

# STRATEGIC PLANNING COMMITTEE

Date of Meeting: **THURSDAY, 1 SEPTEMBER 2022 TIME 7.00 PM**

PLACE: **COUNCIL CHAMBER, CIVIC SUITE, LEWISHAM  
TOWN HALL, CATFORD, SE6 4RU**

Members of the Committee are summoned to attend this meeting:

## **Membership**

### **Councillors:**

**Suzannah Clarke (Chair)**

**John Paschoud (Vice-Chair)**

**Peter Bernards**

**Will Cooper**

**Mark Ingleby**

**Louise Krupski**

**Jack Lavery**

**Jacq Paschoud**

**Aliya Sheikh**

**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 2022**

**For further information please contact:**  
**Committee Officer**  
**1st Floor Laurence House**  
**Catford Road SE6 4RU**  
**[committee@lewisham.gov.uk](mailto:committee@lewisham.gov.uk)**



	<b>Order Of Business</b>		
<b>Item No</b>	<b>Title of Report</b>	<b>Ward</b>	<b>Page No.</b>
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3.	Sun Wharf Creekside SE8		7 - 486



## Strategic Planning Committee

### Minutes

**Date:** 1 September 2022

**Key decision:** No

**Class:** Part 1

**Ward(s) affected:** All

**Contributors:** Chief Executive

### Outline and recommendations

**Members are asked to consider the Minutes of the meeting of Strategic Planning Committee, held on 13 July 2022**

#### Recommendation

That the Minutes of the meeting of the Strategic Planning Committee, held on 13 July 2022 be confirmed and signed. (copies to be circulated separately)

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## Strategic Planning Committee

### Declarations of Interest

**Date:** 1 September 2022

**Key decision:** No

**Class:** Part 1

**Ward(s) affected:** All

**Contributors:** Chief Executive

### Outline and recommendations

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

## 1. Summary

1.1. Members must declare any personal interest they have in any item on the agenda. There are three types of personal interest referred to in the Council's Member Code of Conduct:

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests.

1.2. Further information on these is provided in the body of this report.

## 2. Recommendation

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

### 3. Disclosable pecuniary interests

3.1 These are defined by regulation as:

- (a) Employment, trade, profession or vocation of a relevant person\* for profit or gain
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person\* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person\* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:
  - (a) that body to the member's knowledge has a place of business or land in the borough; and
  - (b) either:
    - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
    - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person\* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

\*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

### 4. Other registerable interests

4.1 The Lewisham Member Code of Conduct requires members also to register the following interests:

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

## 5. Non registerable interests

- 5.1. Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

## 6. Declaration and impact of interest on members' participation

- 6.1. Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take not part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- 6.2. Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph 6.3 below applies.
- 6.3. Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- 6.4. If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- 6.5. Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

## 7. Sensitive information

- 7.1. There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

## 8. Exempt categories

- 8.1. There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-
- (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).





**Strategic Planning Committee**

**Report title: Sun Wharf, Creekside SE8**

**Date:** 1 September 2022

**Key decision:** No.

**Class:** Part 1

**Ward(s) affected:** New Cross

**Contributors:** Geoff Whittington

**Outline and recommendations**

This report sets out Officer's recommendation for the above planning application. The report has been brought before Strategic Planning Committee for a decision as there are 165 valid planning objections and the application pertains to a site of strategic importance.

The case was presented at Strategic Planning Committee on July 13<sup>th</sup> 2022, and Members resolved to grant planning permission.

This application is being brought back to Committee following an administrative clerking error at the July 13<sup>th</sup> meeting.

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

### **Application details**

<b>Application reference number:</b>	DC/20/118229
<b>Application Date:</b>	3 September 2020
<b>Applicant:</b>	Bellway Homes Ltd and Peabody Development Ltd
<b>Proposal:</b>	Demolition of all existing buildings and comprehensive redevelopment to provide 3 new buildings ranging in heights of 3 to 19 storeys to provide 220 residential units (C3 Use Class) and 1,132sqm of commercial floorspace (Use Class E) plus 311sqm of commercial floorspace (Use Class E) in a container building, together with associated wheelchair accessible vehicle parking, cycle parking, landscaping, play areas, public realm, improvements to river wall and public riverside walkway and associated works at Sun Wharf, Creekside SE8.
<b>Background Papers:</b>	<ol style="list-style-type: none"><li>(1) Submission drawings</li><li>(2) Submission technical reports and documents</li><li>(3) Internal consultee responses</li><li>(4) Statutory consultee responses</li><li>(5) Design Review Panel and LUC responses</li></ol>
<b>Designation:</b>	Site Allocations Local Plan – SA11 Opportunity Area Mixed Use Employment Location Creative Enterprise Zone Cultural Quarter Area of Archaeological Priority Deptford Neighbourhood Forum PTAL 3/4 Flood Risk Zone 3 Green Corridor Waterlink Way Adj Site of Nature Conservation Importance Adj to Conservation Area Air Quality Management Area
<b>Screening:</b>	Screening Opinion pursuant to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (as amended) (the Regulations), and the application was submitted with an Environmental Impact Assessment.

## 1 EXECUTIVE SUMMARY

- 1 The application has been submitted by Savills on behalf of Bellway Homes Ltd and Peabody Development Ltd for the redevelopment of the Sun Wharf site, which lies within the designated Sun and Kent Wharf Mixed Use Employment Location in Creekside.
- 2 The proposal is for the demolition of the existing commercial building, and the construction of buildings ranging in height between 3 and 19-storeys, with the tallest building located to the south-east corner of the site. At ground floor levels would be commercial units, including within a 3-storey 'Container building' fronting Creekside.
- 3 A public route would run through the central area of the site, linking Creekside to Deptford Creek and a new river walk. The scheme would be largely car-free, providing disabled parking bays only.
- 4 The scale and height of the proposal is considered to be reflective of development granted within the Creekside area, and would result in no significant harm to the London View Management Framework or the settings of conservation areas and listed buildings. The report concludes that the harm to heritage assets is at the lower end of less than substantial, and is outweighed by public benefit, in accordance with the NPPF.
- 5 There would be a significant impact (identified as 'major adverse' in the ES submission) upon some existing properties in terms of daylight and sunlight. The harm to these properties is considered to be outweighed by the public benefit including 220 new dwellings that would include 77 affordable homes, the provision of new commercial units, and public realm works that would include the provision of a new river walk. The application also proposes the rebuilding of the existing river wall to a height that would mitigate flooding from Deptford Creek, in compliance with the Environment Agency's long term aims.
- 6 Subject to appropriate planning conditions and legal obligations, the scheme is acceptable and is recommended for approval and referral to the Mayor of London (Stage 2.)

## 2 SITE AND CONTEXT

### *Site description and current use*

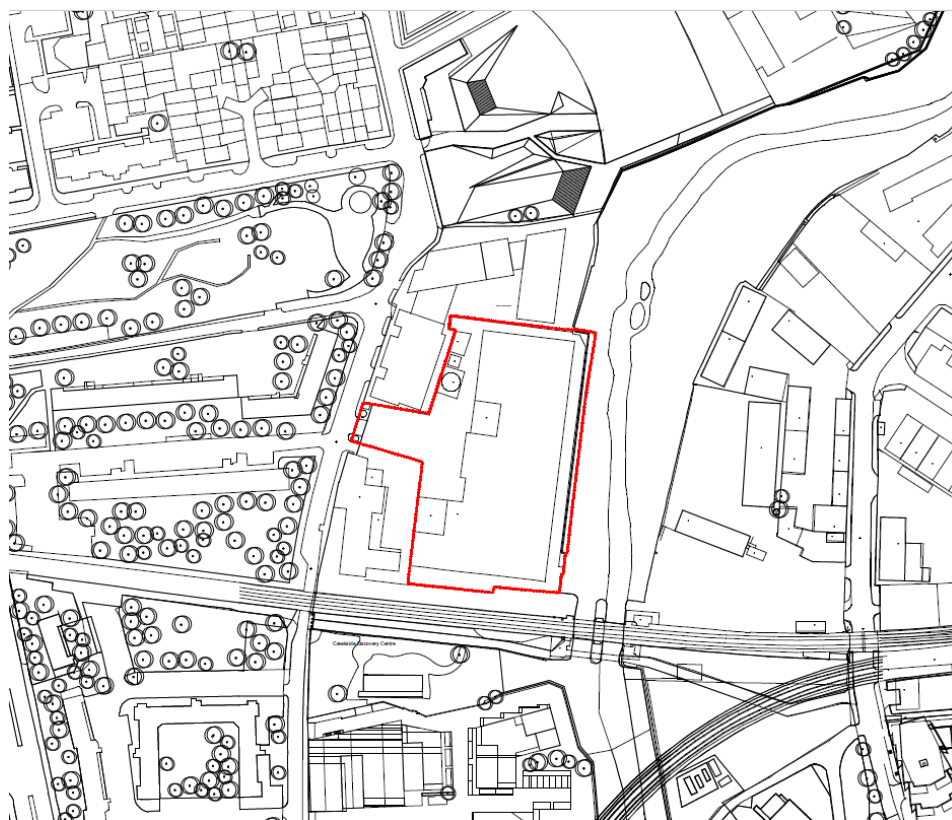
- 7 The application site comprises an area of 0.726 hectares (ha), and is currently occupied by a large vacant single-storey warehouse building and yard area that until May 2022 was in commercial use associated with a furniture and catering business. The plot is a non-designated industrial site.
- 8 The site is bounded by the Creekside highway to the west, and Deptford Creek to the east. The existing building lies approximately 5.1m back from the river wall upstand. Immediately to the north/ west is Kent Wharf, which is a residential-led mixed use development of 6 to 16 storeys that comprises 143 residential apartments and commercial floorspace.
- 9 Lying adjacent to the south-west corner is Cockpit Arts, which is occupied by creative artist's studios. To the south is a parcel of land occupying the existing railway arches, last occupied by a scaffolding supplier.

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- 10 To the north of the site lies the Deptford Creekside faculty of Trinity Laban Conservatoire of Music and Dance. There are commercial premises on the eastern side of the Creek (within LB Greenwich).
- 11 Sue Godfrey Park lies on the opposite side of Creekside, whilst residential properties lie within the Crossfield Estate to the west of the application site.
- 12 On the opposite side of Deptford Creek is the Tideway Greenwich Pumping Station site.
- 13 The application site has approximately 108m of frontage to Deptford Creek along its eastern side.
- 14 Sole access to the application site is via Creekside, which is a 2-way highway leading north up to Creek Road (A200).
- 15 Kent and Sun Wharf are allocated within the Site Allocations DPD as a single Mixed Use Employment Location, and lies within a designated Creative Enterprise Zone.
- 16 Sun Wharf forms the larger part of the site and is bordered by the Grade II listed railway viaduct between Deptford and Greenwich stations.



**Figure 1 – Site Location Plan**

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### **Character of area**

- 17 The application site lies within an area that has undergone extensive redevelopment over the last 15 years. The majority of former industrial and storage uses have been redeveloped with residential-led mixed-use development, such that the surrounding area is now predominantly residential in character, with a range of commercial and other uses interspersed across the area.
- 18 To the north lies the development known as Creekside Village West, which comprises a large residential-led mixed-use development with 371 residential apartments and commercial space at ground and first floor levels. Creekside Village West was completed in 2011 and comprises four buildings rising from 8 – 17 storeys, known as Adagio Point, Cavatina Point, Vertex Tower, and Atrium Heights (RB Greenwich planning application reference 06/2062/F).
- 19 Creekside Village East has resolution to grant for the construction of two blocks of 26 and 30 storeys comprising 393 residential units, 757m<sup>2</sup> of commercial floor space (Use Class A1/A2/A3/A4/B1) and a 5 storey building incorporating cultural/ performance venue, dance studios and education space for Trinity Laban, underground car and cycle parking, open space, associated landscaping and Creekside walk. (DC/18/108548.)
- 20 The Laban Building opened in 2003 and houses the Trinity Laban Faculty of Dance with facilities including 13 dance studios, a 300-seat auditorium, a specialist dance library collection, a dance health suite, together with a café and administrative facilities. The building was designed by Herzog and de Meuron and was awarded the Stirling Prize for Architecture in 2003. It is clad with translucent glass and coloured transparent polycarbonate panels, and its front facade and entrance are orientated towards Creekside to the west, accessed via an open area of landscaped grass.
- 21 To the south of the Laban building is the completed Kent Wharf development comprising 143 residential apartments with over 1,300sqm of artist studio space, within blocks rising from 6 to 16 storeys.
- 22 To the south of the application site on the opposite side of the viaduct is Faircharm, which comprises four buildings ranging from 6 to 12 storeys providing 148 residential units and commercial units.
- 23 There are a wide range of other residential-led mixed use development schemes within the surrounding area, which lie within the Royal Borough of Greenwich to the north of Creek Road and to the east of Deptford Creek, and in LB Lewisham within and around the Deptford Creekside Conservation Area which, was designated as a conservation area in May 2012.
- 24 To the east of the Laban Centre is Union Wharf, which comprises two blocks of 12 and 23 storeys with 249 residential units and 800sqm of flexible commercial floorspace.
- 25 On 23 December 2020 the Royal Borough of Greenwich Planning Committee resolved to grant planning permission for a residential-led mixed use development known as Ravensbourne Wharf which lies approximately 80m to the east of the application site (RB Greenwich planning application reference 18/4530/F). The development comprises a 28 storey building with 129 residential units, 791sqm of co-working office floorspace and 64sqm of café floorspace together with associated works.

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- 26 Deptford Creek, which bounds the site to the east is used for water transport of freight in its lower reaches. Brewery Wharf is a safeguarded wharf, which is in current use for aggregate handling, and has a concrete batching plant with facilities for the unloading and storage of aggregates that are delivered by barge via the Creek.
- 27 The Creekside Education Trust are based at the Creekside Discovery Centre close to the application site. The Trust lead the ecological management of the Creek, and also coordinate a programme of community and outreach activities including low tide walks through the Creek, training sessions and educational visits. The Creek is of significant ecological value and is home to a wide variety of wildlife including shrimp, crabs, fish, birds and many species of wildflower.

### ***Heritage/archaeology***

- 28 The application site is not within a conservation area, and lies adjacent to the Grade II Listed Viaduct to the south.
- 29 The viaduct leads towards a railway bridge, which dates back to the 1950s, and is a local landmark with a considerable presence in the cityscape, particularly in views from within the Creek, and from the Ha'penny Hatch Bridge that lies adjacent. Whilst not listed, it is considered a curtilage structure of the listed viaduct due to its attachment to it, and is therefore a non-designated heritage asset in its own right.
- 30 The site falls within the Deptford Creek Archaeological Priority Zone. Across the wider surrounding area there are a significant number of designated heritage assets. Due to its proposed 19-storey height and massing, the development would be visible within the setting of a number of these heritage assets.
- 31 Deptford Creekside lies adjacent to the application site to the south and west. Deptford High Street and St Paul's Church Conservation Area is also in close proximity.
- 32 Within the Royal Borough of Greenwich, the conservation areas of West Greenwich and Ashburnham Triangle lie approximately 400m to the east and 255m to the south respectively.
- 33 The application site lies approximately 410m to the west of the boundary of the Maritime Greenwich World Heritage Site, and approximately 390m to the west of the boundary of the World Heritage Site Buffer Zone.
- 34 There are a considerable number of listed buildings within the wider surrounding area including;
- the Grade I listed Church of St Paul which lies approximately 250m to the west of the application site;
  - the collection of Grade I and II listed properties on Albury Street approximately 312m to the west;
  - the Grade II listed Church of St Nicholas approximately 356m to the north-west;
  - the Grade II listed railway viaduct directly to the south.
- 35 In total there are approximately eighty statutorily listed buildings, ten conservation areas, four scheduled monuments, one Registered Park and Garden, and one World Heritage Site within a 1.5km radius of the application site.

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### ***Surrounding area***

- 36 Deptford Creek is a part of the River Thames and Tidal Tributaries Site of Importance for Nature Conservation (SINC).
- 37 The nearest public open space to the application site is Ferranti Park lying approximately 50m to the north-west, which includes the Sue Godfrey Local Nature Reserve. Beyond this, Twinkle Park lies approximately 626m to the north-west.
- 38 The Thames Path provides a linear recreation route, and is accessible to the north of Creek Road within 380m walking distance of the site.
- 39 In terms of local retail facilities and services, Deptford High Street lies approximately 390m walking distance to the west, with a wide range of facilities within Greenwich Town Centre approximately 870m walking distance to the east.

### ***Local environment***

- 40 The application site lies within Flood Risk Zone 3 (High Probability) however it is currently defended against flooding by the combined action of the Thames Tidal Barrier and river / creek walls.
- 41 The site lies within a designated Air Quality Management Area, with the heavily trafficked Creek Road (A200) representing the nearest source of air pollution. In terms of the noise environment, the principal sources of noise within the surrounding area include traffic movement on Creek Road, [Tideway and Phoenix Wharf opposite the site](#), and the operation of Brewery Wharf, which is in use for aggregate handling.
- 42 As a former industrial site where copper was once produced, there is potential for contaminated soil and groundwater to be present on site, associated with the historic uses.

### ***Transport***

- 43 The site has an average to good public transport accessibility level (PTAL) of 3 to 4. There are bus stops on Creek Road within 282m of the site, which are served by a number of bus services. DLR services can be accessed from either the Cutty Sark DLR Station or Greenwich DLR Station. National Rail services can be accessed from Deptford Rail Station or Greenwich Rail Station.
- 44 In addition, riverboat services are available via Greenwich Pier. The site is also located within close proximity to a network of cycle routes including national, local and Cycleway routes.

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### 3 RELEVANT PLANNING HISTORY

- 45 **DC/15/095012:** Screening Opinion under Regulation 5 of the Town and Country Screening Opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2015 (as amended) in respect of redevelopment at Sun Wharf, Cockpit Arts and Railway Viaduct, Deptford, SE8 including up to 280 residential units, 4000sqm commercial floorspace, 100 car parking spaces and associated public realm.
- 46 **DC/18/105864:** Scoping Opinion submitted under Part 4, Regulation 15 (1) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) in respect of the demolition of all existing buildings on-site to redevelop the site to provide up to 230 residential units (C3 Use Class) and up to 1,500m2 flexible commercial floorspace (B1/B2/D1 Use Class) alongside associated vehicle and cycle parking, landscaping and necessary enabling infrastructure including flood defence works to the adjacent Creek Wall at Sun Wharf, Deptford. Scoping Opinion provided 4 April 2018.
- 47 **DC/18/110290:** In February 2019, an application was formally submitted to the LBL for the 'Demolition of all existing buildings and comprehensive redevelopment to provide 3 new buildings ranging in heights of 3 to 17 storeys to provide 233 residential units (C3 Use Class) and approximately 1,363sqm flexible commercial floorspace (B1/B2 Use Class) plus 254sqm flexible commercial floorspace (B1/B2/A3) in a container building, together with associated wheelchair accessible vehicle parking, cycle parking, landscaping, play areas, public realm, public riverside walkway and associated works at Sun Wharf Creekside SE8.'
- 48 Re-consultation was undertaken on 9 October 2019 due to the submission of revised plans and documents proposing the 'Demolition of all existing buildings and comprehensive redevelopment to provide 3 new buildings ranging in heights of 3 to 19 storeys to provide 235 residential units (C3 Use Class) and approximately 1,606sqm flexible commercial floorspace (B1/B2 Use Class) plus 327sqm flexible commercial floorspace (B1/B2/A3) in a container building, together with associated wheelchair accessible vehicle parking, cycle parking, landscaping, play areas, public realm, public riverside walkway and associated works at Sun Wharf Creekside SE8.' The application was subsequently **withdrawn** on 2 September 2020.
- 49 The current application was submitted to the LPA in September 2020, however following objections raised by the Environment Agency, the buildings were sited further back from Deptford Creek, with a storey removed from the tower (A1), and storeys removed from Blocks A2 and B1, with a reduction in residential units from 250 to the current 220. Re-consultation procedures were undertaken by the LPA in November 2021.

### 4 CURRENT PLANNING APPLICATION

#### 1.1 THE PROPOSALS

- 50 The application proposes the demolition of all existing buildings and comprehensive redevelopment to provide 220 residential units (C3 Use Class) within three blocks that would range between 6 and 19-storeys.
- 51 1,132sqm of commercial floorspace (Use Class E) within Blocks A and B; and 311sqm of commercial floorspace (Use Class E) in a 3-storey 'Container building' are proposed.

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52 The application also includes associated wheelchair accessible vehicle parking, cycle parking, landscaping, play areas, public realm, improvements to the river wall and public riverside walkway and associated works.

53 The proposed development comprises the following:

- Building A1 is the tallest block at 19-storeys, lying to the south-east corner fronting the Creek, and adjacent to Ha' Penny Hatch Bridge, stepping down to 7-storeys at the rear (A3).
- The 7-storey Building A2 would adjoin A1 to its northern side, with a 6-storey 'finger block' at the rear (A4).
- Building B1 to the northern end of the site would be of similar height and appearance to A2, and would incorporate a 6-storey 'finger block' at the rear (B2).
- The Container building would be located adjacent to the site entrance fronting Creekside, and would primarily be used for commercial purposes that would provide affordable workspace.

54 Construction works are programmed for up to 33 months to completion.

*Residential development*

55 The three residential blocks would comprise a total of 220 residential apartments at first floor level and above. 35% of the units (39% by habitable room) would be affordable housing (60% London Affordable Rent and 40% Intermediate Shared Ownership), with the remaining units being for private sale. The affordable units would be located within Blocks A2, A3, A4 and B2.

56 The 220 proposed residential units would be distributed as follows:

- Block A1 (tower) - **95 units**
- Block A2 - **36**
- Block A3 - **18**
- Block A4 - **15**
- Block B1 - **43**
- Block B2 - **13**

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**Figure 2 – Proposed Site Layout Plan**

*Flexible commercial floorspace*

- 57 There would be 1,132sqm GIA of flexible commercial floorspace (Use Class E(g) – formerly B1) sited at the ground floor level areas of all A and B buildings, providing flexible creative work spaces.
- 58 The 3-storey container building to the western side of the site fronting Creekside would accommodate 311sqm of additional commercial flexible floorspace (Use Class E(b) café and (g)).

*Public realm*

- 59 The overall provision of public realm space would be 4,485sqm, including the delivery of a new public riverside pedestrian and cycle route along Deptford Creek to link with Kent Wharf and routes to the north, with flexibility to connect with any future development to the south of the application site.
- 60 The central spine of the site would also be a public route linking Deptford Creek to Creekside, and to the existing route leading up to Deptford Church Street.
- 61 Areas of hard and soft landscaping, and children’s playspace for all age groups would be provided to the rear of Buildings A1 and B1.

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## *Highways*

- 62 Eight wheelchair accessible parking bays would be provided within the curtilage of the site (7 residential, 1 commercial.)
- 63 397 dry and secure long and short stay residential cycle spaces would be provided within ground floor areas of the proposed buildings and external areas. The commercial units would have 19 long stay, and 30 short stay cycle spaces.

## Main Changes from 2020 Submission

- 64 The Applicant submitted amended plans in October 2021 during the consideration of the application. These were submitted primarily in response to matters raised by the Environment Agency following the initial stage of consultation on the application. The main changes involved:
- Siting the development back from Deptford Creek by a minimum distance of 8.1 metres;
  - Construction of an intertidal terrace that would measure 6.2m in height, an increase of 0.97m upon the existing 5.23m high wall, with the resultant loss of the existing Sand Martin/ Kingfisher bank;
  - The height of the river path raised by 0.5m to ensure views over the river wall;
  - One storey removed from Block A1 (20 to 19);
  - Blocks A2 and B1 reduced by a storey (8 to 7);
  - Number of units reduced from 250 to 220;
  - Removal of projecting balconies to the eastern elevation;
  - Reduction in commercial floorspace from 1522sqm to 1443sqm;
  - Removal of flexible use classes B8/B1 (storage/ offices), replaced by Class E(b) Cafe and/ or (g) Office/ creative 'affordable' workspaces in the Container building; and Class E(g) Offices/ creative workspaces within Blocks A and B.

## Supporting Documents

- 65 Following the first round of publicity on the application in September 2020 and in response to issues raised by consultees arising from this, in October 2021 the Applicant submitted amended plans together with a number of updated and additional supporting documents as follows:
- Revised Planning and Affordable Housing Statement (Savills, October 2021)
  - Addendum Design and Access Statement
  - Statement of Community Involvement (Your Shout, Sept 2020)
  - ES Air Quality Addendum (Arden, dated October 2021)
  - Technical Note - Nature Conservation (AAe, dated October 2021)

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- Archaeological Desk-Based Assessment (RPS, dated October 2021)
- Energy Statement (Hodkinson, dated October 2021)
- Whole Life Cycle Carbon Emissions Review (Hodkinson, dated Jan 2022)
- Circular Economy Statement (Hodkinson, dated Jan. 2022)
- Schedule of Accommodation
- Fire Statement (Robson Frankham, dated 19 October 2021)
- Rapid Health Impact Assessment;
- Sustainability Statement (Hodkinson, dated October 2021)
- Pedestrian Level Wind Microclimate Assessment (RWDI, dated 27 October 2021)
- Noise and Vibration Assessment (Ardent, October 2021)
- Healthy Streets Transport Assessment (Ardent, October 2021)
- Construction Logistics Plan (Ardent, October 2021)
- Framework Travel Plan (Ardent, October 2021)
- Delivery & Servicing Management Plan (Ardent, October 2021)
- Car Parking Management Plan (Ardent, October 2021)
- Waste Management Plan (Ardent, October 2021)
- Flood Risk Assessment & Drainage Strategy (Ardent, October 2021)
- Dynamic Overheating Assessment (Hodkinson, dated October 2021)
- Utilities and Servicing Statement (Ardent, October 2021)
- Appendix 7.1: Drawings of the Baseline Condition and Project Scenario (eb7)

### Environmental Impact Assessment

- 66 The scheme has been the subject of a formal Environmental Impact Assessment (EIA) scoping process. The EIA and resultant Environmental Statement (ES) have been progressed in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations).
- 67 This submitted Environmental Statement (ES) and subsequent ES Addendum includes a range of topics, including:
- Air quality;
  - Daylight, Sunlight and Overshadowing;
  - Ecology;
  - Heritage;
  - Wind microclimate;
  - Noise and vibration;
  - Socio-Economics;
  - Soil conditions;
  - Groundwater and contamination;
  - Townscape and visual impact;
  - Traffic and transport;
  - Water environment.
- 68 The ES has been subject to detailed review by independent specialist consultants (LUC) appointed by the Council. Overall, officers generally agree with the findings of the ES, and have recommended the use of planning conditions or obligations to secure the identified supplementary mitigation and other measures considered necessary.

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69 As required by the Regulations, the ES is accompanied by a Non-Technical Summary (NTS). This provides a brief introduction to the proposals, summarises the EIA methodology and approach to assessment, outlines the alternative development approaches, and summarises the likely level of significant effects and the means of mitigation. An updated version of the NTS was submitted in October 2021 following amendments to the scheme, and subsequently a further NTS dated November 2021 was submitted on 2 December 2021.

70 Officers are satisfied that the ES and subsequent clarifications and further information provide a full and appropriate assessment of the likely significant effects of the development.

## **5 CONSULTATION**

### **1.2 PRE-APPLICATION ENGAGEMENT**

71 The applicant coordinated online presentation and question & answer events on 10<sup>th</sup> July 2020 (3 sessions) and 11<sup>th</sup> July 2020, with invite letters posted to 511 local properties. The events were attended by approximately 32 households.

72 A meeting for Kent Wharf residents was held on 9<sup>th</sup> July 2020 to discuss the proposals, in particular daylight and sunlight concerns that had been raised.

73 The full details of the pre-application consultation are set out within the Statement of Community Involvement.

### **1.3 APPLICATION PUBLICITY**

74 Upon submission of the planning application in September 2020, publicity was carried out in accordance with the statutory requirements and those required by the Council's adopted Statement of Community Involvement.

75 Site notices were displayed on 23 September 2020 and a press notice was published on the same date.

76 Letters were sent to approximately residents and businesses in the surrounding area and the relevant ward Councillors.

77 Following the Applicant's submission in October 2021 of amended plans including an amendment to the siting of the buildings further away from Deptford Creek, and a reduction in the number of residential units from 250 to 220, together with further information in relation to the submitted Environmental Statement for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the Council carried out a further round of publicity in accordance with the statutory requirements and those required by the Council's adopted Statement of Community Involvement. All those who were previously notified of the application together with all those who had previously made comments on the application were renotified of the receipt of amended plans and further information. Site notices were displayed around the site, and a press notice was published in the local newspaper.

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- 78 In relation to the two stages of publicity on this application, a total of 155 responses were received, comprising 154 objections, and 1 expression of support.
- 79 In accordance with the requirements of the Council's Statement of Community Involvement, all those who had submitted representations on the proposed development were invited to a virtual local meeting which took place from 7 – 8.15pm on 10 January 2022. The meeting was chaired by Cllr Paul Maslin, ward Cllr for New Cross and was attended by representatives from the applicant team together with planning officers. The minutes of the local meeting are attached at **Appendix 1**.
- 80 Further consultation was undertaken by the LPA on 29 April 2022 following the submission of additional sunlight/ daylight information. A further 87 neighbour letters were received objecting to the proposal, of which 11 responses were from occupiers who had not previously commented.

### 5.1.1 Comments in objection

- 81 The majority of points raised are addressed within the body of the report. Where this is not the case, the relevant points are responded to immediately following the table below.

Comment	Section where addressed
<b><i>Principle of development</i></b>	
Creekside is already overcrowded	147-149, 150-152, 162-168, 316-319
Proposed development represents over-development of the site.	316-319, 346-354, 534
<b><i>Design</i></b>	
Poor design, bland, unimaginative Excessive height – higher than Kent Wharf.	123-128, 358-374, 438-452
Distasteful external artwork	367, 448
<b><i>Heritage</i></b>	
Adverse impacts upon historic site it adjoins.	353, 387-428
No recognition of the distinctive historic character and heritage value of Creekside	

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<b>Comment</b>	<b>Section where addressed</b>
<b><i>Residential amenity</i></b>	
Proposed development will severely impact on the amount of daylight and sunlight to surrounding properties, including those within Kent Wharf	322-324, 535-640
The Daylight and Sunlight Assessment identifies that there would be a 'major adverse' reduction in light for apartments in Kent Wharf, with a percentage reduction of up to 90% in some cases and failure to meet BRE's VSC, NSL and ADF criteria	322-324, 544-676
The proposed development will result in a loss of outlook together with overlooking and a loss of privacy for neighbouring occupiers.	322-324, 519-543
Oppressive impact.	322-324
Overshadowing concerns	662-676
<b><i>Environmental impacts</i></b>	
Proposed development will increase the funnelling of wind resulting in wind tunnels. Mitigation measures insufficient.	835-854
Proposed development will add to air pollution within the surrounding area.	821-831
<b><i>Highways and transport</i></b>	
Proposed development makes insufficient provision for car parking spaces, and will therefore make it even more difficult to find parking on surrounding roads	472-480, 487-488
There is little parking available in the surrounding area for short term use by visitors.	472-480, 487-488
Surrounding road network cannot cope with the additional pressure from this number of apartments.	472-480, 487-488
Construction traffic	495-503

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<b>Comment</b>	<b>Section where addressed</b>
Insufficient space for fire and rescue services to reach the flats.	504-507, 887-889
Lack of unloading bays for commercial units	469-471
<b><i>Social infrastructure</i></b>	
Local services (GPs, hospitals, dentists, other NHS services, schools, nurseries, public transport, policing, and other local services) are already under considerable pressure on the basis of existing development and that which is under construction, and the proposed development will further exacerbate this.	862-877
CIL receipts from the development should be directed towards improving local healthcare services.	874, 890-893
<b><i>Impact of construction phase</i></b>	
Construction phase will cause significant disruption to the local highway network for several years/ 3 year timeframe	495-503
Construction phase will result in additional pollution, noise, dust, congestion, and disruption for existing local residents and will result in highway safety risks for pedestrians and cyclists as a result of HGVs and construction traffic.	495-503
No assurances in regard to the removal of asbestos during demolition.	Note: This will be assessed within the Site Contamination condition
Will coincide with Tideway works.	503
Construction works on Saturdays should not be allowed	Note: Building Regulations allow for Saturday works between 8am and 1pm.

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<b>Comment</b>	<b>Section where addressed</b>
<b>Ecology</b>	
Impact upon wildlife in the Creek.	775-801
Loss of Sand Martin bank	775-801
<b>Affordable Housing</b>	
Affordable provision is the bare minimum	191-199
Segregated community, poor doors	200-203

### 5.1.2 Comment in support

82 One expression of support from a local resident.

<b>Comment</b>
Welcome further development that is taking place, and replacement of old tired buildings with new homes.
Design looks great, and good to see brick buildings.

### 5.1.3 Non-material planning considerations

83 A number of comments relating to non-material planning considerations were also raised as follows:

<b>Comment</b>	<b>Response</b>
Proposed development will block views from apartments within surrounding residential blocks	The loss of a private view is not a material planning consideration
Bellway Homes have a poor reputation	This is not a material planning consideration
Proposed development will result in a reduction in property values of surrounding apartments	The impact on property values is not a material planning consideration

## 1.4 INTERNAL CONSULTATION

84 Copies of all representations are available on the electronic case file.

85 The following internal consultees were notified, and their responses are summarised below:

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- 86 Highways - no objection, subject to securing the provision of a detailed range of measures and appropriate financial contributions via planning conditions and the s106 agreement. These requirements are detailed in full within the Transport Impact section of this report.
- 87 Conservation – identifies less than substantial harm at a lower end of the range to existing heritage assets arising from the development, including with regard to materiality to the west elevation of Block A1, and therefore considers it appropriate to include a Condition requiring the submission of further details. Also identified is harm to the LVMF view 6.1 from Blackheath Point as a result of impact on the prevailing pattern of buildings in the middle ground of the view, and obscuring the view of the City cluster.
- 88 Design - supportive of the proposal, subject to conditions.
- 89 Ecology - raises concern to loss of the Sand Martin/ Kingfisher bank, and requires assurances by condition that appropriate mitigation will be undertaken.
- 90 Environmental Protection (Site Contamination) - no objections raised.
- 91 Environmental Protection (Air quality) - no objections raised.
- 92 Environmental Protection (Noise) - no objections raised.
- 93 Environmental Sustainability - subject to a planning condition, no objections.
- 94 Sustainable construction and energy efficiency - the Council's Sustainability Manager raises no objections, subject to appropriate conditions.
- 95 Strategic Housing - no response to resubmission
- 96 Economic Development - no response

## 1.5 EXTERNAL CONSULTATION

- 97 The following External Consultees were notified, and their responses are summarised below:
- 98 Environment Agency – initially objected to the application due to the close proximity of the development to the river. The EA required an appropriate set-back, and the removal of all overhanging balconies to the eastern side.
- 99 In response, the applicant team liaised with the Environment Agency to ensure that their concerns could be addressed in full. In response to this, the applicant has amended the proposal and submitted additional details to address the Environment Agency's concerns.
- 100 The Environment Agency have now confirmed that they raise no objection to the proposed development, subject to the imposition of a series of detailed conditions relating to flood defence measures, the construction of the new elements of Creek wall, contamination and drainage.
- 101 Fire Prevention Group / London Fire Brigade – no objection. An undertaking should be given that access for fire appliances as required by Part B5 of the Building Regulations Approved Document and adequate water supplies for fire fighting purposes will be provided.

