cases, later appraisal has shown that more affordable housing would have been possible'.

102. A very tall tower - which Council officers claim is "of exemplary appearance and quality for this prominent section of Lewisham town centre' and also that "it would make a noticeable impact upon the local skyline but is considered (a phrase often used when making subjective judgement) to be a positive addition, which marks the central transport district in the borough, identifying Lewisham railway station and DLR station." There are already approved marker towers at Gateway Block D2 at 97m and Carpetright Block B1 at 105m, both much better located to mark the transport interchange. Another even taller one the other side of the station is not needed, and is rejected by over 1,200 local people who signed an online petition against the tower and

will live within sight of a tower they consider too tall for this edge-of-town-centre residential location.

103. The second application overturned the height versus public benefit objection with the help of an enhanced 'Skydeck' offering, for which we think there is little demand, offers limited views to the north west and south west, and may well be unviable and unsustainable. This is costing Meyer Homes very little as its operation is to be managed and largely funded by the ground-floor cafe. We struggle to see how this will add up and thrive commercially, with little passing trade.
104. The £1.6m on offer for river naturalisation is only payable when matched by a developer of the nearby Tesco store (name and time as yet unknown), otherwise this money simply becomes available in 15 years for affordable homes.
105. While the £120k for Docklands Light railway (DLR) is for new, bigger capacity trains, the £470,000 for 'station capacity and improvements' will do nothing immediate for poor access and little for capacity.
106. There are other public benefits, but only what one would expect - landscaping, play area, etc. Overall, this is a poor deal for Lewisham residents, based on conservative assumptions, in order to minimize an already fairly low-risk for the scheme. This scheme, taken overall, does not give Lewisham enough public benefit. Despite being mainly residential, as currently proposed it does not make best use of this edge-of-town-centre site with poor access to transport hub, shops and market. It will also put pressure on already stretched local services and has the potential to cause long-term damage to the skyline, near and far, and to the streetscape of nearby low-rise mainly traditional residential homes.
107. The Societies think that the council is right to defend this appeal, but it should have done so on the full range of elements making up the offered deal, not just the very poor affordable housing element. All of these contribute to the scheme's viability or lack of it. It needs a major re-think, with suitable pointers from councillors, not just officers, to what they see as priorities. This would also give an opportunity for them to make a strategic policy statement about extra tall 'landmark' or 'marker' buildings before the town centre becomes overwhelmed by a rash of tightly-packed, excessively tall towers and loses all its remaining variety and character.

### **Mr & Mrs Walsh**

*The main points are:*

108. Mr & Mrs Walsh point out that their 200 year old house is adjacent to the site, 13 metres (m) from the boundary of the site of the proposed 34 storey tower block. The river is the only thing that separates the properties. They claim that their house and garden will be completely overlooked and overshadowed by the tower. They suggest that there will be a complete lack of privacy as 2 bedrooms and the kitchen/diner/family room & garden will be on view to several hundred people.
109. The public viewing platform will invite even more strangers to look in the garden and in bedroom windows. The tower is out of keeping with the old

traditional Victorian street (Silkmills path) of 8 houses and it will be looming behind the house and appear overbearing. It will provide a depressive outlook. The house will be surrounded by towers. The increase of towers is overdeveloping the area. The density of people will be increased dramatically, with several thousand people living within a very small area.

110. According to the plans submitted to the council, the Vertical Sky Component (VSC) will be dramatically reduced, to below recommended standards from the main family living /kitchen diner and from the rear bedroom. The tower will also block the last remaining sunlight from those same rooms. The rest has previously been blocked out by the Gateway development. A right to light has been acquired in these rooms as the house is approximately 200 years old. The Environmental Statement<sup>21</sup> shows the transient overshadowing that the existing Gateway building makes on our house on the 21st March at 9 am to 5pm. We have very little light left since that development was built. The remaining light will be taken if this new development goes ahead.
111. They object to a public square being proposed 13 m from their property. The noise and smells will negatively impact their ability to peacefully enjoy their home. The plans propose a café with outside seating and promote pop up markets and street entertainers. It is being marketed as a meeting point and a children's play area. Although nice additions, they will be approximately 15 m from their bedrooms and the ongoing noise and smells will negatively impact on peaceful enjoyment.
112. Air pollution is also a concern. There are 7 children that live on the street, 2 of which have severe medical problems. There are also several older people that have health problems. All of them will be negatively impacted by an increase in pollution from the construction of the tower, as well as the ongoing increase in pollution from the tower being in existence.
113. The Lewisham Gateway development caused cracks in the walls<sup>22</sup>. Complaints to the developer and the Council were not listened to. The proposed tower will be closer and taller. A surveyor's report states that another development such as the proposed tower could cause our house further damage. It is likely to be too noisy and disruptive to still live in the house during construction. Their house is the closest, oldest house to the tower block B1, yet there are no proposals to have a noise sensitive receptor, air quality monitor nor vibration monitoring.
114. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life. They feel that if this tower is built so close to their home, this human right will be violated, as well as negatively impacting on amenities.

### **Written Representations**

115. 174 comments were made in response to the original application, the great majority objecting to the proposal on grounds of loss of light and privacy,

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<sup>21</sup> Appendix 574676 Page 1423

<sup>22</sup> Video evidence of this was shown to the Inquiry

increased pressure on local services, the height of block B1 and the cumulative impact with other schemes, increased noise, traffic, pollution and pressure on parking, the unaffordability of the proposed units for local people, excessive density, pressure on open space and construction impacts. Other objections relate to the level of affordable housing, the need for a more strategic improvement of the transport interchange, the potentially undeliverable nature of the river naturalisation and inadequate public benefit overall.

116. Those supporting the project draw attention to the high quality of design of the scheme and the need for Lewisham to have a high density of housing if it is to be a proper metropolitan centre.
117. Of those objecting at appeal stage, **Minaxi Desai** is a local resident of the Baquba building to the north west. Amongst other concerns repeated by others, she points out that the space between the proposed buildings leads to an oppressive outlook and reduced light levels.
118. **Christine Jolley** lives in Armoury Road and objects to the change in the skyline and the removal of trees. She suggests that more development will harm the wildlife and affect pollution in the river. Three new blocks is too much and far too tall. The properties that have been built up in this vicinity have had very small and insufficient green space for the amount of residents. She points out that human beings need green space which benefits mental health and even crime rates. The nearby Brookmill Park over the last few years has become extremely busy and some days overcrowded because of the lack of green space in the local area. One has to travel to Greenwich Park just to escape the view of concrete. The other properties that have been added in recent years are all locked communities and gyms and other services that only benefit the residents. Lewisham is rapidly turning into concrete.

### **Section 106 Agreement**

119. A signed and dated Section 106 Agreement has been provided which facilitates the provision of affordable housing, the Lewisham station access; public realm works in the form of the Silk Mills Path, open spaces, pedestrian and cycle routes, works to naturalise the River Ravensbourne and arrangements for public access to the 'Skydeck'. Amongst other things, it also facilitates contributions to the DLR for additional rolling stock, the setting up of a car club; and prevents the award of parking permits except in certain circumstances. It facilitates coordination with the Lewisham Construction Forum to minimise construction impacts within the town centre and provides the means of providing local employment, in accordance with local plan policy.
120. Except where indicated elsewhere in this decision with respect to a late review mechanism, I consider that the provisions of the Agreement are directly related to the proposed development, fairly and reasonably related in scale and kind, and would be necessary to make it acceptable. They meet the tests set out in paragraph 56 of the 2019 NPPF and Regulation 122 of the CIL Regulations. As such I give the S106 Agreement significant weight.

## Conditions

121. Where appropriate, the preparation of draft pre-commencement conditions (or conditions which need to be discharged before starting a particular section of work) by the Council and the appellant indicates the written agreement of the appellant. All conditions were the subject of detailed discussion at the Inquiry. The following conditions attached to this recommendation 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 – Demolition Management Plan

Condition 4 – Construction Management Plan

Condition 5 – Construction Methodology

Condition 6 – Piling Methodology

Condition 7 – Construction Noise and Vibration Monitoring

Condition 9 – Telecommunications interference

Condition 8 – Considerate Constructors Scheme

Condition 19 – Combined Heat and Power Networks

Condition 29 – Protection of Trees During Construction

Condition 46 – River Ravensbourne Buffer Zone

122. Where necessary, the wording of conditions has been adjusted in the interests of precision, reasonableness, necessity and enforceability. A requirement to use radio frequencies that do not interfere with the DLR is not a planning matter but a matter for the contractor's CDM procedures. However other conditions restricting use of vibro-compacting machinery and external lighting to avoid harm to the railway, and identifying the level of any impact post-construction on radio communications, are relevant to planning. Site contamination is likely and a suite of conditions seeks to control the necessary procedures.

123. Foul and surface water drainage works need to be installed in accordance with an approved strategy. A BREEAM certification process leading to a rating of at least 'very good' is necessary in the interests of sustainable construction and energy efficiency. Details of the external materials and details, external lighting, the living 'green' roofs, hard and soft landscaping, bird and bat boxes, soundproofing, electric vehicle charging points, cycle parking and car club parking spaces are required in the interests of the character of the area and for sustainable transport and amenity purposes. A delivery and servicing strategy is needed in the interests of efficient disposal of waste and commercial deliveries. In the interests of the character of the area and good design, the installation of mobile telecommunications equipment and satellite dishes is restricted. The means by which management and maintenance of the public areas is achieved is subject to a condition. Commercial uses in the

non-residential parts of the development are defined in order to avoid activities that would conflict with the aims of policy.

124. Finally, a condition ensures that occupation does not take place until the Travel Plan is in place, in the interests of sustainable means of travel.

### **Inspectors Conclusions**

*In this section, numbers in brackets [] refer to the main paragraphs in this report of relevance to my conclusions*

125. Following from the Mayor's Direction, the only reason for refusal concerns affordable housing and viability issues relating to the application scheme on the basis of LonP policy 3.12, NLonP policy H6, the Mayor's Affordable Housing and Viability SPG and Lewisham CS policy 1 and DMLP policy 7. The main considerations therefore that will be of interest to the Secretary of State are whether or not the proposed development would make adequate provision for affordable housing; and whether a late stage review mechanism is desirable or necessary.

#### *The provision of affordable housing*

126. There is no dispute between the GLA, the Council and the appellant that the approach suggested in PPG and its attendant methodology has been appropriately employed. [31]
127. The essential differences on viability between the parties lie in two areas: a variation of around £11m in construction costs (including fees and profit); and private residential values.