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102 Civil Aviation Authority – no response.

103 Greater London Authority

104 The GLA Stage 1 response (7 December 2020) made the following comments:

*Principle of development* – The proposed scheme would deliver an optimised residential-led mixed-use scheme, which is supported in principle. The applicant should explore opportunities to increase employment floorspace all of which should be designed for such uses. The Council should secure an element of the workspace at low-cost rents.

*Housing* – As this is an industrial site, the fast track threshold is 50% affordable housing and therefore subject to the Viability Tested Route. GLA officers will seek to improve the quantum of the affordable housing and will robustly interrogate the financial viability assessment to ensure that the maximum amount of affordable housing, with an appropriate affordable tenure mix is secured. Further information on the proposed children’s playspace is required.

*Urban design and heritage* - The proposal seeks to optimise the site and the proposed layout, height and massing is broadly supported. Further work relating to safe and secure public amenity spaces and proposed materials is required. The Council should consider securing a noise management plan. An amended fire statement should be submitted. The scheme will not harm the significance of surrounding heritage assets.

*Transport* – Further information and clarifications are required in respect of Healthy Streets, trip generation and necessary mitigations to promote active travel. Cycle parking should be amended to comply with design standards and the overall quantum should be improved. The Council should secure a Travel Plan, delivery and servicing and construction logistics, and Parking and Design Management Plan by condition or Section 106 agreement, as appropriate.

*Sustainable development* – Further information on energy, urban greening, flood risk and drainage strategy is required.

*Recommendation* – That Lewisham Council be advised that whilst the proposal is supported in principle, the application does not yet currently comply with the London Plan and the Mayor’s Intend to publish London Plan for the reasons set out. Where the associated concerns within this report are addressed, the application may comply with the London Plan.

105 Historic England – requested the undertaking of further assessment upon the impact to St. Paul’s Church and the Maritime World Heritage Site.

106 Greater London Archaeological Advisory Service (GLAAS) consider that the development could cause harm to archaeological remains, however no objections are raised subject to an appropriate planning condition.

107 Heathrow Airport – no response received.

108 London City Airport – no response received.

109 London Fire Brigade – require further information

110 London Westland Heliport – no response received.

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- 111 London Wildlife Trust – no response received.
- 112 Maritime Greenwich World Heritage Site – no response received.
- 113 Metropolitan Police – no objection, recommend a Secured by Design condition.
- 114 National Air Traffic Services (NATS) – no response received.
- 115 Natural England – no comments.
- 116 Network Rail – no response received.
- 117 Port of London Authority (PLA) – commented in 2020 to the original scheme, stating the following:

### **Site layout and Design**

Whilst there is no in principle objection to residential development being located in close proximity to a safeguarded wharf, for example at Greenwich Millennium Village residential development is being built next to the safeguarded Angerstein and Murphy's wharves, it is essential, in line with London Plan policy that any development is designed reducing the number of habitable rooms that overlook Wharf activities (despite the location of Deptford creek) and where possible less sensitive uses are located at the closest point to Brewery Wharf. As noted above the submission must provide further detail on how the design of the proposed development has met this requirement.

With regard to the proposed creek walk, whilst this element of the development is welcomed which will increase public access to the Creekside, it is disappointing that there does not appear to have be any provision of Riparian Life Saving Equipment (such as life buoys, grab chains and escape ladders) along the Creekside within the submitted documentation. This vital infrastructure must be secured via an appropriately worded condition as part of any forthcoming planning permission, particularly given the improved access to Deptford Creek. Suicide prevention measures in appropriate locations (such as CCTV and signage with information to access support) must also be considered a part of any future detailed public realm plans and should also be conditioned.

### **Air Quality, Noise and Vibration**

It does not appear that issues including noise, air quality and vibration have specifically assessed the potential impact of Brewery Wharf on the application site. Page 77 (appendix E) of the noise and vibration assessment does include a reference to the need to ensure that wharf operations are taken into account, but there is no other mention in the document of the potential impacts, and if required any mitigation measures. In addition it is noted that as part of the assessment, additional noise surveys were undertaken following consultation with Cockpit Arts who operate the shared studio space to the west of the development site with the aim to establish any potential impacts of operations on the development to ensure that future residents are adequately protected against noise and allow Cockpit Arts ongoing operations to continue without impediment. The PLA considers that a similar analysis should be provided with regard to the nearby Safeguarded Wharf, for example can the applicant confirm whether there has been correspondence with the wharf operator to confirm what operations took place during the noise monitoring that was conducted for this development and was this representative of a typical operating period at the Safeguarded Wharf.

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## Lighting

The submitted application documents states that a Lighting Strategy will be secured via planning condition. As part of this the PLA considers that it is essential that information is provided within the strategy to ensure that there are no negative effects on marine ecology as a result of the proposed lighting.

## Ecology

It is noted that as part of the development there are no works proposed in the creek itself, but that the existing area will be protected from harm during the development works. Whilst this is welcomed, for information for any temporary works over in, on or over Deptford Creek a River Works licence will be required from the PLA.

## Transport

The submitted Construction Logistics Plan, in paragraph 4.4 states that “*As part of a full CLP, the developer should consider the suitability of using Deptford Creek to deliver materials to the site via the waterways.*” The PLA considers that, given the proximity of the application site to Deptford Creek, and the Safeguarded Brewery Wharf, further consideration must be given to the use of waterways, either directly to the site or via the supply chain from the nearby Safeguarded Brewery Wharf.

With regard to riverbus transport, it is disappointing that there does not appear to be any reference to nearby riverbus services in the Transport Assessment of Framework Travel Plan. The nearest riverbus stop is Greenwich Pier, which is approximately a 15-minute walk away from the development site. The PLA considers that the Travel Plan must be updated to include references to nearby riverbus services, and include targets and measures for increased river use. This would assist in addressing London Plan targets for the increased use of sustainable modes of transport.

118 Royal Borough of Greenwich – objections raised on the following grounds:

- No accurate visual representations from within the Maritime Greenwich World Heritage Site;
- Further assessment required of the impact on nearby listed buildings;
- No provision of locally designated viewpoints 5 and 10;
- No daylight/ sunlight assessment on residential buildings within Greenwich, including Saxon Wharf.

119 Thames Tideway Tunnel – no objections, subject to a planning condition.

120 Thames Water – there are potential capacity issues in relation to the local water supply network that may require upgrade works to serve the proposed development. Request that a condition is imposed that limits occupation until confirmation has been provided that either all water network upgrades required to accommodate the additional flows to serve the development have been completed, or that a development and infrastructure phasing plan has been agreed with Thames Water. Also recommend a number of informatives.

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121 Transport for London

122 TfL provided their second response to the application on 25 November 2021.

### **Healthy Streets**

All development proposed should support with the Mayor's Healthy Streets approach in line with Policy T2. Further work is required on the submitted Healthy Streets Assessment and ATZ, including a commitment to necessary mitigation.

Within the Active Travel Zone Assessment (ATZ), the applicant has highlighted seven key routes, which are as follows:

2. Supermarket and Deptford High Street via Creekside (southbound), Reginald Road and Deptford High Street.
3. Deptford Bridge DLR via Creekside (southbound), Deptford Church Street and Deptford Bridge.
4. Deptford NR Station via Unnamed road, Deptford Church Street, Griffin Street and Deptford High Street North.
5. Bus Stops, Pharmacy, Tesco Express, Sainsbury Local on the A200 – Creekside North and A200 westbound.
6. Greenwich Centre Business Park via shared footway/cycleway bridge over Deptford Creek (south of site) and the B208.
7. Bus stops on the A2209 via Creekside northbound, Bronze Street and the A2209 north.
8. Joseph's Primary School via Creekside northbound, Bronze Street, A2209 southbound and Coffey Street.

These routes do not address the Quietway on Creekside and surrounding streets nor cycle parking on site which would promote focus on modes of sustainable and active travel. This should be addressed to support the Mayor's Strategic Mode shift.

The delivery of the new vehicular access should be secured through a Section 278 agreement with the council. A road safety audit should be carried out for the new vehicular access to assess whether it will create an adverse impact on the function and safety of Creekside.

The proposed public riverside walkway and link through the site to Creek Road should be available for use by the public 24/7. It should connect with the riverside route on adjacent sites. However, consideration should be given to its use by cyclists as well as pedestrians. Legible London signage may need to be amended or installed to aid wayfinding.

### **Cycle Parking**

416 long-stay cycle parking spaces and 30 short stay cycle spaces are proposed for the proposed development, which is in line with the minimum standards set out in Policy T5 of the London Plan. However, a scale bar must be provided for bike storage document for TfL to review whether the cycle parking design is in accordance with London Cycle Design Standards (LCDS), also part of Policy T5.

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It is noted the internal cycle parking would be lit and secure to improve safety, however, TfL encourages the access to internal cycle storage via a lobby rather than via the public realm for safety reasons. Although this proposal has been applied to some cycle storage, cycle storage A1 and B1 should also have this arrangement.

Showers, lockers and changing rooms should be provided for staff who cycle.

### **Car Parking**

The proposed development is to be car free, with the exception of eight disabled persons' parking spaces. This should be supported by a S106 obligation towards the implementation of a CPZ and a permit free agreement. Further detail should be provided on measures to prevent use of the thirteen parking bays provided on the adjoining site (Kent Wharf).

Disabled persons parking bay meets the outset standards in the London Plan. Its use only by Blue Badge holders should be secured along with a Parking Design and Management Plan (PDMP), which inter alia should set out how any further demand for parking from Blue Badge holders could be met.

In line with policy T6 and noting the small level of provision, the applicant is encouraged to have active electric vehicle charging provision at all nine spaces.

### **Freight**

The routing for deliveries and serving involves reversing which is against T2 Healthy Streets and cause conflict with pedestrians. TfL requires further information on how the applicant will ensure safety of pedestrians as the roads need to share space with pedestrians in line with the Mayor's Vision Zero approach.

A robust assessment should be provided on how many deliveries are anticipated for each use with consideration given for the increasing demand of online deliveries. Therefore, a concierge will support avoid peak hour deliveries.

A full delivery and servicing plan (DSP) and a construction logistics plan (CLP) should be secured by condition in line with policy T7 of the London Plan. These should be prepared in line with TfL guidance and provide detail on how the impact on the surrounding transport network will be minimised and adherence to the Mayor's Vision Zero approach.

### **Travel Plan**

A framework Travel Plan has been submitted to support this application. A Travel Plan (TP) should also be secured by condition. It should contain targets that are at least in line with the Mayor's strategic mode shift target for inner London and in particular promote active travel.

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## 8.1 DESIGN REVIEW PANEL

- 123 The scheme was last presented to the Lewisham Design Review Panel on 2 December 2021. This represented the fifth time that the Panel had reviewed proposals for a development scheme on the site, in the context of the site's previous planning history.
- 124 In their summary, the Panel advised they were appreciative of the quality of the team's presentation and recognised the demands on delivering a high quality, high density project on this site. The Panel also appreciated the very positive design development undertaken in response to commentary of the previous LDRP reviews and the considerable improvement that had been undertaken in the final designs, which have addressed many of the issues raised at earlier reviews.
- 125 The main comments raised by the Panel in the most recent review are summarised in the below table;
- 126 The key comments of the Panel are summarised in the table below, together with an officer response detailing how these issues have been addressed within the final submission:

Design Review Panel comments	Officer response
The revised masterplan layout based around the main courtyard, the edge blocks to the creek and the three finger blocks (A3, A4 & B2) running east-west toward Creekside in general works very well.	The Panel have consistently been supportive to the proposed layout of the development.
<p>The parapets to building should be tall enough to prevent the roof mounted pvs appearing in the silhouette of the buildings in the skyline from any vantage point.</p> <p>The Panel were very supportive of the design, scale and massing of the tower A1 as an architectural composition but felt that more justification is needed in townscape terms to make the case for its height and position and relation to context.</p>	<p>Details of the siting and appearance of the PVs will be subject to a planning condition, including the intended pitch post installation to ensure they would not be visible.</p> <p>The provision of a taller tower to the south-east corner has formed part of previous masterplans for the Site Allocation. Officers are satisfied that the proposed height reflects the large scale developments that have been undertaken to the surrounding area, which includes buildings of greater heights than A1.</p>
Further work is needed to fully resolve the design of the western elevation and its integration with the building's sawtooth crown.	Material treatment details will be requested by condition for both the southern and

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Design Review Panel comments	Officer response
	western elevations of A1, in addition to proposed art work.
<p>The Panel endorsed the approach to the integration of the architectural detail and materiality, which had developed very considerably since earlier reviews but noted that greater clarity is needed on certain material proposals, notably the metal cladding to the summit of the tower A1.</p>	<p>Further details of the proposed metal cladding to the crown of A1 will be requested by condition. The details submitted to date are supported by officers in principle.</p>
<p>The Panel expressed some concern with regard the ground floor plan and the quality of elevations directly facing the courtyards. They contain a large proportion of cycle parking, bin stores and service space resulting in a high proportion of inactive frontage. In a development of this scale, it should be possible to accommodate cycle stores at a mezzanine level to free up ground floor level for artist or commercial space, with a higher degree of animation and activity.</p>	<p>The ground floor has been considered in detail with a view to balancing the various service functions of a development of this size (Entrance, plant, refuse, cycle store etc) with the workspace so as to ensure 'commercial' frontages are maximised. Workspace has been focussed in key positions to maximise visibility and legibility – these are: at the site entrance (container building); facing the site entrance (western facades of A3, A4 &amp; B2); facing the creek walkway. The cycle storage is already partially delivered within 2-tiered racks balanced with storage for other cycles as required by The London Cycle Design Guide. Full mezzanines would require cycle ramps to provide access to upper levels and increase space requirements. It is also likely to make access more difficult for a number of users.</p>
<p>The landscape design to the courtyards is under-developed and needs further refinement to achieve appropriate, high quality resolution.</p>	<p>The Applicant acknowledged this point, and will review the soft landscaping provision at conditions stage.</p>
<p>The Panel encouraged the design team to consider carefully the impact of service space at street level on the street elevation and the public realm and to ensure that these are as minimal as possible.</p>	<p>Service spaces have been kept to the internal courtyard areas where possible so that they are linked with the residential entrances are less visible on key public-facing, frontages.</p>

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127 In conclusion, the Panel advised they were 'pleased to add its voice of support to the project.' The scheme has been presented to DRP on several occasions during the pre-application and full application periods, and therefore the Panel have extensive knowledge of the application site and surrounds.

128 Officers are satisfied the applicants have addressed many of the points raised by DRP, there remains outstanding matters that can be suitably addressed by conditions.

## **6 POLICY CONTEXT**

### **6.1 LEGISLATION**

129 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

130 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

### **6.2 MATERIAL CONSIDERATIONS**

131 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.

132 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.

133 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 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**

134 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)

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- Lewisham Town Centre Local Plan (February 2014) (LTCP)

## 6.5 SUPPLEMENTARY PLANNING GUIDANCE

135 Lewisham SPG/SPD:

- Planning Obligations Supplementary Planning Document (February 2015)
- River Corridor Improvement Plan Supplementary Planning Document (September 2015)

136 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- London World Heritage Sites (2012)
- London View Management Framework (March 2012)
- All London Green Grid (March 2012)
- Play and Informal Recreation (September 2012)
- Character and Context (June 2014)
- 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)
- Culture & Night Time Economy (November 2017)
- Energy Assessment Guidance (October 2018)

## PLANNING CONSIDERATIONS

137 The main issues are:

- Principle of Development
- Housing
- Employment
- Urban Design and Impact on Heritage Assets
- Transport Impact
- Living Conditions of Neighbours
- Sustainable Development
- Natural Environment
- Public Health, Well-being and Safety
- Environmental Impact Assessment
- Planning Obligations

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## 7.1 PRINCIPLE OF DEVELOPMENT

### *General policy*

- 138 The National Planning Policy Framework (NPPF) states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.
- 139 Lewisham is defined as an Inner London borough in the London Plan, and sets out the Mayor of London's vision for Inner London. This includes among other things sustaining and enhancing its recent economic and demographic growth; supporting and sustaining existing and new communities; addressing its unique concentrations of deprivation; ensuring the availability of appropriate workspaces for the area's changing economy; and improving quality of life and health.
- 140 LPP SD1 sets out the policy approach in relation to opportunity areas, and seeks to optimise residential and non-residential output and densities, provide necessary social and other infrastructure to sustain growth, and where appropriate, contain a mix of uses.
- 141 Core Strategy Policy 4 sets out the objectives for Mixed Use Employment Locations, which are existing industrial sites identified for redevelopment for mixed-use purposes. The Core Strategy notes that collectively redevelopment of Mixed Use Employment Locations will provide major regeneration benefits by making the best use of available land, attracting further investment, by providing a sense of place, by addressing severance issues and by increasing connectivity by visual and physical links.
- 142 Core Strategy Spatial Policy 2 'Regeneration and growth areas' identifies that the Deptford, Deptford Creekside, New Cross/New Cross Gate Regeneration and Growth Area will accommodate up to 2,300 additional new homes by 2016 with a further additional 8,325 new homes by 2026. Table 2.1 in LPP SD1 sets the indicative capacity for new homes in Deptford Creek at 5,500, and 3,000 indicative jobs.
- 143 The policy also identifies that the area will support smaller-scale local retail uses on sites where larger scale redevelopment occurs, and support regeneration and growth through the redevelopment of designated underutilised employment sites for a mix of uses including residential and a significant element of employment space at Mixed Use Employment Locations (MELs).
- 144 Site Allocation (11) Sun and Kent Wharf Mixed Use Employment Location has already been extensively redeveloped by the Kent Wharf mixed use scheme that occupies the north and western areas of the site. The current Sun Wharf proposal and a future Cockpit Arts Centre development to the south-western corner, would represent the majority of the site allocation.

### *Discussion*

#### Demolition

- 145 The existing 2-storey building is of insufficient architectural merit to warrant consideration as a non-designated heritage asset, neither is it located within a conservation area. The removal of the building will enable the comprehensive redevelopment of the application site, therefore for these reasons, officers raise no objections to the proposed demolition.

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## Residential

- 146 The current London Plan outlines through Policy H1 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported which are of the highest quality and of varying sized and tenures in accordance with Local Development Frameworks.
- 147 LPP SD1 states that Opportunity Areas are identified as significant locations with development capacity to accommodate new housing, commercial development and infrastructure (of all types), linked to existing or potential improvements in public transport connectivity and capacity. Opportunity Areas typically contain capacity for at least 2,500 net additional homes. When developing policies for Development Plans, allocations and frameworks, boroughs should use the indicative capacity figures as a starting point, to be tested through the assessment process.
- 148 The principle of a residential-led redevelopment of the site housing is considered acceptable, in accordance with LPP SD1, whilst following the principle already granted permission to the adjacent Kent Wharf site.
- 149 The policy also identifies that a masterplan will be required to be submitted with planning applications to ensure a comprehensive approach to the development of each Mixed Use Employment Location which demonstrates that proposals will provide the highest level of residential amenity for future residents.

## Land Use – Non Residential

- 150 The application site lies within the Deptford Creek / Greenwich Riverside Opportunity Area. LPP SD1 identifies that this opportunity area has an indicative employment capacity of 3,000 jobs and should provide a minimum of 5,500 new homes.
- 151 LPP SD1 states that Opportunity Areas are identified as significant locations with development capacity to accommodate new housing, commercial development and infrastructure (of all types), linked to existing or potential improvements in public transport connectivity and capacity. Opportunity Areas typically contain capacity for at least 5,000 net additional jobs.
- 152 In this case, the provision of flexible commercial floorspace (Use Class E(b) café and (g) creative workspace) within ten units across the site is supported, maintaining the character of the designated mixed-use employment location.

## *Principle of Development Summary*

- 153 The proposed residential-led mixed-use development and non-residential uses generally accord with the key relevant development plan policies outlined above and is, in principle, an appropriate use of this site. The proposed commercial uses are discussed in more detail below.

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## 7.2 HOUSING

- 154 This section covers: (i) the contribution to housing supply, including density; (ii) the dwelling size mix; (iii) the standard of accommodation; and (iv) total affordable housing proposed and its tenure split.

### Contribution to housing supply

#### *Policy*

- 155 National and regional policy promotes the most efficient use of land. The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF sets out the need to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 156 The NPPF encourages the efficient use of land subject to several criteria set out in para 124. Para 125 applies where there is an existing or anticipated shortage of land for meeting identified housing needs and strongly encourages the optimal use of the potential of each site.
- 157 LPP H1 support the most efficient use of land and development at the optimum density. Defining optimum is particular to each site and is the result of the design-led approach. Consideration should be given to: (i) the site context; (ii) its connectivity and accessibility by walking and cycling and existing and planned public transport (including PTAL); and (iii) the capacity of surrounding infrastructure.
- 158 The current London Plan identifies a ten year housing target for net housing completions (2019/20 – 2028/29) of 16,670 for Lewisham, which equates to an annualised average of 1,667 new homes per year. The LP (table 2.1) also indicates that the Deptford Creek Opportunity Area has the potential to deliver an indicative 5,500 new homes.
- 159 National and regional policy avoids specifying prescriptive dwelling size mixes for market and intermediate homes.
- 160 NPPF para 62 expects planning policies to reflect the need for housing size, type and tenure (including affordable housing) for different groups in the community.
- 161 LPP H12 sets out that an appropriate mix of unit sizes should be informed by several criteria set out in the policy.

#### *Discussion*

- 162 The proposed development would deliver 220 new dwellings, which represents 13.1% of the Borough's current annual housing target. This would be a significant contribution to the annual target for Lewisham, therefore officers attach considerable weight to this in planning terms.
- 163 The application site has an area of 0.726 hectares and a PTAL of 3/ 4, and is located within an area which accords with the Urban typology given the development density on surrounding sites and the mix of residential and commercial uses.

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- 164 LPP D3 advises that all development must make the best use of land by following a design-led approach, whilst higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.
- 165 Policy GG2 seeks to create high density, mixed use places that make the best use of land. The development of Opportunity Areas, brownfield land, sites which are well connected by existing or planned tube and rail stations, small sites, and sites within and on the edge of town centres must be prioritised. Higher density development is promoted, particularly on sites that are well-connected by public transport, applying a design-led approach.
- 166 In this context, it is recognised that the site is located within an Opportunity Area, with good accessibility. Recent development within the surrounding context (notably Union Wharf, Creekside Village East and West, and Kent Wharf) comprises high density development that includes tall buildings. In terms of design, the detailed design of the scheme has been independently reviewed by Lewisham's Design Review Panel on five occasions, and has also been subject to a series of pre-application meetings with the Council and the GLA. Issues of design are addressed below.
- 167 In relation to the issue of density, it is noted the GLA Stage 1 response identified that the proposed density of the original scheme (250 units) would exceed the relevant range in the old London Plan, however given the site is located within an Opportunity Area, it could be supported subject to the scheme delivering a highest design quality and the maximum level of affordable housing.
- 168 The current proposal of 220 residential units would also exceed the former density matrix range, however it must be acknowledged that the new London Plan (2021) has replaced the matrix with a design-led approach. Officers agree with the GLA position that the location of the site within an Opportunity Area allows for a development of greater scale and height, subject to excellent design.

### *Summary*

- 169 Having regard to the context of the application site, it is considered that the principle of a development proposal for high scale and density is acceptable for this location. In delivering 220 new residential units, the proposed development would make a notable contribution to Lewisham's annual housing target and officers attach significant weight to this in planning terms.

### ***Dwelling mix and tenure***

#### *Policy*

- 170 National and regional policy avoids specifying prescriptive dwelling size mixes for market and intermediate homes.
- 171 NPPF para 62 expects planning policies to reflect the need for housing size, type and tenure (including affordable housing) for different groups in the community.
- 172 CSP 1 echoes the above with several other criteria however expects the provision of family housing (3+ bedrooms) in major developments and DMP 32 confirms that single person

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dwellings will not be supported other than in exceptional circumstances where they are of exceptional design quality and in highly accessible locations.

173 With regard tenure split CSP1 states to ensure a mixed tenure and promote mixed and balanced communities, the affordable housing component is to be provided as 70% social rented and 30% intermediate housing.

174 Determining an appropriate mix of dwelling sizes for a site depend on several criteria in CSP 1, relating to: (i) the site's character and context; (ii) previous or existing use of the site; (iii) access to amenity space for family dwellings; (iv) likely parking demand; (v) local housing mix and population density; and (vi) social and other infrastructure availability and requirements.

*Discussion*

175 The proposed dwelling mix across the scheme as a whole is summarised in the table below:

**Table 1: Private and affordable mix**

Unit Type	No. of Units	% of Total
Private	143	65%
London Affordable Rent	46	20.9%
Intermediate	31	14.1%
<b>TOTAL</b>	<b>220</b>	<b>100%</b>

**Table 2: Dwelling mix - Wheelchair accessible units shown in (brackets)**

Unit Size	No. of Units	% of Total	No. of Hab Rooms	% of Total
1B2P	87 (5)	39.54%	174	28.4%
2B3P	17 (11)	7.72%	51	8.3%
2B4P	87	39.54%	261	42.6%
3B5P	29 (6)	13.2%	127	20.7%
<b>TOTAL</b>	<b>220</b>	<b>100%</b>	<b>613</b>	<b>100%</b>

176 The proposed mix of units is considered appropriate, with 60% of all units having two or more bedrooms, (13% of all units would provide three bedrooms.) There would be no studio/single person units provided within the development. For a higher density development within an Opportunity Area this is considered to represent a positive mix that provides for a good range of dwelling sizes, which will contribute towards the creation of a balanced community.

177 As such, the proposed development would make a substantive contribution to Lewisham's housing needs by providing a range of dwelling sizes, and officers attach significant weight to this in planning terms.

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## Affordable housing

### *Percentage of affordable housing*

#### *Policy*

- 178 The NPPF expects LPAs to specify the type of affordable housing required (para 63).
- 179 LPP H4 Delivering Affordable housing states that strategic target is for 50 per cent of all new homes delivered across London to be genuinely affordable. Specific measures to achieve this aim include requiring major developments which trigger affordable housing requirements to provide affordable housing through the threshold approach.
- 180 LPP H5 sets a threshold level of affordable housing at a minimum of 35%, increasing to 50% for Non-Designated Industrial Sites appropriate for residential uses. The policy sets out a series of criteria for applications to follow the Fast Track Route of the threshold approach. CSP1 and DMP7 reflect the above, with an expectation of 50% affordable housing, subject to viability.

#### *Discussion*

- 181 The scheme proposes 35% affordable housing provision by number of units (77no.) and 39% by habitable rooms (238no.) in the form of 46 London Affordable Rent and 31 Intermediate. (It is noted that the larger original 2020 proposal also included 35% affordable housing, providing 88 units.)
- 182 CSP1 and DMP7 set an expectation of 50% affordable housing; however the figure is a starting point for negotiations and is subject to viability. In line with guidance set out in the Council's Planning Obligations SPD, the Applicant has submitted a Financial Viability Appraisal Report (FVA), prepared by Savills (**Appendix 2**).
- 183 The development does not meet the requirements for the fast track route in London Plan Policy H5 as the affordable offer is less than 50%, and the site is a non-designated industrial site. The Applicant's Financial Viability Assessment has been subject to a detailed independent review by BNP Paribas Real Estate, the Council's appointed viability consultants in relation to this application. The assessment they have produced is appended to this report as **Appendix 3**.
- 184 The Developer's profit in this case would be 17.5% GDV for the market housing; 15% GDV for the commercial units; and 6% for the affordable housing. This position has been agreed following discussions between the consultants in early 2021.
- 185 BNP agree with the Applicant's assumptions in regard to construction costs, commercial revenue and affordable housing revenue. BNP concludes that the Benchmark Site Value is £15.26m, with a Residual Land Value being £9.57m, resulting in a deficit of £5.69m.
- 186 In comparison, the Applicant's viability has a Benchmark Site Value of £16.57m, and a Residual Land Value of £9.12m, with a deficit of £7.2m.
- 187 The difference in Site Values is attributed to commercial rent levels, with BNP working to a lower figure of £13.50 per sq.ft compared to £14.50 adopted by the Applicants. BNP however does not consider the Applicant's rental figures to be unreasonable.
- 188 Despite this disparity it is apparent the level of deficit demonstrates that the proposed development would be unable to support the inclusion of any additional affordable housing

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provision beyond 39% by habitable rooms, and that the maximum reasonable level of affordable housing is provided at the current time. Any future surplus that may provide additional affordable housing would be identified in an early and late stage review within a Section 106.

### ***Affordable housing tenure and dwelling size mix***

#### *Policy*

- 189 CSP1 expects 70% to be Social Rent and 30% intermediate housing, however the Lewisham Planning Obligations SPD (2015) allows for some flexibility to reflect site context (para 3.1.52).
- 190 CSP1 also expects 42% of the affordable housing offer to be family dwellings (3+ bedrooms). DMP7 gives priority to providing family dwellings in the rented housing. The Lewisham Planning Obligations SPD (2015) states 16% of any intermediate housing is family-sized (para 3.1.47) with the remainder as socially rented. It also sets affordability thresholds for intermediate housing (para 3.1.64 and table 3.1).

#### *Discussion*

- 191 The affordable housing provision would be in the form of London Affordable Rent (60%) and Intermediate (40%) tenure units, which is considered acceptable.
- 192 The Council requires the provision of genuine affordable housing within major schemes, which is defined as 'housing with rent charged at the target rent or London affordable rent levels' (A new housing strategy for Lewisham – 2020-26), being genuinely affordable to those on low incomes. The provision therefore of London Affordable Rent units is welcomed by officers.
- 193 Shared ownership is a recognised form of affordable housing, as an intermediate ownership product, which allows London households who would otherwise struggle to buy on the open market to purchase a share in a new home and pay a low rent on the remaining, unsold, share. The London Plan identifies that intermediate ownership products such as London Shared Ownership, should be affordable to households on incomes of up to £90,000.
- 194 Provisions would be secured through the s106 agreement to secure the affordability of shared ownership units in accordance with qualifying income levels as set out in the London Plan, the Affordable Housing and Viability SPG and the Annual Monitoring Report, including a range of income thresholds for different sized units.
- 195 In addition, the s106 agreement would include provision to ensure that the affordable homes are made available through the Homes for Londoners online portal, and that secures the availability of the units as London Affordable Rent/ shared ownership tenure in perpetuity.
- 196 The tables below present the dwelling mix of the 77 affordable units, and compare this to the mix of the private tenure units.

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**Table 3: Affordable dwelling sizes by tenure**

Type	London Affordable Rent		Shared Ownership		Total	
	Units	% of Total	Units	% of Total	Units	% of Total
1B2P	10	22%	10	32.3%	20	26%
2B3P	11	24%	6	19.3%	17	22%
2B4P	14	30%	10	32.3%	24	31%
3B5P	11	24%	5	16.1%	16	21%
<b>TOTAL</b>	<b>46</b>	<b>100%</b>	<b>31</b>	<b>100%</b>	<b>77</b>	<b>100%</b>

**Table 4: Dwelling Size by Tenure**

Type	Private		Affordable		Total	
	Units	% of Total	Units	% of Total	Units	% of Total
1B2P	67	47%	20	26%	87	40%
2B3P	0	0	17	22%	17	7%
2B4P	63	44%	24	31%	87	40%
3B5P	13	9%	16	21%	29	13%
<b>TOTAL</b>	<b>143</b>	<b>100%</b>	<b>77</b>	<b>100%</b>	<b>220</b>	<b>100%</b>

197 As demonstrated in tables 3 & 4, the family units within the Shared Ownership element would comply with the minimum requirement of 16%, as stated in the Lewisham Planning Obligations SPD (2015.)

198 The overall provision within the affordable element of 3 bedroom family units would be 21%, which falls below the Core Strategy requirement of 42%. When including 2b4p units, which are capable of accommodating small families, this would amount to 52%, which exceeds the policy requirement.

199 Considering the above the affordable housing provision is appropriate, and compliant with policy.

***Location of affordable housing***

*Policy*

200 The MHCLG National Design Guide (October 2019) places an emphasis on social inclusivity in reference to the delivery of a mix of housing tenures. The guidance states that where different tenures are provided, that these should be well-integrated and designed to the same high quality to create tenure neutral homes and spaces, where no tenure is disadvantaged.

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201 The guidance goes on to define “Tenure Neutral” as “Housing where no group of residents is disadvantaged as a result of the tenure of their homes. There is no segregation or difference in quality between tenures by siting, accessibility, environmental conditions, external facade or materials. Homes of all tenures are represented in equally attractive and beneficial locations, and there is no differentiation in the positions of entrances. Shared open or play spaces are accessible to all residents around them, regardless of tenure.”

*Discussion*

202 Generally most blocks in this case would accommodate one specific tenure type, however there would be a form of ‘pepper potting’ within Block A2 with 10 Intermediate units, and 5 private, albeit on different floors but sharing the same main entrance, with the majority of the affordable units benefiting from views of Deptford Creek.

203 The 19-storey Block A1 would be entirely comprised of private units, whilst all London Affordable Rent units would be located within the rear ‘finger’ buildings – Blocks A3, A4 and B2, which would overlook the courtyards. The locations of the private and affordable tenure is shown below in Figure 3.

**Figure 3: Tenure Location**



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## ***Review mechanisms***

- 204 Policy H5 of the London Plan and the Mayor of London's Affordable Housing and Viability SPG require that schemes which have been subject to viability testing at the application stage are subject to viability review mechanisms. As such, the proposed level of affordable housing will be subject to both early and late stage viability review mechanisms.
- 205 The reviews will follow the templates and structure as set out by the GLA and will secure an early stage review (if substantial implementation of the planning permission has not been implemented within two years of any grant of consent) and a late stage review (when 75% of homes are sold or let).
- 206 These reviews would include mechanisms to secure further on-site affordable housing provision or off-site payments in lieu should there be improvements in scheme viability. These provisions would be secured by s106 agreement.

## ***Summary of affordable housing***

- 207 The proposed development would deliver 77 affordable homes as London Affordable Rent and Intermediate Shared Ownership tenure. This represents 35% affordable housing provision across the scheme as a whole (by number of units), and 39% by habitable rooms. The provision of London Affordable Rent would meet the Council's definition of genuinely affordable housing, whilst the provision of Shared Ownership is a recognised form of affordable housing, and would meet an identified need for this form of housing. The proposed development would be tenure neutral meaning there would be no differentiation in quality between private and affordable units.
- 208 The submitted FVA has been subject to detailed independent review by the Council's appointed viability consultants and by the GLA's viability expert. These independent assessments have both confirmed that 35% affordable housing provision by unit (39% by habitable room) is the maximum reasonable affordable housing provision that the scheme can support in viability terms, at the current time.

## **Residential Quality**

### *General Policy*

- 209 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).
- 210 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight; (v) noise and disturbance; (vi) accessibility and inclusivity; and (vii) children's play space.

### ***Units per core***

- 211 The residential blocks have been designed with no more than seven residential units per floor served by the building core, which accords with the best practice guidance set out within the Mayor's Housing SPG.

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## ***Aspect, Outlook & Privacy***

### *Policy*

- 212 Standard 29 in the Mayor's Housing SPG identifies that developments should minimise the number of single aspect dwellings, and states that single aspect dwellings that are either north facing, exposed to significant noise levels, or contain three or more bedrooms should be avoided.
- 213 London Plan Policy D6 seeks high quality internal and external design of housing development. Development is required to achieve 'appropriate outlook, privacy and amenity', and should seek to maximise the provision of dual-aspect dwellings (i.e. with two openable windows).
- 214 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its future residents.
- 215 DMP 32 also identifies that there will be a presumption that residential units should be dual aspect and that north facing single aspect units will not be supported.

### *Discussion*

- 216 In terms of outlook 55.5% of residential units would be at least dual aspect (122 dual/ triple aspect units), with the remaining 44.5% being single aspect (98 units). Of those single aspect units, none would be north facing, with most being either west facing toward the courtyard; east facing to the river; or south facing, with many benefitting from long range views.
- 217 In terms of separation distances, there would be a minimum distance of 7.5m between Blocks A2 and B1, with the provision of projecting bays to the flank walls serving mostly bedrooms. Officers are satisfied that the habitable rooms would be afforded sufficient outlook in this case.
- 218 Block A3 would be located 6m from the southern boundary, whilst Block A1 would lie only 3m away from the boundary, however officers are satisfied that the south facing units, in particular those at first floor would have sufficient outlook beyond the highest part of the boundary treatment, which would be 2.1m high metal railings with gravel board base.
- 219 The positioning of the proposed buildings in relation to each other would result in no significant overlooking between the residential units.
- 220 All residential units would be located above ground level, thereby avoiding any privacy issues from users of the public areas.
- 221 Having regard to the site's location within an Opportunity Area and the urban density of surrounding development, the separation distances and levels of outlook and privacy are considered to be acceptable in this context.

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## ***Daylight and Sunlight (Future residential occupiers within Sun Wharf)***

### *Policy*

- 222 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its future residents.
- 223 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards. This is not formal planning guidance and should be applied flexibly according to context. The BRE standards set out below are not a mandatory planning threshold.
- 224 In new dwellings, the BRE minimum recommended average daylight factor (ADF) is 1% for bedrooms, 1.5% for living rooms and 2% for kitchens.

### *Discussion*

- 225 An assessment of daylight and sunlight levels within the proposed residential units and an assessment of overshadowing of the public realm and amenity space that would be provided as part of the development was undertaken by the applicant's daylight and sunlight consultants, Eb7.

### Daylight and Sunlight

- 226 In terms of levels of daylight, the Eb7 assessment demonstrates that 582 habitable rooms (95%) would meet the BRE recommendation. Of the 31 habitable rooms that would fall below the BRE recommended level, 6 are bedrooms and 25 are combined living / kitchen / diners.
- 227 It is noted that 25 of the rooms are served by at least one window that have balconies overhead. Of the other 6 habitable rooms, these would be bedrooms that would fall marginally below the 1% recommendation – 0.7-0.9%
- 228 In terms of sunlight, 180 south facing living rooms were tested, of which 86 (48%) would meet the BRE recommendation. The remaining rooms would have overhanging balconies that would serve to restrict sunlight. These include a mix of affordable and private units.
- 229 It is recognised that a proportion of rooms within the proposed development would fail to meet the BRE recommendations in terms of daylight and sunlight. It must however be acknowledged that the BRE recommended levels are based on a suburban context, and in urban areas comprising tall buildings these recommended levels will necessarily be challenging to achieve.
- 230 Having regard to these issues, and the fact that in the context of high density development within a built up urban area, it will rarely be possible to achieve the BRE recommended levels in terms of daylight and sunlight for all units. Officers are satisfied that an acceptable standard of amenity for future occupiers would be provided in relation to daylight and sunlight within the proposed development.

### Overshadowing

- 231 In terms of overshadowing of amenity space, BRE guidance recommends that at least half of the amenity space should receive at least two hours of sunlight on 21<sup>st</sup> March.

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- 232 The main areas of public realm that would be created lie to the east and west of the proposed buildings fronting Deptford Creek. The assessment concludes that 53.1% of those areas would achieve the BRE recommended 2 hours of sunlight on March 21<sup>st</sup>.
- 233 Overall it is considered that the proposed development would have potential to deliver an excellent quality of public realm and communal amenity space that would be afforded high levels of sunlight throughout much of the day.

## **Noise & Disturbance**

### *Policy*

- 234 The NPPF at para 174 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Development should help to improve local environmental conditions.
- 235 With regard to internal noise levels, Part E of the Building Regulations controls noise transmission between the same uses and is usually outside the scope of Planning.
- 236 Planning controls the effect of noise from external sources on residential uses and noise transmission between different uses. The relevant standard is BS: 8233:2014. This states the internal noise levels within living rooms must not exceed 35dB(A) during the daytime (0700-2300) and 30 dB(A) in bedrooms during the night (2300-0700).
- 237 Policy D13 'Agent of Change' of the London Plan places the responsibility for mitigating impacts from existing noise generating activities or uses on the proposed new noise-sensitive development. The Policy goes on to state that Boroughs should ensure that planning decisions reflect the Agent of Change principle and take account of existing noise generating uses in a sensitive manner when new development is proposed nearby.

### *Discussion*

- 238 Environmental Statement Chapter 11.1: Noise and Vibration (updated version) presents the findings of an assessment of the potential impacts of traffic and other noise/vibration sources on future occupiers of the proposed development.
- 239 The principal sources of noise within the immediate surrounding area include the railway to the south, road traffic, activity from the industrial yards on the opposite side of the Creek (Phoenix Wharf and Tideway) and from the neighbouring Cockpit Arts. Measures to address this will include external building fabric, and the installation of appropriate fenestration and balcony enclosures.
- 240 Brewery Wharf to the north-east of the site is a safeguarded wharf, which is used for aggregate handling, and is located approximately 285m to the north east of the application site on the eastern bank of the Creek, at the junction of Creek Road and Norman Road within RB Greenwich. The wharf has a concrete batching plant with facilities for the unloading and storage of aggregates that are delivered by barge. Dependent on the need for deliveries, aggregate can be delivered to the wharf twice a day, during both day and night time periods, with the timings governed by high tide.
- 241 An assessment has not been undertaken by the Applicant to understand a worst case scenario arising from the operation, which has raised concerns by the Port of London Authority toward possible conflict with future residential occupiers.

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- 242 LPP D13 advises that the Agent of Change principle places the responsibility for mitigating the impact of noise and other nuisances firmly on the new development. This means that where new developments are proposed close to existing noise-generating uses, the applicants will be expected to design their scheme accordingly to ensure the new residential occupiers are protected, rather than the burden falling upon the existing business to change their operation.
- 243 It is noted that for sites closer to Brewery Wharf within both Lewisham and Greenwich, the applicants were required to ensure that prospective occupiers were made fully aware of the nature of works at Brewery Wharf, and the hours of operation. In this case, the development site lies some distance away from Brewery Wharf, however following the concerns raised by the Port of London Authority, officers consider it appropriate that the s106 should require the Applicant to address this matter.
- 244 The same is applicable for the adjacent Cockpit Arts Centre, which generates noise from within the building and its open yards.
- 245 The applicant will be required to submit details to the LPA setting out how future occupiers would be made aware of the neighbouring uses at an early stage, for example by producing a welcome pack that informs them of the nature of operations, including the potential uses of the commercial units within the development site and their unrestricted hours of operation. The submission will be assessed by officers to ensure the information is accurate, and thereafter, the Applicant would be expected to demonstrate that the approved details have been suitably implemented prior to first occupation.
- 246 A planning condition will seek the submission of glazing and soundproofing details to ensure future residential occupiers would be safeguarded from any noise and disturbance arising from existing and proposed commercial uses.

### ***Accessibility and inclusivity***

#### *Policy*

- 247 LPP D7 requires 10% of residential units to be designed to Building Regulation standard M4(3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users, with the remaining 90% being M4(2) 'accessible and adaptable dwellings'.

#### *Discussion*

- 248 The proposed development would comprise a total of 22no. wheelchair accessible M4(3) units, representing 10% of the total number of units. These would be located within the private and affordable tenures, comprising a mix of 1, 2 and 3-bed units.
- 249 16no. wheelchair units would be located within the affordable tenure, with 11no being London Affordable Rent.
- 250 All remaining units would be M4(2) compliant accessible and adaptable dwellings.
- 251 In accordance with Standard 4 of the Mayor's Housing SPG the areas of communal amenity space would be accessible to disabled people including people who require level access and wheelchair users. In accordance with Standard 16, all wheelchair dwellings would be served by more than one lift.

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## ***Inclusivity***

- 252 With regard to inclusivity for residents of all tenures and access to broadband, this is now handled via Building Regulations under Approved Document R, which came into force in 2017. This introduced a new requirement for in-building physical infrastructure, which enables copper or fibre-optic cables or wireless devices capable of delivering broadband speeds greater than 30mps to be installed. It is recommended that an informative is added to a decision notice drawing the applicant's attention to this. Future residents would have access to this infrastructure regardless of tenure, but would be responsible for taking out their own internet contracts with a provider.

## ***Internal and private amenity space standards***

### *Policy*

- 253 Nationally Described Space Standards (NDSS) were published by the Department of Communities and Local Government in March 2015. It is not a building regulation requirement, and remains solely within the planning system as a new form of technical planning standard. The national housing standards are broadly in compliance with the space standards set out in the London Plan and its Housing Supplementary Planning Guidance (2016).
- 254 In addition to this, DM Policy 32 seeks to ensure that new residential development provides a satisfactory level of privacy, outlook, direct sunlight and daylight. It also states that new housing should be provided with a readily accessible, secure, private and usable external space and includes space suitable for children's play.
- 255 With regard to private amenity space, Standard 4.10.1 of the Mayor's Housing SPG states that 'a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant'.
- 256 Standard 4 within the Mayor's Housing SPG identifies that where communal open space is provided, it should be well overlooked, accessible to those who require level access and wheelchair users, designed to take advantage of direct sunlight, and have suitable management arrangements in place.
- 257 The Mayor's Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation SPG recommends 10sqm of play space per child. The GLA divide the requirements of children's play space into three categories: (i) under 5s, described as doorstep play and generally considered as part of the plot; (ii) ages 5-11; and (iii) children 12 plus.

### *Discussion*

- 258 All residential units would either meet or exceed the internal space standards in accordance with the development plan requirements, including internal floor area, floor to ceiling heights, room sizes, and storage space. A significant proportion of units would exceed the minimum internal floor areas, providing generous and well-proportioned accommodation.
- 259 All units would be provided with private outdoor amenity space in the form of balconies or terraces, which would either meet or exceed the London Plan requirements in terms of size.

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- 260 The balconies fronting Deptford Creek were originally projecting over the pedestrian route, however following concerns raised by the EA, these are now shown as inset.
- 261 There would be no rooftop areas of communal amenity space for residents. Two units at level 7 in Block A1 would have access to spacious private areas adjacent to A2.

Children’s play space

- 262 Using the calculator provided in the Mayor of London’s Play and Informal Recreation SPG, the estimated child yield for the development is set out in the table below.

**Table 5: Play space requirement and provision**

	No. of children	Play space requirement (sqm)	Proposal (sqm)
<b>Under 5</b>	32.4	324	341
<b>5 to 11</b>	23.7	237	409
<b>12+</b>	14.2	142	
<b>Total</b>	<b>70.3</b>	<b>703</b>	<b>750</b>

- 263 The proposed development would generate an estimated child yield of approximately 70 children and the associated play space requirement would be 703sqm.
- 264 The scheme would provide a total of 750sqm of playable space for children to the ground level courtyards, each comprising separate areas for play for infants and older children. Indicative plans show climbing frames, in-ground trampolines and climbing walls, whilst Plan P-203 Rev-A shows the playspace areas split into zones depending upon age, i.e. under 5 years, and 5 years and older. The applicant has confirmed that provisions for 12 and overs would be provided on-site.
- 265 Further details of the equipment will be requested by condition, which will be expected to provide for each specific age group including 12 and overs.
- 266 The provision would therefore exceed the minimum requirement, whilst the Applicant advises there are further opportunities for additional informal play spaces within the curtilage of the application site. Beyond this, the nearest public open space is Ferranti Park/ Sue Godfrey Local Nature Reserve, which lies within close proximity to the west. Ferranti Park accommodates a small playspace area for younger children. Charlotte Turner Gardens to the northwest, and St Alfege Park to the east have young and older child play provisions including a ball court. Broadway Fields lies 600m to the south of Deptford Broadway, and is a public space that includes two MUGAs.
- 267 A Condition will ensure the proposed development would deliver high quality playspace for future occupiers that would exceed the London Plan requirement in terms of quantum of provision. Details of play equipment will be formally assessed to ensure the needs of children are met, whilst avoiding any inappropriate forms of provision that would unacceptably disturb neighbouring residents.

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268 The playspace would have good levels of natural surveillance, and would provide areas of seating for parents to sit whilst their supervising their children play. The spaces also appear to be safe, with no apparent conflict with vehicles manoeuvring within the site.

### ***Summary of Residential Quality***

269 Overall the proposed development would provide a high quality environment for future occupiers. Appropriate provisions would be secured by condition and s106 agreement, to secure this and ensure any required mitigation is in place.

### **Housing conclusion**

270 The proposed development would deliver 220 new dwellings, which represents 13.1% of the borough's current annual housing target. The development would provide a good range of dwelling sizes contributing towards the creation of a balanced community, including a mix of 1, 2 and 3 bedrooms. As such, the proposed development would make a substantive contribution to Lewisham's housing needs, and officers attach significant weight to this in planning terms.

271 The proposed residential units would achieve a high standard of amenity for future occupiers. All units would meet the minimum internal space standards and a significant proportion of units would exceed the minimum standards, providing generous and well proportioned living accommodation. The residential accommodation has been well designed with no more than seven units per core, and 60% of residential units would be dual aspect, with no north facing single aspect units.

272 All units would be provided with private outdoor amenity space in the form of balconies or terraces which would either meet or exceed the minimum requirements in terms of private amenity space. The development would also be provided with generous communal amenity space provision and children's playspace.

273 In terms of outlook, privacy, daylight and sunlight, a suitable level of amenity would be provided for future occupiers, having regard to the urban context within which the development lies.

274 The proposed development would deliver 77 affordable homes as London Affordable Rent and Intermediate Shared Ownership tenure. This represents 35% affordable housing provision across the scheme as a whole (by number of units), (39% by habitable rooms) and would meet an identified need for this form of housing. Affordable and private housing would be accommodated within Block A2, and overall, the development would ensure tenure neutral meaning there would be no differentiation in quality between private and affordable units.

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## 7.3 EMPLOYMENT

### *Policy*

- 275 Para 81 of the NPPF states “Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”
- 276 LPP SD1 sets out the Mayor of London’s approach to the continued growth and economic development of all parts of London.
- 277 Policy SA11 of the Site Allocations Local Plan allocates the application site as a Mixed Use Employment Location providing a range of Business (B1) employment uses, including provision for cultural and creative industries and housing. The policy identifies an indicative floorspace for employment uses at 20% of the total floorspace.

### *Discussion*

- 278 The application site lies within the Deptford Creek / Greenwich Riverside Opportunity Area. LPP SD1 identifies that this opportunity area has an indicative employment capacity of 3,000 jobs.
- 279 The application site is allocated in the Site Allocations Local Plan as site SA11 – Sun and Kent Wharf Mixed Use Employment Location. Kent Wharf has already been developed for mixed use purposes, whilst the site allocation also includes the land currently occupied by Cockpit Arts to the SW corner, and the Network Rail land to the southern edge, which do not form part of the current development proposal.
- 280 As such, the site allocation relates to an area of 1.4 hectares, whilst the application site boundary extends to an area of 0.72 hectares.
- 281 Policy SA11 allocates the site as a Mixed Use Employment Location providing a range of creative industries, office, workshop development and housing. The policy identifies an indicative housing capacity of 200 dwellings for the wider site, with an indicative floorspace for employment uses at 20% of the total floorspace.
- 282 The policy states that this site allocation will contribute to the improvement of Deptford by increasing commercial floorspace and employment to contribute to the development of the area as a creative quarter; meet the needs of new and expanding business sectors; build on the presence of the landmark Laban Centre building; contribute to housing provision; create waterside access and improve the Creek’s environment and walls; and provide opportunity to create an attractive new public path at the edge of the Creek.
- 283 The site’s allocation as a Mixed Use Employment Location and the identification within the policy of an indicative floorspace for employment uses at 20% of the total floorspace derives from and complements Core Strategy Policy 4 – Mixed Use Employment Locations. Core Strategy Policy 4 identifies that the comprehensive redevelopment of the Mixed Use Employment Locations will be required to provide;
- a) employment uses within the B Use Class amounting to at least 20% of the built floorspace of any development;
  - b) residential uses with a proportion of on-site affordable housing;

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c) improvements to the overall environmental quality, by providing, where appropriate, the provision of new, or improvement of existing, walking and cycling routes to public transport services and local facilities, public transport to increase the public transport accessibility level of the site, a high quality and accessible public realm, landscaping, biodiversity, the provision of amenity and public open space, and children's play areas, and high quality architecture and design that will contribute to raising the architectural quality of the area; and

d) improvements to the social, cultural and leisure facilities of the area.

- 284 This policy is complemented by DM Policy 9 – Mixed Use Employment Locations (MEL) within the Development Management Local Plan. Paragraph 2.63 within the reasoned justification to this policy highlights that proposals that have come forward on MEL sites to date have not necessarily reached the 20% requirement of built floorspace to be within the B Use Class, but have proposed alternative forms of employment generating use in order to achieve a vibrant and sustainable development that meets the overall aims of the Core Strategy.
- 285 Employment use at the site remains active, containing a large 2-storey building and associated yard space amounting to 4400sqm, and providing employment for approx. 63 staff. The lease of the current tenants Jones ended in May 2022, and they have acquired a site in East London to relocate their business that meets their operational requirements.
- 286 The application proposal includes new non-residential space in the form of 1,443sqm GIA of flexible commercial floorspace (Use Class E) within ten units across the site, which together with the commercial elements within Kent Wharf, Cockpit Arts and Network Rail would amount to approximately 17% of the total proposed floorspace being in commercial use, falling short of the prescribed 20%. The proposed commercial provision by the application scheme alone would equate to approximately 9% of the designated site allocation; and 33% of the existing 4400sqm of commercial floorspace within the Sun Wharf site.
- 287 The application submission estimates that the commercial facilities can be expected to generate between 46 and 70 FTE jobs, compared to the existing 63 FTE. Site Allocation Policy SA11 identifies that the site is allocated for a range of employment uses, including provision for cultural and creative industries.
- 288 Recognising that the 17% non-residential floorspace provision is broadly in line with the policy requirement, it is considered that the principle of the residential-led mixed use redevelopment of the site is in line with London Plan and London Plan policies, together with relevant Core Strategy policies, DM Policy 9 within the Development Management Local Plan, and Site Allocation SA11.
- 289 The provision of flexible commercial floorspace proposed is considered to be appropriate to serve the needs of the development, and is important in the context of providing active ground floor uses to animate the public realm.
- 290 The current resubmission proposes creative workspaces to Blocks A and B (Use Class E(g), formerly Use Class B1), and for the Container building, Use Class E(b) café/restaurant, and/ or creative workspace. Considering the application site is located within a designated Creative Enterprise Zone, the provision of creative workspace is supported by officers.
- 291 London Plan Policy E3 supports a sufficient supply of affordable business work space where it would be necessary or desirable to sustain a mix of business uses that would

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contribute to the character of an area. Affordable workspace is defined in para 6.3.2 as workspace that is provided at rents maintained below the market rate for that space for a specific social, cultural or economic development purpose.

- 292 The Applicant has confirmed that the scheme will deliver 'affordable' workspace within the 311sqm Container building to the western side of the site, with rent levels up to 80% of open market rent. This provision would equate to 21.5% of the overall proposed employment floorspace, which accords with the direction of the draft Local Plan Policy EC4. Whilst the draft Plan remains at consultation stage, and so has no weight in the determination of this application, it is noted that the Policy requires at least 10% of all new proposed commercial floorspace to be affordable, where feasible within mixed-use development sites, which the proposal would exceed.
- 293 The remaining units within Blocks A and B would be subject to open market rent, with prospective rents generally in line with the rental market within the immediate area, as clarified in the BNP viability response.
- 294 It is understood that the Applicant has not engaged in initial procedures to secure an end provider/s at this stage. A Marketing Strategy will be secured in the s106 Agreement to demonstrate that robust measures will be undertaken to ensure the commercial units are an attractive and viable proposition to potential occupiers, and to minimise any periods of vacancy following completion of the development. The commercial units are an important element of the proposal, with the intended employment activity having potential to contribute to a vibrant setting that will meet with the wider aspirations of Creekside.
- 295 It is acknowledged that the proposed commercial uses would represent a different form of activity to the existing employment use. For the Kent Wharf development, officers referred to the anticipated evening activity and resultant degree of noise and disturbance, which would be welcomed in the interests of good place making. It was therefore decided not to attach conditions to control the hours of operation or deliveries once the Kent Wharf development was completed. In light of this, it is considered acceptable to follow the same principle for the current proposal and that strict hours of operation would negatively affect the viability of the commercial units, which would harm the overall employment uses in this site. This is an approach which is supported on other schemes across the borough which provide significant employment uses.
- 296 For the proposed café use, details will be required by condition in regard to ventilation measures to ensure any smells arising from the cooking of food are dispersed appropriately. An initial Odour report advises the operations of the 'small café' would have a low to moderate impact upon neighbouring amenity.
- 297 In regard to the quality of the units, unit sizes would range between 36sqm and 327sqm, whilst internal head heights would measure a generous 4 metres. The larger units would be located within Blocks A2 and B1 fronting Deptford Creek, with the smallest unit also located to the eastern side.
- 298 Whilst the commercial unit sizes appear reasonable, an indicative layout of the smallest unit only has been submitted as part of this application to demonstrate that facilities such as a wc, and storage area can be suitably provided. Ultimately, it will be for the end users to arrange the internal layouts as the Applicant intends only to deliver shell and core, however it would be of benefit for officers and prospective occupiers to have view of indicative layouts – this will be secured by condition.

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In accordance with DMP 9 and the Planning Obligations SPD, the completion of shell and core of the commercial floorspace, including the fitting of commercial frontages would be secured via the s106 agreement.



Figure 4 – location of commercial floorspace at ground floor level

### Local Labour

- 300 The Council's Planning Obligations SPD identifies that the Council will require both financial and non-financial obligations with regard to local labour.
- 301 Using the formula within the SPD, a financial contribution of £153,700 would be required towards local labour and business (based on a contribution of £530 per dwelling (x 220 dwellings) and £530 per job (x 70 FTE jobs).
- 302 In this instance, considering the agreed financial contributions with regard to Highways works and carbon offset in particular, the scheme can only deliver a reduced sum of £99k. As such, for the applicant to be in a position to provide an increased financial contribution towards local labour and business, agreed contributions, including the affordable housing offer, would need to be reconsidered.
- 303 The applicant has agreed to prepare and enter into a Local Labour and Business Strategy, which would be subject to agreement with the Council's Economic Development Team.

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The strategy would support local people into work by providing employment opportunity-linked training during both the construction phase and operational phase, and so would serve to mitigate the shortfall in the financial contribution. The Local Labour Business Strategy would be secured via the s106 agreement.

### **Employment conclusion**

304 The nature of the proposed employment uses are supported by policy and the development is considered to provide a valuable contribution towards employment and local labour in accordance with the aims and objectives of the NPPF and the Development Plan.

## **URBAN DESIGN AND IMPACT ON HERITAGE ASSETS**

### *General Policy*

305 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.

306 The NPPG encourages decision takers to always secure high quality design; this includes being visually attractive and functional, however other issues should be considered:

- local character (including landscape setting)
- safe, connected and efficient streets
- a network of greenspaces (including parks) and public places
- crime prevention
- security measures
- access and inclusion
- efficient use of natural resources
- cohesive and vibrant neighbourhoods

307 LPP D9 sets out specific design requirements for tall buildings. CSP 18 provides parameters associated with the location and design of tall buildings. It identifies that the location of tall buildings should be informed by the Lewisham Tall Buildings Study (2012) and sets out a clear rationale for tall buildings in design terms.

308 CSP 15 repeats the necessity to achieve high quality design.

309 DMLP 30, Urban design and local character states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. The London Plan, Core Strategy and DMLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.

310 Historic England and CABA state in 'Building in Context' that where new development affects heritage assets, design should be of the highest standard and new buildings 'recognisably of our age, while understanding and reflecting history and context'. In order to achieve a complementary relationship between the historic and new built forms, reference should be made to locally distinctive models, materials and key elements of design, which lend themselves to modern interpretation and assimilation.

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## Appearance and character

### *Policy*

- 311 Planning should promote local character. The successful integration of all forms of new development with their surrounding context is an important design objective (NPPG).
- 312 In terms of architectural style, the NPPF encourages development that is sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (para 130). At para 134, the NPPF states significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area.
- 313 LPP D3 Optimising site capacity through the design-led approach states that development proposals must enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions
- 314 LPP D4 expects development to have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings.

### *Discussion*

- 315 The majority of former industrial and storage buildings within the immediate area have been redeveloped with residential-led mixed use development, such that the surrounding area is now predominantly residential in character, with a range of commercial and other uses across the area.
- 316 The developments that have come forward along the Creek over the last two decades have established a high density urban mixed use character to the area, with active frontages at lower levels and residential development rising above. The development plots have a dense urban grain, that reflect the historic pattern of development within the southern half of Creekside – a designated conservation area with the building footprints framing and defining the public realm and providing pedestrian and cycle access to Deptford Creek.
- 317 Reflecting the area's designation as an Opportunity Area, higher density development has been delivered with the majority of schemes comprising tall buildings. This includes Creekside Village West, which was completed in 2011 and comprises four buildings rising from 8 to 17 storeys; Kent Wharf rising from 6 to 16 storeys; Creekside Village East comprising 26 and 30-storey buildings; and Union Wharf comprising two blocks of 12 and 23 storeys. In addition, a series of developments have come forward on the eastern side of the Creek within RB Greenwich. As such, these developments have established an urban high density character along much of Deptford Creek.
- 318 The proposed development responds to and reflects this established character. The building footprints define the extent of the public realm, introducing active frontages at ground floor level to animate the surrounding spaces.
- 319 In terms of its scale and form, the development responds to the established character and appearance of the surrounding area, with tall buildings forming part of the nearest sites at the Kent Wharf and Faircharm sites. Tall buildings have become an established element of the surrounding townscape, and the proposed 19-storey Block A1 seeks to reflect this.

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**Figure 5: CGI of Sun Wharf and existing Kent Wharf developments**

### ***Layout***

#### *Policy*

- 320 LPP D3 Optimising site capacity through the design-led approach states that development proposals must enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions

#### *Discussion*

- 321 The existing site has a single access point directly from Creekside, and is bound by impermeable edges of the Deptford Creek to the east, and the railway viaduct to the south. The land surrounding the existing building within the site curtilage is predominantly hard landscaped, with no soft landscaping or trees.
- 322 In Figure 6 are images of the Kent Wharf Masterplan layout, and the current Sun Wharf layout for comparison purposes. The Kent Wharf layout shows a much closer relationship between the buildings on the two sites, with Sun Wharf occupying a larger footprint.

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**Figure 6: Comparison between Kent Wharf Masterplan for wider site (left, 2014), and the current Masterplan for Sun Wharf.**

- 323 *General arrangement.* The scheme seeks to open up the river frontage and create new vibrant, publicly accessible spaces. The DRP and the GLA welcomed this element of the proposals as a positive feature, which responds well to the ambitions of the London Plan toward the Blue Ribbon network.
- 324 The buildings have been designed in response to site constraints, which include the sensitive relationship to the low-rise Cockpit Arts centre and Kent Wharf. The layout of the three buildings, including rear ‘finger’ elements, seeks to make efficient use of the site by providing pockets of publicly accessible space within the central areas, whilst increasing upon the separation distances between the proposed development and the existing residential properties. (Separation distances will be discussed in more detail in assessment of privacy and overlooking paragraphs.)
- 325 To ensure adequate permeability through the site, a central route will penetrate through the space between the footprints of Blocks A2 and B1, leading directly from Creekside in order to ensure access to the riverside access for occupiers and users within the site, and other pedestrians and cyclists. The route would then connect with the new riverwalk that would span from north to south of the development, linking to the existing route adjacent to Kent Wharf.
- 326 *Commercial:* The commercial units are proposed within the ground floor areas of each block, with some fronting the Deptford Creek.
- 327 The general arrangement of the building layout was well received at the Design Review Panel and the GLA’s Stage 1 response, confirming it would be an appropriate response to the site and its immediate context.
- 328 *Residential.* The proposed residential accommodation would be located on the first floors upwards, above the commercial units. The flats have been designed to a standard unit layout, and would contain no more than 7 units per core.

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- 329 All balconies fronting Deptford Creek would be inset, following the removal of projecting riverside balconies due to Environment Agency concerns. No communal roof terraces are proposed to any of the blocks, with only two units within A1 benefitting from access to private podium gardens.
- 330 The massing and orientation of the buildings means there would be no north facing single-aspect units, with at least 55.5% of residential units being dual aspect.
- 331 Each of the six residential cores would benefit from cycle stores, and two lifts.
- 332 *Site Entrance:* The access to the site from Creekside would be characterised by the 3-storey container element that would provide additional commercial floorspace. At its rear would be a single-storey cycle store structure, and parking bays for 3no. wheelchair users. Two trees would be planted, one close to the entrance.
- 333 *Central Area:* This is comprised of the 'Central yard', 'Northern yard', and 'Southern yard'. The Central yard is the east to west route that links Creekside to the river.



**Figure 7: Indicative southern route from Creekside to Deptford Creek**

- 334 The Northern and Southern yards would contain the two hard/ soft landscaped spaces at the rears of A1 and B1, which would include designated children's play equipment, and seating areas. As will be discussed later in this report, there is scope for additional soft landscaping measures within the site, which will be secured by condition.
- 335 Cycle shelters and a further 5no. wheelchair parking bays would be provided adjacent to the two yards.
- 336 *Riverside:* The adjacency of Deptford Creek is the main amenity asset of this site and it was agreed during early pre-application discussions that views of the river should be maximised from the units, communal amenity space and public realm on the site to make the most of the amenity value offered by its proximity to the river.

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- 337 Situated to the eastern side of the site, the new hard landscaped 8.1m wide route would lie adjacent to Deptford Creek, which would afford a continuous stretch of Creekside route connecting to Kent Wharf, through the Laban site to the recently completed stretch at Union Wharf and up to Creek Road.
- 338 The new route would comprise planting and porous paving, and would be of sufficient height to afford views to the river beyond the new river wall. The EA are unlikely to permit the provision of any seating areas along the route due to the maintenance concerns they have previously raised, and the need to keep the space clear of any permanent fixtures.
- 339 In conclusion, officers are satisfied that the proposed layout makes the most efficient use of the site, and responds positively to the site context, offering an appropriate design solution with respect to both internal and external layouts.
- 340 The creation of a new section of Creekside Walk and associated public spaces fronting the Creek is considered to be a significant benefit of the scheme, which is fully in accordance with the provisions of DM Policy 34 'Thames Policy Area and Deptford Creekside' and the River Corridor Improvement Plan SPD in opening up access to the Creekside.

### ***Form and Scale***

#### *Policy*

- 341 LPP E8 recognises the role tall buildings have to play in helping accommodate growth as well as supporting legibility. The policy sets out an extended criteria for design rationale and assessment and also states that publicly accessible areas should be incorporated into tall buildings where appropriate, particularly more prominent tall buildings.
- 342 CSP 18 relates to tall buildings: these need to be of the highest design quality and appropriately located. Regard will be had to flight path safety and microclimate effects.
- 343 LLP D9 (C)(1)(d) states proposals should take account of, and avoid harm to, the significance of London's heritage assets and their settings.
- 344 A tall building is defined by the Core Strategy as a building which is significantly taller than the predominant height of buildings in the surrounding area, have a noticeable impact upon the skyline of the borough and are more than 25m high adjacent to the River Thames or more than 30m elsewhere in the borough.
- 345 CSP 17 protects the LVMF vistas and the London panorama in line with regional policy. It also seeks to protect locally designated local views, landmarks and panoramas.

#### *Discussion*

- 346 The proposed A1 tower to the south-east corner would be 19-storeys, reduced from the original 20-storeys, before stepping down to the 7-storey blocks fronting Deptford Creek, and the 6-7 storey rear 'finger' blocks.
- 347 The development at Kent Wharf includes a 16-storey building of 55m height, whilst the Faircharm development to the south rises to 12 storeys. In January 2020, the Royal

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Borough of Greenwich resolved to grant planning permission for the Ravensbourne Wharf development which would rise to 28 storeys.

- 348 The GLA Stage 1 response identified that the height and massing approach, including the then 20-storey Block A1, had evolved through consultation with the Council and GLA, and was consistent in scale with neighbouring schemes and would make provisions for the future development of the wider area. 'Positioning the tallest element at a prominent corner of the site alongside the Creek edge is supported.'
- 349 The Deptford Creekside Charrette (2008) indicative masterplan for the Kent and Sun Wharf allocation site set approximate heights of 6 and 7-storeys, before possibly rising to an area adjacent to the viaduct to 'mark the bridge', similar to the Faircharm approach.
- 350 Excluding Block A1, the remainder of the development complies with the indicative 6-7 storey heights, and respects the general heights of the Kent Wharf development, and the more established neighbouring buildings including Cockpit Arts and the blocks of flats that comprise the Crossfields Estate.
- 351 In regard to the 19-storey tower, a building of considerable height on the south-east corner has formed part of previous masterplan iterations, with an intent to bookend the diagonal corners of the wider site with taller buildings, as evidenced by the 16-storey Kent Wharf building to the north-western location.
- 352 The Design Review Panel in December 2021 commented that whilst the application could have provided a stronger rationale to support the height, scale and siting of the 19-storey A1, they were very supportive of the design, scale and massing of the tower as an architectural composition, finding much to admire in both its composition and architectural expression.
- 353 Officers acknowledge the less than substantial harm to heritage assets, including the Deptford High Street Conservation Area, the protected view at Blackheath Point, and areas within RB Greenwich, which will be considered in greater detail in the Heritage section of this report. Subject to the submission of further details relating to facing materials and the western elevation of Block A1, the principle of a development of the height proposed would be acceptable, whilst optimising the quantum of development upon the site.
- 354 Notwithstanding the acceptance of a taller building in this case, it is important to consider its impact upon townscape, heritage assets and views. The impact of the proposed development is shown via a Townscape and Visual Impact assessment (TVIA), which will be addressed later in this report.