#### *Construction costs*

128. The Statement of Matters in Dispute on Viability (SMDV)<sup>23</sup> indicates a build cost of between £107,179,737 (appellant) and £108,251,534 (Council), a difference of £1,071,797 or 1%, this being an estimate of build cost inflation since August 2018. The parties agreed at the Inquiry that the methodology used by the respective firms of quantity surveyors met the appropriate standards. I consider that it is reasonable to assume a level of build cost inflation at this level, as do CDM Project Services acting for the GLA.
129. However CDM for the GLA consider build costs to be overstated because of the over-estimation in their view of a range of elements including amongst other things scaffold, substructure, frame, external envelope in general, partitions, doors, internal fittings and external works, concluding that build costs amount to £100,406,730 at the third quarter of 2018. In common with the other parties, an allowance for 1% for inflation brings this up to £101,410,790 in 2019.
130. Stace, the consultants that produced the original costs estimate for the appellants, provided a detailed draft rebuttal<sup>24</sup> dated 8 May 2019 to this and the evidence provided by the Council. The rebuttal points out that unlike the appellants, the GLA had not benchmarked their alternative elemental costs or

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<sup>23</sup> Doc 2

<sup>24</sup> James Brown rebuttal Appendix 4

provided any detailed explanation for their view that costs were overstated. At the Inquiry, the GLA costs witness was unable to provide any further information to back up the GLA position. Moreover he stated that he had no reason to question the independent Gardiner & Theobald review of 11 April 2019<sup>25</sup> which indicated a build cost of £109,800,000 excluding all fees. The costs witness for the Council acknowledged that build costs were properly derived and benchmarked, if not actually underestimated because the Building Cost Information Service (BCIS)<sup>26</sup> uses an average psf figure for flats of up to only 6 storeys, not the height proposed. Also relevant is the potential for increased costs following the conclusions of the ongoing Grenfell Tower Inquiry, included in Gardiner and Theobald's assessment. [40,76,87]

131. The independent costs estimates produced by 3 firms of costs consultants, Stace, G L Hearn (later Carter Jonas, assisted by Johnson Associates for the Council) and the review by Gardiner and Theobald, as well as Mr Powling at the Inquiry, are within two percentage points of each other. No evidence has been produced in any later analyses to show that those build costs, or any element of them considered for viability purposes, are unreasonable.

#### *Fees*

132. The professional fees element of costs remained a point of difference at the opening of the Inquiry. Such fees need to be included in costs estimates but procurement routes vary between projects, some pre-novation fees being incurred at early stages for specialist design work for site preparation, river works and substructure, for instance. These would be accounted for in the main contractor's preliminaries rather than as 'professional fees'. In light of criticisms by Carter Jonas on behalf of the Council, and the GLA, that there was a potential for £5.4m of fees to have been 'double counted' in this way, fees were specifically considered by the appellant's viability witness<sup>27</sup> for each stage of the work, based on actual costs incurred. This did identify an overstatement of fees of around £954,737, which was reflected in subsequent up to date appraisals for the Inquiry.
133. After a short adjournment to allow further common ground to be agreed on fees, the Council's costs witness did not challenge this detailed analysis and offered no further evidence. Importantly, Carter Jonas had advised the Council and the GLA in an email of February 2019 that preliminaries typically towards the upper level of the range to 20% would not be unreasonable<sup>28</sup> and would be comparable with similar projects elsewhere<sup>29</sup>. There would be significant preliminary costs associated with a 34 storey tower on a constrained site adjacent to a river and the DLR. At the Inquiry, no evidence was forthcoming from the GLA's costs witness CDM to support their contention that preliminaries are set too high or that the level of professional fees of around 10% would be excessive for a project of this nature. The Council's costs witness accepted that if a reasonable preliminaries figure of 17% or so was adopted then the whole argument in support of the £5.5m fees deduction from the overall level of costs fell away. [46-49,76,87]

<sup>25</sup> James Brown Proof of Evidence Appendix 4 (undertaken from scratch)

<sup>26</sup> Provided by the RICS and recommended in PPG for viability assessment

<sup>27</sup> Mr J Brown Appendix 3

<sup>28</sup> Copied in J Brown Appendix 4 and in Mr Jones's Appendix 9

<sup>29</sup> See J Brown Rebuttal Appendix 4 (Stace) Appendix B

*Profit*

134. PPG advises that 'for the purpose of plan making, an assumption of 15-20% of GDV may be considered a suitable return to developers in order to establish the viability of plan policies. Plan makers may choose to apply alternative figures where there is evidence to support this according to the type, scale and risk profile of planned development'. The appellant is aiming for a 'blended' profit margin of 18.36%, which the GLA allege represents an excessive level of profit of 20% on the market units; a figure of 17.5% is considered acceptable, however.
135. PPG also states that 'Potential risk is accounted for in the assumed return for developers at the plan-making stage. It is the role of developers, not plan makers or decision makers, to mitigate these risks.' There would be additional risks in constructing a 34 storey tower because it involves a longer construction period before occupation. Whilst off-plan sales are a possibility, that might involve lower sales values especially if the market is uncertain. The appellant has provided a range of examples of similar developments<sup>30</sup> with comparable profit levels which were not questioned by the GLA at the time. In particular, the S106 for the nearby Carpetright site recognises a reasonable profit requirement of over 19% on GDV. That evidence points to a a region of 20-25% on cost or around 18.5% on GDV for residential mixed use schemes. This indicates that the proposed profit levels are reasonable for this scheme. [88-91]
136. To conclude on costs, no evidence was offered by the Council or the GLA to counter the appellant's build costs analysis or the level of fees or profit. The GLA do not point out any areas where 'value engineering' might increase the efficiency of the scheme. Despite being given a positive opportunity, the GLA declined to ask any questions of the appellant's witnesses on costs. Accordingly I am unable to attribute any significant weight to the contention that construction costs including fees are overstated to the extent of £11m. [28-30,88-91]

*Private residential values*

137. The PPG requires that viability information is proportionate, simple, and transparent. The Council and the GLA suggest that residential values greatly exceed the average of £657.43 psf, the figure most recently adopted by the appellant, and should be in the order of £754 to £759 psf. There is no disagreement that the Gross Development Value (GDV) which indicates headroom within which affordable housing can be accommodated, is sensitive to even small movements in the £psf figure. Much of the evidence concerned the difference in value between flats at different floor levels, the compounding of that with differences in levels of quality and floor area; and the appeal of the location of the proposed scheme relative to comparative developments nearby, but on the other side of the railway.

A large part of the Council's uplift in the average £psf figure derives from the uplift in values with height, in part supported by evidence from the recently sold Portrait 1 scheme. There are no hard and fast rules to determine such

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<sup>30</sup> J Brown proof of evidence, section 10. See also section 16.5

values, as each scheme is different. However the actual sales at Portrait 1 and 2 nearby provide a helpful indicator. The Council's evidence on values<sup>31</sup> was reinforced by a rebuttal proof of evidence which refers to the tendency of values to increase with height at Portrait 1. However this does not clearly demonstrate how an average value of £779 psf could be achievable. The way that percentage increases per floor were worked out was acknowledged at the Inquiry to be incorrect and this reduces the weight that can be attached to the calculations in the rebuttal. For comparison purposes, the percentage increase per floor actually achieved on actual and recent Portrait 2 sales in psf terms ranges from compound 0.63% to 0.81%<sup>32</sup>. In Portrait 1 (concluded in 2015), compound growth rates vary from 0.354% to 0.78% per floor<sup>33</sup>. These figures need to be seen in the context of the Council's suggested figures of 1.33-1.69%<sup>34</sup>. There is no reason to conclude that the increase in values by height would be reflected very differently in the appeal scheme. In failing to properly explain this, no other conclusion can be drawn but that the methodology falls short of the transparency required. In drawing the Secretary of State's attention to this matter, I refer to section 4.2 of Mr J Brown's rebuttal, which was not queried at the Inquiry.

138. The result of applying such percentage increases on floor by floor values, combined with a starting point at the lower floors which was in itself challenged, is that figures ascend rapidly up the tower of the proposed scheme. The BPS pricing schedule<sup>35</sup> prepared for the Council, indicates values for the appeal scheme in 2017 and 2018. This demonstrates other significant inconsistencies in approach, characterised by, for instance, values for the 4<sup>th</sup> floor 1B apartments in Block 1, which are significantly higher at £423,432 than for actual sales for similar accommodation in Portrait 2 (£395,000) despite here being on the 19<sup>th</sup> floor<sup>36</sup>. Whilst there is a difference in floor area, no plausible explanation was provided for the discrepancy. Also, Mr Jones' values continue to increase substantially at levels above 14<sup>th</sup> floor, at which point the additional advantages of natural light, achieving a view and being above the traffic normally contribute less per floor, as a proportion of value. [85-6,138-9]

139. Moreover, the ceiling of £500,000 placed on assistance from the 'Help to Buy' Government scheme is a significant factor affecting value especially in Lewisham which is not a 'premium' area for property purchase. The Council recognises the importance of this scheme in achieving sales. However the Council's pricing schedule indicates that between 27% and 39% of units would fail to qualify for Help to Buy. This would place a brake on values, not least because the uncontested evidence of Savills is that very few other apartments have sold at this price point in Lewisham and that the market is currently static, if not falling. The evidence indicates that higher priced units in nearby schemes are selling slowly or are being reduced in price, even where there are additional benefits on site such as a residents roof terrace and a leisure centre.

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<sup>31</sup> Mr Jones' proof and appendices

<sup>32</sup> Doc 7

<sup>33</sup> Mr J Brown rebuttal Appendix 1 and section 4.62(b)

<sup>34</sup> Mr Jones rebuttal p21

<sup>35</sup> Prepared on behalf of the Council by Mr Jones at Appendix 12 of Mr Jones proof of evidence

<sup>36</sup> Mr J Browns's rebuttal 4.1.4 and 4.4.4

140. Turning to the suggested values put forward by the GLA (in a low, mid and high range), based on Portrait 2, I saw at the site visit that although one side of Portrait 2 is heavily affected by a building site, others are not. It is closer to the busiest part of the road network than the appeal scheme, but not directly adjacent. It benefits from the same proximity to the station and river. It is not obvious that overall values would be seriously negatively affected by locational factors to the extent claimed. [58-60,83-4]
141. The GLA indicate that an approximate 10% increase in psf values would be appropriate for this reason and the fact that some views would be more obscured. No explanation was provided as to how the 10% premium was arrived at and it can only attract limited weight. At the Inquiry, the GLA accepted that the 'low' range of values would be most appropriate, indicating a blended rate of £700 psf. However the figures in the GLA's schedule of values<sup>37</sup> reflect an average 15% rise on floors 4-22. The origin of the 15% increase could not be explained by the GLA except as a matter of experience and judgement: it also attracts only limited weight. In any event it leads to values well in excess (well over 10% more) of those at Portrait 2. [61-62,85]
142. The GLA had the benefit of some sales and marketing information from G L Hearn at Portrait 2 when preparing their documentation for the appeal, but agreed that recent achieved sales provide the best comparable evidence. Since then, the actual achieved sales figures have become available from the Land Registry and are set out on a comparative schedule along with the figures provided by the Council<sup>38</sup>. The GLA helpfully updated their appraisals on day 3<sup>39</sup>. The actual value at Portrait 2, £635.68 psf across all unit types, is lower than the appellant had assumed at £641 psf. On the minimum range basis, the GLA suggests that this would lead to a surplus of £10,768,940 (£11,906,992 including profit) (assuming a construction cost of £108,250,790). [93]
143. However, even on this lower basis, the GLA's revised schedule<sup>40</sup> indicates that the majority of the apartments in the tower Block 1 would be valued at well above £500,000, beyond the reach of anyone hoping to be assisted by Help to Buy. The figures show that an additional premium for height has been added over and above the premium already embedded in the actual sales figures at Portrait 2. As an example, the GLA suggest that a flat on the 29<sup>th</sup> floor in B1 would achieve £73500 more than an identical flat on 19<sup>th</sup> floor. The difference is in the view, but there would be little difference in views at these levels. This was not adequately explained and amounts to 'double counting'.
144. To summarise, the comparative schedule indicates that the appellants have already placed a premium on the value of apartments in the appeal scheme compared with Portrait 2 that has not been shown to be inappropriate. The majority of all the flats in the appellant's valuation would fall within the scope of Help to Buy. The GLA's suggested values would be unlikely to be achievable in the market. The GLA's assessment includes