## ***Detailing and Materials***

### *Policy*

- 355 Attention to detail is a necessary component for high quality design. Careful consideration should be given to items such as doors, windows, porches, lighting, flues and ventilation, gutters, pipes and other rain water details, ironmongery and decorative features. Materials should be practical, durable, affordable and attractive. The colour, texture, grain and reflectivity of materials can all support harmony (NPPG).
- 356 Policy D3 Optimising site capacity through the design-led approach states that developments should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect,

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enhance and utilise the heritage assets and architectural features that contribute towards the local character.

357 Development should also be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.

### *Discussion*

358 During pre-application discussions, the applicant was advised by officers of the need to respond to the unique, historic and distinctive location, and to avoid generic responses that fail to pick up on the richness, vitality and creativity of Deptford and the Creek.

359 In response, the submission advises that the development seeks to reflect and respond to the historical 19<sup>th</sup> and 20<sup>th</sup> industrial architectural character of the area.

360 The principle material across the development will be predominantly brick of differing tones, as shown in the below visual. The Block A1 tower will be of a light grey multi brick (marked as 1), whilst Blocks A2 and B1 fronting the river would be mid grey multi brick. The rear finger blocks would be buff multi brick.



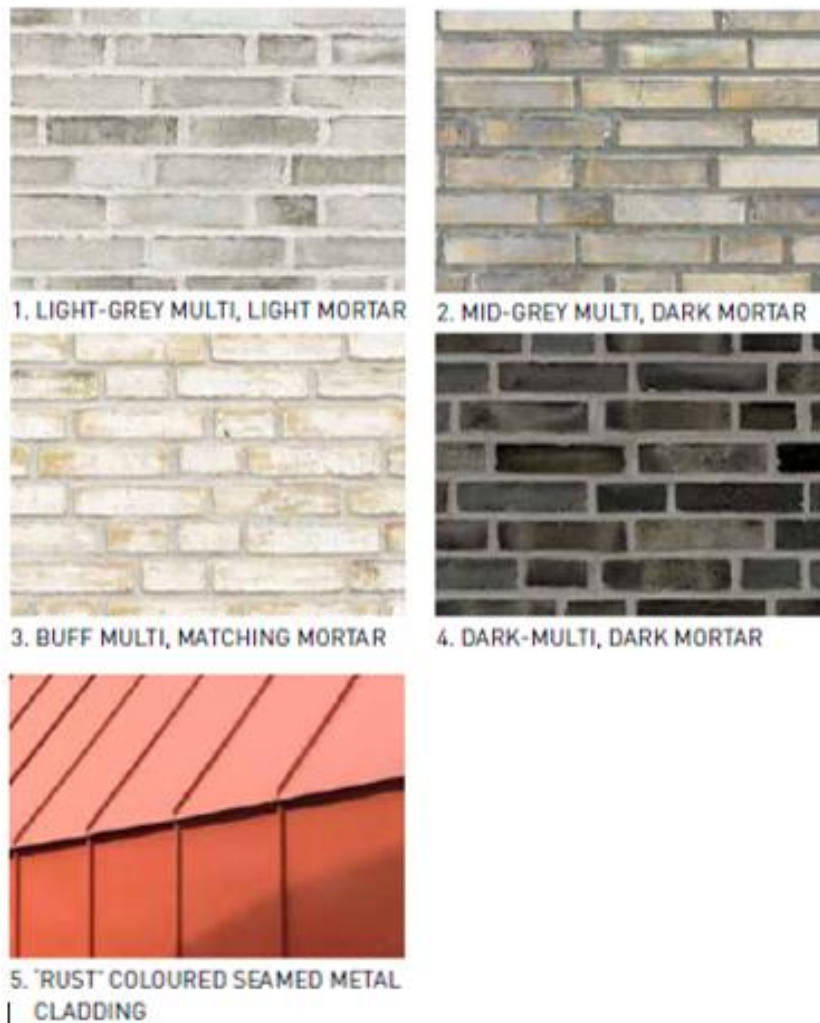
**Figure 8: Western elevation of Development Proposal**

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**Figure 9: Facing Materials**

- 361 The elevational treatment of the tower transitions at its crown at floors 17 and 18 from brick to powder coated metal, with its rust colour and saw-toothed profile paying homage to the industrial heritage of the area.
- 362 The elevations of A1 would be characterised by recessed balconies with rust coloured fascias and balustrades, with use of rust coloured panelling between windows of similar appearance on the upper floors, which would complement the backdrop of the rust panelled crown.
- 363 The base of the Blocks fronting the river would be comprised predominantly of commercial uses and their entrances, with one entrance and an obscured window serving plant rooms.
- 364 Whilst the ground floor of A1 would be in brick to match the upper floors, and areas of glazing serving the commercial unit, Blocks A2 and B1 would have a darker tone multi brick at ground floor only, in contrast to the lighter brick on the residential floors.

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**Figure 10: Tower A1 (Part south and east elevations)**

- 365 The 5<sup>th</sup> Design Review Panel endorsed the approach to the integration of the architectural detail and materiality which had developed very considerably since earlier reviews and was now of a very much higher quality of design.
- 366 Officers consider that the architecture of the proposed southern elevations of Blocks A1 and A3 can be developed further to ensure they respond to the architecture and setting of the adjacent listed railway viaduct, and would preserve or enhance its setting. It is considered appropriate therefore to require the submission of further elevational plans with regard to materiality and detailing by condition.
- 367 The submission plans indicate an intention for artwork to the western elevation of A1, currently in the indicative form of ‘Sun Wharf’ lettering down the central area of the building. The lettering is not considered to be an acceptable proposal for this elevation. A condition will require the submission of further details of a public art proposal for this elevation, and the proposed area of artwork to the west elevation of Block B2, which should be undertaken with the input of neighbouring occupiers.
- 368 In regard to the 3-storey container building sited adjacent to the entrance from Creekside, this would be of corrugated metalwork that would be painted a distinctive bright colour, forming the entrance into the new development. Further facing material details will be requested by condition, however in principle officers support the boldness of this element, which will reflect both the industrial past and creative nature of the present of Creekside. The Design Review Panel have been supportive of the design and location of the Container building.
- 369 Overall, Officers consider that the proposed architecture is well considered, being responsive to its environment and appropriate for the site, and delivering high quality buildings. The scheme therefore meets the objectives of design policies, Core Strategy Policy 15 (high quality design), Policy 17 (Protecting Views), and Policy 18 (Tall building) and Development Management Policy 20 (Urban Design and local Character).

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370 Approval of the details of the proposed material palette would be secured by condition, as would the landscaping and public realm treatment. In order to ensure that the quality of design would be maintained moving forward to detailed design stages, the s106 agreement will include an architect retention clause.

#### *Summary*

371 It is considered that the proposed development would achieve an excellent quality design quality befitting its prominent setting fronting Deptford Creek. The design was evolved at the pre-application stage with the input of the Council's Urban Design and Conservation officers, and the Lewisham Design Review Panel on five occasions.

372 The materiality and detailed treatment of the buildings would be of a high standard, as would the public realm treatment, providing substantive public benefit for local residents and visitors to the area. Facing materials will be subject to further officer assessment following the submission of details by condition.

373 The new riverwalk would provide a publicly accessible route that would connect to the existing Creekside route from Kent Wharf northwards, thereby making a substantive contribution towards achieving a continuous and publicly accessible route along this stretch of Deptford Creek. This is a major benefit of the scheme to which significant weight is attached in planning terms.

374 Considering their involvement during the course of both the pre-application and planning application stages, the s106 will include a requirement for the current architects, Stockwool to be retained in either a design champion or guardian role to oversee the executive architect if another practice is appointed during construction. This would serve to ensure that the exemplary design quality this scheme seeks to deliver is achieved.

### **Impact on Heritage Assets**

#### *Policy*

375 Heritage assets may be designated, including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains, or non-designated.

376 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

377 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset's conservation, when considering the impact of a proposed development on the significance of a designated heritage asset. Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be clearly and convincingly justified, and weighed against the public benefits of the proposal.

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- 378 In regard to public benefits, paragraphs 8 and 9 of the NPPF 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.
- 379 NPPF Para. 199 - 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.
- 380 NPPF 200 – 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.
- 381 NPPF 202 – 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 (OVU). (It should be noted that as the application site is not a designated heritage asset, an OVU is not a consideration in this case.)
- 382 NPPF 203 – 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.
- 383 London Plan Policy HC1: Heritage Conservation and growth states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets’ significance and appreciation within their surroundings.
- 384 LP HC4 advises that new development should not harm, and should seek to make a positive contribution to the characteristics and composition of Strategic Views and their landmark elements. Development in the foreground, middle ground and background of a designated view should not be intrusive, unsightly or prominent to the detriment of the view.
- 385 CSP 16 ensures the value and significance of the borough’s heritage assets are enhanced and conserved in line with national and regional policy.
- 386 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.

#### *Discussion*

- 387 The application site lies adjacent to the Deptford Creekside Conservation Area, whilst the nearest listed structure is the railway viaduct immediately to the south. The site lies within the Deptford Creek Archaeological Priority Area, whilst across the wider surrounding area there are a significant number of designated heritage assets, including the Grade I Listed St. Paul’s Church, and the Deptford High Street and St. Paul’s Conservation Area.

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388 The application was accompanied by a Heritage, Townscape, and Visual Impact Assessment (HTVIA), which includes an analysis of heritage assets and the impact of the proposals, including representations of the proposed development from 14 viewpoints, as set out in table 6.

**Table 6: Viewpoints**

Ref	Viewpoint Description
1	Junction of Creekside and Creek Road
2	South of Laban Conservatoire
3	Creek Road Bridge
4	Junction of Haddo Street and Claremont Street
5	Norman Road
6	Greenwich High Road, opposite Greenwich Pumping Station
7	Junction of Harton St, New Cross Rd and Deptford Church St
8	Creekside, south side of railway
9	Deptford Church St opposite Crossfields Estate
10	Parish Church of St Paul
11	Deptford High St
12	LVMF 6A.1 Blackheath Point
13	LVMF 4A.1 Primrose Hill, looking toward St Paul's Cathedral
14	LVMF 23A.1 Bridge over the Serpentine

389 In terms of London View Management Framework (LVMF) viewpoints, the application site is within the Protected Vistas Extensions of 'London Panorama: Primrose Hill' (Assessment Point 4A.1 to St. Paul's Cathedral), and 'Townscape View: Bridge over the Serpentine to Westminster' (Assessment Point 23A.1 to Palace of Westminster). The proposed development would also lie within 'London Panorama: Blackheath Point' (Assessment Point 6A.1 to St. Paul's Cathedral).

390 In terms of LVMF 4A.1 (Primrose Hill to St Paul's Cathedral), the assessment demonstrates that the proposed development would not be visible within this view as it would be entirely obscured by existing built form. In terms of LVMF 23A.1 (Serpentine Bridge to Palace of Westminster), the proposed development would not be visible within this view as it would be entirely obscured by existing mature vegetation.

391 Within LVMF 6A.1 (Blackheath Point to St Paul's Cathedral), the proposed development would be clearly visible within this view. The application submission considers that the completed development would have a 'moderate adverse significance'.

392 In response, the LBL Conservation officer agrees that the proposal will cause harm to this view, with the proposed tower being in the middle ground of the view, which is recognised by the LVMF as merging with the foreground of the view. It is described as being 'largely made up of late eighteenth century and early nineteenth century houses and terraces, generally consistent in their materials, colour, roof and chimneys amid a rich treescape.

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St Paul's Church in Deptford and the Laban Centre are two existing examples of contrasting buildings in the middle ground. They add interest to the view by virtue of high quality design.'

- 393 The height and width of the tall building is anomalous in this view, appearing slab-like and uncontextual in the middle ground in relation to the lower finer grained surrounding built form. LVMF guidance (para 59) on development within Panoramas states that 'Development, as seen from above or obliquely in the front and middle ground, should fit within the prevailing pattern of buildings and spaces and should not detract from the Panorama as a whole.' LLP HC4 D1 (Panoramas) states London Panoramas should be managed so that development fits within the prevailing pattern of buildings and spaces, and should not detract from the panorama as a whole. The management of views containing Strategically Important Landmarks should afford them an appropriate setting and prevent a canyon effect from new buildings crowding in too close to the Strategically Important Landmark in the foreground, middle ground or background where appropriate.
- 394 The applicants stated that the elevational treatment would reduce the apparent bulk of the building in these views: the distinction between the recessed balconies on the southern elevation and the flat facades on the east may well serve to reduce the apparent bulk. It is acknowledged that the emerging context, including the tall towers of Convoys Wharf, will bring a greater number of tall buildings into the panorama, however this will not change the prevailing pattern of buildings in the middle ground of the view, which will remain as described in the LVMF.
- 395 The development would also impact on the wider view by obscuring the Leadenhall Building, which will contribute to the cumulative impact caused by already consented schemes resulting in the City Cluster being effectively obscured from this view. Whilst they are buildings of interest within the panorama, these are not identified as strategically important landmarks, whilst crucially, St Paul's Cathedral and other parts of the City would remain visible. Nevertheless, great weight must be afforded to the harm upon the existing Blackheath Point view.



Figure 11: LVMF 6A.1 (Blackheath Point to St Paul's Cathedral)

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396 Officers consider that cumulatively, the impacts to LVMF 6A.1 will harm this protected view at the lower end of the less than substantial range as per the NPPF.

397 The GLA Stage 1 response also acknowledged that the original 20-storey proposal would result in an adverse change in regard to views of the City cluster, however concluded that as landmarks including St Paul's, Tower Bridge and The Shard would remain visible, 'the magnitude of the impact is considered to be minor and acceptable in this instance.'

398 In this case, officers consider the lower degree of harm is outweighed by the public benefits of the development delivering 220 new homes, of which 35% (77 units) would be affordable tenure (39% by habitable rooms), contributing towards the borough's housing requirement. In addition, the development would deliver substantive new areas of high quality public realm, including the provision of a new riverside route along Deptford Creek. The provision of commercial floorspace at ground floor level would support job creation, and a substantive financial contribution would be secured to deliver highway and public realm improvements to Creekside to create a high quality environment for pedestrians and cyclists. The proposed development would deliver substantive public benefits, and taking all the identified public benefits into account, it is considered that they outweigh the identified harm to the designated view.

399 The application site lies approximately 410m to the west of the boundary of the Maritime Greenwich World Heritage Site, and approximately 390m to the west of the boundary of the World Heritage Site Buffer Zone. Deptford Creekside is the nearest designated conservation area to the application site, lying approximately 150m to the west. The Deptford High Street and St Paul's Church conservation area is also in close proximity, lying approximately 340m to the west of the application site. Within the Royal Borough of Greenwich, the conservation areas of West Greenwich and Ashburnam Triangle lie to the east.

400 There are a number of listed buildings within the wider surrounding including;

- the Grade I listed Church of St Paul which lies approximately 250m to the west of the application site;
- the collection of Grade I and II listed properties on Albury Street approximately 312m to the west;
- the Grade II listed Church of St Nicholas approximately 356m to the north-west;
- the Grade II listed railway viaduct directly to the south.

#### Impact on Maritime Greenwich World Heritage Site (WHS)

401 UNESCO designated Maritime Greenwich as a World Heritage Site in 1997. The Maritime Greenwich World Heritage Management Plan (Third Review, 2014) states that the importance of Maritime Greenwich "lies in its royal origins, especially under the British Tudor and Stuart dynasties, and its development from the 17th century as a site of astronomical research related to navigation, and of Royal Naval welfare and education". The World Heritage Site encompasses the Old Royal Naval College, the National Maritime Museum, the Royal Park and Greenwich Town Centre.

402 The submitted Heritage, Townscape and Visual Impact Assessment (HTVIA) does not include an assessment of the verified view from within the World Heritage Site from

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Greenwich Park (LVMF 5A.2 - Greenwich Park to St Paul's), as it was agreed with LB Lewisham in 2018 that it may be scoped out of the EIA Heritage chapter due to it being sufficiently well concealed in terms of topography and built form.

403 It is noted that an assessment undertaken for the Creekside Village East development to the north of the application site consented in 2020, which includes 26 and 30-storey buildings, concluded that the proposal would not be visible within viewpoint 5A.2 as it would be obscured by the Royal Observatory buildings in the foreground.

RB Greenwich

404 It is noted that RB Greenwich have also objected on grounds that insufficient assessments have been made in regard to the following:

- No verified views from with Ashburnham Triangle and West Greenwich Conservation Areas;
- No justification for not assessing the impact upon the setting of the Grade 1 Listed Church of St Alfege;
- Local views.

405 Ashburnham Triangle CA lies approximately 255m to the south of the application site at its nearest point on Greenwich High Road. The road is characterised by a mix of low rise Victorian buildings, and larger scale new development. The proposal would only be glimpsed from limited parts of Greenwich High Road due to the existing pattern of development, including an area close to the main access to the Greenwich Sewage Pumping Station. Consequently, the application concludes that the magnitude of change arising from the development would be negligible. Officers are satisfied that a verified view is not required in this case.

406 In regard to the West Greenwich CA, it lies 400m to the east, and includes part of Creek Road to the north-east, and Greenwich High Road and Blackheath The Point to the south. The Cutty Sark, Greenwich Market and the Church of St Alfege lie within the CA.

407 The Townscape chapter of the submission concludes that the proposal's magnitude of change would be minor. Officers have visited the area, and noted the compacted nature of some streets directly to the east, which serve to restrict views of the existing Kent Wharf development, and would likely have a similar effect with the proposal. The most visible tall buildings adjacent to the Creek from certain views are those within RB Greenwich. Considering the proposal would form part of a group of tall buildings within the immediate vicinity, and the restricted views of the site from within the Conservation Area, officers were satisfied that any impact would be negligible and a verified view would not be required in this case.

408 The Church of St Alfege lies on Creek Road approximately 700m to the east of the application site. This falls outside of the 600m study area, which is a distance agreed with officers prior to the submission of the current application. During the consideration of the consented Creekside Village East site, which proposed two taller buildings, it was acknowledged that the development would be partially visible above the roofline of existing buildings. It was concluded that the harm to the setting of the Grade I listed building would be at the low to moderate end of less than substantial. It was also shown in a visual representation that the original 20-storey Sun Wharf development would not be visible from within the grounds of the Church.

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- 409 The Local views within Greenwich relates to View 5: Eltham Park (North), and View 10: King John's Walk, with both benefitting from panoramic views toward Central London.
- 410 Officers have undertaken an assessment of the two views. With regard to View 5, this lies approximately 4 miles away from the application site, with the highest point having obscured views due to existing trees within the park. The siting of the development is therefore unlikely to result in any significant harm upon the view.
- 411 In regard to View 10, it is considered that the existing cluster of tall buildings within Lewisham town centre would serve to minimise the impact of the proposal which would be sited behind the cluster; as would the distance of the development from the viewpoint.

### Impact on Listed Buildings

#### *St Paul's Church, adj. Coffey Street*

- 412 Given the distance between the church and the site, the extent of interposing built form, and tree growth the development site is not considered to form part of the **immediate** setting of the Church. View 10 in the THVIA and a **subsequently** submitted view 11 from within the churchyard, demonstrate that the scheme will not be visible from the churchyard in the summer when the trees are in leaf. In winter months, whilst filtered views of the tower block **through the trees** would be possible, officers are satisfied this **presence in the church's wider setting** would not impact on the tranquil character of the gardens or overall composition of the view. In conclusion, officers consider the proposal would cause no harm to its setting.

#### *Railway Viaduct*

- 413 The Grade II listed historic viaduct of the London-Greenwich railway line lies directly to the south of the application site. Constructed in 1836, the viaduct consists of a series of 22 feet high brick arches that carry the railway bed, enclosed by parapets. The listing description notes that the 32 arches from Deptford Creek to Deptford Church Street are considered to be the most attractive part of the line and that the viaduct carried the first passenger railway in London, considered to be one of the first major achievements of railway engineering in Britain. The viaduct lies partially within the Deptford Creekside CA.
- 414 The proposed development sits along the northern side of the railway viaduct, behind a 2m high timber fence and separated by an open space c2.5m wide at its narrowest, and a vehicular route beyond the curtilage of the development site measuring approx. 10m wide.
- 415 The Conservation officer has commented that the architecture of the proposed southern elevation should be developed further to allow an assessment of how it will respond to this historically and architecturally important townscape element and contribute to preserving or enhancing its setting. It is considered appropriate therefore to require the submission of further elevational plans with regard to materiality and detailing by condition.
- 416 Generally however, the LBL Conservation team advise that the **layout**, height and orientation of the finger blocks that sit parallel to the viaduct will create a sympathetic relationship with the listed structure and will help create a new place running east-west along its route. **Subject to further detail of the elevational expression**, it is considered that the proposal would serve to preserve the setting of the listed viaduct.

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## Impact on Conservation Areas

### *Deptford Creekside CA*

- 417 Deptford Creekside is the nearest designated Conservation Area (CA) to the application site, lying approximately to the west. Deptford Creekside CA comprises the industrial area on Creekside south of the railway viaduct as well as Sue Godfrey Nature Reserve and part of the Crossfield Estate. The CA's significance lies firstly in the development from the 16th Century onwards of wharfs and industrial activities along the Creek, representing the only remaining historic river-related industrial quarter of significant coherence within Deptford and along the Creek itself, and secondly in the Crossfield Estate which is of social, historic and architectural significance and evidences the London County Council inter-war social housing programme.
- 418 Considering the development is mostly set back from the frontage of Creekside behind the development of Kent Wharf (north) and Cockpit Arts (south) it will not have a direct visual relationship with the CA opposite on the west side of Creekside.
- 419 It would be more visible from within the CA to the south, however following the height reductions, officers are satisfied that the massing and layout of the lower blocks is now improved and would create a more sensitive contextual relationship to the CA to the south. The tower is enhanced in longer views by the saw-toothed roof, which would be a positive addition to views from the CA, and officers consider that the development proposal would preserve the setting of the designated heritage asset.

### *Deptford High Street and St Paul's Church CA*

- 420 The Deptford High Street and St Paul's Church CA lies to the west of the application site. The CA is focused around Deptford High Street, extending from Evelyn Street in the north to Deptford Broadway to the south, and includes St Paul's Church and its churchyard within its extent. The Deptford High Street and St Paul's Church CA was formed via the merger of two adjoining CAs in 2019 and an updated Conservation Area Appraisal was adopted for the area. The CA encompasses the historic settlement of Upper Deptford and its significance derives from its unique history, the vitality of its historic retail and market character, and the scale, grain and texture of its buildings and townscape. St Paul's Church is a building of exceptional architectural and historic interest, a landmark within the CA and beyond, and one of only two Grade I listed buildings within the borough of Lewisham.
- 421 The middle and upper parts of the tower (A1) would be clearly visible from within the CA from the station platforms at Deptford (THVIA view A – 14.58), and would be seen in the context of other towers emerging on the line of the Creek. The proposed powder coated rust coloured metal to the western side is an improvement upon original iterations, and would provide some visual interest, however there remains scope to further enliven the elevation by way of public art, which will be subject to a planning condition.
- 422 The tower will also be a significant addition to the setting of the CA in views from Deptford Broadway in the south of the CA (THVIA view 7), marking the location of the Creek and would sit within the context of the Kent Wharf tower. In this view the saw-toothed nature of the roof will be visible, which will add visual interest, however as above, it is considered that the western elevation requires further enlivening, which would be achieved by the provision of appropriate detailing and artwork that are to be secured by condition. Until details are

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formally assessed however, it is considered that this elevation would cause harm to the Conservation Area at the low end of less than substantial harm.

### *Summary*

- 423 As set out above, in accordance with Para.199 of the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. In relation to the identified heritage assets, any harm to their setting or significance that would result from the proposed development would be at the low end of less than substantial, and it is considered these can be suitably resolved by the submission of appropriate materiality details required by Condition.
- 424 Harm has been identified by the Council's Conservation officer to the LVMF Blackheath Point view, with the development affecting the historic pattern of development in the lid ground and partially obscuring the City of London cluster. However as addressed in this report, the majority of the panoramic view would be retained, including the view of St Pauls Cathedral.
- 425 Paragraph 202 of the NPPF states that where a development proposal 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.
- 426 The public benefits of the proposed development would include:
- The delivery of 220 new homes, including 35% (77 units) affordable housing tenure (39% by habitable room), which would contribute significantly towards the Borough's housing requirement;
  - The creation of new areas of public realm, including a new river walk;
  - Job creation;
  - Highways and public realm improvements.
- 427 As such, the proposal would deliver substantive public benefits. Taking all identified public benefits into account, and also taking into consideration the great weight that must be given to the desirability of preserving designated heritage assets, it is considered that the benefits do outweigh the identified harm to the designated heritage assets.
- 428 Having regard to the statutory duties in respect of listed buildings and conservation areas in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, Officers are satisfied that the proposal would accord with the aims and objectives of the London Plan, the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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## Public Realm

### *Policy*

- 429 Streets are both transport routes and important local public spaces. Development should promote accessibility and safe local routes. Attractive and permeable streets encourage more people to walk and cycle.
- 430 LPP D3 Optimising site capacity through the design-led approach states that new development should provide active frontages and positive reciprocal relationships between what happens inside the buildings and outside in the public realm to generate liveliness and interest.
- 431 DM Policy 35 'Public realm' requires that public spaces should be designed to be safe, inclusive, accessible, attractive and robust, enhancing existing connections and providing new connections as appropriate. Existing local connections that are valued and contribute to the distinctiveness of the area's public realm and streetscape should be enhanced. The policy requires that street paving and furniture, public art and street signage should be well designed using high quality materials, be sited to minimise visual clutter, provide legible signage and allow level and safe passage for all including people with disabilities including the careful design of shared surfaces with cyclists.
- 432 DM Policy 25 'Landscaping and trees' requires that all major applications are accompanied by a landscape scheme comprising a landscape plan and a five year landscape management plan detailing the provision, management and maintenance of high quality hard and soft landscapes and trees.
- 433 DM Policy 34 requires that development on sites adjacent to Deptford Creek address the Creek as an important part of the public realm and contribute to the liveliness of the waterfront.

### *Discussion*

- 434 The application proposal will create in excess of 4,000sqm of new public realm, including the new public route from Creekside to the river, the Northern and Southern yards, and the riverside walk that would connect to the existing route at Kent Wharf.

### Creekside route

- 435 The provision of this route supports the ambition to create an accessible route along the full length of the Creek as sites come forward for development. The landscape scheme has been designed to ensure a route that joins the existing river walk from Kent Wharf up to Creek Road to the north-east.
- 436 Since the original proposal, the scheme has been amended to provide an 8.1m set-back from Deptford Creek following concerns raised by the Environment Agency, resulting in the benefit of an increased width of the public pathway.
- 437 The pathway would be raised 0.5m beyond the existing, which would allow for views of the river over the new river wall. The landscape proposals will create a largely hard landscaped route, which would include resin bound gravel at the southern end, and paving to relate to the existing Kent Wharf scheme. An area to the front of Block B1 would include

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a paving feature to include a 'written history of the site paving to be blue hues to show water treatment', and artwork to reflect the historical boat building past.

438 Landscaping details, including further exploration for additional soft landscaping measures, will be subject to a planning condition, and all approved works would have to be completed in full prior to first residential occupation.

439 Overall, given the above, the proposals are considered to present a material planning benefit to which officers attach significant weight. Full details of all hard and soft landscaping would be secured by condition and the delivery of the public realm would be secured by planning obligation, in addition to full public accessibility at all times in perpetuity.



Figure 12: CGI with new river walk to the right, and an indicative view of the southern route towards Creekside



Figure 13: CGI of new river walk looking north

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### Planting species

- 440 Planting within the central area of the site (the 'yards') would comprise medium scale street trees (growth of up to 7m height); ornamental shrubs; hedging; and lawned areas. Details would be requested by condition, however it is considered that there is further scope for additional soft landscaping measures to areas within the site. This concurs with the DRP opinion that the landscape proposals are under-developed, and should ensure a stronger relationship with the buildings.
- 441 With regard to trees, it will be important to ensure these would be planted in appropriate areas to avoid any unacceptable reduction in outlook or natural light for Kent Wharf dwellings.
- 442 Planting is also proposed to the new intertidal terrace scheme to provide habitat for wildlife with the incorporation of a variety of native and non-native species.
- 443 Officers have urged the applicants to work with The Creekside Education Trust to ensure that an appropriate level of planting is proposed that would sufficiently support enhanced biodiversity gain within the Creekside habitat. Details of planting will be subject to a planning condition.

### Public realm lighting scheme

- 444 DM Policy 27 'Lighting' requires that through appropriate lighting design, new development protects local character, residential amenity and the wider public, biodiversity and wildlife from light pollution and nuisance.
- 445 The submission advises that strip lighting will be provided along the river walk, and presumably within the 'yard' areas of the site and in-ground uplighters. A condition is proposed to secure details of the lighting strategy across the site, which would minimise any disturbance to wildlife whilst providing a suitable level of lighting to provide a safe environment outside of daylight hours.

### **Urban design conclusion**

- 446 The proposed development would achieve an excellent design quality befitting its prominent setting fronting Deptford Creek. The scale and massing of the development would be acceptable, with the 6/ 7-storey blocks replicating the established Kent Wharf heights.
- 447 The principle of a tall building to the south-eastern corner is supported, and whilst there remains elevational treatment matters to resolve by condition, the form of the tower and its distinctive saw-tooth crown are appropriate for this setting.
- 448 The intended materiality and detailed treatment of the buildings would be of a high standard, which will be secured by planning conditions.
- 449 The development would deliver approximately 4,485sqm of public realm, comprising the central 'yard' spaces and the new river walk that would make a substantive contribution towards achieving a continuous and publicly accessible route along this stretch of Deptford Creek. The public realm and Creekside route are major benefits of the scheme to which significant weight is attached in planning terms.

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- 450 The proposed development would deliver substantive public benefits, and taking all the identified public benefits into account, it is considered that they outweigh the identified harm to the designated heritage assets, being at the lower end of less than substantial.
- 451 As set out in para 202 of the NPPF, the less than substantial harm should be weighed against the public benefits of the proposal. In this case, officers consider the lower degree of harm is outweighed by the public benefits of the development delivering 220 new homes, of which 35% (77 units) would be affordable tenure (39% by habitable room), contributing towards the borough's housing requirement. In addition, the development would deliver substantive new areas of high quality public realm, including the provision of a new riverside route along Deptford Creek. The creation of commercial floorspace at ground floor level would support job creation, and a substantive financial contribution would be secured to deliver highway and public realm improvements to Creekside to create a high quality environment for pedestrians and cyclists. The proposed development would deliver substantive public benefits, and taking all the identified public benefits into account, it is considered that they outweigh the identified harm to the designated assets.
- 452 As such, it is considered that the proposal is acceptable with regard to urban design, and accords with the aims and objectives of the London Plan and Development Plan.

## 7.4 TRANSPORT IMPACT

### *General policy*

- 453 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. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, safe and suitable access to the site can be achieved for all people. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 454 Policy T1 of the London Plan (2021) sets out the Mayor's strategic approach to transport which aims to encourage the closer integration of transport and development. This is to be achieved by encouraging patterns and nodes of development that reduce the need to travel, especially by car; seeking to improve the capacity and accessibility of public transport, walking and cycling; supporting measures that encourage shifts to more sustainable modes and appropriate demand management; and promoting walking by ensuring an improved urban realm.
- 455 London Plan Policy T6.1 Residential parking sets out in Table 10.3. that new residential development should not exceed the maximum parking standard to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use. Through the use of travel plans, it aims to reduce reliance on private means of transport.
- 456 Core Strategy Policy 14 'Sustainable movement and transport' promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans.
- 457 DMP 29 identifies that car limited major residential will be supported in areas with a PTAL of 4 or above and that amongst other factors development should not have a detrimental impact on on-street parking provision in the vicinity. It outlines that measures such as car-

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clubs and cycle storage will be expected to ensure that sustainable transport modes are encouraged.

- 458 LPP T5 cycling states that Development Plans and development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. Cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards. Development proposals should demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people.
- 459 CSP 14, amongst other things, states that the access and safety of pedestrians and cyclists will be promoted and prioritised.
- 460 CSP 13 requires all major development to submit and implement a site waste management plan, and to provide well designed recycling facilities for all proposed uses.

### *Discussion*

#### **Access**

- 461 A Transport Assessment (Arden) has been submitted alongside the application and forms part of Chapter 15 to the Environmental Assessment.
- 462 The application site is accessed by vehicles and pedestrians from Creekside. The proposed access point would be relocated 10m further to the north of the existing, with a 6m wide shared surface access
- 463 The site is located within close proximity to a network of cycle routes including national, local and Quietway routes. Copperas Street to the north of the site forms part of National Cycle Route 21 (NCN 21), which runs from the River Thames to Eastbourne. It also forms part of Lewisham's Waterlink Way, which is a 12km walking and cycling route extending from Sydenham northwards to the River Thames, passing through a network of parks and green spaces broadly following the line of the Pool and Ravensbourne Rivers.
- 464 The application site also lies in close proximity to Quietway Cycle Route 1, which links Waterloo Station with Greenwich Station, as identified within TfL London Cycling Guide No 7.
- 465 The site has an average to good public transport accessibility level (PTAL) of 3 to 4. There are bus stops on Creek Road to the north that are served by a number of bus services, with a wider range of bus services accessible across the surrounding area. DLR services can be accessed via the Cutty Sark DLR Station or Greenwich DLR Station. National Rail services can be accessed from Deptford Rail Station or Greenwich Rail Station.) In addition, riverboat services are available via Greenwich Pier.
- 466 The application site also lies in close proximity to Quietway Cycle Route 1, which links Waterloo Station with Greenwich Station, as identified within TfL London Cycling Guide No 7.
- 467 Framework Travel Plans for the commercial and residential elements have been submitted, which sets out mechanisms to encourage the use of sustainable modes of transport to and from the site.

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468 These have been reviewed by the Council's Highways Officer who considers it represents a suitable approach. A planning condition will ensure that the proposed measures are implemented.

### **Servicing & Deliveries**

469 All activity would be undertaken within the central area of the application site. A swept path plan has been provided to demonstrate that a delivery vehicle can manoeuvre sufficiently around the site predominantly in forward gear.

470 A single marked commercial loading bay would be located to the south-western corner of the site. Para 5.8 of the Delivery and Servicing Management Plan states that the bay would be sufficiently sized to ensure that a waiting vehicle would not obstruct other vehicles or pedestrian movements. Plan 003 Rev I demonstrates that a refuse truck would be able to pass a parked vehicle and turn to exit in forward gear.

471 Maintenance vehicles would only have use of the loading bay subsequent to prior agreement with the management company.

### **Car Parking**

472 The development would essentially be car-free, apart from the provision of 8no. wheelchair parking bays – 7 residential and 1 commercial. The proposal has been subject to pre-application discussions, and the Council's Highways officer supports the principle in this area, in accordance with the London Plan.

473 Objections have been raised in regard to the issue of overspill parking generated from the development, putting pressure on the car parking capacity on surrounding streets.

474 Parking surveys were undertaken on behalf of the Applicant using the Lambeth Methodology on the nights of 4<sup>th</sup> and 5<sup>th</sup> August 2020. Of 144 on-street parking spaces within a radius of 200m from the site, there were 8 spaces available.

475 Considering that the development has potential to generate additional parking pressures, and that neighbouring streets are not located within a Controlled Parking Zone, the Council's Highways team have requested the applicant fund a review of introducing a CPZ, which has been agreed in principle by the Applicant and will be secured by S106 obligation.

476 LB Lewisham are currently reviewing on-street parking in the area with a view to establishing a Controlled Parking Zone (CPZ) or Restricted Parking Zone (RPZ). Contributions have been sought from surrounding developments towards the establishment of a CPZ, and the applicant has agreed to make a financial contribution of £30,000 towards the establishment of a CPZ / RPZ within the surrounding area.

477 The applicant has also agreed that any resident of the proposed development would be precluded from applying for a parking permit should a CPZ /RPZ be introduced, save for those who qualify for disabled parking Blue Badge. This would ensure that the residential element of the proposed development would be car free. This provision would also be secured via the s106 agreement.

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- 478 The wheelchair parking bays will be leased to residents, rather than sold, and all vehicles would be required to display the relevant permit.
- 479 A management company would be employed to oversee the parking arrangements, and to undertake any necessary enforcement measures.
- 480 The scheme proposes that 20% of the parking spaces will be provided with active Electric Vehicle Charging Points, with a further 80% to provide passive provision. This is in accordance with London Plan policies.

### **Cycle Parking**

- 481 Table 10.2 of the London Plan requires the provision of 1.5 cycle spaces per 1b2p unit, and 2 spaces for larger units, equating to 396.5 in this case.
- 482 The scheme proposes 397 cycle parking spaces for the residential element, of which 226 will be in the form of standard two-tier stands (57%); 72 in the form of standard two-tier stands with Sheffield stands at ground level (18%); 79 standard Sheffield cycle stands (20%), and the remaining 20 will be large cycle stands (5%).
- 483 A total of 8 short stay residential cycle spaces would be provided in the form of 4no. Sheffield cycle stands. Further details of all cycle stands will be requested by condition.
- 484 The commercial units would be afforded 49 spaces, including 30 short-term spaces, and 19 spaces for staff. The overall residential and commercial provision would be in accordance with the London Plan. The cycle parking areas and details of security would be secured by condition.
- 485 The Applicant has advised that the provision for showers and lockers within the commercial units would be for the end user to install. The provision of such facilities are necessary by officers and TfL to encourage staff to cycle to work, therefore this will be subject to a planning condition to ensure they are provided prior to first operation of each commercial unit.
- 486 An indicative layout of the smallest commercial unit fronting Deptford Creek has been submitted, and due to its limited floor area of less than 40sqm, officers acknowledge it may be difficult to ensure the provision of a shower and locker space – this will be established following the submission of detailed plans.

### **Car Club**

- 487 A Zipcar car club operates throughout the Borough with a mixture of on-street and off-street parking spaces provided. The development would make use of the existing car club bay within Kent Wharf, whilst there are six other car club bays within a 15 minute walk of the site.
- 488 The Applicant is willing to pay car club membership for 3 years for the first occupiers of all the residential units, which will be secured as part of a S106 agreement.

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## **Waste Management**

- 489 All refuse servicing of the commercial and residential elements would be via the shared surface service route into the site from Creekside. Each block would have refuse stores that would be accessed from the central facing to facilitate collection from the service route.
- 490 A swept path analysis has been provided to demonstrate that 11.3m long Council refuse trucks would be capable of entering the site in forward gear; collect bins from within 10m of the stationary vehicle; and turn within the site to exit in forward gear. The Applicant has advised that early discussions have been held with the Council's refuse team.
- 491 Officers raise no objections to the size and location of the waste collection points proposed, whilst the refuse arrangements would be secured through the Delivery and Servicing Plan.

## **Highways Improvements**

- 492 The Council's Highways Officer has identified that a financial contribution is required to deliver public realm and highway works along Creekside. The Creekside masterplan, which is currently being developed, is a public realm scheme that extends from the junction with Creek Road up to Deptford Church Street. The contribution may include:
- Wayfinding signs;
  - Shared space raised tables;
  - Integrated cycle routes;
  - Integrated on-street parking bays at footpath level;
  - New pedestrian public realm surfacing.
- 493 Additional s278 works would include delivery of the following:
- The provision of dropped kerbs/ tactile information at the new vehicular entrance into the site;
  - Reinstatement/ highways works to the section of Creekside adjacent to the site frontage;
  - Installation of lighting under the railway bridge on Creekside to the south of the site;
  - The proposed access arrangements for the site involves the realignment of the existing site access approximately 10 metres to the north. Therefore, the traffic calming / crossing facilities on Creekside adjacent to the site will have to be amended to avoid conflict with the proposed site access.
- 494 These works are considered necessary to improve the environment for pedestrians and cyclists and improve accessibility for all, considering the development would be largely car free.

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## **Construction phase**

- 495 The submission documents identify an estimated construction build programme of approx. 33 months. As part of the Transport Assessment, an assessment of the highway impact of the construction phase has been undertaken within the draft Construction Logistics Plan, having limited regard to the cumulative impact associated with the construction of other consented schemes within the surrounding area.
- 496 The document advises of an anticipated 16 construction vehicles per day between 8am and 5pm during the peak month, which is broadly similar with the Kent Wharf construction.
- 497 TfL have commented that the draft CLP does not explicitly refer to measures to ensure safe interaction between construction vehicles and pedestrians in the area during the construction programme will need to be addressed in the final CLP. This should also apply to cyclists, considering Creekside is a designated cycle route.
- 498 The Council's Highways Officer has reviewed the draft CLP, and requires further information by planning condition with regard to the proposed concierge service during construction, including how it will be managed and the hours of operation.
- 499 In regard to deliveries, para.3.5 proposes delivery time restrictions during weekday peak hours, which the Council would welcome and ensure by condition.
- 500 Policy SI 15(I) of the London Plan states development proposals close to navigable waterways should maximise water transport for bulk materials during demolition and construction phases.
- 501 The use of the river and waterway network for transport purposes is supported by Core Strategy Policy 11. Given the site's location adjacent to Deptford Creek, it is considered important to explore the option of transporting construction material and waste from the site via the Creek, as has been the case within neighbouring development. This would assist in reducing reliance upon road borne vehicle trips, which would serve to reduce congestion and traffic in the Creekside area. The Applicant has agreed to explore this option as part of the Construction Logistics Plan for the site.
- 502 Page 21 of the document advises the Applicant will aim to contribute and participate in the Evelyn Street Zonal CLP, which seeks to manage and reduce the effects of additional road traffic and related activities directly resulting from the Deptford area regeneration. The developer's pledge to participate will be secured in the s106.
- 503 The submission of a detailed Construction Management Plan that should address the points raised will be required by Condition. The Plan will also be expected to place further emphasis upon the consented developments within the immediate area that are currently under construction, or are due to start, and any resulting conflicts with the Sun Wharf works. In addition, any potential conflicts with the Tideway development should be identified within the document.

## **Emergency Vehicle Access**

- 504 Plan 001-K in the Healthy Streets statement demonstrates how access to the proposed development for the emergency services would be provided. A fire appliance would be able to enter/ exit the site in forward gear from the new access point from Creek Road. For Blocks B1 and B2 on their northern side, access would be via the existing Kent Wharf underpass, through to the new route within the curtilage of the application site.

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- 505 Swept path diagrams confirm there would be suitable turning points facility for fire appliances.
- 506 The submission documents do not identify where fire hydrants would be provided around the development to demonstrate compliance with relevant regulations, therefore a condition will request this information.
- 507 In commenting on this application, London Fire Brigade advised that the development must accord with the Building Regulations, in particular B5 'Access and facilities for the fire service', which stipulates that new development must be designed and constructed to provide reasonable facilities to assist firefighters, and reasonable provision within the site to enable fire appliances to gain access. An informative has been added to this effect.

### **Transport impact conclusion**

- 508 The Transport Assessment and supporting evidence demonstrate that the proposed development and associated highway improvements will not result in an unacceptable impact on highway safety, and that the residual cumulative impacts associated with the proposed development will not be severe. Having regard to the provisions of NPPF paragraph 111 the development is therefore considered to be acceptable in transport terms.
- 509 Subject to appropriate planning conditions, the proposal would not result in significant harm to the local highway network or pedestrian or highway safety. Car ownership for future occupiers would be low, with spaces afforded to disabled users only, whilst the s106 would secure car club membership for 3 years for the first occupiers of all the residential units.
- 510 Cycle provision would accord with policy, providing dry and secure storage, whilst walking would be promoted.
- 511 The applicant has confirmed they will provide financial contributions toward public realm improvements within the immediate area, and a contribution of £30,000 towards the establishment of a CPZ / RPZ.
- 512 Officers therefore consider this should be afforded considerable weight in light of the proposed public benefits of the development.

## **7.5 LIVING CONDITIONS OF NEIGHBOURS**

### *General Policy*

- 513 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users.
- 514 This is reflected in relevant policies of the London Plan (LPP D3, D4, D5, D6), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2016, GLA; Alterations and Extensions SPD 2019, LBL).

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515 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.

516 The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and disturbance.

#### Overview

517 The relationship between the proposed development and surrounding buildings is illustrated in Figures 14 and 15.

518 The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and disturbance.

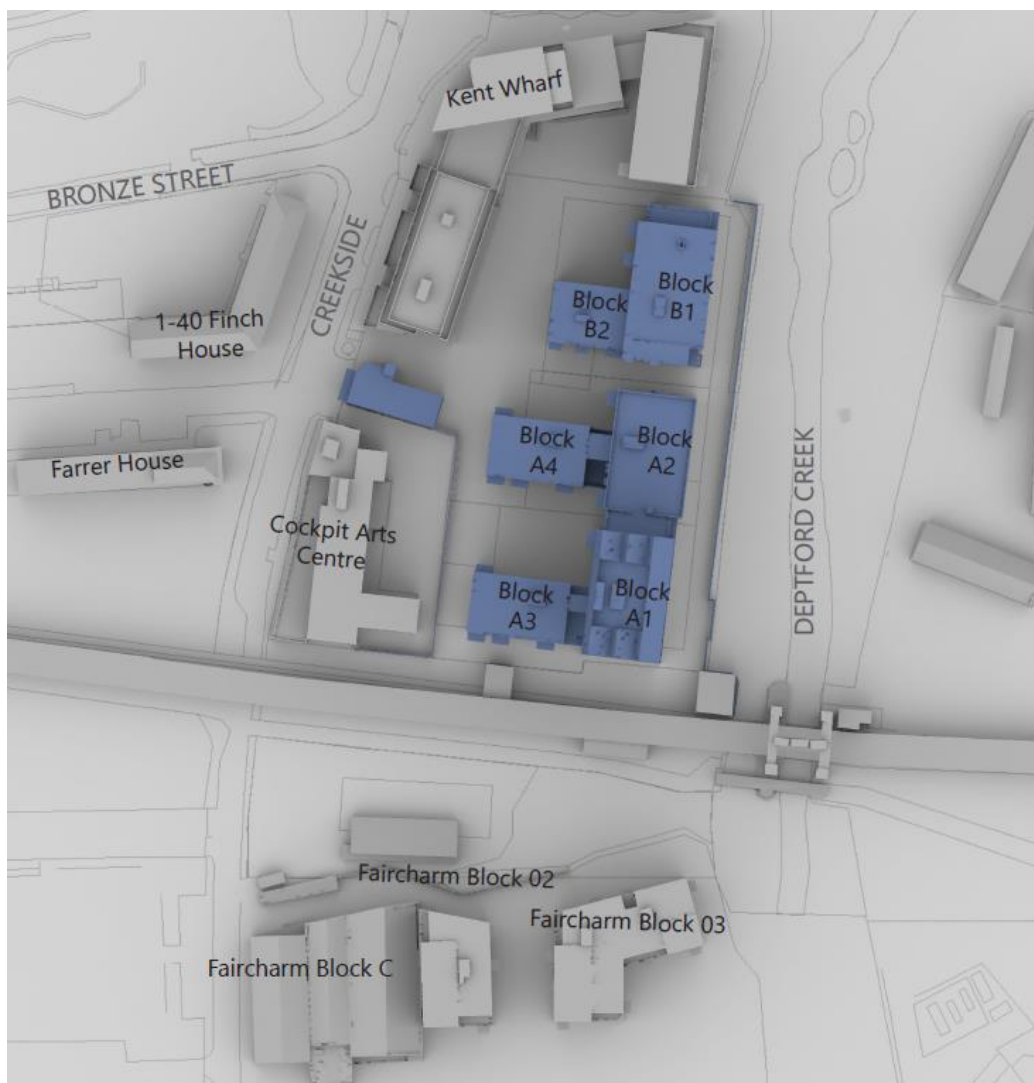
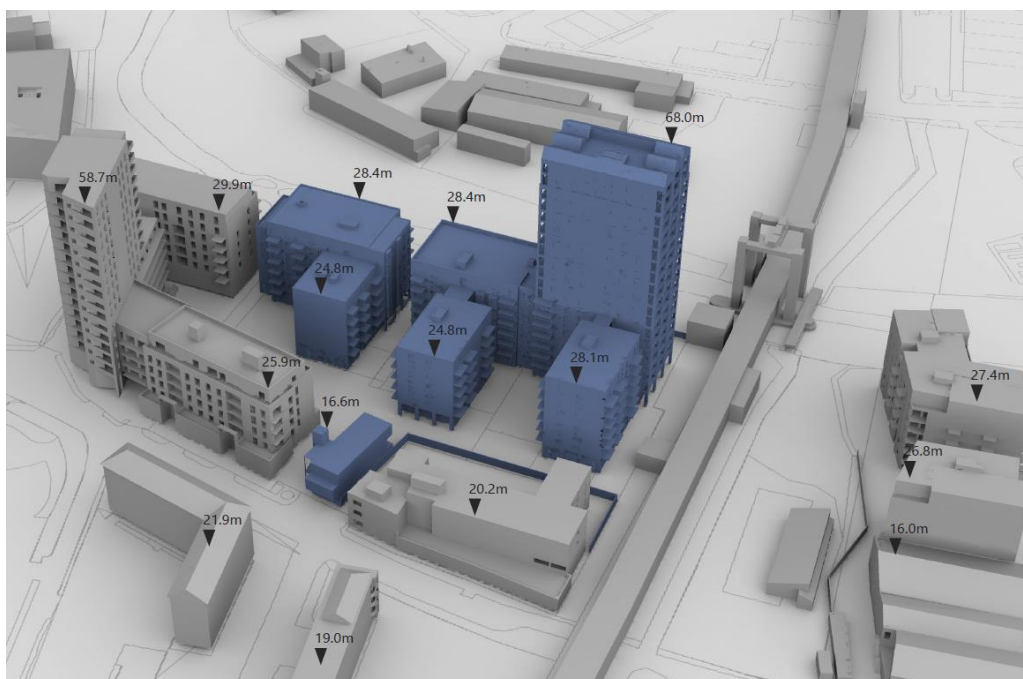


Figure 14: Relationship between the proposed development and neighbouring buildings (plan form)

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**Figure 15: Relationship between the proposed development and neighbouring buildings (looking east to Deptford Creek)**

## Enclosure and Outlook

### *Policy*

- 519 Overbearing impact arising from the scale and position of blocks is subject to local context. Outlook is the distance between habitable rooms and boundaries.

### *Discussion*

- 520 The application site is currently occupied by a large 2-storey building and ancillary hardstand areas. The nearest residential-led development is the adjacent Kent Wharf that occupies the north and western sides of the designated Kent and Sun Wharf Allocation. To the south-west corner of the site is Cockpit Arts, which is a 4-storey 'L' shaped building, whilst further to the west on the opposite side of Creekside is a low-rise block of flats within the Crossfields Estate (Finch House).
- 521 Kent Wharf comprises three blocks ranging between 6 and 16 storeys. The tallest element (Block B – Bowspirit Apartments & Bowhouse Court) occupies the north-western corner, with habitable room windows on its southern elevation directly facing toward the application due to its angled footprint.
- 522 The distance between the existing Block B and the proposed 6-storey Block B2 would be approximately 41 metres, which is a considerable distance to avoid any sense of significant enclosure, or impact upon outlook.
- 523 The upper floors of the 6-storey Block A (Broadside House & Portside Court) fronting Creekside currently overlooks the Sun Wharf building, and lies within close proximity of

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the yard area that was formerly in use for the parking of vehicles. The uppermost floors have views of Deptford Creek, obstructed to some degree by the existing Sun Wharf building.

- 524 The proposed B2 would lie approximately 21m to the east of the existing Block A, comparable to the distance to the existing Sun Wharf building. B2 would be of 6-storeys and so would have a noticeable impact upon the existing outlook, however it is acknowledged that the width of B2 is less than 15 metres, with the wider and more prominent B1 being located in excess of 30m from Block A.
- 525 The Kent Wharf Block C that fronts Deptford Creek (Deckhouse Court) has flank windows facing toward Sun Wharf, which are secondary openings serving kitchen/ living/ diners. The proximity of the proposed B1, approximately 5.8m to the south, would be noticeable to the existing occupiers, however the new building would have no significant impact upon their primary east-west facing openings.
- 526 It is also noted that the proposed B1 would be sited forward of the eastern side of Deckhouse Court by 6.12m, however officers are satisfied that due to the distance between the buildings, there would be no significant harm upon their outlook.
- 527 The non-residential Cockpit Arts is approximately a storey and a half higher than the existing Sun Wharf building. Considering the close proximity of the two buildings, Cockpit Arts is unlikely to have a direct view of Deptford Creek, whilst its rear yard is largely enclosed on its eastern side by the flank wall of the existing building. The proposed west elevation of Block A3 would lie approximately 12m from the nearest element of the Cockpit Arts building, which would lie further away from Cockpit Arts than the flank wall of the existing Sun Wharf building. The landscaped area between A3 and A4 would also serve to provide some visual respite for the upper floors of Cockpit.
- 528 The proposed A1 tower would lie approximately 35m away from the boundary with Cockpit, and whilst it would appear as a significant introduction, the extent of outlook for the existing building would remain acceptable.
- 529 The 5-storey Finch House largely faces toward the Kent Wharf development, with the southern half of the block having views into the Sun Wharf site, obscured by existing trees within the grounds of the Crossfields Estate. Officers are satisfied that the existing occupiers would not be significantly harmed by the proposed development due to the distance of approximately 67m.
- 530 Farrer House, also within the Crossfields Estate lies opposite Cockpit Arts Centre, and is 4-storeys with the majority of windows being north and south facing. Consequently, the proposal is unlikely to impact detrimentally upon existing occupiers.
- 531 To the south of the site is the residential-led Faircharm development, with the nearest 7-storey blocks having windows and balconies that look over the viaduct toward Sun Wharf.
- 532 The proposed Blocks A1 and A3 would be sited approximately 60m away, partially obscured by the viaduct. Considering the intervening distance, it is not considered that this would result in any unacceptable impact upon outlook.
- 533 Given this existing baseline, any development of an urban scale on the site would be expected to impact on the outlook from surrounding sites, in particular Kent Wharf and Cockpit Arts.

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534 Considering that development of a substantial scale and massing was envisaged on this site as part of the wider masterplan for the surrounding area, occupiers of surrounding developments which have been developed ahead of the application site should have a reasonable expectation that the site will be developed in due course, and that this will necessarily result in a reduction in outlook where there are currently unobstructed views over the existing site. It would be unreasonable that the development of the application site be constrained due to being developed after the Kent Wharf construction. Nevertheless, officers must ensure that the proposal is appropriate in scale and siting, and respects the amenities of existing occupiers.

## **Privacy**

### *Policy*

535 Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.

536 Standard 28 in the Mayor's Housing SPG states that designers should consider the position and aspect of habitable rooms, gardens and balconies, and avoid windows facing each other where privacy distances are tight. The SPG recognises that in the past, planning guidance for privacy has been concerned with achieving visual separation between dwellings by setting a minimum distance of 18 – 21m between facing habitable room windows. The SPG highlights that whilst these can still be useful yardsticks for visual privacy, adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city, and can unnecessarily restrict density.

### *Discussion*

537 As recognised within the Housing SPG, development within a dense urban context is unlikely to be able to achieve separation distances of 18 – 21m which are based on a more suburban form of development. The relationship between blocks within the surrounding area demonstrates this. For example, the spaces between the blocks which comprise the Creekside Village West development to the north of the application site affords distances of approximately 8–12m between facing elevations. Each of these elevations features habitable room windows serving bedrooms.

538 In terms of privacy, the west elevation of Proposed Block B2 nearest Kent Wharf Block A (Broadside House) would have no window openings, thereby avoiding any overlooking.

539 The proposed Block B1 fronting Deptford Creek, which is located approximately 35m to the east of the existing Broadside House, has rear facing habitable room windows and balconies, however due to the distance, officers are satisfied that the existing occupiers would not be unacceptably overlooked.

540 The north elevation of Block B1 would provide secondary openings for bedrooms and living rooms. There would be a 5.8m distance to Block C (Deckhouse Court), which also has secondary windows to its south facing elevation, whilst the east facing balconies do not have side screens. Considering the proximity and subsequent potential for overlooking, officers consider it appropriate to ensure the proposed openings are frosted and top hung opening only by condition, in addition to the provision of appropriate balcony screening to those on the north-east corner of Block B1.

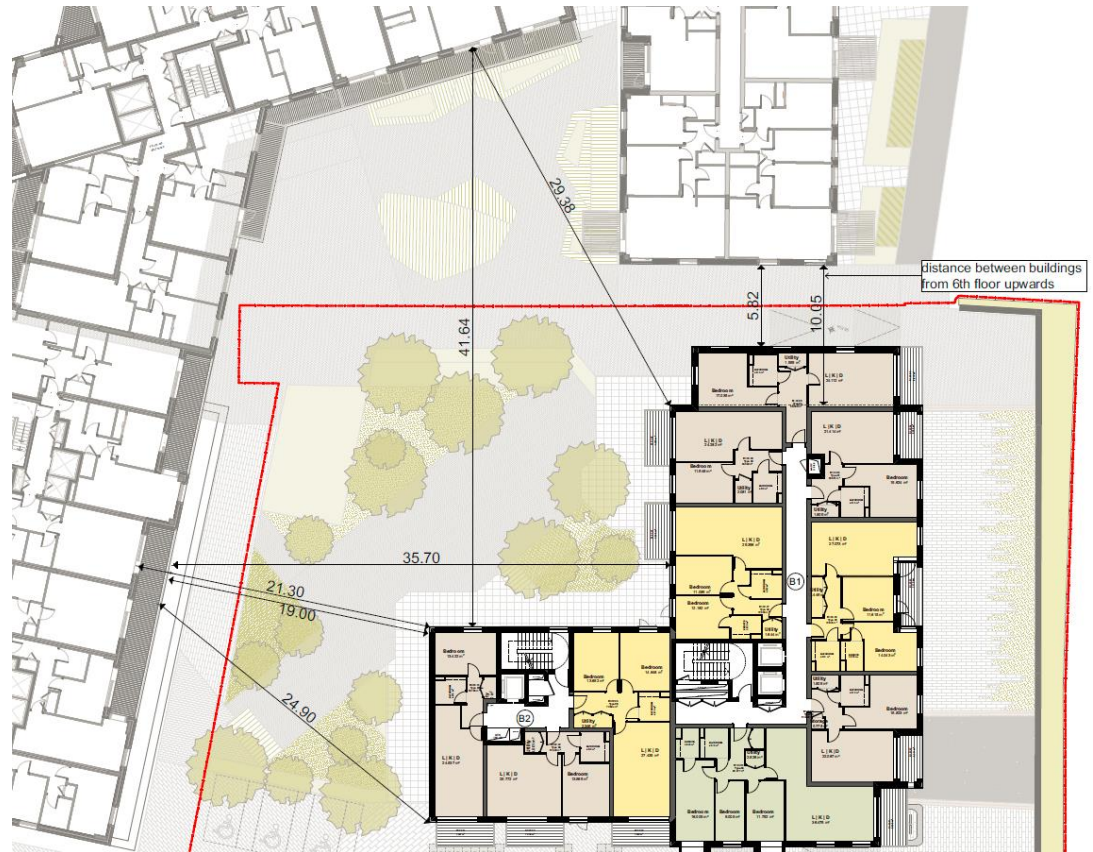
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541

Considering the distances between Blocks B1/ B2 and units within Bowspirit Apartments and Bowhouse Court, officers are satisfied there would be no unacceptable harm upon existing privacy.



**Figure 16 – Distances between Proposed B1/ B2 and Kent Wharf**

542

The west facing elevations of the proposed Blocks A3 and A4 would each have windows looking toward Cockpit Arts, of which two would be secondary bedroom windows. Considering the closest distance to the existing non-residential building is approximately 11m, and approx. 20m away from the main east facing Cockpit elevation, officers are satisfied there would be no adverse overlooking of the existing site.

543

Having regard to the urban context, which has been established by the surrounding development, it is considered that acceptable levels of privacy would be maintained for occupiers of surrounding blocks.

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## Daylight, Sunlight and Overshadowing

### *Policy*

- 544 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards.
- 545 The NPPF does not express particular standards for daylight and sunlight. Para 125 (c) states that, where there is an existing or anticipated shortage of land for meeting identified housing need, LPAs should take a flexible approach to policies or guidance relating to daylight and sunlight when considering applications for housing, where they would otherwise inhibit making efficient use of a site.
- 546 The Mayor's Housing SPG states that 'An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.' (GLA, 2016, Housing SPG, para 1.3.45).
- 547 Alternatives may include 'drawing on broadly comparable residential typologies within the area and of a similar nature across London' (ibid, para 1.3.46).
- 548 It is therefore clear that the BRE standards set out below are not a mandatory planning threshold.
- 549 At the time of writing this report, BRE issued a 3<sup>rd</sup> edition of their guidance on 9 June 2022. The BRE guidance on daylight and sunlight provision within new dwellings is similar to the previous edition, however some of the tests have changed in order to bring the document in line with BS EN 17037:2019, 'Daylight in buildings'.
- 550 The new daylight test is based on achieving a target median illuminance for half the annual daylight hours over 50% of the reference plane, or a target median daylight factor over 50% of the reference plane.
- 551 The new sunlight test for buildings is based on receiving at least 1.5 hours of sunlight on 21 March to at least one habitable room in each dwelling, preferably a main living room. The sunlight test to amenity spaces remains unchanged.
- 552 Officers have sought advice from Counsel and the LPA's appointed consultants Delva Patman Redler (DPR) in regard to the updated BRE guidance, and whether there should be an expectation for it to be applied to the current Sun Wharf proposal.
- 553 It was advised subsequently that the new assessment methodology should apply only to planning applications formally submitted after 9<sup>th</sup> June 2022. DPR are satisfied that the sunlight/ daylight procedure using the former BRE guidance undertaken for the current Sun Wharf proposal remains acceptable, and that a further assessment of impacts upon neighbouring properties is not required in this case.
- 554 In the first instance, if a proposed development falls beneath a 25 degree angle taken from a point two metres above ground level, then the BRE advises that no further analysis is required as there will be adequate skylight (i.e. sky visibility) availability.

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555 Daylight is defined as being the volume of natural light that enters a building to provide satisfactory illumination of internal accommodation between sun-rise and sunset. This can be known as ambient light. Sunlight refers to direct sunshine.

#### *Daylight guidance*

556 The three methods for calculating daylight are as follows: (i) Vertical Sky Component (VSC); (ii) Average Daylight Factor (ADF); and (iii) No Sky Line Contour (NSL/ NSC).

557 The VSC is the amount of skylight received at the centre of a window from an overcast sky. The ADF assesses the distribution of daylight within a room. Whereas VSC assessments are influenced by the size of obstruction, the ADF is more influenced by factors including the size of the window relative to the room area and the transmittance of the glazing, with the size of the proposed obstruction being a smaller influence.

558 NSL is a further measure of average illuminance at the working plane within a room, compared with that outdoors. This divides those areas that can see direct daylight from those which cannot and helps to indicate how good the distribution of daylight is in a room.

559 In terms of material impacts, the maximum VSC for a completely unobstructed vertical window is 39.6%. If the VSC falls below 27% and would be less than 0.8 times the former value, occupants of the existing building would notice the reduction in the amount of skylight. The acceptable minimum ADF target value depends on the room use: 1% for a bedroom, 1.5% for a living room and 2% for a family kitchen. If the NSL would be less than 0.8 times its former value, this would also be noticeable.

560 While any reduction of more than 20% would be noticeable, the significance and therefore the potential harm of the loss of daylight is incremental. The following is a generally accepted measure of significance:

- 0-20% reduction – Negligible / No Effect
- 21-30% reduction – Minor Adverse
- 31-40% reduction – Moderate Adverse
- Above 40% reduction – Major Adverse

561 It is important to consider also the context and character of a site when relating the degree of significance to the degree of harm.

562 The BRE guidance identifies that a typical obstruction angle from the ground floor window within a historic city centre is usually 40°, which corresponds with the VSC of 18%, which is considerably lower than the target of 27%. In this context, it is noted that recent planning decisions (including appeal decisions made by the Planning Inspectorate) in London and Inner London have found retained VSC values in the mid-teens to be acceptable.

563 BRE guidelines advise that a supplementary test is undertaken where existing windows are overhung by balconies/ terraces. This would include an assessment that removes such features to establish the effect they have upon existing daylight levels.

#### *Sunlight guidance*

564 Sunlight is measured as follows: (i) Annual Probable Sunlight Hours (APSH); and (ii) Area of Permanent Shadow (APS)

565 The APSH relates to sunlight to windows. BRE guidance states that a window facing within 90 degrees due south (windows with other orientations do not need assessment) receives

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adequate sunlight if it receives 25% of APSH including at least 5% of annual probable hours during the winter months. If the reduction in APSH is greater than 4% and is less than 0.8 times its former value then the impact is likely to be noticeable for the occupants.

566 The APS relates to sunlight to open space: the guidance states that gardens or amenity areas will appear adequately sunlit throughout the year provided at least half of the garden or amenity area receives at least two hours of sunlight on 21st March.

*Discussion*

567 Chapter 7 of the Environmental Statement assesses the impact of the proposed development in relation to daylight, sunlight, overshadowing and solar glare. Following the reductions undertaken to the original scheme, an updated Appendix 7.1 and Technical Note have been submitted to reflect the current proposal.

568 The assessment is based on the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' (2nd Edition, 2011) (hereafter referred to as 'the BRE Guide') and British Standard (BS) 8206 Part 2: 2008 – Code of Practice for Daylighting.

569 The assessment considers the impact of the proposed development on a number of identified sensitive receptors, which include the following residential properties and blocks:

- Kent Wharf
- Faircharm
- Cockpit Arts Centre
- Crossfields Estate (Finch House and Farrer House)

570 The location of these properties in relation to the application site is shown in Figures 14 and 16 above.

571 RB Greenwich consider that Saxon Wharf to the north-east of the application site should be included in the daylight/ sunlight assessment. Saxon Wharf is a residential-led scheme within Greenwich fronting Deptford Creek on its eastern side. The development, which has not been implemented to date, would lie approximately 118m from the proposed Block B1. Considering the significant distance to Saxon Wharf, and other development within Greenwich with consent or resolution to grant, officers did not require the Applicants to undertake a further assessment of those sites.

572 Overall, the assessment has considered the effects of the proposed development on 691 windows serving 505 habitable rooms of neighbouring residential and commercial properties. Of the windows tested, 231 are orientated within 90° of due south and have also been tested in terms of the impact on the current levels of direct sunlight. The number of windows and rooms tested in relation to each of the residential properties and blocks is as follows:

- **1-40 Finch House** – 55 windows (55 within 90 degrees due south) / 55 rooms
- **1-40 Farrer House** – 12 windows (8 within 90 degrees due south) / 4 rooms
- **Broadside House, Kent Wharf** – 51 windows (13 within 90 degrees due south) / 39 rooms

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- **Bowspirit Apartments, Kent Wharf** – 262 windows (64 within 90 degrees due south) / 178 rooms
- **Bowhouse Court, Kent Wharf** – 45 windows (14 within 90 degrees due south) / 45 rooms
- **Deckhouse Court, Kent Wharf** – 126 windows (34 within 90 degrees due south) / 97 rooms
- **Portside Court, Kent Wharf** - 69 windows (14 within 90 degrees due south) / 48 rooms
- **Cockpit Arts Centre** – 46 windows (29 within 90 degrees due south) / 26 rooms
- **Faircharm 02** – 9 windows (0 within 90 degrees due south) / 4 rooms
- **Faircharm 03** – 16 windows (0 within 90 degrees due south) / 9 rooms

573

Table 7 below is an extract from the Applicant’s Environmental Statement which confirms the sunlight and daylights impacts arising from the proposed development upon the existing residential and commercial occupiers.

Table 7: Daylight and Sunlight impacts upon existing properties

<u>Property</u>	<u>Daylight</u>	<u>Sunlight</u>
1-40 Finch House	Negligible	Negligible
1-40 Farrer House	Negligible	Negligible
Cockpit Arts Centre	Negligible to Moderate Adverse	Negligible to Moderate Adverse
Kent Wharf	Negligible to Major Adverse	Negligible to Major Adverse
Faircharm Block 02	Minor Adverse	Negligible
Faircharm Block 03	Minor Adverse	Negligible

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### 1-40 Finch House & 1-40 Farrer House

574 The 5-storey residential blocks lies on the west side of Creekside, forming part of the Crossfields Estate.

#### *Existing baseline*

575 Currently the residential units have an obstructed outlook to the application site by the Kent Wharf development and Cockpit Arts.

576 The existing VSC results show that of the 67 windows tested, 45 windows meet the BRE guidelines – 67%. The remainder that fall below the 27% VSC are mostly mid 20%.

#### *Daylight impact*

577 Following the development, all windows and rooms would retain a VSC and NSL in excess of 0.8 times their former value and as such the losses would not be considered noticeable.

578 The windows that were already below 27% would retain more than 20% VSC.

#### *Sunlight impact*

579 Due to the distance away from the development site, and the presence of Kent Wharf, the proposal would have no significant harm upon sunlight, with existing APSH and winter criteria levels retained.