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<sup>37</sup> Appendix 2 to statement of Charles Solomon

<sup>38</sup> Doc 17

<sup>39</sup> Doc 16

differences between values on floors at higher levels with similar views that are not explained. The Council's suggested average values at £759-779 psf (a maximum of £1000 psf for a 1 bedroom flat and £875 for 2 bedroom flats) are not benchmarked and are out of proportion to anything else in Lewisham. Only 1 unit in Portrait 2 actually achieved over £700 psf in June 2018 at £395,000 (£723 psf) and this a 1 bed flat on 19<sup>th</sup> floor.

145. The £725 psf figure claimed by the GLA for the Carpetright site derives from a GL Hearn report of January 2018 based on buoyant market conditions in 2017. It compares with average values of £669 psf provided by the same company for the appeal scheme in November 2018, for what would be much larger units. Moreover, the Carpetright development is now the subject of an application for student accommodation which casts doubt on the prospects for private residential on this site. [91]
146. The GLA declined to cross-examine the appellants' witnesses on costs, viability or marketing. The GLA accepted that the actual Portrait 2 figures meant that their schedule of units and values needed to be reissued. That document, issued the next day, indicated that the suggested surplus projected at the start of the Inquiry had been very substantially reduced. Whilst the GLA maintained its overall position, substantial weight must be attached to the failure to question the appellant's analysis and assumptions, given that the appeal would not have been necessary had the GLA not issued a direction to Lewisham to refuse planning permission. The GLA accepted at the Inquiry that if the £11m alleged surplus on fees and construction costs did not exist, then the claimed remaining £900,000 would not have led to a direction to refuse from the Mayor's office. The arguments against excessive construction costs and fees were not seriously contested at the Inquiry. [60-1,85-6]
147. To conclude on viability, the evidence on construction costs alone is that a relatively small figure remains between the parties that is insignificant in the overall picture of development viability. There is insufficient evidence to justify the residential values put forward by the Council and the GLA, based on actual sales on a comparative scheme. No evidence was provided to show that the 4 year trend identified by the GLA in Lewisham would continue or that it took account of the particular considerations that apply to the appeal site. This indicates that the 20.2% affordable housing proposed by the appellant is the maximum, if not somewhat more, than what can be reasonably provided. The proposed development would not conflict with the requirements of LonP policy 3.12, the Mayor's Affordable Housing and Viability SPG, Lewisham CS policy 1 and DMLP policy DM7. [56,99,101]

#### *Late stage review*

148. Policy 3.12 of the LonP advises that the maximum reasonable amount of affordable housing should be sought when negotiating on schemes having regard to factors including the specific circumstances of individual sites and development viability. There is no development plan requirement for a late stage review in Lewisham. The NLonP seeks to make late stage reviews a requirement of the development plan, but objections remain to this aim and it is not yet adopted policy. The Mayor's Affordable Housing and Viability SPG

seeks advanced stage reviews, but this has since been clarified<sup>41</sup> as referring to developments which, having failed to meet development plan targets for affordable housing, then take 'many years' to implement or build out. The requirement that ...'early and late viability reviews will be applied to all schemes that do not meet the threshold in order to ensure that affordable housing contributions are increased if viability improves over time' has been declared inconsistent with the LonP.

149. It is understandable that the GLA would seek a late stage review in the circumstances where varied amounts of affordable housing have been proposed by the appellant at different times<sup>42</sup>. However the circumstances in which developers find themselves when going through the approval process may lead to different offers of affordable housing depending on a combination of factors including market trends, the need to obtain a planning permission and to avoid an appeal. It is probable that the inconsistency with the LonP will be resolved with adoption of the NLonP, but at the present time, there is no pressing case for a late stage review for a scheme such as this, where development is proposed to be completed in a single phase. The lack of a late stage review would not conflict with the requirements of LonP policy 3.12, the Mayor's Affordable Housing and Viability SPG, Lewisham CS policy 1 and DMLP policy DM7. This element of the S106 Agreement is unnecessary to make the development acceptable in planning terms and does not meet the relevant criteria set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. [73,94-100]

### **Other matters**

#### *Character and appearance*

150. The development would be seen as part of the planned renewal of the part of the town centre of Lewisham around the station and the Ravensbourne river where there is an existing group of tall buildings, with more proposed<sup>43</sup>. The additional height of the appeal scheme over nearby existing and proposed buildings would be a landmark and would add a sense of variety and proportion to the group as a whole, illustrated by the visualisations<sup>44</sup>. That objective is encouraged by Policy LTC19 3(c & d). In considering this matter the visual impact of a proposed new 30 storey building on the 'Carpetright' site, a 24 storey tower on the 'Lewisham Retail Park' site and the completion of the Lewisham Gateway development, amongst others, will further intensify the existing character of this part of the town centre which is defined by intensive contemporary development.

151. The existing site is used only for surface car parking and is neglected. The proposal would bring forward important pedestrian links to the station and along the Silk Mills Path, as well as provide a community resource alongside the river in the form of a public landscaped area. The scheme would ultimately facilitate access to the Ravensbourne itself, with the co-operation

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<sup>41</sup> Having regard to McCarthy and Stone Retirement lifestyles Ltd & Ors, R (on the application of) v Greater London Authority [2018] EWHC 1202 (Admin) (23 May 2018) and Declaration 4 June 2018

<sup>42</sup> See chronology, Mr J Brown's proof section 4.0

<sup>43</sup> See Fig 7.27 of Vol 1 of Mr Everitt's proof

<sup>44</sup> In Dr Miele's evidence

of the landowner on the opposite bank<sup>45</sup>. These would represent important improvements to the character and appearance of the area. Whilst the tower would be adjacent to the river, the surrounding enhancements would provide an appropriate setting and a new opportunity to appreciate the Ravensbourne as a townscape feature. Ecological enhancements would reinforce its purpose and visual attractiveness, helping to change perception of the river as a somewhat hidden culvert.

152. The tower would be in close juxtaposition with small scale housing to the south east along Silk Mills Path. These dwellings form a close-knit group with their own identifiable character on the north side of the railway. The tower would loom over them and appear out of keeping in views from the south east<sup>46</sup>. The intimate scale and grain of existing Victorian residential development here would be detrimentally affected to that extent. However the impact would be less than that already experienced because of the Lewisham Gateway towers directly to the south which occupy a much wider angle of view. Together with Lewisham Gateway, the busy railway station and embankment already gives this area a strong feeling of being on an urban edge. In conclusion on this matter, the scale and urban grain of the older residential fabric at the southern end of the Conington Road Policy Area designated in LTC5 is already affected by nearby high-rise development. The proposed tower would be relatively slim in form and would add to the detrimental effect on the character of the area in certain views. On balance, however, the public benefits in the form of improvements to the Silk Mills Path, the access to the station and the new public space outweigh any additional harm.

153. Further afield, the development would add height to the existing group of tall buildings in Lewisham and would make the town centre more visible from locations including Blackheath, Blythe Hill Fields, Hilly Fields and Mountsfield Park<sup>47</sup>. However there would be no harm caused to any view from these places because of distance, the general sense of openness in all directions and/or intervening vegetation. The enhanced cluster of taller buildings in Lewisham would form only a small proportion of the overall visual experience. Moreover, other clusters of tall buildings are already part of the view from high points in south London, such as Kidbrooke, Canary Wharf and the City of London.[102-3,109,115,118]

#### *Heritage matters*

154. The appeal scheme would complement the existing group of tall buildings in Lewisham, which is the subject of ongoing development. The overall height of the group would increase but there would be no noticeable effect on the views from or the experience of the Maritime Greenwich World Heritage Site (WHS), which at its closest follows the A2 across Blackheath about 1 kilometre away from the site. The heritage significance of the WHS stems mainly from the area visible from the General Wolfe statue adjacent to the Thames including the Queen's House, the Royal Naval College and the Old Royal Observatory, set in the Greenwich Registered Historic Park and Garden

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<sup>45</sup> Covered in the S106 Agreement

<sup>46</sup> See Doc 14 and 15 (showing only part of the tower), Viewpoint 24 and the evidence of Mr & Mrs Walsh

<sup>47</sup> See ZTV and viewpoints in ES Vol III

(RPG). The development would only be visible from the southern edge of the RPG on the A2 and the overall impact would be insignificant.