### **Broadside House, Kent Wharf**

580 Broadside House is a 6-storey building within Kent Wharf that fronts Creekside, and would lie directly to the west of proposed Block B2. Residential units are on levels 1-5, which includes a mix of single and dual aspect units.

#### *Existing baseline*

581 The existing VSC results show that of the 51 windows tested, 24 (47%) currently do not meet the BRE guidelines, ie measure less than the benchmark 27% VSC. Furthermore, all 24 of those windows are currently below 20% of VSC, whilst 16 (31%) are currently below 10% of VSC. This is attributed to the building's own design containing winter gardens.

582 For existing NSL values, of the 39 habitable rooms tested, 37 are currently above 80% well lit.

583 The existing sunlight results show that of the 13 site-facing windows which are orientated within 90° of due south, five currently exceed the annual sunlight criteria and winter sunlight.

#### *Daylight impact*

584 Following comments raised within a detailed public objection, a discrepancy in the geometry of the assessment model was found relating to a missing lip on the underside

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of the balcony overhangs over six windows on the second floor of Broadside House and the adjoining Portside Court. As the lip projects down from the external edge of the balcony, it results in a very small reduction in the view of sky from the window face.

585 The affected windows are:

- nos. 4 (W16), 5 (W14-W15) and 6 (W12) Broadside House; and
- nos. 4 (W11) and 5 (W10) Portside Court.

586 In addition, an assessment that includes the frames around the existing winter gardens has also been undertaken.

587 The daylight results show that with the proposed development in place, of the 51 windows tested, eight habitable rooms would experience a VSC reduction from an existing range between 10 - 13.6% to less than 10%, which represents 'poor' provision of daylight. These comprise a mix of living/ kitchen/ diners and bedrooms within Flats 1, 3, 7, 8, 9, 10, 11 and 12 at first to fourth floors. (see Appendix 4 for specific VSC readings for the most affected units.)

588 Four habitable rooms in Flats 2, 4, 5 and 6 with an existing VSC of less than 10% would experience reductions, including a LKD in Flat 6 that falls from an existing 9.9% to 1.8%.

589 The submission advises the impact arising from the proposed development would be moderate to major adverse, and therefore significant.

590 According to the approved floorplans (DC/14/89953), most of the Broadside House units are dual aspect, with centrally located single-aspect east facing units on floors 1-4.

591 As noted earlier, the affected habitable rooms already have VSC readings significantly under 27%, and the prescribed 20% for urban areas. Nevertheless, the rooms within the units listed in paras 578 and 579 would see a VSC of less than 0.8 of the existing value, therefore the change would be noticeable, despite the already low readings.

592 Flat 1 at first floor is a dual aspect unit, and whilst its LKD would be significantly affected, its two west facing bedrooms would retain their current VSC of +30%.

593 This is a similar scenario for other dual aspect Flats 3, 4 and 6.

594 Flat 2 is a single aspect east facing unit also at first floor, and its double bedroom would be afforded poor provision of daylight, being 2.7 VSC. More positively, whilst the VSC for its LKD would fall from 33.3 to 21.6%, this would remain reasonably good in an urban location, and also benefits from a secondary opening.

595 This is a similar position for Flat 5, albeit the VSC readings are higher for its LKD than Flat 2.

596 In regard to the 3<sup>rd</sup> floor, dual aspect Flats 7 and 9 would each have their east facing LKDs reduce from 11.9 and 13 VSC respectively to below 10 VSC. These would be considered 'poor', and so would also be affected by the development, however it is noted their west facing bedrooms would retain their existing high VSC.

597 Single aspect Flat 8 at 3<sup>rd</sup> floor would see its bedroom VSC fall from 11.3 to 6.5%, whilst its LKD VSC would exceed 27%.

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- 598 The Flats at 4<sup>th</sup> floor would experience VSC reductions. The LKDs in Flats 10 and 12 have existing VSCs of 12.8 and 13.6% respectively, however these would decrease to 8.9/ 8.8 VSC, and would be less than 0.8 of the existing value. The bedroom in Flat 11 would also see a VSC reduction from 11.9 to 8.7%, a value less than 0.8 of the existing.
- 599 In regard to Flats 13 and 14 on the 5<sup>th</sup> floor of Broadside House, the existing habitable rooms would not be significantly impacted by the development, with VSC levels remaining high, and all rooms retaining greater than 0.8 of the existing values. The LKD of Flat 13 would retain a VSC of 37.7%; whilst the LKD of Flat 14 would reduce from the existing 36.7% to 32.6%.
- 600 With regard to NSL results, 29 of the 39 existing habitable rooms would be unlikely to see a noticeable effect arising from the development. Where an assessment has been made with the removal of existing winter gardens, the impact of the development upon the affected units would not be greater than moderate adverse.

#### *Sunlight impact*

- 601 The sunlight results show that with the proposed development in place, many of the Broadside windows that face within 90° of due south would be affected by the development to varying degrees.
- 602 All living room windows would experience some reductions, with Flats 1, 3, 4, 6, 7, 9, 10 and 12 being below the 25% ASPH requirement, although it is acknowledged that all units currently experience an ASPH of less than 25%. Two of the units listed (Flats 10 and 12) would retain 0.8 times their existing values.
- 603 The LKD in first floor Flat 1 would fail to meet the desired 5% annual probable hours of sunlight during the winter months, recording 0% - down from the existing 6%.
- 604 Single aspect Flats 2 and 5 at 1<sup>st</sup> and 2<sup>nd</sup> floors respectively have similar existing APSH and winter readings with regard to living/ kitchen/ diners; and subsequently a similar reduction following the proposal, with both retaining less than 0.8 of their existing values - 0.7 APSH and 0.5 winter.
- 605 Overall, 8 living room windows that have winter APSH currently ranging between 6 and 7% would fall below 5%.
- 606 The applicant's consultants therefore conclude that the impact of the proposed development on the existing sunlight levels at Broadside would be moderate – major adverse.

#### **Portside Court, Kent Wharf**

- 607 Portside Court forms the southern part of the 6-storey building shared with Broadside House within Kent Wharf, and would lie directly to the west of proposed Block B2. Residential units are on levels 1-5.

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### *Existing baseline*

- 608 The existing VSC results show that of the 69 windows tested, 46 (67%) currently meet the BRE guidelines, ie measure more than the benchmark 27% VSC.
- 609 For existing NSC values, of the 48 habitable rooms tested, all are currently above 80% well lit.

### *Daylight impact*

- 610 Flats 1, 2, 4, 5, 7 and 8 have habitable room windows that would experience a major reduction in VSC from high teens to below 10, with a Living/ Kitchen/ Diner being as low as 1.7% VSC.
- 611 Some Portside Court units benefit from winter gardens that face the proposed development site, which serves to reduce the extent of daylight received to the living/ kitchen/ diners, as is the case with the adjacent Broadside House.
- 612 Most habitable rooms located on floors 4 and 5 would experience small reductions in VSC.
- 613 In regard to NSC, 40 of the 48 assessed rooms would not see a noticeable reduction.

### *Sunlight impact*

- 614 Five living rooms that currently experience up to 36% APSH would fall below the prescribed 25%, with the greatest reduction being to the LKD of Flat 4 – from an existing 13% to 2%.
- 615 The majority of living rooms however would remain in excess of 25%.
- 616 In regard to 5% winter criteria, 4 living rooms would fall below this, however unlike Broadside, none would fall to 0%.

## **Bowhouse Court, Kent Wharf**

- 617 Bowhouse Court lies to the north end of Kent Wharf, and is comprised of 5-storeys of residential units.

### *Existing baseline*

- 618 The existing VSC results show that of the 45 windows tested, 29 windows (64%) currently exceed the BRE guidelines. The 16 windows that do not achieve the guidance are attributed to their location and proximity to Deckhouse Court and/ or have projecting balconies.
- 619 For existing NSC values, of the habitable rooms tested, four currently fall below the BRE guidance (8%).

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### *Daylight impact*

- 620 Most east facing habitable rooms would experience a reduction in VSC, with Units 1, 3, 5, 6, 8 and 11 falling below 10% VSC, resulting in 'poor' provision of daylight. It must be noted however that the current VSC for those rooms are already low, ranging between 10 and 15.6 VSC; whilst Flat 2 has an existing VSC of 9.4% reduced to 6.4%. These rooms are generally located below projecting balconies.
- 621 In regard to NSC, of the existing 45 rooms, 38 would be unlikely to see a noticeable impact arising from the development.

### *Sunlight impact*

- 622 In regard to sunlight, there are two minor and one moderate reductions in the APSH, whilst no units would fall below the 5% winter criteria.

## **Deckhouse Court, Kent Wharf**

- 623 This building lies to the north of proposed Block B1, and fronts Deptford Creek.

### *Existing baseline*

- 624 The existing VSC results show that of the 126 windows tested, 56 windows (44%) currently do not meet the BRE guidelines. This is considered to be primarily a result of the positioning of the windows below projecting balconies, and the proximity to Bowhouse Court.
- 625 For existing NSC values, of the 97 habitable rooms tested, 18 currently fall below the BRE guidelines (19%).
- 626 The existing sunlight results show that none of the 34 site-facing living room windows which are orientated within 90° of due south currently fall below the annual/ winter sunlight criteria.
- 627 In regard to the south facing side wall that would be located in closest proximity to the application site (adjacent to proposed Block B1), of the 9 windows which are orientated within 90° of due south, all exceed the BRE criteria for both annual and winter sunlight due to the low rise nature of the existing Sun Wharf building.

### *Daylight impact*

- 628 The results show that with the proposed development in place, out of the 126 windows serving all residential dwellings, 118 windows (94%) will fully comply with the BRE guide levels for VSC, i.e. 27%+ or retain 0.8 of its former value.
- 629 The greatest VSC reductions would be to the nine south facing windows. For example, Flat 4 has an existing VSC of 37.5%, however this would fall to 7.8%, whilst Flat 10 would

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reduce from 38.2 to 9.3%. These are considerable and would be noticeable, however it is important to acknowledge that the affected windows are all secondary openings on a side facing elevation that serve either kitchen/ living/ dining rooms or bedrooms. The primary windows to the east and west elevations that serve those rooms would either retain their existing VSC or experience a small reduction.

630 In regard to NSC, 96 of the 97 rooms would be unlikely to see a noticeable impact arising from the development.

#### *Sunlight impact*

631 In regard to sunlight, the most affected windows would again be the 9no. south facing secondary openings. The units would see significant reductions of less than 0.8 of the existing value, however the majority would comply with the BRE guidance in regard to 25% sunlight provision, and at least 5% of annual probable hours during the winter months. 4no. windows would fall below the 5%, however as noted in the VSC readings, the windows are secondary openings.

632 Flats 4, 10, 16 and 22 would experience small reductions to some primary windows – 3no would fall just below the 25% APSH, but would all exceed the 5% winter hours.

633 Overall, taking all the above points into account, the applicant's consultants conclude that the impact of the proposed development on Deckhouse would be minor-moderate adverse with regard to daylight, and moderate adverse for sunlight.

### **Bowspirit Apartments, Kent Wharf**

634 Bowspirit lies to the north-west corner of the Kent Wharf site, and is the tallest building at 16 storeys.

#### *Existing baseline*

635 Of the 262 windows, 189 (72%) achieve VSC levels above those advised in the BRE guidance. Of the 178 rooms, 171 (96%) are above 80% well lit in terms of NSC.

#### *Daylight impact*

636 The majority of windows would incur either minor, or no noticeable changes in regard to VSC.

637 Bedrooms in Flats 3, 4, 9, 10 and 15 have low existing VSC between 10.3 and 12.6%, and would experience noticeable reductions to between 4.9 and 9.6%.

638 The LKDs within Flats 4 and 10 would see their VSCs reduced from 18.2% to 11.2%; and 19.4% to 13.4% respectively. These would represent noticeable changes.

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### *Sunlight impact*

- 639 The submission advises that all 64 windows serving living rooms within 90 degrees due south would retain an APSH in excess of 25% and winter of 5%. It is noted that some units currently fail to achieve the window criteria – for example Flats 52, 56 and 64 only reach a winter criteria of 2%.
- 640 In light of the above, the submission considers the proposal would have a negligible impact.

### **Cockpit Arts Centre**

- 641 The site comprises a four-storey former office building, which is currently in use as an artists' studio, providing a range of studio spaces and facilities for artists and makers, with a focus on collaboration and business development. The building sits to the east of the application site, with access onto Creekside. At the time of writing this report, two planning applications had been granted at the Cockpit site, including the construction of a single-storey studio to the rear yard (DC/21/124815); and internal reconfigurations of the main building to provide an ancillary café/ education centre, together with external alterations (DC/22/125674). Neither proposal have been implemented to date.

### *Existing baseline*

- 642 The building contains 46 windows, of which 36 achieves VSC levels above BRE guidance. For NSC, all 26 windows tested are above 80% well lit.
- 643 29 windows face the project site within 90 degrees due south, of which 7 fall below the criteria for total and winter APSH.

### *Daylight impact*

- 644 Whilst there would be VSC reductions to many windows, these would be relatively minor. Some openings that would be reduced to the mid teens, are already below the prescribed 27%.
- 645 In terms of NSC, all but one room would retain in excess of 0.8 times their existing value.

### *Sunlight impact*

- 646 Whilst most windows would incur a reduction in APSH that would be noticeable in terms of being less than 0.8 of the existing value, many would achieve 25%, whilst those that are less than 10% are already low. One window at first floor (W6) has an existing 10% APSH, however this would fall to 0%.
- 647 In regard to the winter criteria, the majority of reductions are minimal. W7 at 1<sup>st</sup> floor would fall from 2% to 0% - it is noted there are four existing windows of 0%.

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- 648 The Applicants consider the overall impact upon Cockpit Arts to be negligible to moderate adverse.
- 649 Officers are satisfied that the impact upon Cockpit Arts would not be significant in this case, and that the development would lie a sufficient distance away to avoid adverse harm upon the non-residential building.

### **Faircharm Development**

- 650 This development lies to the south of Sun Wharf on the opposite side of the existing viaduct.

#### *Existing baseline*

- 651 Buildings 02 and 03 contains 25 windows serving 13 rooms. Nine windows tested achieve VSC levels above BRE guidance. For NSC, all but one room tested are above 80% well lit.
- 652 No windows face the project site within 90 degrees due south.

#### *Daylight impact*

- 653 Whilst there would be VSC reductions to many windows, these would be relatively minor/negligible. In terms of NSC, there would be no significant impacts.

#### *Sunlight impact*

- 654 Considering Faircharm lies to the south of the application site, there would be no direct impact upon sunlight arising from the proposal.

#### *Independent review on behalf of the LPA*

- 655 The LPA appointed LUC to act as an independent consultation to review the EIA work undertaken by the Applicants, and to provide a detailed analysis of the methodology and conclusions reached. In regard to sun/ daylight, reviews have been undertaken by LUC upon all submissions received to date, including updated modelling in early 2022.
- 656 LUC have advised the LPA that the Applicants have undertaken the correct BRE assessment methodology with regard to VSC and APSH, and whilst the 3D modelling used by EB7 is not as accurate as elevational measured surveys, it is not an uncommon approach and so is considered acceptable in this case.
- 657 It is considered by LUC that the significance findings stated in the ES Addendum chapter are 'reasonable.'
- 658 Also considered reasonable are the conclusions relating to the 'without balconies' test undertaken by the Applicant to determine whether overhanging balconies and winter balconies are the main factors in reductions of sunlight and daylight.

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- 659 When considering the habitable rooms within Broadside House that would fall below VSC 10 (poor) as identified earlier, when applying the 'no balconies' assessment, it indicates that the affected rooms would all be in excess of 27 VSC as existing, and low 20/ upper teens VSC post development. This is replicated to varying degrees within the adjacent Portside Court.
- 660 In regard to sunlight impacts, the assessment shows considerable differences between existing APSH and 'without balcony' comparisons. There are notable improvements for some rooms post development, some in excess of 40%.
- 661 In regard to the winter 5% criteria, proposed without balconies generally exceed this. It is noted that no.1 Broadside has been assessed to have a 0% winter criteria 'with balcony', whilst the 'no balcony' is only 3% from a baseline of 15%, indicating that the proposal would be the main source of impact.

### Overshadowing

#### *Policy*

- 662 The BRE Guidelines suggest that Sun Hours on Ground assessments should be undertaken on the equinox (21st March or 21st September) and it is recommended that at least half of a garden or amenity space area should receive at least two hours of sunlight on 21st March, or that the area which receives two hours of direct sunlight should not be reduced to less than 0.8 times its former value (i.e. there should be no more than a 20% reduction).

#### *Discussion*

- 663 The applicant's daylight and sunlight consultants have carried out a sun-on-ground overshadowing assessment in relation to five relevant external amenity areas beyond the curtilage of the application site.
- 664 Within a built up urban context featuring tall buildings it must be recognised that there will be instances of overshadowing where the BRE guidelines cannot be achieved.
- 665 The 21st March overshadowing results for the amenity areas at Kent Wharf, including the space adjacent to Bowspirit/ Bowhouse indicates there would be no significant additional overshadowing arising from the proposal, or to the roof garden of Broadside House.

### Daylight, sunlight and overshadowing conclusion

- 666 The submission has been accompanied by a comprehensive daylight and sunlight assessment undertaken as part of the Environmental Statement. The assessment has been updated and expanded in its scope in response to the changes undertaken to the proposal since the original submission.
- 667 The independent consultants appointed by the Council have undertaken a comprehensive review of the submitted daylight and sunlight assessment. This review finds that the scope of the assessment and its methodological approach are appropriate and proportionate to the type, location and scale of the proposed development. It also finds that the conclusions drawn by the assessment are reasonable. The Council's appointed independent consultants conclude that the submitted daylight and sunlight assessment provides sufficient information and reasoning to support the overall conclusion that the daylight and

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sunlight results, which do include breaches of the BRE guidelines, may be considered acceptable.

- 668 It is clear from the assessment that the proposed development will result in some significant reductions in daylight and sunlight levels for surrounding properties, particularly within Kent Wharf. The effect of these reductions will be greatest in relation to units within Portside Court, Broadside House and Deckhouse Court, both in terms of the proportion of windows and rooms which would fail to meet BRE recommended levels, and in terms of the extent of reduction to those windows and rooms which would be most significantly affected.
- 669 As identified within the assessment, it must be recognised that under the existing baseline situation a proportion of windows and rooms in surrounding blocks currently do not meet the BRE guidelines in relation to daylight and sunlight. Given that many of the windows assessed currently benefit from an unobstructed open outlook over the application site, this failure to meet BRE guidelines is considered to result in large part from the design of these surrounding buildings with projecting balconies/ winter gardens, which reduce levels of daylight.
- 670 It is not always possible to meet BRE guidelines in relation to higher density schemes, and highlights that the BRE guidance needs to be treated flexibly, particularly in dense urban environments, and particularly where neighbouring properties have existing architectural features (such as balconies) which necessarily impose restrictions on levels of daylight and sunlight.
- 671 The BRE guidance is based around a suburban model of development and therefore it must be applied more flexibly in urban locations where expectations of levels of daylight and sunlight are likely to be different. The Mayor's Housing SPG (para 1.3.45) makes clear that flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, and that guidelines should be applied sensitively to higher density development, especially in Opportunity areas and other locations, where BRE advice suggests considering the use of alternative targets.
- 672 In conclusion, as addressed in this report, it is recognised that occupiers of some neighbouring dwellings within Kent Wharf will experience significant reductions in terms of loss of daylight and sunlight. For the reasons set out above, the impacts must be considered in the context of the existing baseline context; the need to apply BRE guidelines flexibly in the context of urban development within a designated Opportunity area. This impact must also be weighed against the public benefits of the scheme.
- 673 The proposed development would deliver 220 new homes of which 35% (77 units) (39% by habitable room) would be affordable tenure, including genuine affordable housing; thereby contributing towards the Borough's identified housing need. The site has been long identified for redevelopment through its site allocation of which Kent Wharf has already been delivered.
- 674 In addition, the development would deliver substantive new areas of high quality public realm, including opening up access along its frontage to Deptford Creek. The creation of commercial floorspace at ground floor level would support job creation, and a substantive financial contribution would be secured to deliver highway and public realm improvements locally.
- 675 The proposed development would deliver substantive public benefits, and taking all the identified public benefits into account, it is considered that they outweigh the identified

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harm in relation to those units that would experience reductions in levels of daylight and sunlight.

- 676 As such, it is considered that the public benefits of the development would outweigh the identified harm.

## **Noise and disturbance**

### *Policy*

- 677 PPG states LPAs should consider noise when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment.
- 678 A range of other legislation provides environmental protection, principally the Control of Pollution Act 1974 and the Environmental Protection Act 1990. It is established planning practice to avoid duplicating the control given by other legislation.
- 679 Construction and demolition activity can result in disturbance from among things noise, vibration, dust and odour. This can harm living conditions for the duration of construction. Since some disturbance is inevitable, such impacts are usually not considered to be material planning considerations. In certain circumstances, particularly large or complex works may require specific control by planning. Further guidance is given in the Mayor of London's The Control of Dust and Emissions during Construction and Demolition SPG (2014).

### *Discussion*

- 680 The residential element of the proposed development is not considered to result in unacceptable levels of noise pollution.
- 681 In relation to the noise impacts associated with the construction phase, conditions are proposed requiring submission of, and implementation in accordance with, a Construction Environmental Management Plan and a Construction Logistics Plan. These would provide the mechanism to mitigate any noise impacts associated with the construction phase.
- 682 Planning conditions are however proposed to secure an appropriate level of soundproofing to the development which would ensure no unacceptable impact either for occupiers of the proposed residential or for occupiers of surrounding buildings.
- 683 The children's playspace to the northern yard area lies close to Broadside House and Portside Court, therefore a degree of noise when children are playing is likely. It is acknowledged that Kent Wharf lies within close proximity of the existing employment building and its associated noise and vehicular movement, whilst nearby Cockpit Arts generates activity. Officers therefore raise no objections to the siting of the playspace, however it is important that no noisy play equipment forms part of the areas. A condition will request the submission of details.

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## Impact on neighbours conclusion

- 684 The application site is currently occupied by a low rise commercial building. As such the surrounding residential developments of Kent Wharf and Faircharm have a largely open outlook and unobstructed views across the application site. Given this existing baseline, any development of an urban scale on the site would be expected to result in impacts to neighbouring development in terms of enclosure, outlook, privacy, daylight, sunlight and overshadowing.
- 685 The development of this designated Opportunity Area site as envisioned as part of the wider masterplan for the surrounding area was intended to accommodate buildings of considerable scale and height.
- 686 Occupiers of surrounding developments that have been developed ahead of the application site should have a reasonable expectation that the site will be developed in due course, and that this will inevitably result in impacts in terms of enclosure, outlook, privacy, daylight, sunlight and overshadowing compared to the existing baseline. It would be unreasonable that the development of the application site is constrained due to the timing of the proposal.
- 687 It is acknowledged that the proposed development would result in varying degrees of harm to occupiers of neighbouring apartments through reductions in daylight and sunlight, in particular to the Kent Wharf development. Residents of some units facing the western side of the application site would experience major adverse harm, with a significant reduction in daylight and sunlight levels.
- 688 Comments have been received from some residents that the day/ sunlight assessments undertaken by the Applicant are incorrect and falsified.
- 689 All Applicant submissions have been reviewed on behalf of the LPA by Delva Patman Redlaer, who have advised that the methodology and conclusions reached by eb7 are acceptable. DPR and eb7 have responded to further neighbour concerns following the Committee of July 13<sup>th</sup> 2022, and both remain satisfied that the work has been undertaken correctly.
- 690 The construction of large development in an urban environment will generally result in unavoidable impacts upon daylight and sunlight to neighbouring properties. As addressed in this report, the numerical guidance given in the BRE document should be treated flexibly, particularly within urban environments.
- 691 In their previous Stage 1 response in 2019 for a withdrawn Sun Wharf proposal (DC/18/110290), the GLA raised daylight and sunlight concerns relating to the resultant impact upon Kent Wharf.
- 692 For the current scheme, in 2020 the GLA raised no similar sunlight issues, which was then a larger proposal and a storey higher across the development. Officers acknowledge that the proposed buildings have since been moved further back from the river to address the EA requirements. The GLA will undertake a further review at Stage 2 level should the scheme be supported by Members.
- 693 Officers are aware of a 'Tenant's Covenants with the Management Company the Landlord and the Other Owners', which states:

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*The Tenant covenants with the Landlord and covenants separately with the Management Company and the Other Owners as follows;*

*11. Not to stop up darken or obstruct any windows or light belonging to the Property nor permit the same to be done.*

- 694 The Covenant is with the Kent Wharf Management Company.
- 695 Officers have not had view of the full content of the Covenant, and are unaware of the reason for the para.11 wording. This however is a civil matter between the relevant parties to resolve, and is not a material planning consideration that should inform either the officer recommendation or the final decision of the current planning application.
- 696 The degree of harm to particular units with regard to sunlight and daylight will be significant, as this report has set out, however in weighing this harm against the public benefits of the scheme, it is considered that the substantive benefits that the scheme would deliver outweigh the harm identified.

## **7.6 SUSTAINABLE DEVELOPMENT**

### *General Policy*

- 697 NPPF para 156 sets an expectation that planning will support transition to a low carbon future.
- 698 This is reflected in relevant policies of the London Plan and the Local Plan.
- 699 CS Objective 5 sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DMP 22 support this.
- 700 London Plan Policies require developments to meet the highest standards of sustainable design, including the conservation of energy and water; ensuring designs make the most of natural systems and the conserving and enhancing the natural environment.
- 701 The London Plan approach is reflected in Core Strategy Policy 7 'Climate change and adapting to the effects' and Policy 8 'Sustainable design and construction and energy efficiency' which states that the Council will explore opportunities to improve the energy standards and other sustainability aspects involved in new developments and that it will expect all new development to reduce CO2 emissions through a combination of measures including maximising the opportunity of supplying energy efficiently by prioritising decentralised energy generation for any existing or new developments and meet at least 20% of the total energy demand through on-site renewable energy.
- 702 Core Strategy Policy 8 requires non-residential development to achieve a minimum of Building Research Establishment Environmental Assessment Method 'Excellent' standard.
- 703 DM Policy 22 'Sustainable design and construction' provides further guidance in terms of how all developments will be required to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling.

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## **Energy and carbon emissions reduction**

### *Policy*

- 704 LPP SI 2 seeks an overall reduction in carbon dioxide (CO<sub>2</sub>) emissions, and states that major development proposals should make the fullest contribution to minimising CO<sub>2</sub> in accordance with the following hierarchy: (1) be lean: use less energy; (2) be clean: supply energy efficiently; and (3) be green: use renewable energy.
- 705 In addition, LPP SI 2 sets targets for CO<sub>2</sub> reduction in buildings, expressed as minimum improvements over the Target Emission Rate (TER) outlined in national building regulations. The target for residential buildings is zero carbon from 2016 and non-domestic buildings from 2019, prior to which the target is as per building regulations (35%). LPP advocates the need for sustainable development.
- 706 Further guidance is given in The Mayor's Sustainable Design and Construction SPG (April 2014), which sets out targets and provides guidance as to how to achieve those targets as efficiently as possible.
- 707 DMP22 require all developments to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling using the published hierarchy.

### *Discussion*

- 708 The application is accompanied by an energy statement prepared by Hodkinson, dated October 2021), which updated the original report following comments raised by the GLA, who considered the proposal to be 'broadly acceptable.' The information required included the costs to occupants; further information on the overheating strategy; potential for district heating network connection and futureproofing; further information on PV potential and proposed heat pumps; demonstrate compliance with the Be Seen policy.

### **Be Lean**

- 709 A range of enhanced energy efficiency measures are proposed for the development. These include high levels of insulation within the proposed building fabric to reduce heat loss to achieve enhanced U values, thermal bridging and air tightness, low energy lighting and gas savers. The development would achieve a 10% improvement over Part L within the residential element, and 15% within the commercial, in accordance with LPP S12.
- 710 Air tightness and ventilation has been considered, and it is proposed to install a Mechanical Ventilation Heat Recovery system that will ensure heat is retained within the dwellings, with an efficiency level of 90-91%.
- 711 Space heating and hot water will be provided for by communal Air Source Heat Pumps and gas boilers, with Heat Interface Units installed within all units.
- 712 For the commercial units, enhanced insulation within walls, roofs, floors and windows are proposed. Heating would be provided by air source heat pumps.

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### ***Be Clean***

- 713 The application proposes the installation of an Air Source Heat Pump (ASHP) system that would be located in the energy centre within the ground floor area of A1 to serve both the residential and commercial units.
- 714 ASHP extract thermal energy (heat) from the outside air and converts this into heating and hot water. Electricity is needed for ASHP to operate, however this amounts to approx. 25% overall, with the remaining 75% energy being from renewable sources.
- 715 The South East London CHP (SELCHP) Heat Network is located approximately 2km to the west of the site, and a potential district heat network lies 1km away. It is understood that there is not currently an opportunity to connect to this network, however the Energy Statement advises that the applicant is committed to connecting the development to this or any future local heat network that is developed in the local area, where it is both technically and commercially viable to do so.

### ***Be Green***

- 716 In terms of renewable technologies, PV panels are proposed to the flat roofs of all blocks, which will serve the residential units. The development will target a 50.1% reduction in CO<sub>2</sub> emissions, which exceeds the 35% reduction required by the London Plan.

### ***Be Seen***

- 717 In accordance with the GLA 'Be Seen' guidance, all major plant will be fitted with meters to allow monitoring of gas, electricity and water used in the Energy Centre, and heat consumption. The non-domestic units would be separately metered for space heating, cooling, lighting and power.

### ***Carbon Offset***

- 718 In accordance with the Council's Planning Obligations SPD, a carbon offset contribution of £104 per tonne is required for the 30 year period. This equates to a financial contribution of £311,640, which will be secured in the s106.

### ***Whole Life-Cycle Carbon***

#### *Policy*

- 719 LPP SI 2 'Minimising greenhouse gas emissions' states that development proposals referable to the Mayor should calculate whole life-cycle carbon emissions through a nationally recognised Whole Life-Cycle Carbon Assessment and demonstrate actions taken to reduce life-cycle carbon emissions. The GLA has released draft guidance and a reporting template.

#### *Discussion*

- 720 In accordance with LPP SI 2, a Whole Life-Cycle Carbon Assessment has been submitted to set out how the proposal will reduce life-cycle carbon emissions. The assessment covers a range of 'life-cycle modules' relating to different stages of a project over an

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assessment period of 60 years. The modules includes the construction process (Module A1 – A5); in use (Module B1 – B7); end of life (Module C1 – C4); and benefits and loads beyond the system (Module D).

- 721 The Modules capture a development's operational carbon emissions from regulated and unregulated energy use (the energy used to power and heat a building); and embodied carbon emissions, which is carbon released from raw material extraction, manufacture and transport of building materials, construction, and material disposal.
- 722 The assessment shows that the embodied carbon performance of the development for Modules A, B and C is expected to be 597kgCO<sub>2</sub>/m<sup>2</sup> over the 60 years, which is below the GLA 'benchmark' and GLA 'aspirational'. The submission advises this is 'subject to change' as future assessments provide updated performance figures. A planning condition will ensure this is further explored, and submitted to the LPA for review.

## **Overheating**

### *Policy*

- 723 LPP SI4 states that proposals should reduce potential overheating beyond Part L 2013 of the Building Regulations, reduce reliance on air conditioning systems and demonstrate this in accordance with the Mayor's cooling hierarchy. Policy D6(c) states new development should avoid overheating.
- 724 DMP 22 reflects regional policy, requiring all developments to maximise the incorporation of design measures to manage heat gain.
- 725 Further guidance is given in the Sustainable Design and Construction SPG (GLA) and Chapter 5 of the London Climate Change Adaptation Strategy.

### *Discussion*

- 726 The application includes a Dynamic Overheating Assessment undertaken by Hodkinson, October 2021.
- 727 The development includes the provision of inset balconies on the residential blocks to maximise shading. Dwellings will primarily utilise openable windows for ventilation purposes.
- 728 Blinds will be provided that would allow individual occupants control of solar gain. Blinds would be either fixed to windows or a slotted blind design, such as venetian or vertical blinds, to allow air flow, and to avoid interfering with the effective opening area, whilst allow effective ventilation. Details of this will be required by condition.
- 729 As addressed earlier, in order to mitigate overheating, individual Mechanical Ventilation with Heat Recovery (MVHR) units are proposed to provide fresh air and extract ventilation for the apartments that would provide an effective means of ventilation to mitigate against overheating when the apartment windows are closed.
- 730 On the basis of the information submitted, the Council's Sustainability Manager has confirmed that they raise no objection to the proposed development in relation to overheating, subject to a planning condition to secure the provisions.

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## Urban Greening

### *Policy*

- 731 LPP G5 requires development to contribute to urban greening, including tree planting, green roofs and walls and soft landscaping, recognising the benefits it can bring to mitigating the effects of climate change.
- 732 CSP 7 expects urban greening and living roofs as part of tackling and adapting to climate change. DMP 24 requires all new development to take full account of biodiversity and sets standards for living roofs.

### *Urban greening factor*

- 733 The London Plan introduces the concept of an Urban Greening Factor (UGF) as a principle to support improved public realm and air quality. Policy G5 of the London Plan identifies that development should contribute towards urban greening, with a UGF target score of 0.4 recommended for residential-led development. The UGF is calculated on the basis of a weighting given to different surface finishes ranging from hard and soft landscaping through to intensive and extensive green roofs on a development. The aggregate of the areas multiplied by the weighting is then divided by the total site area to provide a UGF for a development scheme. In this case, the Applicant advises the UGF would achieve 0.4.
- 734 In regard to the proposed living roofs, areas of bio-diverse green and brown living roofs amounting to 1751sqm are proposed to all flat roof areas of the development, however officers require confirmation that the living roofs would be of an 'intensive' construction. The 0.4UGF calculated by the Applicant is based upon the roof being 'intensive', however an 'extensive' roof type is proposed, which would result in the UGF being 0.37.
- 735 It is considered that the 0.4UGF would be achieved by increasing the substrate depth and plant growth. The details of the construction of the living roof; confirmation of measures to ensure that 0.4UGF would be achieved; and confirmation of the living roofs being implemented in full accordance with approved plans will be secured by way of condition.

## Flood Risk

### *Policy*

- 736 The NPPF expects inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Development should only be allowed in areas at risk of flooding where mitigation measure can be included.
- 737 LPP SI 12 requires development proposals to ensure that flood risk is minimised and mitigated.
- 738 CSP 10 requires developments to result in a positive reduction in flooding to the Borough. CSP 11 'River and waterways network' complements this, and identifies that the Council will work with the Environment Agency and community organisations to ensure that Deptford Creek is preserved and enhanced and contributes to the Blue Ribbon Network principles, which includes its water quality, landscape, biodiversity, amenity and historical

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value together with wider recreational and health benefits, as its potential as a transport route.

739 Further guidance is given in the NPPG and the GLA Sustainable Design and Construction SPG.

#### *Discussion*

740 A Flood Risk Assessment & Drainage Strategy (Ardent, October 2021) has been submitted, in addition to 'Sun Wharf - River Wall Condition' (OCSC, dated 8 Sept.2020).

741 The application site lies within Flood Zone 3 (high probability). Protection from tidal flooding in this location is provided by the Thames Tidal Barrier and the raised river walls which line the banks of the Thames and creeks upstream of the barrier.

742 Although the site is defended by the River Thames tidal flood defences up to a 1 in 1000 year (0.1%) level, there is still a residual risk of flooding in the event of a failure of the Thames tidal flood defences.

743 Under the Environment Agency's Thames Estuary 2100 (TE2100) strategy, the flood defence wall heights prescribed for London will need to increase in order to account for the proposed increase in the flood levels associated with the evolving operational regime of the barrier. The intention is that by the year 2100 flood defence walls will be at a height of 6.2m AOD (or greater). The proposal to increase flood defence levels means that the site will continue to be defended from the design flood levels in the Thames.

744 The applicant has worked extensively with the Environment Agency throughout the pre-application stages and during the planning application process following concerns raised.

745 This included concerns with regard to the stability and structural integrity of the river wall, including its anchorage system and design life, in addition to operational access to the River Tidal flood defences.

746 The EA also required evidence that the river wall would not be subjected to an increased deterioration rate, and that its serviceability and safety factors can be maintained for the lifetime of the development.

747 A River Wall Condition Survey Report [OCSC, dated 8/9/20] concluded that following a visual inspection, 'the general condition of the wall is good, with no major visible signs of deformation, distortion, excessive, deflection, damage, cracking or notable deterioration.'

748 It was also agreed with the EA to ensure an 8.1 metre offset from the river, which is needed to improve the space available for the long-term maintenance of the flood defences and, when needed, their replacement without requiring encroachment into Deptford Creek or a narrow riverside path being left. The removal of buried obstructions is also required to facilitate future work to maintain the tidal flood defences, whilst the offset would allow for an appropriate margin to support ecology and biodiversity.

749 Subsequently, these requirements have resulted in the development being set back a further 3 metres than originally submitted, together with the replacement of projecting balconies facing Deptford Creek with inset balconies.

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- 750 In accordance with the EA's requirement for defence walls in London to be increased in height to 6.2m AOD to account for the predicted 2100 flood levels, the Applicants have proposed to adhere in full to this now, rather than to oversee incremental increases over the decades. In addition, the new footpath would be raised by 0.5m over the existing ground level to ensure that users would have views of the river.
- 751 The Applicant proposes the construction of an intertidal terrace, which arose during discussions with the EA following the original submission in 2020. The EA advised in August 2020 that the opportunity to incorporate significant intertidal habitat enhancements into the flood defence / river wall should be considered. The Applicant has followed this advice, however this means the loss of the existing Sand Martin/ Kingfisher bank, which will be addressed later in this report.
- 752 Residential units within the development would be sited at first floor levels and above, and would be set well above the Thames Estuary 2100 plan second stage flood defence raising level of 6.20m AOD.
- 753 In terms of flood management in the event of a breach of the defences, residents of the development would be advised to remain in their apartments during a flood unless directed to evacuate by the relevant authority. The primary means of managing flood risk to the users of the commercial spaces at ground floor level would be through evacuation and closure in response to a flood warning being issued.
- 754 In response to the revised proposals, the Environment Agency have confirmed that they raise no objection to the proposed development, subject to the imposition of a series of detailed conditions relating to flood defence measures and the construction of the new elements of Creek wall.
- 755 In their response dated 24/12/21, the EA refers to the Applicant's proposal for the river wall structure to be regularly inspected and needed maintenance undertaken, with a cost born by an initial payment from the Applicant and service charges from each residential and commercial unit. They consider however that the long-term maintenance requirements should be fulfilled by the Applicant.
- 756 Local concern has been raised to the last visual condition survey of the existing river wall having been undertaken in 2017, and that elements of the wall could not be viewed at the time. The projected lifespan of the wall at the time of inspection in 2017 was 44 years. A further non-intrusive survey of the river wall was undertaken in August 2020, and in para 6.2.1 of their report, OCSC advise it is unclear why the 2017 survey determined the 44 year lifespan, whilst establishing in para 6.2.15 that 'we see no reason why the Residual Life of the Existing River Wall cannot be extended to 100 years.'
- 757 The Environment Agency have requested a planning Condition that requires the Applicant to undertake an intrusive survey of the wall to establish its current condition and lifespan. The outcome of this will inform whether the existing wall can be retained, or should be replaced either in part or in its entirety.
- 758 Concerns have been raised toward to service charges, particularly if the existing wall is retained to some extent and a subsequent structural issue with the river wall arises in the future, in which case Sun Wharf residents would be liable to incur the cost of potentially expensive repairs.
- 759 Officers have reviewed this matter with the Council's Legal team and the Environment Agency, and have established that the responsibility for the maintenance of a river wall

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falls upon the riparian owner, which it is to be assumed would be addressed in the owner's deeds. This is a civil rather than a material planning matter.

### ***Surface water and ground water flood risk***

- 760 The FRA identifies that fluvial, surface water and groundwater flooding does not pose a significant or notable threat to the proposed development, with historic records of flooding at the site. Thames Water records do not include any past instances of sewer flooding in the area.

### **Sustainable Urban Drainage**

#### *Policy*

- 761 The NPPF at para 168 expects major development to incorporate sustainable urban drainage systems (SUDS) unless there is clear evidence it is inappropriate.
- 762 LPP SI 13 requires the mitigation of flooding, or in the case of managed flooding, the stability of buildings, the protection of essential utilities and the quick recovery from flooding. The LP expects development to contribute to safety, security and resilience to emergency, including flooding.
- 763 Policy G4 requires SUDS unless there are practical reasons for not doing so. In addition, development should aim to achieve greenfield run-off rates and ensure surface water is managed in accordance with the policy's drainage hierarchy. The supporting text to the policy recognises the contribution 'green' roofs can make to SUDS. The hierarchy within the policy establishes that development proposals should include 'green' roofs and that Boroughs may wish to develop their own green roof policies. To this end, CSP 7 specifies a preference for Living Roofs (which includes bio-diverse roofs) which in effect, comprise deeper substrates and a more diverse range of planting than plug-planted sedum roofs, providing greater opportunity for bio-diversity.
- 764 CSP 10 requires applicants demonstrate that the most sustainable urban drainage system that is reasonably practical is incorporated to reduce flood risk, improve water quality and achieve amenity and habitat benefits.
- 765 Further guidance is given in the London Plan's Sustainable Design and Construction SPG, the London Sustainable Drainage Action Plan, the Non-Statutory Technical Standards for Sustainable Drainage Systems and CIRIA C753 The SuDS Manual.

#### *Discussion*

- 766 The FRA sets out proposals for surface water management, including a surface water drainage strategy providing an assessment of existing runoff rates, greenfield runoff rates, and required attenuation storage for a range of post-development discharge rates.
- 767 The surface water drainage strategy addresses the Drainage Hierarchy, and notes that rainwater harvesting would be a possible option, and that infiltration is not feasible due to the building footprint/site geology. Two geo-cellular attenuation tanks are proposed to the north and south of block A4 as the main SuDS measure. These would store water when the Creek is in flood, until it is able to be discharged via a controlled outlet point to the Creek. In order to account for the potential overloading of the proposed storage (from a

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significant rainfall event or prolonged period of locking of the outfall) an emergency pump is proposed, to pump flows over/through the Creek Wall in order to avoid discharge to the sewer network and avoid inundation of the proposed basement. Permeable paving and living roofs across the development would also contribute towards surface water management.

768 The submitted information has been reviewed by the Council's SuDS team have confirmed they raise no objection to the proposed development subject to the imposition of conditions requiring the submission of full details of the proposed drainage strategy and submission of a detailed maintenance strategy for all components of the drainage strategy together with information on the adoption arrangements for the ongoing maintenance activities.

769 In addition, a condition is proposed requiring submission of details of the surface water outfall discharge. This will provide the mechanism to ensure that the outfall discharge is appropriately designed and managed so that it does not discharge over the tidal terraces and that the timing of the discharge can be controlled to prevent discharge at low tide, which could result in scouring of the river bed and also pose a potential hazard for those taking part in Creek walks organised by the Creekside Education Trust.

### **Sustainable Infrastructure conclusion**

770 Subject to conditions as outlined above, the proposed development is considered acceptable with regard to flood risk and sustainable drainage, together with the carbon offset financial contribution. The development's substantive contribution to urban greening with its associated benefits in terms of amenity, ecology, biodiversity, and the urban heat island effect is a planning benefit of the scheme to which moderate weight is accorded.

## **7.7 NATURAL ENVIRONMENT**

### *General Policy*

771 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.

772 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.

773 The NPPF at para 185 states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the sensitivity of the site or wider area to impacts that could arise from the development.

774 LPP G1 sets out the Mayor of London's vision for Green Infrastructure as a multifunctional network that brings a wide range of benefits including among other things biodiversity, adapting to climate change, water management and individual and community health and well-being.

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## Ecology and biodiversity

### *Policy*

- 775 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard to the purpose of conserving biodiversity.
- 776 NPPF para 179 states decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. NPPF para 180 sets out principles which LPAs should apply when determining applications in respect of biodiversity.
- 777 LPP G5 seeks wherever possible to ensure that development makes a positive contribution to the protection, enhancement, creation and management of biodiversity.
- 778 LPP G7 protects trees of value and replacements. New development should include additional trees wherever appropriate, particularly large-canopied species
- 779 CSP 12 seeks to preserve or enhance local biodiversity.
- 780 DMP 24 require all new development to take full account of biodiversity in development design, ensuring the delivery of benefits and minimising of potential impacts on biodiversity.

### *Discussion*

- 781 The application is accompanied by an Ecological Impact Assessment (AA Environmental Limited (AAE), 2020) which forms Chapter 8 of the Environmental Statement. This was informed by a follow-up Phase 1 habitat survey in 2019, a bat survey of the site, and a survey of the Sand Martin/ Kingfisher bank, which AAE describe as being of 'District/ Borough value', although the 2021 submission has been revised to 'local value.'
- 782 The application site lies immediately adjacent to the Tidal Thames and Tidal Tributaries Site of Metropolitan Importance for Nature Conservation which includes Deptford Creek within its extent. In addition, the Sue Godfrey Nature Park Local Nature Reserve (LNR) and Site of Importance for Nature Conservation (SINC), the St Nicholas Churchyard Deptford SINC, the Creekside Education Centre SINC and the St Paul's Churchyard and Crossfield Street Open Space SINC are all located within close proximity of the application site.
- 783 The assessment identifies that in terms of ecological value, the existing building and surrounding hardstand areas are of 'limited ecological value', whilst providing 'negligible' roosting opportunities for bats – (note there was no evidence of bats during the visual surveys), or habitat for nesting birds. No evidence of protected species was recorded during surveys.
- 784 The river survey concluded that the Creek is a noted habitat of value for a variety of wildlife, provides a habitat corridor and forms part of the River Thames and Tidal Tributaries SINC, and provides some foraging habitat for bats.
- 785 AAE conclude that the likely effects of the proposed development on protected species are considered to be 'negligible.'

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- 786 The assessment identifies that whilst no roosting bats were recorded on site via the bat survey, it recommends the provision of bat boxes as part of the development to create new habitats, in addition to bird boxes and tubes. These provisions will be secured via condition.
- 787 In terms of potential impacts upon Deptford Creek arising from the development, the assessment identifies the potential for pollution through run-off and dust from demolition and construction, and future works to the wall. The potential impact is considered to be 'minor adverse.'
- 788 In terms of pollution arising from the construction phase, a pollution prevention plan will form part of the Construction Environmental Management Plan (CEMP), which would assist in reducing the risk of impacts upon the Creek.
- 789 In regard to the impact of external lighting, a strategy that will include measures to minimise light spillage to the Creek will be secured by condition.
- Sand Martin/ Kingfisher bank*
- 790 The artificial Sand Martin/Kingfisher bank is located adjacent to the development site, and was formed in the late 1990s by a mix of crushed brick and concrete to encourage wildlife communities. The Creekside Discovery Centre describes this as being the 'most significant creation/ establishment of terrestrial (terrace) habitat adjacent to the Creek. As advised earlier, AAE considered it as being of District/ Borough value, however this has since been revised to Local value.
- 791 The Applicant has worked extensively with the Environment Agency throughout the pre-application stages, and then during the planning application process following concerns raised by the EA. The original 2020 application sought to retain the terrestrial terrace, however following requirements raised by the EA to incorporate significant intertidal habitat enhancements into the flood defence / river wall, it was agreed to lower the terrace to make it intertidal, regrettably resulting in the loss of the existing bank.
- 792 The Applicant's Technical Note (October 2021) advises that 'every endeavour' has been made to retain the Sand Martin/Kingfisher bank, however the provision of the new intertidal ledge means it is not practicable to retain the nesting bank due to water levels.
- 793 The Council's Ecology manager has raised concern towards the loss of the bank as there is no clear indication in regard to mitigation and/ or compensation measures. The officer acknowledges that the proposed landscape planting, living roofs and the tidal terrace has potential to afford mitigation in respect of the loss by providing new foraging and nesting habitat for birds, however details at this stage are limited.
- 794 A planning condition can ensure that an Ecological Management Plan is prepared to ensure that the new habitats are managed to provide beneficial habitat to wildlife. Measures to monitor habitats and species and review the need for additional management would be included within the Plan. It is also considered appropriate for a more detailed survey of the existing bank to be undertaken, which can be used to inform the intended approach going forward.
- 795 This is supported by LUC, who refer to no updated survey since the one undertaken in 2019, whilst considering it to be unclear why the bank has changed to local value. Clarification of this is important as it is the difference between the resulting impact of the development being either 'moderate adverse' if district value; and 'minor adverse residual effect' if local value.

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- 796 Both the Ecology officer and LUC consider there is no reason why the Sand Martin bank cannot be rebuilt, or incorporated into the new intertidal terrace. In response, the Applicants have advised they considered providing replacement nesting opportunities/features into the new wall, however, 'this would affect the integrity of the river wall, which acts as a flood defence measure, and was therefore rejected.'
- 797 The Applicant has advised that the bank was changed to 'local value' as it is not designated, and is not considered to support a regularly occurring population.
- 798 Officers maintain that a detailed survey of the existing bank should be undertaken for the reason set out in para 794 and form part of an ecological management plan that will be required by condition to ensure long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas. In addition, the EA have requested an ecological masterplan by condition that should seek to maximise the habitat value of the river wall.
- 799 Tidal levels in Deptford Creek have a large range, consisting of two cycles per day with high and low tide times shifting throughout the year. High tide levels can reach above 3.78m AOD with low tide levels dropping below -2.90m AOD. Rainfall also makes a contribution to the level of the water within the Creek, which is fed by the Ravensbourne River.
- 800 The proposed rebuilding of the river wall to provide the tidal terraces would provide planting and habitat for aquatic species and improved biodiversity. Tidal terraces provide capture of mud and silt from tidal rivers that are brackish in nature and provide habitat for a range of crustaceans, snails and beetles. The tidal terrace would support a number of plants that thrive on areas that receive regular inundation such as sedges, rushes and salt marsh grass.
- 801 Following discussions with the Council's Ecology Manager, it is considered appropriate to include a Condition that requires the submission of details of the tidal terraces, recognising that the precise level at which the terrace is set will be key to its successful colonisation by vegetation. The applicant will be required to engage with the Environment Agency and the Creekside Education Trust in the design and colonisation of the tidal terraces, recognising their knowledge and expertise in relation to the Creek environment.

#### Impact of lighting

- 802 The NPPF at para 185 states that development should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 803 DM Policy 27 'Lighting' requires development to provide sensitive lighting schemes with particular consideration of the potential adverse impact on biodiversity.
- 804 A condition is proposed requiring the submission of an external lighting strategy for approval, which will provide the mechanism to ensure that the lighting scheme minimises light spillage to Deptford Creek and areas of vegetation, thereby minimising any impacts on the habitats.

#### *Summary*

- 805 The submitted information has been reviewed by the Council's Ecological Regeneration Manager who raises concerns toward the loss of the Sand Martin/ Kingfisher bank, and requests the Applicant considers its re-provision within the new intertidal wall, a view supported by the EA, LUC and the Creekside Education Trust. Planning conditions have

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been requested, including the submission of and implementation in accordance with an Ecological Management Plan, submission of details of the proposed approach to discharge surface water to Deptford Creek, and submission of details of living roofs to ensure that these are extensive substrate roofs designed for biodiversity.

## **Ground pollution**

### *Policy*

- 806 Failing to deal adequately with contamination could cause harm to human health, property and the wider environment (NPPG, 2014). The NPPF at para 174 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil pollution. Development should help to improve local environmental conditions.
- 807 The NPPF states decisions should contribute to and enhance the natural and local environment by remediating and mitigating contaminated land, where appropriate (para 174). Further, the NPPF at para 183 and NPPG states decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination.
- 808 DMP 28 'Contaminated land' provides the policy basis for assessing development proposals in terms of site contamination.
- 809 Contaminated land is statutorily defined under Part 2A of the Environmental Protection Act 1990 (EPA). The regime under Part 2A does not take into account future uses which need a specific grant of planning permission. To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for a new development is considered by the LPA.
- 810 The test is that after remediation, land should not be capable of being determined as "contaminated land" under Part 2A of the EPA.
- 811 If there is a reason to believe contamination could be an issue, developers should provide proportionate but sufficient site investigation information (a risk assessment) to determine the existence or otherwise of contamination, its nature and extent, the risks it may pose and to whom/what (the 'receptors') so that these risks can be assessed and satisfactorily reduced to an acceptable level. DEFRA has published a policy companion document considering the use of '[Category 4 Screening Levels](#)' in providing a simple test for deciding when land is suitable for use and definitely not contaminated land.
- 812 The risk assessment should also identify the potential sources, pathways and receptors ('pollutant linkages') and evaluate the risks. This information will enable the local planning authority to determine whether further more detailed investigation is required, or whether any proposed remediation is satisfactory.
- 813 At this stage, an applicant may be required to provide at least the report of a desk study and site walk-over. This may be sufficient to develop a conceptual model of the source of contamination, the pathways by which it might reach vulnerable receptors and options to show how the identified pollutant linkages can be broken.

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814 Unless this initial assessment clearly demonstrates that the risk from contamination can be satisfactorily reduced to an acceptable level, further site investigations and risk assessment will be needed before the application can be determined.

#### *Discussion*

815 A Preliminary Contamination Risk Assessment (eas ltd, Sept.2014) has been submitted as part of the application submission. This identifies that the site and its immediate surroundings have been the location of heavy industrial works since the early to mid 1800s, which is 'considered likely to have introduced potentially contaminating materials to the site', which means there is 'medium to high' risk of contamination potential.

816 In order to determine soil and groundwater conditions at the site and assess potential pollutant linkages, the report recommends an intrusive site investigation be undertaken. In addition, it recommends that an asbestos survey of the existing buildings on site be undertaken prior to their demolition.

817 The submitted report has been reviewed by the Council's Environmental Protection (EP) officers, who raise no objection to the proposed development, subject to the imposition of a Condition requiring a full desktop study and site assessment, site investigation report and closure report including verification details to be submitted to and approved by the local planning authority.

818 Chapter 13 of the Environment Statement considers there is a low risk of unexploded Ordnance (UXO) on site, and therefore a risk assessment is not necessary. It is noted however that the 2018 planning submission for the Creekside East Village development a short distance to the north was considered to be located within a high risk area for unexploded ordnance, and it was therefore necessary for a detailed desk study to be commissioned to assess the potential risk from unexploded ordnance.

819 EP officers consider it appropriate for an assessment therefore to be undertaken in this case.

820 Subject to the above, the proposed development is considered to be acceptable with regard to ground pollution.

## **Air pollution**

### *Policy*

821 LPP S11 states new development amongst other requirements must endeavour to maintain the best ambient air quality (air quality neutral) and not cause new exceedances of legal air quality standards.

822 CSP 7 reflects the London Plan. CSP 9 seeks to improve local air quality. DMP 23 sets out the required information to support application that might be affected by, or affect, air quality.

823 Further guidance is given in the Mayor of London's Air Quality Strategy.

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## *Discussion*

- 824 The application site lies within an Air Quality Management Area (AQMA). An AQMA is declared where it appears that any air quality standards or objectives are not being achieved, or are unlikely to be achieved within the relevant period. The local authority has to identify any parts of its area in which it appears that those standards or objectives are not likely to be achieved within the relevant period.
- 825 An Air Quality Addendum Report (Ardent, October 2021) has been submitted alongside the application submission, updating Appendix 6.1 to the Environmental Statement. This assesses the impact of the proposed development on air quality during both the construction phase, and the operational phase.
- 826 In terms of the construction phase, the report identifies that construction works for the proposed development have the potential to lead to the release of dust and particulate matter, arising from works including earth moving, movement and use of construction aggregates, and the movement of construction vehicles. Officers are satisfied that the implementation of an appropriate Dust Management Plan (DMP) would ensure appropriate mitigation.
- 827 In terms of the operational phase, as identified above, the energy strategy relies on Air Source Heat Pumps (ASHP), whilst the Applicants have agreed to the installation of communal electric boilers rather than gas.
- 828 The report considered the cumulative impact of the proposed development together with other developments proposed within the surrounding area. Recognising that these other development schemes would also be subject to Dust Management Plans to ensure appropriate dust mitigation measures during the construction phase, and given the separation distances between the proposed development and other sites, the report considers that the likelihood of interaction of dust particles and emission components will not be significant.
- 829 In addition, an air quality neutral assessment has been undertaken for the proposed development. The development emissions are below the nitrogen oxides (NOx) Building Emissions Benchmark and the Transport Emission Benchmarks for NOx and small airborne particles (PM10), therefore, the proposed development can be considered 'air quality neutral' for the purposes of building and transport emissions.
- 830 The submitted documents have been reviewed by the Council's Environmental Protection team, and independent consultants on behalf of the LPA (LUC), who raise no objection to the proposed development on air quality grounds.
- 831 Subject to appropriate planning conditions, it is considered that the proposed development would be acceptable with regard to air quality.

## **Water quality**

### *Policy*

- 832 The NPPF at para 174 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Development should,

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wherever possible, help to improve local environmental conditions such as water quality, taking into account relevant information such as river basin management plans

### *Discussion*

- 833 The Environment Agency have advised that controlled waters are particularly sensitive in this location, because the site is located upon a Secondary Aquifer and within a groundwater Source Protection Zone. There is therefore a potential risk of contamination to controlled waters at this site associated with construction activities. The Environment Agency have therefore recommended conditions requiring intrusive site investigations and the implementation of associated measures to prevent ground contaminants impacting on water quality, and requiring approval of details in advance of any piling works taking place. As discussed above in relation to ecology, the Construction Environmental Management Plan (CEMP) and associated Dust Management Plan (DCP) will mitigate the risk of any impacts to water quality within the Creek during the construction phase. Conditions are proposed to secure the appropriate provisions.
- 834 In terms of local water supply, Thames Water have confirmed that they are liaising with the developer to deliver the off-site water infrastructure needs to serve the development. They have however identified that whilst some capacity exists within the water network, upgrades to the network will be required to serve the proposed number of residential units and the non-residential floorspace. As such, Thames Water have requested a planning condition to ensure that development does not outpace the delivery of essential water supply infrastructure. This would serve to limit occupation of the proposed development until confirmation has been provided that either all water network upgrades required to accommodate the additional flows to serve the development have been completed, or a development and infrastructure phasing plan has been agreed with Thames Water. A condition is proposed in this regard.

## **Wind & Microclimate**

### *Policy*

- 835 LPP SI1 states tall buildings should not affect their surroundings adversely in terms of among other things microclimate and wind turbulence.
- 836 CSP 18(6) relates to microclimate and tall buildings.

### *Discussion*

- 837 A Pedestrian Level Wind Microclimate submission Assessment (RWDI, 27 October 2021) has been submitted as part of the application and provides a wind microclimate assessment based on a series of Computational Fluid Dynamics (CFD).
- 838 The assessment identifies that based on CFD, the surrounding wind environment would generally be acceptable for sitting or walking during the windiest season. In addition to the implementation of the proposed landscaping scheme, the assessment does identify specific areas where additional wind mitigation measures would be required.

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- 839 Chapter 10 of the Environmental Statement advises that ‘significant’ effects were identified on thoroughfares around the north-western corner of the Kent Wharf development, ie strong wind exceedances to an area south of Cofferdam Way from a south-westerly direction is likely to be experienced without mitigation, based upon a worst-case scenario.
- 840 It is proposed that measures such as artwork installation, or trees located in planters of up to 5m height within Kent Wharf would be adequate to reduce the impacts of the wind, although it is advised that further qualitative assessment is necessary to determine the full effectiveness of the potential measures. The mitigation would be located to the south-west of the identified area, and the Applicants have confirmed it would be ensured not to obstruct the existing route. There is an existing vehicular access into the Kent Wharf site 27m to the south of Cofferdam Way, however the mitigation is likely to be located a sufficient distance away.
- 841 The further assessment will be subject to a Condition, and the approved mitigation secured within the s106. The Applicant has assured officers that the positioning of the mitigation measure to be agreed would not obstruct the existing Kent Wharf route for access of the fire brigade to the north side of proposed Blocks B1 and B2.
- 842 In regard to the adjacent pedestrian/ cycle path over Deptford Creek, RWDI concluded that wind conditions would be suitable for standing and strolling use during the windiest season.
- 843 The existing baseline indicates ‘standing’ is suitable across the bridge, including the centrally located platform. With the proposed development and existing surrounding buildings in the windiest season, half the bridge would remain ‘standing’ and ‘suitable; with the other half being ‘strolling’, which is considered suitable for a pedestrian and cycle route.
- 844 The platform area at the mid-point of the bridge would change from ‘standing’ to strolling’, however it is not considered that the ‘strolling’ condition would necessarily prevent people from standing at the platform to observe the views.
- 845 It must be acknowledged that the assessment is a worst-case scenario during the winter months. In the summer months when more pedestrians are likely to use the platform, the bridge would have a ‘standing’ category along the entire route.
- 846 For balconies within the development, 1.8m high screens are proposed to reduce the impact of wind microclimate.
- 847 The assessment identifies that wind conditions would range from suitable for sitting use to walking use during the windiest season, and that wind conditions on thoroughfares within and around the site, and at entrances would be acceptable for the intended pedestrian uses.
- 848 It is advised that off-site entrances would represent a negligible (not significant) effect, as conditions would not change from the baseline scenario, therefore mitigation measures would not be required.
- 849 Overall, with regard to wind and microclimate, the proposed development provides some beneficial impacts, and minor adverse/ significant impact to the Kent Wharf development, which would be mitigated by new trees in planters. It must be acknowledged that the assessment has been modelled to a worst case scenario.

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- 850 The submission has been considered by an independent consultant (LUC) on behalf of the LPA. They confirm that the Applicant's baseline; proposed development; and cumulative development assessments were all based on 'Computational Fluid Dynamics' (CFD) models, and used meteorological data from Heathrow Airport adjusted for the effect of terrain roughness. LUC advised this approach is 'commonplace and acceptable', and confirms that assumptions are made on worst-case wind speeds between December and February.
- 851 The assessment was based on three configurations, including:
- 1) Existing site with existing surrounding buildings (baseline);
  - 2) Proposed development with existing surrounding buildings and landscaping;
  - 3) Proposed development with cumulative surrounding buildings and landscaping.
- 852 LUC refer to the current baseline to the north-west area including Ferranti Park as mostly 'standing' and 'strolling' winds, which is acceptable. This would remain the case in the second configuration listed following construction, however LUC acknowledge 'potentially unsafe strong winds' to the north-west corner of Kent Wharf, and to the south-east of the development by the riverbank.
- 853 LUC raise no objections to the proposed mitigation measure of trees located in planters, and advise that cumulative schemes within the locality may serve to reduce the wind speed in the future. Any removal of the approved trees in the future would need full justification from a wind engineer.
- 854 Given the above, the proposed development is considered acceptable with regard to wind microclimate impacts.

## **Waste and Circular Economy**

### Policy

- 855 LPP SI7 states resource conservation, waste reduction, increases in material re-use and recycling, and reductions in waste going for disposal will be achieved by the Mayor, waste planning authorities and industry working in collaboration to:
- 1) promote a more circular economy that improves resource efficiency and innovation to keep products and materials at their highest use for as long as possible;
  - 2) encourage waste minimisation and waste prevention through the reuse of materials and using fewer resources in the production and distribution of products;
  - 3) ensure that there is zero biodegradable or recyclable waste to landfill by 2026;
  - 4) meet or exceed the municipal waste recycling target of 65 per cent by 2030;
  - 5) meet or exceed the targets for each of the following waste and material streams:
    - a) construction and demolition – 95 per cent reuse/recycling/recovery

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b) excavation – 95 per cent beneficial use

6) design developments with adequate, flexible, and easily accessible storage space and collection systems that support, as a minimum,

### *Discussion*

- 856 A Site Waste Management Plan (SWMP) (Arden, October 2021) has been submitted as part of the application submission, which details the anticipated waste arising from the residential units. It is estimated that the proposed development for the residential element only will produce a total of 32,640 litres per week of recyclable and residual waste material. A similar exercise has not been undertaken for the commercial element as users are currently unknown.
- 857 A condition is proposed requiring submission of an updated SWMP as part of the Construction Environment Management Plan for waste produced during demolition and construction activities.
- 858 A Circular Economy Statement has been submitted, in accordance with LPPSI 7, and sets out the circular economy approach to resource conservation, waste reduction, increases in material re-use and recycling, and reductions in waste going for disposal.
- 859 The Statement adopts the London Plan targets of 95% Excavation waste; 95% Demolition waste; 95% Construction waste; and 65% Municipal waste. The supplementary information also specifies that a minimum 20% target (by value) for recycled content in building materials should be considered, which the Statement confirms would be achieved.
- 860 A Bill of Construction will be provided within a post construction report to confirm the 20% recycling target, and will be accompanied by an updated Circular Economy Statement when the proposed development is at full build out including reporting on the targets, commitments and outcomes that have been achieved, supported where necessary with evidence, including audits, correspondence, record drawings and images, specifications and product certifications. This would be secured via a planning condition.

### **Natural Environment conclusion**

- 861 Subject to conditions as outlined above, the proposed development is considered acceptable with regard to ecology and biodiversity, ground pollution, air pollution, water quality, wind microclimate and site waste management. In terms of biodiversity, the proposed development should deliver a net gain in terms of the provision of soft landscaping and trees, living roofs, tidal terraces and wildlife boxes.

## **7.8 PUBLIC HEALTH, WELL-BEING AND SAFETY**

### *General Policy*

- 862 The NPPF and NPPG promote healthy communities. Decisions should take into account and support the health and well-being of all sections of the community. The NPPG recognises the built and natural environments are major determinants of health and

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wellbeing. Further links to planning and health are found throughout the whole of the NPPF. Key areas include the core planning principles and the policies on transport (chapter 9), high quality homes (chapter 5), good design (chapter 12), climate change (chapter 14) and the natural environment (chapter 15).

- 863 The NPPG sets out a range of issues that could in respect of health and healthcare infrastructure, include how development proposals can support strong, vibrant and healthy communities. Development, where appropriate, should encourage active healthy lifestyles that are made easy through the pattern of development, good urban design, good access to local services and facilities; green open space and safe places for active play and food growing, and is accessible by walking and cycling and public transport. The creation of healthy living environments for people of all ages can support social interaction.
- 864 Where appropriate, applicants should show how they have accounted for potential pollution and other environmental hazards, which might lead to an adverse impact on human health.
- 865 Para 127 Good design create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 866 LPP D1 Safety, Security and Resilience states that boroughs should work to maintain a safe and secure environment and reduce the fear of crime. Public health and well-being

#### *Discussion*

- 867 Chapter 12 'Socio-Economic Effects' of the ES identified that based on a projected residential population of 500 persons for the original proposal of 251 residential units, the Sun Wharf development would be expected to generate a requirement for up to 0.26 GPs. It identifies that there are 9 GP surgeries within 1.6km walking distance (1 mile) of the application site, and these facilities have 45 GPs, and 78,069 registered patients, providing a GP to patient ratio of 1 per 1,734, compared to an NHS average of 1 per 1,392, and an average Lewisham ratio of 1900.
- 868 Implementation and full occupation of the previous proposal for 251 residential units would increase the GP to patient ratio to 1 per 1,745. The assessment does however highlight that the surgeries within the study area are all accepting new patients despite the capacity exceeding the average GP to patient ratio.
- 869 The figures stated have not been updated since the reduction in the number of units undertaken in late 2021, however they do serve to present a worst case scenario for a development that is considerably larger than the current proposal for 220 units. Similarly, the below figures relating to local schools is applicable to the former 251 unit scheme.
- 870 In regard to schooling, the original development would accommodate approximately 70 children – 23 of nursery age; 24 primary; and 14 secondary school age.
- 871 Four nurseries lie between 500m to 750m of the site, the largest being Rachel McMillan that has capacity for 171 children, and the smallest being Chairbears Day Nursery that has space for 40. The submission advises there is no recent information in regard to spare capacity, other than a 2019 Ofsted report for Little Elms Greenwich Nursery that had no capacity.

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- 872 Within one mile of the site are 11 primary schools, and according to a 2020 census, the nearest school at St Joseph's (0.2 miles within LB Lewisham) had spare capacity of 51 spaces. Lucas Vale school 0.8 miles away had space capacity of 116.
- 873 In regard to secondary schools, 8 schools lie within 2.1 miles, the nearest being 0.8 miles at Addey and Stanhope which in 2020 had spare capacity of 17 places. All the schools listed had spare capacity, the most being at St Matthew Academy, The John Roan, and Deptford Green.
- 874 It is therefore clear that the application site lies within proximity of GP practices and schools that have capacity to accommodate the increased need arising from the development. The development will make a financial contribution to the Borough Community Infrastructure Levy, which could potentially be directed towards additional public health and education facilities if these are considered to be a priority.
- 875 In terms of well-being, it is acknowledged that many existing residents may be working from home, and so would experience construction works on a daily basis for a considerable period. The developers would be expected to adhere to the approved Construction and Environment Management Plan to ensure impacts arising from the works would be suitably managed, with a point of contact made known to occupiers to allow for communication during construction.
- 876 Post development, Sun Wharf will provide high public realm spaces, including hard and soft landscaped areas and the new Deptford Creek route. The development also presents good access to local services and facilities, open space and safe places for active play, and is accessible by walking and cycling and public transport.
- 877 Given the above, the proposed scheme is considered acceptable with regard to public health and wellbeing.