155. The tower would be visible from parts of nine conservation areas, often in views in which other tall buildings are already seen. In the main, their heritage significance stems mainly from the historical and architectural interest of residential streets. Usually, the built up centre of Lewisham forms no more than an occasional backdrop. Occasionally, more direct and closer views occur, such as at St Johns Conservation Area looking along the railway line. In all cases, views of the appeal buildings would be fleeting or seen in the context of the much larger group of tall buildings. Where views contribute to heritage significance such as on Blackheath or from Hilly Fields in Brockley, the tower would add interest and form to an already established cluster, aided by the proposed banded façade treatment. The effect would be neutral or slightly positive. Blocks 2 and 3 would assist in assimilating the tower into the whole town centre area, and would link with the massing of existing development along the DLR.
156. Groups of listed buildings lie between about 300 metres and over 1 kilometre from the site, in Blackheath south and north and around St Johns. In all cases, for reasons of distance, line of sight, orientation or association with existing tall buildings, the appeal development would have an insignificant effect on their heritage significance. Where streets do provide vistas towards the site there would be a greater magnitude of effect but the tower would serve to mark the town centre and would not prevent appreciation of the architectural qualities of the conservation area in which they lie.
157. Eagle House is the Victorian former office of H & V Nicholl's Anchor Brewery. It is an undesignated heritage asset and the closest asset to the site, situated on Lewisham Road behind the Tesco store and surrounded by the Tesco car park. The setting includes the unremarkable Tesco store and the towers of Lewisham Gateway and other tall buildings. The effect of the appeal development on its significance would be negligible. I conclude on heritage matters that the effect of the appeal scheme would be insignificant.[68,106]

*Living conditions*

158. Rear windows of 2 dwellings in Sharsted Villas at the end of Silk Mills Path would face the south eastern elevation of the tower across a short rear garden, the river and the proposed public area, at a distance of around 46 metres. The height and bulk of the tower is likely to dominate the view out from bedrooms and kitchen/dining areas and their private rear gardens<sup>48</sup>. These occupiers are already affected by the proximity of the lower Lewisham Gateway scheme at a similar distance to the south. However, whilst the number of dwellings in the tower and their height above the ground would represent a significant change in the occupants' outlook, it would not be unusual compared with other town centre situations where new development occurs, including elsewhere in Lewisham. There would remain unobstructed

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<sup>48</sup> Most easily appreciated in photographs of the model at p130 of Vol 1 of Mr Everitt's proof and by reference to Doc 14

views out across Silk Mills Path to the south east from all the accommodation at the front of the house including the main living room. In considering this matter, the less frequent use of bedrooms during the day is a factor, as is existing vegetation and fencing along the river behind Sharsted Villas and new tree planting on the application site, which would provide screening. The overall improvement in the general environment at the rear would be a distinct benefit.[109]

159. The distance between living accommodation in these dwellings and apartments in the tower would be well beyond that normally considered to compromise privacy. Any perception of overlooking due to height and the number of new apartments in B1 would be mitigated in time by new planting<sup>49</sup>. It is recognised that the replacement of a car park by a public space and a café gives rise to concerns that there could be issues with noise and disturbance, but suitable conditions controlling the opening hours of the proposed ground floor café would be sufficient to ensure acceptable living conditions in this respect. [67,108-9,111-3]
160. The studies carried out to establish the effect on daylight and sunlight indicate that the occupants of 2 Sharsted Villas in Silk Mills Path would experience a maximum diminution of daylight in the rear ground floor rooms of up to about one third of existing levels, in the cumulative development scenario. The BRE guidelines<sup>50</sup> indicate that target values may be altered in areas such as where modern high-rise buildings create a situation where a high degree of obstruction is unavoidable. Even so, levels of daylight at the most affected primary rear windows of 2 Sharsted Villas would retain a Vertical Sky Component not far short of the BRE suggested minimum of 27%<sup>51</sup> and slightly less if all other anticipated developments are constructed. The front of the house would be unaffected. The overall effect on 2 Sharsted Villas would be adverse and noticeable but would be acceptable in a town centre environment<sup>52</sup>. [110]
161. With regard to sunlight levels at this property, none of the affected windows lie with 90 degrees of due south. There would be a noticeable effect on evening sunlight on occasions in high summer but that would not lead to unacceptable living conditions. [110]
162. Other objections have been raised by the occupants of Baquba House, Silkworks and Hester House, west of blocks B2 and B3. The existing buildings here currently benefit from an unusually open outlook across the car park but have been built close to the site boundary. Having regard to the recommendations of the BRE using the 'mirroring' assessment technique, and the fact that blocks B2 and B3 would be set back further than strictly required if they did 'mirror' neighbouring development, there would be no unacceptable effects on daylight or sunlight. Concerns have also been expressed in these blocks by occupiers on matters of privacy and overlooking, but the

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<sup>49</sup> See drawing BMD.200.DR.P300 rev A and BMD.200.DR.P202 rev A section G-GG

<sup>50</sup> Building Research Establishment Guidance Note 209: Site Layout Planning for Daylight and Sunlight-A Guide to Good Practice (2011)

<sup>51</sup> Daylight studies do not take into account the extension to this property containing a bedroom and an additional window. I have taken this into account

<sup>52</sup> ES Vol 1 (CD A7) Chapter 16 and Appendix 16 and Appendix 3 to Mr Butterworth's evidence

combination of angled windows, privacy screens and not placing living areas opposite each other would avoid an unacceptable impact.

163. The occupiers of 2 Sharsted Villas draw attention to the noise and vibration experienced during the Lewisham Gateway development, leading to cracks and disturbance. Conditions are suggested to require piling method statements and controlling hours of operation, with an automatic monitoring device on their property to alert the Council in the event of a breach. This would provide a more effective means of monitoring. [113]
164. Turning to Article 8 of the Human Rights Act 1998, referred to by Mr & Mrs Walsh, the important consideration is the public interest test, in effect the balancing exercise required when considering if interference with human rights under Article 8 and/or Article 1 of the First Protocol is lawful and constitutes a breach of the Convention. In this case, the effect on Mr & Mrs Walsh's daylighting, outlook and living conditions, whilst noticeable, would not give rise to an unacceptable effect and there would be significant benefits to the area surrounding their property. I conclude that it has not been shown that the development would be a disproportionate interference with the Human Rights of those affected. [114]

## **Conclusion**

165. The existing car park site does not contribute positively to the quality of the environment and is recognised in development plan policy as an appropriate location for redevelopment, being under-utilised brownfield land adjacent to a transport interchange and close to the town centre. It is identified as being suitable for tall buildings. The proposed development has been designed as part of a wider masterplan for the area. The 365 homes it would provide would contribute to meeting the demand for market and affordable housing in the Borough. The amount of affordable housing proposed at 20.2% is the maximum reasonable amount and no evidence whatsoever has been provided to show that there is any more surplus in the viability of the scheme that would facilitate more. Very considerable weight attaches to this element of the scheme. An early stage review will be carried out but the single phase nature of the development, driven by the 34 storey tower, indicates that a late stage review is not required.
166. The scheme would be constructed of high quality materials and would contribute positively to the character and appearance of the emerging Lewisham Town centre. There would be no significant harm caused to any heritage asset. There would be no unacceptable impacts on the living conditions of any nearby occupiers. The new access to the station is an important benefit of the scheme and the S106 Agreement provides the framework for naturalisation of the river as and when the adjacent landowner (Tesco) is willing. The improvement in the accessibility of the Silk Mills Path is a valuable feature of the scheme, as is the creation of landscaped public open space adjacent to the river. The tower would be a conspicuous tall element contrasting markedly with adjacent small scale development in some views, but the public benefits would firmly outweigh any harm caused.
167. I conclude that the proposed development complies with the development plan.

**Formal Recommendation**

168. I recommend that the appeal be allowed, and planning permission granted subject to the conditions in Annex 2.

*Paul Jackson*

INSPECTOR

## Annex 1

### APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY (and the GLA for days 1 and 2):

Saira Kabir Sheikh	Queen's Counsel, instructed by the Legal Services Division of the London Borough of Lewisham
She called	
Andrew Jones BSc MRICS	BPS Chartered Surveyors
Neil Powling Dip BE FRICS DipProjMan(RICS)	Chartered Surveyor

FOR THE APPELLANT:

Russell Harris	Queen's Counsel, instructed by Stuart Andrews of Eversheds LLP
He called	
James Everitt BA Dip Arch RIBA	EPR Architects
Dr Chris Miele IHBC MRTPI	Montagu Evans
James Brown BSc MRICS	James R Brown & Company Ltd
Nick Vaughan	Director, Savills
Steven Butterworth MRTPI BPS PGD	Lichfields

FOR THE GREATER LONDON AUTHORITY:

Stephen Brown MRICS	CDM Project Services
Jane Seymour	Chartered Surveyor, Development Viability Expert and advisor to the GLA

INTERESTED PERSONS:

Nicholas Patton	Local resident, also representing the Blackheath Society and the Ladywell Society
Cllr Kevin Bonavia	Lewisham Council member for Blackheath
Paul and Katy Walsh	Local residents

### DOCUMENTS

- 1 Inquiry Notice and list of addresses
- 2 Statement of matters in dispute on viability dated 13 May 2019
- 3 Appeal ref APP/U5930/W/18/3204281 supplied by the appellant (paras 35 & 41)

- 4 Development appraisal for Carpetright site, supplied by the Council (see doc 10)
- 5 Title document for Carpetright site, provided by the Council
- 6 Statement from Nick Patton
- 7 Schedule of actual completion prices and £/sq ft for Portrait 2 scheme with percentage increase per floor indicated, supplied by the appellant
- 8 RICS New Rules of Measurement extract listing main contractors preliminaries and project/design team fees, supplied by the appellant
- 9 RICS New Rules of Measurement extract with highlighted sections indicating scope of fees, supplied by the Council
- 10 Email from James Brown of 20 March 2019 to Tide Construction enclosing development appraisals of Carpetright at £645 /sq ft and 725 /sq ft (see doc 4)
- 11 Statement from Jane Seymour for the GLA
- 12 Visualisation of existing culverted river as proposed and naturalised scheme envisaged in Masterplan, supplied by the appellant
- 13 Schedule of nearby town centre schemes indicating affordable housing and tenure mix, requested by Inspector
- 14 Existing and proposed view along Silk Mills Path, requested by Inspector
- 15 Plan and visualisations of relationship between proposed tower block B1 and Sharsted Villas, supplied by the appellant
- 16 Updated Appendix 2 taking into account updated values from Land Registry in Portrait 2 scheme, supplied by the GLA
- 17 Comparison between actual Portrait 2 values and appellants, GLA and Council witness value assessments of appeal scheme, supplied by the appellant
- 18 Copy of Lewisham Planning Obligations: Supplementary Planning Documents adopted 2015, provided by the appellant
- 19 Plan of noise and vibration monitoring locations with street and building outlines, provided by the appellant
- 20 Bundle of written evidence from Paul and Katy Walsh
- 21 London Borough of Lewisham Council Statement

## Annex 2

### Schedule of suggested 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.

#### 2. Develop in Accordance with Approved Drawings and Documents

The development shall be carried out in accordance with the plans and drawings detailed below:

10472-EPR-ZA-ZZ-TP-A-0100 rev 02; 10472-EPR-ZA-ZZ-TP-A-0001 rev 02;  
 10472-EPR-ZAA-AA-TP-A-002 rev 02; 10472-EPR-ZA-BB-TP-A-003 rev 02;  
 10472-EPR-ZA-CC-TP-A-004 rev 02; 10472-EPR-ZA-ZZ-TP-A-0101 rev 04;  
 10472-EPR-ZA-B1-TP-A-0102 rev 02; 10472-EPR-ZA-GF-TP-A-0103 rev 04;  
 10472-EPR-ZA-01-TP-A-0104 rev 04; 10472-EPR-ZA-T1-TP-A-0105 rev 04;  
 10472-EPR-ZA-RF-TP-A-0106 rev 05; 10472-EPR-ZA-AA-TP-A-0500 rev 03;  
 10472-EPR-ZA-BB-TP-A-0501 rev 04; 10472-EPR-ZA-CC-TP-AQ0502 rev 04;  
 10472-EPR-ZA-DD-TP-A-0503 rev 03; 10472-EPR-ZA-EE-TP-A-0504 rev 02;  
 10472-EPR-ZA-FF-TP-A-0505 rev 04; 10472-EPR-01-GF-TP-A-0200 rev 04;  
 10472-EPR-01-01-TP-A-0201 rev 04; 10472-EPR-01-T1-TP-A-0202 rev 05;  
 10472-EPR-01-GF-TP-A-0203 rev 05; 10472-EPR-01-01-TP-A-0204 rev 04;  
 10472-EPR-01-T1-TP-A-0205 rev 04; 10472-EPR-01-15-TP-A-0206 rev 04;  
 10472-EPR-01-30-TP-A-0207 rev 04; 10472-EPR-01-T2-TP-A-0208 rev 04;  
 10472-EPR-01-33-TP-A-0209 rev 04; 10472-EPR-01-RF-TP-A-0210 rev 05;  
 10472-EPR-01-RF-TP-A-0211 rev 05; 10472-EPR-01-XX-TP-A-0212 rev 01;  
 10472-EPR-01-XX-TP-A-0213 rev 01; 10472-EPR-01-NO-TP-A-0400 rev 04;  
 10472-EPR-01-EA-TP-A-0401 rev 04; 10472-EPR-01-WE-TP-A-0402 rev 04;  
 10472-EPR-01-SO-TP-A-0403 rev 04; 10472-EPR-01-XX-TP-A-0404 rev 03;  
 10472-EPR-01-XX-TP-A-0405 rev 03; 10472-EPR-01-XX-TP-A-0406 rev 03;  
 10472-EPR-01-XX-TP-A-0407 rev 03; 10472-EPR-01-XX-TP-A-0408 rev 03;  
 10472-EPR-01-XX-TP-A-0409 rev 03; 10472-EPR-01-XX-TP-A-0410 rev 03;  
 10472-EPR-01-XX-TP-A-0411 rev 03; 10472-EPR-01-XX-TP-A-0412 rev 03;  
 10472-EPR-01-XX-TP-A-0413 rev 04; 10472-EPR-01-XX-TP-A-0414 rev 04;  
 10472-EPR-01-AA-TP-A-0500 rev 04; 10472-EPR-01-BB-TP-A-0501 rev 04;  
 10472-EPR-02-B1-TP-A-0299 rev 04; 10472-EPR-02-GF-TP-A-0200 rev 07;  
 10472-EPR-02-01-TP-A-0201 rev 06; 10472-EPR-02-02-TP-A-0202 rev 06;  
 10472-EPR-02-03-TP-A-0203 rev 06; 10472-EPR-02-04-TP-A-0204 rev 06;  
 10472-EPR-02-05-TP-A-0205 rev 06; 10472-EPR-02-06-TP-A-0206 rev 06;  
 10472-EPR-02-07-TP-A-0207 rev 06; 10472-EPR-02-08-TP-A-0208 rev 06;  
 10472-EPR-02-09-TP-A-0209 rev 06; 10472-EPR-02-10-TP-A-0210 rev 06;  
 10472-EPR-02-11-TP-A-0211 rev 06; 10472-EPR-02-12-TP-A-0212 rev 06;  
 10472-EPR-02-13-TP-A-0213 rev 06; 10472-EPR-02-RF-TP-A-0214 rev 06;  
 10472-EPR-02-ZZ-TP-A-0215 rev 02; 10472-EPR-02-ZZ-TP-A-0216 rev 02;  
 10472-EPR-02-ZZ-TP-A-0217 rev 02; 10472-EPR-02-ZZ-TP-A-0218 rev 02;  
 10472-EPR-02-ZZ-TP-A-0219 rev 02; 10472-EPR-02-ZZ-TP-A-0220 rev 02;  
 10472-EPR-03-ZZ-TP-A-0221 rev 02; 10472-EPR-03-ZZ-TP-A-0222 rev 01;  
 10472-EPR-03-ZZ-TP-A-0223 rev 01; 10472-EPR-03-ZZ-TP-A-0224 rev 01;  
 10472-EPR-03-ZZ-TP-A-0225 rev 01; 10472-EPR-ZA-ZZ-TP-A-0226 rev 01;  
 10472-EPR-02-EL-TP-A-0400 rev 04; 10472-EPR-02-EL-TP-A-0401 rev 04;

10472-EPR-02-EL-TP-A-0402 rev 05; 10472-EPR-03-EL-TP-A-0403 rev 03;  
10472-EPR-03-EL-TP-A-0404 rev 03; 10472-EPR-03-EL-TP-A-0405 rev 04;  
10472-EPR-03-EL-TP-A-0406 rev 04; 10472-EPR-02-XX-TP-A-0407 rev 04;  
10472-EPR-02-XX-TP-A-0408 rev 03; 10472-EPR-02-XX-TP-A-0409 rev 03;  
10472-EPR-02-XX-TP-A-0410 rev 03; 10472-EPR-02-XX-TP-A-0411 rev 02;  
10472-EPR-02-XX-TP-A-0412 rev 02; 10472-EPR-03-XX-TP-A-0413 rev 05;  
10472-EPR-03-XX-TP-A-0414 rev 04; 10472-EPR-03-XX-TP-A-0415 rev 02;  
10472-EPR-02-XX-TP-A-0416 rev 01; 10472-EPR-02-XX-TP-A-0417 rev 01;  
10472-EPR-02-XX-TP-A-0418 rev 01; 10472-EPR-02-XX-TP-A-0419 rev 01;  
10472-EPR-02-XX-TP-A-0420 rev 01; 10472-EPR-03-XX-TP-A-0421 rev 01;  
10472-EPR-03-XX-TP-A-0422 rev 01; 10472-EPR-02-GS-TP-A-0500 rev 04;  
10472-EPR-02-GS-TP-A-0501 rev 04; 10472-EPR-03-GS-TP-A-0502 rev 04;  
10472-EPR-02-EL-TP-A-0503 rev 03; 10472-EPR-02-EL-TP-A-0504 rev 04;  
10472-EPR-02-EL-TP-A-0505 rev 04;  
BMD.200.DR.P001 rev c;; BMD.200.DR.P001 rev c; BMD.200.DR.P101 rev c;  
BMD.200.DR.P102 rev c; BMD.200.DR.P103 rev a; BMD.200.DR.P104 rev d;  
BMD.200.DR.P106 rev a; BMD.200.DR.P107 rev B; BMD.200.DR.P108 rev a;  
BMD.200.DR.P201 rev b; BMD.200.DR.P202 rev a; BMD.200.DR.P300 rev a;  
BMD.200.DR.P301 rev c; BMD.200.DR.P302 rev b

The development shall also be carried out in general accordance with the documents detailed below:

Environmental Statement May 2017); Planning Statement (May 2017); Design and Access Statement (May 2017); Statement of Community Involvement (May 2017); Fire Strategy Letter (August 2017); Supplementary Design and Access Statement (October 2018); Skydeck Lewisham' Proposal (October 2018); Energy Strategy (October 2018); Sustainability Statement (October 2018); Internal Daylight & Sunlight Report (October 2018); Design Stage Site Waste Management Plan (October 2018); Site Suitability Study (October 2018); Health Impact Assessment (October 2018); Viability Report (October 2018); Planting Palette (October 2018).

### **3. Demolition Management Plan**

No demolition shall take place until a Demolition Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall provide for:

- the parking of vehicles of site operatives and visitors;
- details of the site manager, including contact details (phone, facsimile, email, postal address) and the location of a large notice board on the site that clearly sets out this information;
- loading and unloading of plant and materials;
- the times during which demolition shall take place;
- storage of plant and materials used in demolition;
- the erection and maintenance of security hoardings;
- measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage, loading and unloading of plant and materials and similar demolition activities;
- measures to be adopted to ensure that the access from the emergency exits is safe and not obstructed during the works;
- wheel washing facilities;
- measures to control the emission of dust, dirt, noise and vibration during demolition;
- a scheme for recycling/disposing of waste resulting from demolition;
- all non-road mobile machinery used in connection with the demolition of the

development hereby approved must meet the minimum emission requirements set out in the Mayor of London's Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance 2014.

- Thereafter, demolition works shall only be carried out in accordance with the approved details.

#### **4. Construction Management Plan**

No construction works shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- the parking of vehicles of site operatives and visitors;
- details of the site manager, including contact details (phone, facsimile, email, postal address) and the location of a large notice board on the site that clearly identifies these details of the site manager;
- loading and unloading of plant and materials;
- the times during which construction shall take place;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoardings;
- measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage, loading and unloading of plant and materials and similar construction activities;
- measures to be adopted to ensure that the access from the emergency exits is safe and not obstructed during the works;
- wheel washing facilities;
- measures to control the emission of dust, dirt, noise and vibration during construction;
- a scheme for recycling/disposing of waste resulting from construction works;
- all non-road mobile machinery used in connection with the construction of the development hereby approved (NRMM) must meet the minimum emission requirements set out in the Mayor of London's Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance 2014; and
- crane lighting and location of cranes.

#### **5. Construction Methodology**

No works of excavation or construction are to be carried out until details of such works have been submitted to and approved in writing by LBL in consultation with TfL/ Network Rail. These details should comprise of:

- a) Geotechnical report for the site;
- b) Superstructure design and construction methodology (including verified calculations and any lift pits);
- c) Plans for any proposed scaffolding in proximity of the railway;
- d) An impact assessment setting out predicted ground and structure movements;
- e) Emergency preparedness plan, detailing actions to be implemented if Network Rail advises that it is to stop trains due to an incident at the station, following receipt of the relevant information from Network Rail;
- f) Ground and structure movement monitoring regime; and
- g) Risk assessments and method statements for all structural works, excavation and installation of services in the land.

Thereafter, the works shall not be carried out other than in accordance with the approved details.

## **6. Piling Methodology and Operations**

No piling shall take place until a *Piling Method Statement* (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to adjoining property, subsurface water infrastructure and the safe operation of railway assets, and a programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water and Transport for London (TfL). Any piling must be undertaken in accordance with the terms of the approved *Piling Method Statement*.

## **7. Construction Noise and Vibration Monitoring**

Prior to the commencement of development, details of a noise monitoring methodology shall be submitted to the local planning authority for approval in writing.

This methodology shall include:

- a) permanent monitoring at a location to be agreed with the Council and the owners of 2 Sharsted Villas (either within the garden of 2 Sharsted Villas or on the site boundary opposite) throughout the construction of the development, including the enabling works;
- b) temporary monitoring at any other location as reasonably requested by the local planning authority;
- c) details of the equipment to be used (which shall be of a type that can transmit live monitoring of noise data direct to the Main Constructor (appointed under the Considerate Constructor Scheme) and
- d) details of how and on what the equipment is to be attached, including the height and details of any structure to be used; and
- e) details of the Constructor's monitoring and remedial action procedures, if the results indicate that the noise levels from the site exceed those as agreed with Council.

The approved monitoring methodology and equipment shall be employed and the monitoring data shall be made available to the local planning authority to view live on line at all times, provided this condition shall not be breached in the event of a temporary disruption in the live feed in which case urgent endeavours shall be used to resume the live feed without compromising the integrity of the data record.

## **8. Considerate Constructors Scheme**

Details demonstrating that the developer or constructor has joined the Considerate Constructors Scheme shall be submitted to the local planning authority prior to commencement of works on site and the developer or constructor shall thereafter adhere to the requirements of the Scheme for the period of construction of the development.

## **9. Telecommunications**

Prior to the commencement of superstructure works, a study undertaken by a body or person approved by the Confederation of Aerial Industries or by OFCOM shall be submitted to and approved in writing by the local planning authority which:

- i. identifies the area within which television signal reception might be interfered with by the development and;
- ii. measures the existing television signal reception within the study area and;
- iii. assesses the impact of the permitted development on the television signal reception of those in the study area and proposes appropriate measures to mitigate such effects so that the signal shall be of at least the same quality as that before the development was undertaken, as recorded under (ii) above, and which provides contact details at the developer and at the local planning authority for persons whose reception has been affected by the development to provide notice that their reception has been so affected.

As soon as reasonably practicable and in any event within one month of receiving notice, and subject to those who have notified the developer or the local planning authority that their signal reception has been interfered with, providing that they consent, the developer shall undertake the appropriate mitigation works as identified in the approved study. The developer shall remain responsible for such mitigation works for notification before the expiry of 12 months from the practical completion of the whole development.

## **10. Vibro-compaction machinery**

No vibro-compaction machinery is to be used in the development unless details of the use of such machinery and a method statement have been submitted to and approved in writing by the Local Planning Authority in consultation with Transport for London. The works shall only be carried out in accordance with the approved method statement.

## **11. External Lighting onto DLR tracks**

No external lights nor those installed during the construction period shall shine directly onto DLR's railway tracks.

## **12. Site Contamination**

The development hereby approved shall not be built otherwise than in accordance with the recommendations of the Phase 1 Environmental Assessment (March 2017), Phase 2 Environmental Assessment Report (March 2017) and Factual and Interpretative Geotechnical Assessment Report (January 2017) located within Appendices 12.1, 12.2 & 12.3 of the Environmental Statement (October 2018) respectively.

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.

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.

### **13. Remediation Strategy**

The development hereby approved shall not be built otherwise than in accordance with the remediation scheme set out at Chapter 12 of the Environmental Statement (October 2018) which shall be implemented in full, unless with the express prior written consent of the Local Planning Authority.

### **14. Verification Report for Land Contamination**

If remediation is required in line with Condition 12 a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

### **15. Drainage Strategy**

The Development shall be implemented in accordance with the Drainage Strategy (September 2018) in the Environmental Statement Appendix 11.2 (October 2018). No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. The development shall be constructed in accordance with the approved details.

### **16. DLR Radio Communications**

Before any superstructure is constructed, a 'pre' development Radio Communications Survey 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, a 'post' completion Radio Communications Survey Report shall be submitted to and approved in writing by the local planning authority, in consultation

with Transport for London. 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).

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

## **17. BREEAM**

The buildings hereby approved shall achieve a BREEAM Rating of at least 'Very Good' at shell and core, in accordance with the BREEAM Pre-Assessment in the Sustainability Statement Appendix 1 (21 September 2018).

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.

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 for that specific building.

## **18. Combined Heat and Power Networks**

No development shall commence until details of the proposed heat networks and gas-fired Combined Heat and Power (CHP) system set out in the applicant's *Energy Strategy (21 September 2018) and Sustainability Statement (21 September 2018)* have been submitted to and approved in writing by the local planning authority.

The details shall include the commissioning of the networks and CHP system and details of the catalytic converter if required. Prior to the installation of the plant an Air Quality Neutral Assessment shall be completed and submitted to the local planning authority for their written approval;

The networks and systems shall be provided in accordance with the approved details and maintained thereafter.

## **19. CHP Abatement**

Prior to installation of the relevant part of the development full details of the abatement technology utilised to minimise emissions to air from the CHP system have been submitted to and approved in writing by the local planning authority. The CHP and associated abatement shall be installed in accordance with the approved details prior to occupation of the development and shall thereafter be maintained in accordance with the approved specification.

## **20. External Materials / Detail Design**

No above ground construction of the relevant part of the development (Buildings B1, B2 or B3) shall take place until a detailed schedule and samples have been submitted to and approved in writing by the local planning authority. The submitted details shall include:

- a) Mock-up panels of the external cladding materials and glazing,
- b) Samples of all other external facing materials;

- c) Doors and windows to include details and specification of acoustic glazing and ventilation for the residential accommodation;
- d) Balconies, balustrades and privacy screens to the residential accommodation;
- e) Drawings and details of material finish to the 'Lewisham Skydeck'

The details of the external materials should generally accord with the type and quality of materials indicated within pages 141 and 178 of the *Design and Access Statement (May 2017)*. The development shall be carried out in complete accordance with the approved details.

### Building B1

2m x 2m sample panel(s) to be constructed on site to detail the following:

- proposed aluminium feature panels in a range of tones from dark bronze through to pale bronze and silver;
- white off/white GRC panels including textured panel, including details of fixing
- vertical slats in PPC/ anodised aluminium
- metal canopies to commercial unit
- pre-cast concrete vertical ribbed panel
- all metal work to the rear service elevation
- all windows and doors
- access gates
- the underside of the roof of the recessed ground floor

### Building B2 and B3

2m x 2m sample panel(s) to be constructed on site to detail the following:

- all brickwork and mortar colour and pointing, with detail of soldier courses and projecting headers
- all metalwork
- all windows and doors
- pre-cast concrete/ GRC

### Other

- Mock-up of all balconies including soffits, balustrades/ screening and decking.
- Materials and doors for the external cycle store adjacent to Building B2.
- All boundary treatments (balustrades).

The development shall not be constructed other than in accordance with the approved details and samples.

## **21. Tall Building Lighting Strategy**

Prior to the occupation of the building a *Tall Building Lighting Strategy* for Building B1 shall be submitted to the local planning authority for its approval in writing.

Lighting in accordance with the approved strategy shall be implemented prior to the use of the "Skydeck"; and the lighting fixtures shall be retained and maintained in perpetuity.

## **22. External Plumbing and 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 buildings hereby approved, without the prior written consent from the Local Planning Authority.

### **23. Mobile Telecommunications Equipment**

No mobile telecommunications equipment shall be erected on the external surfaces of any building in the development.

### **24. Satellite Dishes / Antennae**

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 antennae shall be erected or installed on the buildings 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.

### **25. Living Roofs**

The development hereby approved shall not be built otherwise than with a 'biodiversity living roof' laid out in accordance with plan nos. BMD.200.DR.P107 rev B. The living roofs shall not be used as an amenity or sitting out space of any kind. Evidence that the roof has been installed in accordance with the approved plan shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development.

### **26. Hard Landscaping Details**

No development above ground level shall take place until details of hard landscaping have been submitted to and approved in writing by the local planning authority. The details shall generally accord with pages 78 and 79 of the *Design and Access Statement (May 2017)* and include services (electricity and water) within Silk Square to enable external activities or events to be accommodated within the space. The development shall be carried out in accordance with the approved details.

### **27. Soft Landscaping**

Prior to first occupation of the development, a scheme for the management and maintenance of the landscaping for a minimum period of five years shall be submitted to and approved in writing by the local planning authority, in general accordance with the landscaping scheme on pages 82 and 83 of the Design and Access Statement.

All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the relevant part of the development. Any trees or plants which within a period of five years from the completion of that part of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

## **28. 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 relevant part of the development (Building B1, B2 and B3) and should reflect the information set out in drawing BMD.200.PR.103 rev A on the trees to be retained. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). 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.

## **29. Bird, Bat Boxes and other Ecology Features**

Details of the number and location of the bird/bat boxes and other ecology features and habitat to be provided as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to commencement of above ground works and shall generally accord with the detail shown on drawings BMD.200.DR.P001 rev C and BMW.200.DR.P102 rev C and the Ecological Assessment Report, dated 12 December 2016 (Appendix 14.1 of the Environmental Statement, October 2018). The approved features shall be installed before occupation of the building and maintained for the life of the development.

## **30. Open Space Management and Maintenance Plan**

An Open Space Management & Maintenance Plan shall be submitted within 6 months of commencement of development above ground floor slab level. This shall include full details of the size, location, layout and detailed design of the proposed children's play areas. It shall also include management & maintenance and responsibilities for all communal play spaces/amenity spaces and all publicly accessible open spaces, including the first floor amenity terrace to Building B1 and the fourth floor roof terrace to Building B2.

Once provided, these spaces shall be managed and maintained in accordance with the approved Plan.

## **31. Soundproofing**

No above ground construction of the relevant part of the development (i.e. Building B1, B2 or B3) shall take place until full written details, including relevant drawings and specifications of the proposed works of sounds insulation against airborne noise to meet  $D_{nT,w} + C_{tr}$  dB of not less than 55 for walls and/or ceilings where residential parties non domestic use have been submitted to and approved in writing by the local planning authority.

No part of the development hereby approved shall be occupied until the approved soundproofing works as agreed have been implemented in accordance with the approved details.

The soundproofing shall be retained permanently in accordance with the approved details.

### **32. External Lighting**

Prior to occupation of the relevant part of the development (Building B1, B2 and B3) 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 generally 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.

Any such external lighting shall be installed in accordance with the approved drawings and any directional hoods shall be retained permanently.

### **33. Delivery and Service Plan**

No part of the development (Buildings B1, B2 or B3) shall be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.

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 moveable refuse containers.

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 for the life of the development.

### **34. Electric Vehicle Charging Points**

Details of the electric vehicle charging points to be provided in the basement of Building B2 together with a programme for their installation and maintenance shall be submitted to and approved in writing by the local planning authority prior to occupation of that building.

The approved electric vehicle charging points shall be installed prior to first occupation of Building B2 and shall thereafter be retained and maintained in accordance with the approved details.

### **35. Cycle Parking Provision**

Prior to construction of the relevant part of the development (Buildings B1, B2 and B3) full details of the cycle parking facilities for at least 569 cycles must be submitted to and approved in writing by the local planning authority.

All cycle parking spaces shall be provided and made available for use prior to occupation of the relevant part of the development, and retained thereafter.

### **36. Car Club Parking Locations**

Prior to occupation of Building B2 a plan showing the location of two car club spaces shall be submitted to and approved in writing by the local planning authority. The spaces shall be provided in accordance with the details approved and shall be made available for use prior to occupation of Building B2. Thereafter the spaces shall be retained and used only for parking cars associated with the car club.

### **37. Retention of Amenity Spaces**

The whole of the amenity space (including roof terraces and balconies) as shown on drawing no. BMD200.DR.P104 rev D hereby approved shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

### **38. Operation of Commercial Use in Building B1**

A Scheme of Operation for the commercial use falling within Use Class A1, A2, A3, D1 and D2 within the ground and first floors of Building B1, including details of proposed hours of operation (including servicing) and the use and extent of the outdoor seating area, is to be submitted to and approved in writing by the local planning authority prior to occupation. The premises shall not be operated otherwise than in accordance with the approved Scheme.

### **39. 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 in Building B1 (including entirety of the first floor) and B2 shall be used for uses falling within A1, A2, A3, B1, D1 (health, education including nurseries, museum and art galleries) and D2 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).

### **40. Ventilation Equipment for A3 Uses**

The specification of the ventilation system in respect of any A3 use of a Commercial Unit, which shall include measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencers and anti-vibration mountings where necessary) shall be submitted to and approved in writing by the local planning authority prior to first use for A3 purposes.

No non-residential unit shall be first occupied for A3 purposes until the approved ventilation systems have been installed in accordance with the plans and specification approved and such ventilation systems shall thereafter be permanently retained and maintained in accordance with the approved specification.

#### **41. Fixed Plant Noise Control**

The rating level of the noise emitted from fixed plant on the site shall be at least 5dB below the existing background level during the day (07:00-19:00), evening (19:00-23:00) and night-time (23:00-07:00) periods, when assessed in accordance with BS4142:2014. The noise levels shall be determined at the façade of the nearest noise sensitive property to the fixed plant.

#### **42. Shop Front Design**

The construction of Buildings B1 and B2 above ground floor slab level shall not commence until plans and sectional details at a scale of 1:10 or 1:20 showing the proposed frontages to the commercial units in Building B1 and Building B2 have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details and the shopfront fronts fitted before first occupation of any residential unit within the respective block.

#### **43. Privacy Screens**

The privacy screens to the balconies of Building B3 as detailed on Page 177 of the *Design and Access Statement* shall be implemented before any dwelling in that block is first occupied. The approved screens shall be permanently retained.

#### **44. Surface Water**

The drainage systems for the infiltration of surface water drainage into the ground are to be submitted and approved by the local planning authority, demonstrating that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

#### **45. River Ravensbourne Buffer Zone**

No development beyond works of site clearance and ground excavation shall take place until a scheme for the provision and management of a buffer zone of sufficient size to enable 'river corridor improvement works' (to be secured through a planning obligation) has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme. The scheme shall include:

- (i) plans showing the extent and layout of the buffer zone;
- (ii) details demonstrating that the buffer zone is sufficient to enable 'river corridor improvement works';
- (iii) details of any proposed planting scheme (for example, native species);
- (iv) details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management as well as production of detailed management plan.

#### **46. Travel Plan**

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

Panning 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.

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.

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).



# Ministry of Housing, Communities & Local Government

[www.gov.uk/mhclg](http://www.gov.uk/mhclg)

## RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

### SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

#### Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

### SECTION 2: ENFORCEMENT APPEALS

#### Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

### SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

### SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

# Strategic Planning Committee - 2 September 2021

Former Tesco's Car Park,

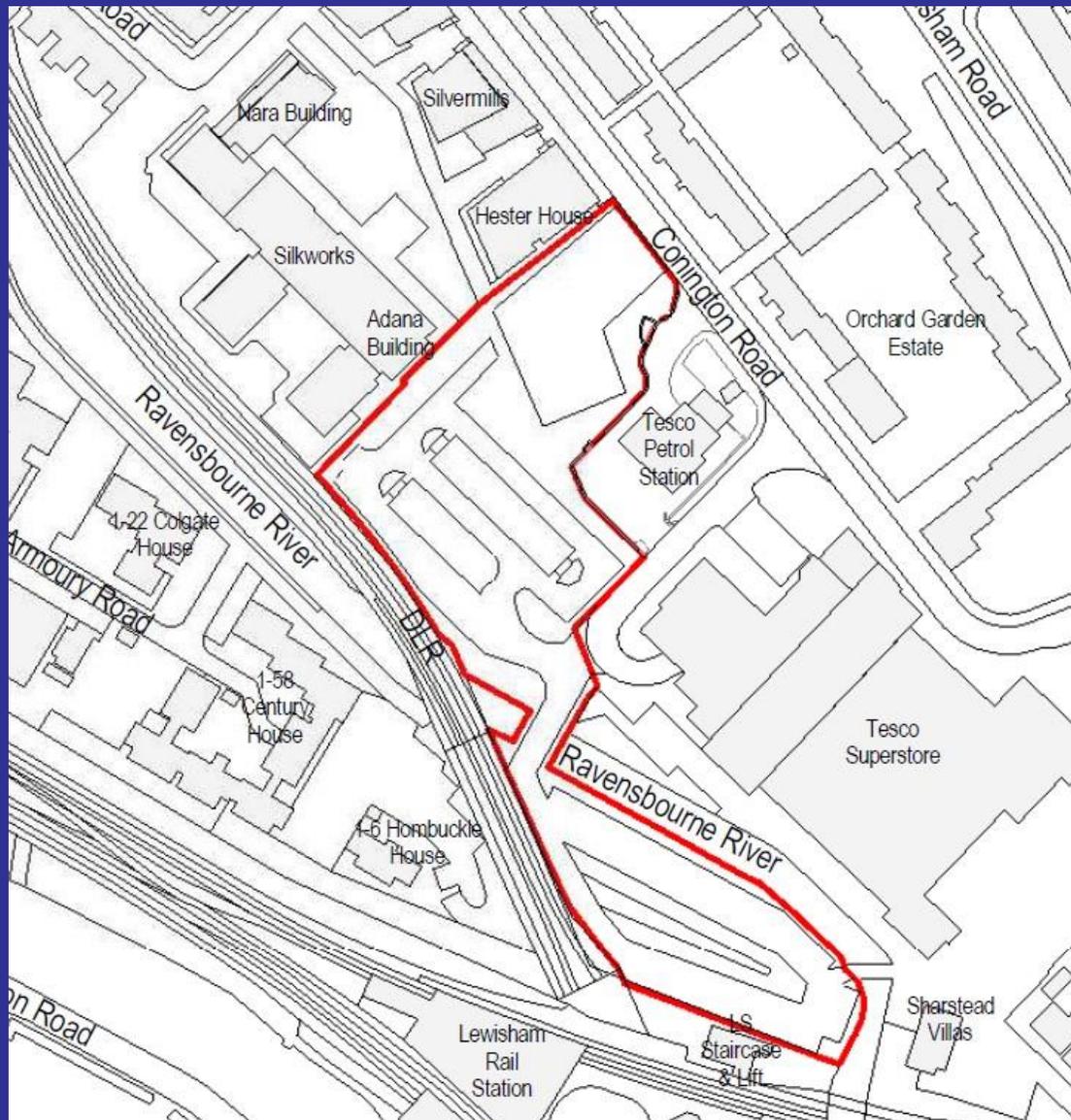
209 Conington Road, London, SE13 7LH

DC/21/121768

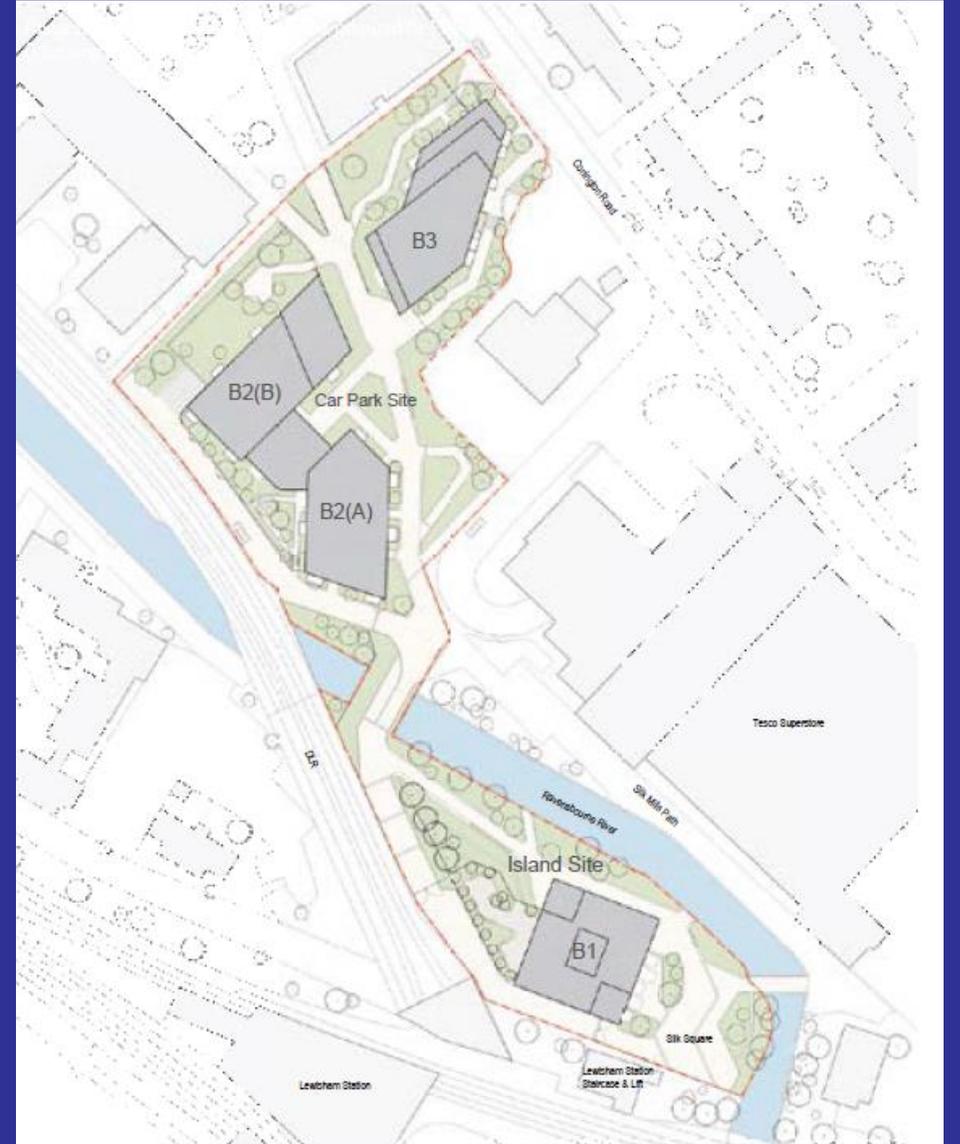
This presentation forms no part of a planning application  
and is for information only.

## Proposed Development

An application submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) in connection with planning permission (LBL reference 'DC/17/101621' dated 22/01/2020 as varied by Application 'DC/21/121696' dated 11/05/2021) for 'Construction of three buildings to provide residential dwellings (use class C3) and commercial/ community/ office/ leisure space (Use Class A1/A2/A3/ B1/ D1/ D2) with associated access, servicing, car and cycle parking, landscaping and public realm works at the former car parks, Tesco Store, 209 Conington Road SE13 (revised plans)' to vary Conditions 2 (Approved Plans), 12 (Site Contamination), 13 (Remediation Strategy), 18 (Combined Heat and Power Networks), 19 (CHP Abatement), 20 (External Materials / Detail Design), 25 (Living Roofs), 26 (Hard Landscaping Details), 27 (Soft Landscaping), 29 (Bird, Bat Boxes and other Ecology Features), 37 (Retention of Amenity Spaces) and 47 (Approved Quantum) for minor amendments to residential mix, internal layouts, elevational treatment, the introduction of an additional storey (at level 34) to Block B1, a reduction in floor to floor heights to 3metres, a reduction in heights of all three buildings, landscape and access changes.



Site location plan













View towards site from Venson and Silk works scheme



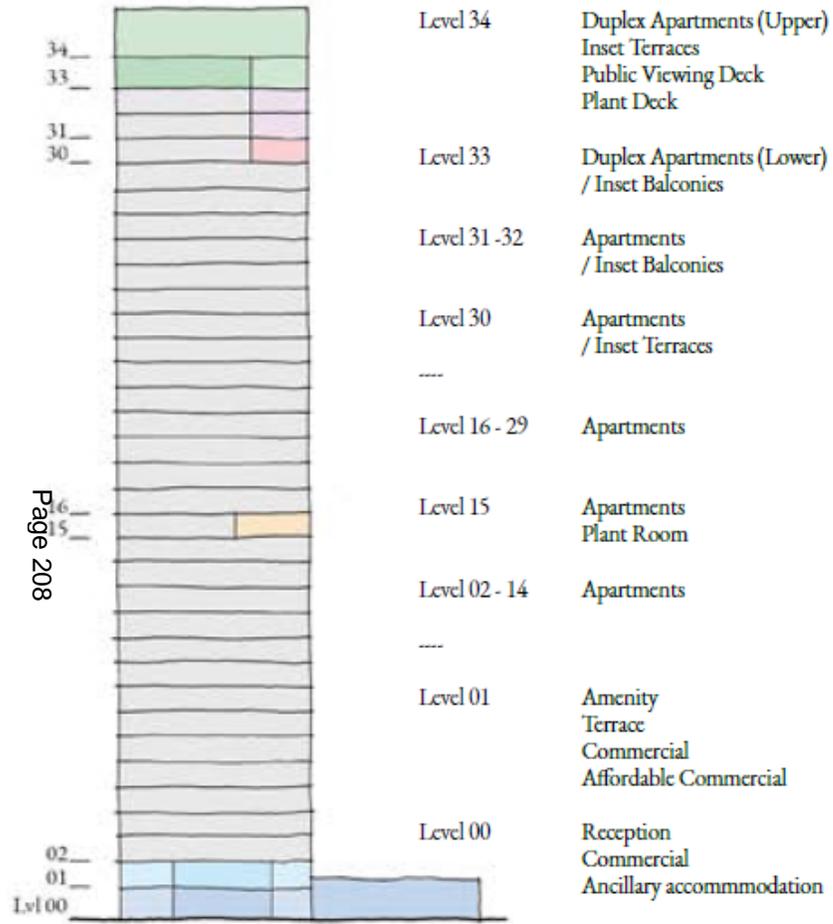




View of B1 terrace and rear access road



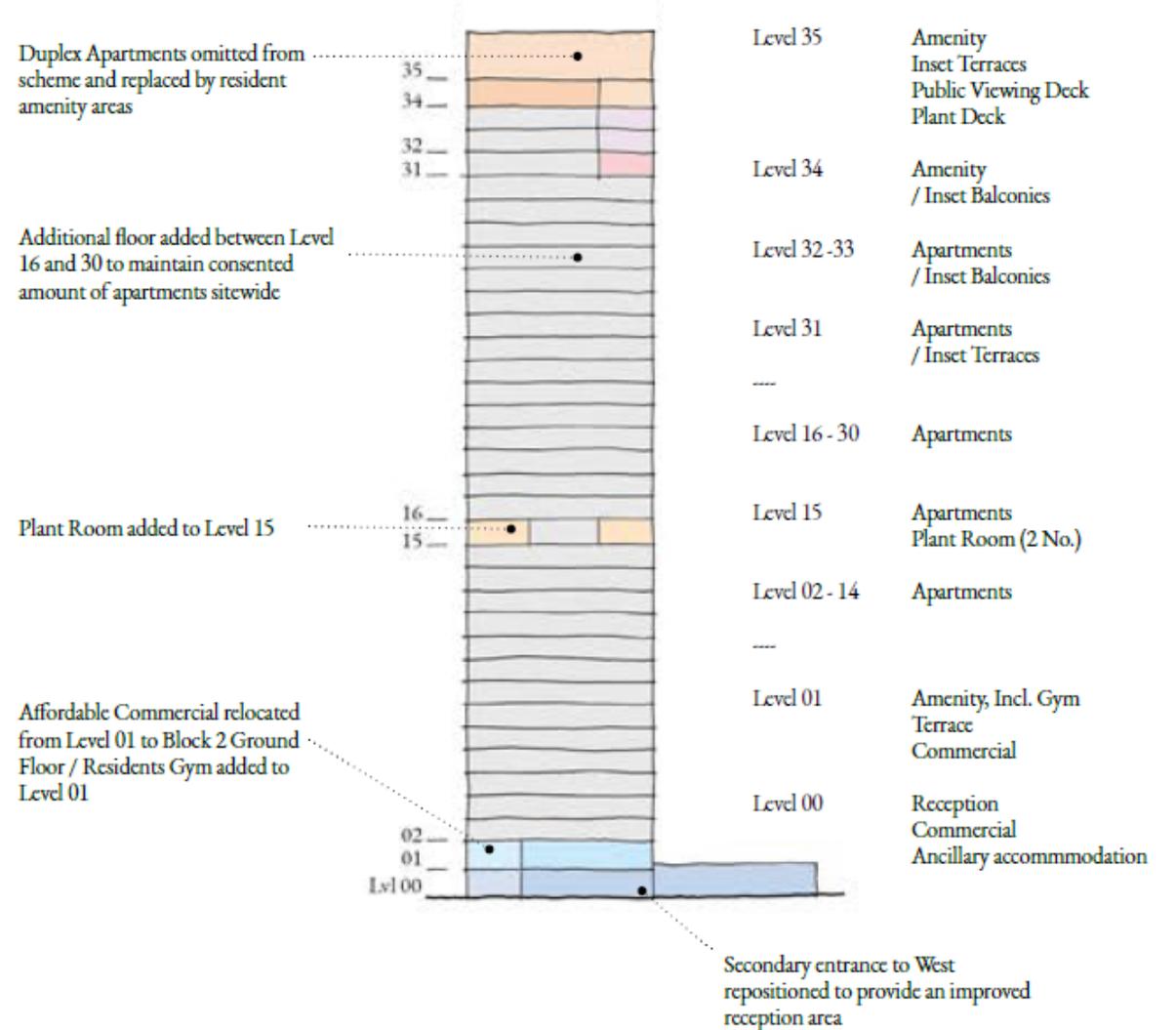
## Approved



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## Overview

## Proposed





North Facade



East Facade



North Facade



East Facade



Use	Consented	Approved Development (NMA DC/20/119187)	Proposed
Residential	365 units	365 units	365 units
Flexible commercial (A1/A2/A3/ B1/ D1/ D2)	284 sqm	132 sqm	134 sqm
Affordable Commercial Space (B1)	270 sqm	270 sqm	270 sqm

Unit	Consented	Proposed	Difference
1 bed	172	171	-1
2 bed	181	184	+3
3 bed	12	10	-2
Total	365	365	0

Tenure (unchanged)	Units	Total % by Unit
Discount Market Rent (no more than 80% of market rent)	30	8.2%
Affordable Rent (up to 45% of market value)	27	7.4%
Social Rent	16	4.4%
Total Affordable	73	20%
Market Rent	292	80%
Total	365	100%

Block	Original Consent amenity space	Approved Development (NMA DC/20/119187) amenity space	Proposed amenity space	Difference from Approved Development
B1	145 sqm	212 sqm	719 sqm	507 sqm
B2	90 sqm	196 sqm	192 sqm	-4 sqm
B3	0 sqm	0 sqm	0 sqm	0 sqm
Total	235 sqm	408 sqm	911 sqm	503 sqm

## Key Issues and Conclusions

- (a) Consideration within the context of the extant permission
- (b) Principle of development
- (c) Housing, including dwelling mix and affordable housing
- (d) Design quality
- (e) Transport
- (f) EIA
- (g) Planning contributions and legal agreement

End of Presentation

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Committee	STRATEGIC PLANNING COMMITTEE
Report Title	ADDENDUM
Contributors	Lewis Goodley
Date	2 September 2021

## 1 **ADDENDUM**

1 This report sets out an addendum to the committee agenda in respect of Strategic Planning Committee on 02 September 2021.

2 The report updates consider the implications of the Revised National Planning Policy Framework (2021).

## 2 **AGENDA ITEM 3 – Former Tesco's Car Park, 209 Conington Road, SE13.**

3 The revised national Planning Policy framework (NPPF) 2021 has introduced a requirement for Local Planning Authorities to prepare design guides, utilising the national model design code.

4 Section 12 'Achieving well-designed places' at paragraphs 128 and 129 of the NPPF is of particular relevance.

5 Paragraph 128 States: *To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. Design guides and codes provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design. Their geographic coverage, level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place, and should allow a suitable degree of variety.*

6 Paragraph 129 states: *Design guides and codes can be prepared at an area-wide, neighbourhood or site specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. Landowners and developers may contribute to these exercises, but may also choose to prepare design codes in support of a planning application for sites they wish to develop. Whoever prepares them, all guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code. These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes.*

7 Officers in the published committee report consider the plan-led approach to the application proposals. This includes the master-plan that was prepared as part of the original, consented application site, which built upon the master-planning and design parameters set out in the adopted Lewisham Town Centre Local Plan.

8 Officers note that the Section 73 minor material amendments propose only minor alterations to the consented scheme, with no alterations to the layout of the

development proposed. Consideration to the National Design Guide is made in the committee report.

- 9 Officers have reviewed the new requirements of the revised NPPF (2021). In light of the master planning undertaken to date, the presence of an adopted site allocation which provides design-principles within the Lewisham Town Centre Local Plan and the presence of an extant planning permission Officers are satisfied that the requirements of the Revised NPPF (2021) are met fully.
- 10 No new material considerations that have not been fully considered or addressed within the published committee report arise from the changes to the suggested conditions for both applications.
- 11 The matters relating to the principle of development and urban design within the Committee Reports are unchanged.