## **Public safety**

### *Policy*

- 878 Para 130 Good design create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 879 Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder.
- 880 LLP D10 states measures to design out crime should be integral to the proposals, taking into account the principles of the Secured by Design scheme. Development should maintain a safe and secure environment and reduce the fear of crime.
- 881 CSP 15 requires development to minimise crime and the fear of crime.
- 882 LLP D12 requires developments to achieve the highest standards of fire safety. A Fire Statement, prepared by a suitably qualified independent assessor, should accompany all major developments. This should address several specific actions among which are: (i) construction methods, products and materials; (ii) means of escape; (iii) appropriate fire

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alarm systems and passive and active fire safety measures; and (iv) details of access for the emergency services.

### *Discussion*

- 883 The proposed development has been designed to comply with the principles of 'Secured by Design'. Key elements that have been addressed include natural surveillance, lighting, integration of CCTV and management of common parts.
- 884 As part of the design process, pre-application consultation took place with the Metropolitan Police Designing Out Crime Officer.
- 885 The Designing Out Crime Officer has reviewed the application submission and has commented there are many positives with this development, including the use of natural surveillance, good sight lines and the omission of deep alcoves allows people to go through the site with confidence.
- 886 The Officer raises no objections to the proposed development, and would welcome further engagement with the applicant team. It is requested that a planning condition be attached to any grant of consent requiring the development to incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design.
- 887 In regard to fire safety, in accordance with LPPD12, and 'Planning Gateway One' (PGO), a Planning Statement forms part of the current submission, and the Health & Safety Executive was formally notified by the LPA of the application. The PGO was introduced in August 2021 following the Grenfell Tower fire Inquiry, and requires that fire safety is considered at an early stage of the development process.
- 888 The submission Statement was undertaken by a qualified Fire Safety Engineer, and outlines the minimum fire safety provisions for residential development. A general overview of the buildings comprising the scheme is provided, including means of escape; internal design features including sprinkler systems and smoke alarm installations; and access for fire service vehicles being in accordance with Part B5 regs.
- 889 A more detailed consideration of fire safety matters will be undertaken at Building Regulations stage.

## **8.0 LOCAL FINANCE CONSIDERATIONS**

- 890 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
- a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
  - sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).
- 891 The weight to be attached to a local finance consideration remains a matter for the decision maker.

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892 The CIL is therefore a material consideration.

893 Approximately £2,050,988 is estimated to be payable on this application, subject to any valid applications for relief or exemption in relation to the affordable housing provision, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

## 8.1 EQUALITIES CONSIDERATIONS

894 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.

895 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.

896 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.

897 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>

898 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

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- 899 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>
- 900 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.

## 8.2 HUMAN RIGHTS IMPLICATIONS

- 901 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
  - Protocol 1, Article 2: Right to education
- 902 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.
- 903 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.
- 904 This application has the legitimate aim of providing 220 new residential dwellings, commercial uses and river walk improvements. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

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## 8.3 LEGAL AGREEMENT

905 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

906 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.

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

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

### ***Housing***

- Minimum 35% affordable housing (by unit)/ 39% (by habitable rooms) comprising;
  - Social Rent (London Affordable Rent) - 46 units; and
  - Shared Ownership - 31 units

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Unit Type	London Affordable Rent	Shared Ownership	Overall
1B2P	10	10	20
2B3P	11	6	17
2B4P	14	10	24
3B5P	11	5	16

- The mix of Shared Ownership and private units in Block A2 to be provided in full accordance with the approved plans.
- Affordability of affordable units in accordance with qualifying income levels as set out in the London Plan, the Mayor’s Affordable Housing and Viability SPG and the Annual Monitoring Report including a range of income thresholds for different sized units.
- Homes to be made available through the new Homes for Londoners online portal.
- The Shared Ownership housing provision within the scheme shall not exceed 50% of the total number units, in compliance with CS Policy 1.
- Completion timing and availability of affordable units in relation to market units.
- Early Stage Viability Review triggered if an agreed level of progress on implementation is not made within two years of any permission being granted.
- Late Stage Viability Review triggered when 75% of the units are sold or let.

### Wheelchair Housing

909

Submission of a Wheelchair Housing Marketing Plan to include:

- Provision and retention in perpetuity of 22no. wheelchair accessible M4(3) units, (including 16no. within the affordable tenure), including their number, mix, location, fit-out and associated car parking spaces.
- Marketing of wheelchair units for a minimum period of 6 months prior to release of unsold units to the open market; and
- Affordable wheelchair units to be marketed in accordance with the SELHP Guidelines for Developing & Marketing Wheelchair Accessible Shared Ownership Properties.

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### **Local Labour and Business**

- 910 Submit and enter in to a Local Labour and Business Strategy (to be agreed with Lewisham's Economic Development Team), to support local people into work by providing employment opportunity linked training during both the construction phase and operational phase.
- 911 Financial contribution of £99k.

### **Commercial Floorspace Marketing Strategy and Fit Out**

- 912 Marketing strategy to be submitted for approval 6 months prior to first occupation of any part of the development setting out the measures for marketing of the commercial units, which shall include, among other things, rent levels, marketing methods and period of marketing. The agreed marketing measures shall be implemented at least 4 months prior to occupation of any part of the development.
- 913 Ensure the affordable workspace is secured in accordance with the approved terms.
- 914 Developer to provide a shell and core for the commercial units prior to any occupation of the residential units, to include:
- Service connections for gas, electricity, water and foul drainage;
  - Provision for telecommunication services and broadband services;
  - Wheelchair accessible entrances;
  - Screed floors;
  - Glazing solution.

### **Carbon Offsetting**

- 915 Financial contribution of £311,640 towards carbon offsetting, with £50,000 to be payable upon commencement and £261,640 payable prior to occupation of the 100<sup>th</sup> residential unit.

### **Highways and Transport**

- 916 £80,000 contribution towards highway and public realm works to Creekside Masterplan, including wayfinding signs; integrated cycle routes.
- 917 Enter into a S278 agreement to deliver the following:
- The provision of dropped kerbs/ tactile information at the new vehicular entrance to the site;

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- Reinstatement/ highways works to the section of Creekside adjacent to the site frontage;
- Lighting measures under the railway bridge on Creekside;
- The closure of any redundant crossovers;
- Traffic calming/ crossing facilities on Creekside adjacent to the site to be amended to avoid conflict with the proposed site access.

- 918 Provision to ensure that future residents will not to be eligible to obtain parking permits.
- 919 Car Club Strategy providing membership for all residents for 3 years, including a review of existing car club infrastructure in the vicinity to determine whether additional vehicle provision would be required.
- 920 A commitment to participate in the Evelyn Street Construction Logistics Partnership, including any forums.
- 921 A road safety audit to be carried out for the new vehicular access to assess whether it will create an adverse impact on the function and safety of Creekside.
- 922 £30,000 contribution towards consultation on and subject to the outcome of all statutory and non-statutory consultations, the implementation of a Controlled Parking Zone / Restricted Parking Zone within the surrounding area, based on the cost of;
- Meeting with Local groups to discuss the attractors in the area, the timings of the zone and the area to be consulted.
  - Consult residents in the agreed area on the agreed options and proposed design of the zone.
  - Provide drop-in events and allow Local Assemblies and TRAs time to raise issues at their meetings if necessary. Also highlight the approach to disabled bays.
  - Publish the results of the consultation on the web, identifying which options were favoured for the timings and area of the zone to be implemented.
  - Statutory consultation on the TMO.

### **Public Realm**

- 923 Completion of all public realm within the application site and it being made publicly accessible prior to completion of the 100<sup>th</sup> residential unit. Submission of a detailed delivery and phasing strategy in relation to the construction programme, which seeks to deliver and complete defined elements of the public realm ahead of this final backstop wherever practicable within the constraints of the construction programme.
- 924 Provision which requires all public realm within the application site to be publicly accessible to pedestrians and cyclists at all times and in perpetuity.
- 925 Provision of the river walk route shall be complete and made available for public use prior to completion of the 100<sup>th</sup> residential unit and provision that this stretch of route will be publicly accessible to pedestrians and cyclists at all times in perpetuity.

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926 Submission of a Public Realm and Public Access Management Plan for approval, and detailing management and maintenance arrangements for the public realm.

### **Amenity Space & Children's Playspace**

927 Ensure that equal access to the communal amenity spaces is provided for all residents of the development in perpetuity.

### **Creek wall and new river walk**

928 Prior to first residential occupation, works to raise the crest height of the tidal flood defence crest level to a minimum of 6.2 metres above Ordnance Datum (AOD) to be completed.

### **Energy Centre**

929 Not to occupy more than 50% of the residential units until the Energy Centre is functioning and operational.

### **Air Quality**

930 Financial contribution of £24,000.

### **Ecology and Biodiversity**

931 Secure provision of intertidal terrace and monitoring provisions to confirm its successful implementation / colonisation and ongoing management.

### **Brewery Wharf and Cockpit Arts Centre Safeguarding Provisions**

932 The developer/ future land owners are required to inform all prospective future occupiers of the nature and extent of activities at Brewery Wharf and Cockpit Arts Centre, including times and days of operation.

933 Details of how this will be undertaken will be submitted to the Council for approval, and implemented in full accordance thereafter.

### **Architect Retention Clause**

934 Stockwool to be retained in a design champion / guardian role overseeing the executive architect if another practice is appointed during construction to ensure exemplary design quality is achieved.

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### **Microclimate: Wind Mitigation**

- 935 The location and provision of wind mitigation measures (eg tree pits or other design solutions as appropriate) to the identified area adjacent to Kent Wharf to mitigate wind microclimate to the north-west corner. Details of the wind mitigation measures shall be submitted to and approved in writing by the LPA, and implemented in full prior to first occupation.

### **Monitoring Fee and Legal Costs**

- 936 Meeting the Council's reasonable costs in preparing and monitoring the legal obligations. The monitoring costs in this instance would be payable on or prior to completion of the s106 agreement as per the Planning Obligations SPD.
- 937 Officers consider that the obligations outlined above are appropriate and necessary in order to mitigate the impacts of the development and make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010)

## **9.0 CONCLUSION**

- 938 This application has been considered in the light of policies set out in the development plan and other material considerations, as required by Section 38(6) of the Planning and Compulsory Purchase Act.
- 939 The proposals were developed in the context of extensive pre-application discussions with Council officers, the Greater London Authority and following five presentations to Lewisham's Design Review Panel. The applicant has also held pre-application consultation events to which local residents and stakeholders were invited.
- 940 The application site lies within the Deptford Creek / Greenwich Riverside Opportunity Area, and would deliver 220 new dwellings, which represents a significant contribution to the Borough's current annual housing target of 13% on the basis of the London Plan. Significant weight is therefore afforded to this in planning terms.
- 941 The proposed buildings are well designed and would afford a high standard of amenity for future occupiers, in terms of internal and external space standards, outlook, aspect, and the provision of external communal amenity space and playspace.
- 942 The proposed development would achieve an excellent design quality befitting its prominent setting fronting Deptford Creek. The materiality and detailed treatment of the buildings would be of a necessary high standard, which would be ensured by planning condition.
- 943 35% of the new dwellings would be provided as affordable housing (39% by habitable room), with a policy compliant 60/40% mix of genuine affordable and Intermediate tenure. It has been demonstrated through robust interrogation of the submitted viability evidence that the affordable provision is the maximum the scheme can deliver in viability terms. Early and late stage viability review mechanisms would ensure that any improvement in viability could be captured and directed towards affordable housing delivery.

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- 944 The development would deliver high quality public realm comprising central spaces within the site, the route through the site from Creekside to the river, and the new public footpath adjacent to the river, which would connect to the existing footpath to the north, providing substantive public benefit for local residents and visitors to the area. The public realm and Creekside route are major benefits of the scheme to which significant weight is attached in planning terms.
- 945 The development would also facilitate works to replace the existing Creek Wall to take account for predicted 2100 flood levels by raising the wall to a level of 6.2m AOD to meet enhanced flood resistance. The development would also deliver net gains in biodiversity terms through the provision of new landscaping and planting, biodiverse living roof areas, and intertidal terrace within the Creek environment.
- 946 Other benefits of the proposed development include the provision of flexible commercial floorspace, which would support job creation and economic benefits.
- 947 Financial contributions would be secured to deliver highway and public realm improvements to Creekside to create a high quality environment for pedestrians and cyclists.
- 948 As detailed within this report, the proposed development would result in less than significant harm upon designated heritage assets. NPPF paragraph 196 states that where a development proposal 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. The proposed development would deliver substantive public benefits, and taking all the identified public benefits into account, it is considered these outweigh the identified harm to the designated heritage assets.
- 949 Less than substantial harm to heritage assets at the lower end of the range is recognised, and great weight has been given to this identified heritage harm in accordance with Paragraph 199 of the NPPF. This harm is summarised as follows:
- Less than substantial harm on a lower scale to the setting of the Deptford High Street and St Paul's Church Conservation Area due to the visibility and elevational form of the western elevation of the A1 tower from Deptford Broadway. Further details in regard to materiality will be subject to a planning Condition;
  - Less than substantial harm on a lower scale to the protected view of Blackheath Point (London View Management Framework 6A.1). This report has set out the nature of the identified harm, and that the existing view of St Paul's Cathedral would not be affected by the development.
- 950 Officers are satisfied that the development would not harm the setting of the Grade I Listed St Pauls Church, or the Deptford Creekside Conservation Area.
- 951 In regard to the Grade II Listed viaduct to the south of the application site, further material details are required by condition to ensure that the proposal would respond to the historic nature of the structure, however the development is considered to preserve the setting of the listed building.
- 952 In accordance with para.196 of the NPPF, the public benefits presented by the proposed development, summarised below, have been weighed against the heritage harm identified:

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- Delivery of 220 additional homes within the Borough;
- Provision of 39% affordable homes;
- Construction of a new river wall and public river walk;
- Provision of commercial units, including affordable workspace;
- Provision of new employment opportunities;
- Provision of a Local Labour and Business Strategy and Contribution;
- Improvements to the existing highways network.

953 Officers consider that whilst great weight has been afforded to the heritage harm, the significant public benefits presented by the scheme outweigh the less than substantial harm at the lower end of the range that have been identified.

954 The proposed development would result in varying amenity harm to occupiers of neighbouring apartments through reductions in daylight and sunlight, in particular to the Kent Wharf development. Some units/ habitable rooms would experience significant reductions (major adverse), which has been addressed in this report.

955 For the reasons set out above, it is considered that this impact must be considered in the context of the existing baseline context, and the need to apply BRE guidelines flexibly in the context of urban development within a designated opportunity area. Whilst the degree of harm to particular units will be significant, in weighing this harm against the public benefits of the scheme, it is considered that the substantive benefits that the scheme would deliver outweigh this harm.

956 In conclusion, the proposed development is considered to be in accordance with the relevant national planning policy guidance and development plan policies. The proposals comprise sustainable development in accordance with the NPPF and will make an important contribution to the delivery of the site allocation in respect of making a substantive contribution to the Borough's housing supply, and redeveloping the site to reflect the significant development that has taken place within the surrounding area over the last 20 years. The proposals are therefore considered to be both appropriate and beneficial, therefore, on balance, any harm arising from the proposed development is considered to be outweighed by the substantive benefits listed above.

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## 10.0 RECOMMENDATION

### RECOMMENDATION (A)

- 957 To agree the proposals and refer the application, this report and any other required documents to the Mayor of London (Greater London Authority) under Article 5 of the Town and Country Planning (Mayor of London) Order 2008.

### RECOMMENDATION (B)

- 958 Subject to no direction being received from the Mayor of London, authorise the Head of Law to complete a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the principal matters as set out in Section 12 of this report, including other such amendments as considered appropriate to ensure the acceptable implementation of the development.

### RECOMMENDATION (C)

- 959 Subject to completion of a satisfactory legal agreement, authorise the Head of Planning to **GRANT PLANNING PERMISSION** subject to conditions including those set out below and such amendments as considered appropriate to ensure the acceptable implementation of the development.

## 11.0 CONDITIONS

### 1. Full Planning Permission Time Limit

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

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

### 2. Approved Quantum

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

- a) 220 residential units (Use Class C3).
- b) Commercial floorspace (Use Class E) of 1443sqm in 10 units, comprised of:
  - (i) Use Class E(g) of 1,132sqm in 9 units (Blocks A and B); and
  - (ii) Use Class E(b) and/ or E(g) of 311sqm within the Container building.

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- c) Three buildings: A1/A3 (7-19 storeys); A2/A4 (6-7 storeys); B1/B2 (6-7 storeys).
- d) Energy centre located within A1 measuring 107.57sqm.
- e) Minimum provision of 446no. cycle spaces.
- f) 8no. wheelchair accessible car parking spaces.

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

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

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

#### **Plans received 28 October 2021**

PL(20)001\_P03; PL\_(20)100\_P03; PL(20)101\_P03; PL(20)102\_P03;  
 PL(20)103\_P03; PL(20)104\_P03; PL(20)105\_P03; PL(20)106\_P03;  
 PL(20)107\_P03; PL(20)108\_P03; PL(20)109\_P03; PL(20)110\_P03;  
 PL(20)111\_P03; PL(20)112\_P03; PL(20)113\_P03; PL(20)114\_P03;  
 PL(20)115\_P03; PL(20)116\_P03; PL(20)117\_P03; PL(20)118\_P03;  
 PL(20)119\_P03; PL(20)201\_P03; PL(20)202\_P03; PL(20)203\_P03;  
 PL(20)204\_P03; PL(20)205\_P03; PL(20)206\_P03; PL(20)207\_P03;  
 PL(20)221\_P03; PL(20)222\_P03; PL(20)301\_P03; PL(20)302\_P03;  
 PL(20)303\_P03; PL(20)304\_P03; PL(20)401\_P03; PL(20)402\_P03;  
 PL(20)403\_P03; PL(20)404\_P03; PL(70)501\_P03; PL(70)502\_P03;  
 PL(70)503\_P03; PL(70)504\_P03; PL(70)505\_P03; PL(70)506\_P03;  
 PL(70)507\_P03; PL(70)508\_P03; PL(70)509\_P03; PL(70)510\_P03;  
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 PL(70)527\_P03; PL(70)528\_P03; PL(70)529\_P03; PL(70)530\_P03;  
 PL(70)531\_P03; PL(70)532\_P03; PL(90)\_00\_P03 Rev P01; PL(90)10\_P03  
 Rev P01; PL(90)20\_P03 Rev P01; SK(20) 901 Rev P03; SK(20) 910 Rev P01;  
 SK(20)ST00; SK(20)ST01; SK(20)ST02; 20.619-P-200 Rev n; 20.619-P-201  
 Rev h; 20.619-P-202 Rev b; 20.619-P-203 Rev a; 20.619-P-204 Rev a  
 (Received 28 Oct 2021);

3D Modelling; Letter [eb7, dated 25 Feb 2022](Received 10 March 2022)

**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.

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#### 4. Construction Environment Management Plan

No development shall commence on site until such time as a Construction Environment Management Plan has been submitted to and approved in writing by the local planning authority (in consultation with the Port of London Authority). The plan shall include:-

- (a) appropriate limits on hours of site working;
- (b) a Pollution Prevention Plan in order to minimise risk of pollution to Deptford Creek from any site-related impacts, including commitments regarding site lighting and details of measures to mitigate the impact of any light spillage to Deptford Creek during the construction phase;
- (c) measures to check for the presence of knotweed and other non-native invasive species prior to site clearance, and the measures that will be employed for their removal;
- (d) commitments regarding the secure on-site storage of fuel and other hazardous liquids or materials to prevent these causing groundwater contamination;
- (e) a Site Waste Management Plan including commitments regarding waste management strategies for all waste produced during demolition and construction activities;
- (f) the location and operation of plant and wheel washing facilities;
- (g) noise and vibration monitoring positions and the format of noise and vibration reporting, and details of best practical measures to be employed to mitigate noise and vibration arising from the construction process;
- (h) details of Security Management (to minimise risks to unauthorised personnel);
- (i) details of the training of site operatives to follow the Construction Environment Management Plan requirements; and
- (j) a process for updating local residents of construction work progress including any potential disturbance arising, and a process for handling complaints from the public.

The works shall be carried out in strict accordance with the approved Construction Environment Management Plan.

**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).

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## 5. Construction Logistics Plan

No development shall commence on site until a Construction Logistics Plan has been submitted to and approved in writing by the local planning authority (in consultation with the Port of London Authority). The plan shall demonstrate the following:-

- (a) Rationalise travel and traffic routes to and from the site;
- (b) A commitment to consider the use of Deptford Creek for the movement of materials where practicable;
- (c) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity;
- (d) Provide full details of the following:
  - Siting of hoarding lines;
  - Location of site access gates (both vehicular and pedestrian);
  - Location of on-site parking;
  - Location of loading area and any waiting/holding area;
  - Location allocated for site compound, storage and welfare;
  - Vehicle route through the site;
  - Swept path analysis of the proposed access/egress route to/from the site via Creekside;
  - Details of the size/type and number of vehicle accessing the site
- (e) Measures to ensure a safe environment for pedestrians and cyclists using Creekside during the construction phase;
- (f) How the construction phasing of committed developments in the vicinity of the site will be taken into consideration

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

**Reason:** In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy T7 Deliveries, servicing and construction and Policy SI 1 Improving air quality of the London Plan (March 2021).

## 6. Dust Management Plan

No development shall commence on site until a Dust Management Plan to minimise the risk of dust pollution during site clearance and construction works (including any works of demolition of existing buildings) and which includes details of appropriate monitoring activities, has been submitted to and approved in writing by the local planning authority (in consultation with the Port of London Authority).

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**Reason:** To manage and prevent further deterioration of existing low quality air across London in accordance Policy T7 Deliveries, servicing and construction and Policy SI 1 Improving air quality of the London Plan (2021).

#### 7. Archaeological Scheme of Investigation

(a) No development (except for demolition of existing buildings to ground level only) shall take place until a written scheme of investigation (WSI) has been submitted to and approved in writing by the local planning authority. The WSI is to include

i) the statement of significance and research objectives, and

ii) the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and

iii) the programme for post-investigation assessment and subsequent analysis, publication, dissemination and deposition of resulting material.

For land that is included within the WSI, demolition and development shall be in accordance with the agreed WSI.

(b) No occupation of the site shall take place until the post investigation report is provided to the Council for approval and deposited as set out in the WSI.

**Reason:** To ensure adequate access for archaeological investigations in compliance with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy HC1 Heritage conservation and growth of the London Plan (March 2021)

#### 8. Ecological Management Plan

No development beyond piling shall commence on site until an Ecological Management Plan (in conformity with BS 42020:2013) including mitigation measures during demolition and construction, long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, has been submitted to and approved in writing by the local planning authority (in consultation with the Port of London Authority). The Ecological Management Plan shall also include a detailed survey of Sand Martin/ Kingfisher bank, pre-works check for invasive species and measures to monitor habitats and species, review the need for additional management, and an updated ecological baseline. Development proposals must ensure no net loss of biodiversity and wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity and achieve the required Urban Greening Factor (UGF) score for the approved site. The approved details must be implemented in full accordance prior to first occupation.

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

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(November 2014), and policies G5 Urban greening and G6 Biodiversity and access to nature of the London Plan (2021).

## 9. Ground Contamination

(a) No development (other than demolition of the existing building and structures, (including demolition of slab level), and enabling works for site investigation) shall commence until:

(i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority;

(ii) A site investigation report to characterise and risk assess the site for all receptors which may be affected (including those off site) which shall include the gas, hydrological and contamination status and the risk of unexploded ordnance, specifying rationale and recommendations for treatment for contamination and risk encountered (whether by remedial works or not), has been submitted to and approved in writing by the local planning authority; and

(iii) The required remediation scheme has been implemented in full.

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

(c) The development of the relevant building shall not be occupied until a closure report has been submitted to and approved in writing by the local planning authority.

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, and identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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.

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**Reason:** To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical uses 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).

#### 10. Piling Works

- (a) No piling or any other foundation designs using penetrative methods shall take place, other than with the prior written approval of the local planning authority.
- (b) Details of any such operations must be submitted to and approved in writing by the local planning authority (in consultation with the Environment Agency and Thames Water) prior to commencement of development (excluding demolition works) on site and shall be accompanied by details of the relevant penetrative methods.
- (c) Any such work shall be carried out only in accordance with the details approved under part (b).

**Reason:** To prevent pollution of controlled waters and to comply with Policy 11 River and waterways network of the Core Strategy (June 2011) and DM Policy 28 Contaminated land of the Development Management Local Plan (November 2014).

#### 11. Energy

The proposed development shall be carried out in accordance with the recommendations of the Energy Strategy Report prepared by Hodkinson dated October 2021 prior to first occupation.

**Reason:** To promote sustainable forms of energy and to minimise carbon emissions in accordance with Core Strategy Policy 8 and Policy SI 2 Minimising greenhouse gas emissions and Policy SI 3 Energy infrastructure of the London Plan (March 2021).

#### 12. Flood Defence Structure

The minimum horizontal distance between any part of a building and the landward extent of the visible part of the flood defence structures shall be no less than 8.1 metres.

**Reason:** To allow sufficient space for operational access and future works to the River Thames tidal flood defences, and to prevent an increased risk of flooding, in line with the National Planning Policy Framework (NPPF) (Paragraphs 159, 164 and 167), London Plan (2021) (Policy SI 12) and Lewisham's Core Strategy Policy 10.

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### 13. Surface Water Discharge to Deptford Creek

Prior to the installation of the surface water attenuation tank, full details of the operation of the attenuation tank and its outfall to Deptford Creek shall be submitted to and approved in writing by the local planning authority (in consultation with the Environment Agency and the Creekside Education Trust). This shall include the detailed design of the outfall, water diffuser, and the treatment of the discharge water. It should also detail how any outfall discharging to the Creek will be provided with at least two mitigation measures against tidal locking.

The development shall be implemented in accordance with the approved details and shall be maintained as such for the lifetime of the development.

**Reason:** To prevent pollution of controlled waters and to comply with Policy 11 River and waterways network of the Core Strategy (June 2011) and DM Policy 28 Contaminated land of the Development Management Local Plan (November 2014).

### 14. Biodiverse Living Roofs

Details of the living roofs, which shall cover an area no less than 1,751sqm, and contribute to an overall urban greening factor of a minimum 0.4, shall be submitted to and approved in writing by the local planning authority prior to any superstructure works commencing on site. A 1:20 scale plan of the living roofs that includes contoured information depicting the extensive substrate build up and a cross section showing the living roof components shall be submitted for approval. The living roofs shall be:

- a) biodiversity based with extensive substrate base (depth shall vary between 80-150mm with peaks and troughs but shall average at least 133mm);
- b) plug planted and seeded with an agreed mix of species within the first planting season following the practical completion of the building works.

Evidence that the roof has been installed in accordance with sub-points a) to b) above shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

**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 of the Development Management Local Plan (November 2014), and policies G5 Urban greening, G6 Biodiversity and access to nature, SI 12 Flood risk management and SI 13 Sustainable drainage of the London Plan (March 2021).

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## 15. Sustainable Drainage Strategy

- (a) No development above ground level shall commence on site until full details of the proposed drainage strategy and a detailed maintenance strategy for all components of the drainage strategy together with information on the adoption arrangements for the ongoing maintenance activities, has been submitted to and approved in writing by the local planning authority.
- (b) Prior to first occupation of the development hereby permitted, evidence shall be submitted to and approved in writing by the local planning authority to demonstrate that the sustainable drainage scheme for the site has been completed in accordance with the approved details.
- (c) The sustainable drainage scheme shall be managed and maintained for the lifetime of the development in accordance with the agreed management and maintenance plan for all of the proposed drainage components.

**Reason:** To prevent the increased risk of flooding and to improve water quality in accordance with Policy SI 12 Flood risk management in the London Plan (March 2021) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10: Managing and reducing the risk of flooding (2011).

## 16. Materials

(a) No development above ground level (excluding demolition works) shall take place until a detailed schedule and samples of all external materials and finishes including:

- 1m x 1m sample panels of all bricks types, with mortar and reveal details;
- 2m x 2m sample panel of cladding materials;
- windows, including joinery and fixing;
- external doors;
- balustrades for balconies including details of fixings, soffits, handrails where applicable, and flooring.

have been submitted to and approved in writing by the local planning authority.

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

**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the buildings and to comply 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).

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## 17. Internal and External Noise Standards

- (a) The buildings shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAmax (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with windows shut and other means of ventilation provided. The evaluation of human exposure to vibration within the building shall not exceed the vibration dose values criteria 'Low probability of adverse comment' as defined within BS 6472.
- (b) No development above ground level (excluding demolition works) shall commence until details of a scheme complying with paragraph (a) of this condition have been submitted to and approved in writing by the local planning authority (in consultation with the Port of London Authority).
- (c) Prior to first occupation of the development, a scheme for testing the internal noise environment of the residential units to demonstrate that compliance with the standards required within paragraph (a) has been achieved, and the results of the noise testing, shall be submitted to and approved in writing by the local planning authority.
- (d) The sound insulation scheme shall be maintained for the lifetime of the development 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 and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

## 18. Sound Insulation Details

- (a) The development shall be designed to incorporate soundproofing of a specification for sound 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.
- (b) No development above ground level (excluding demolition works) shall commence until details of a scheme complying with paragraph (a) of this condition has been submitted to and approved in writing by the local planning authority.
- (c) The development shall only be occupied once the soundproofing works as agreed under part (b) have been implemented in accordance with the approved details.
- (d) The soundproofing shall be retained permanently in accordance with the approved details.

**Reason:** In the interests of residential amenity and to comply with DM Policy 26 Noise and vibration and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

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## 19. Fixed Plant Noise

- (a) The rating level of the noise emitted from fixed plant on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:2014.
- (b) No development above ground level (excluding demolition works) shall commence until details of a scheme complying with paragraph (a) of this condition have been submitted to and approved in writing by the local planning authority.
- (c) The development shall not be occupied until the scheme approved pursuant to paragraph (b) of this condition has been implemented in its entirety. The scheme shall be maintained for the lifetime of the development.

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

## 20. BREEAM

- (a) The non-residential floorspace within the buildings hereby approved shall achieve:
  - (i) a minimum BREEAM Rating of 'Very Good' at completion of shell and core; and
  - (ii) when completed in full fit out, shall achieve a minimum BREEAM Rating of 'Excellent' prior to first occupation.
- (b) Prior to any works above ground level, a Design Stage Certificate (prepared by a Building Research Establishment qualified Assessor) shall be submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a)(i).
- (c) Within 3 months of first occupation of the development, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with part (a)(ii) for all non-residential floorspace within the development.

**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).

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## 21. Secured by Design

Prior to the commencement of above ground development (excluding demolition works), details of the measures to be incorporated into the development demonstrating how the principles and practices of the 'Secured by Design' scheme have been included shall be submitted to and approved in writing by the local planning authority in consultation with the Metropolitan Police Designing Out Crime officers. The development shall be carried out in accordance with the approved details and maintained as such for the lifetime of the development.

**Reason:** In order to ensure that the development is safe, secure and appropriately accessible in accordance with London Plan Policy D11 Safety, security and resilience to emergency (March 2021).

## 22. Mechanical Ventilation with Heat Recovery Units

No development above ground floor level (excluding demolition works) shall take place until full details of the proposed mechanical ventilation with heat recovery (MVHR) units, including selected make, operational details and maintenance, has been submitted to and approved in writing by the local planning authority. The details shall demonstrate that the MVHR units will provide fresh air and extract ventilation for the residential apartments and will include a summer bypass mode and a boost mode that will enable the unit with the apartment windows closed to achieve two air changes per hour (ACH) in the summer conditions, exceeding the minimum ventilation requirement of Part F of the Building Regulations.

**Reason:** To ensure that the residential apartments are provided with appropriate ventilation and cooling even with all windows closed, so that the appropriate internal noise standards can be achieved without resulting in the apartment overheating, and to comply with DM Policies 23: Air Quality, 26 Noise and vibration and 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

## 23. Heat Interface Unit Specification

- a) No development above ground floor level (excluding demolition works) shall take place until details of a selected make and model of Heat Interface Unit (HIU) that has passed all the elements of the BESA UK HIU test have been submitted to and approved in writing by the local planning authority.
- b) The details shall include the commissioning of the HIU in accordance with CIBSE guidance CP1 and the published BESA UK HIU test results for the HIU make and model selected.
- c) The HIU shall be provided and installed in accordance with the approved details and maintained as such for the lifetime of the development.

**Reason:** To comply with Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and

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energy efficiency and Policy SI 2 Minimising greenhouse gas emissions and Policy SI 3 Energy infrastructure of the London Plan (March 2021).

#### 24. District Heat Network

Unless otherwise agreed in writing by the local planning authority, no part of the development hereby approved shall be used or occupied until evidence has been submitted to the local planning authority confirming that the developer has provided appropriate data to the Greater London Authority (GLA, environment@london.gov.uk) to allow the site to be uploaded to the London Heat Map (<https://www.london.gov.uk/what-wedo/environment/energy/london-heat-map>).

**Reason:** To ensure that the development contributes to the London Plan targets for decentralised energy production and district heating planning in accordance with Policy SI3 of the London Plan (2021).

#### 25. Electric Vehicle Charging Points

- (a) Details of the number and location of electric vehicle charging points to be provided and a programme for their installation and maintenance shall be submitted to and approved in writing by the local planning authority prior to construction of above ground works. The details should demonstrate that 20% of all parking spaces would be fitted with electric vehicle charging points and the remaining 80% of spaces would have passive provision to enable adaptation in the future.
- (b) The electric vehicle charging points as approved shall be installed prior to occupation of the development and shall be maintained as such for the lifetime of the development in accordance with the details approved under (a).

**Reason:** To reduce pollution emissions in an Area Quality Management Area in accordance with DM Policy 29 Car parking of the Development Management Local Plan (November 2014), and Policies SI 1 Improving air quality T6 Car parking and T6.1 Residential parking and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

#### 26. Soft Landscaping

- (a) A scheme of an appropriate quantum of soft landscaping (including details of proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to development above first floor level. The planting plan shall be informed by species native to the Deptford Creek environment (and shall involve liaison with the Creekside Education Trust in terms of identifying the appropriate native species).
- (b) All planting, seeding or turfing shall be carried out in the first planting and

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seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion 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 Policy 12 Open space and environmental assets and 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).

#### 27. Hard Landscaping

- a) No development above first floor level shall take place until detailed design proposals for hard landscaping, including street furniture, have been submitted to the local planning authority for their approval.
- b) The development shall be implemented in accordance with the details approved by the local planning authority.

**Reason:** In order that the local planning authority may be satisfied as to the details of the landscaping proposal and to comply with Policies SI 12 Flood risk management in the London Plan ( March 2021), Policy 15 High quality design for Lewisham of the 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.

#### 28. Wildlife Boxes

- (a) No development above first floor level shall take place until details of the number and location of bird boxes (a minimum of five bird – 3 swift and 2 other; and three bat bricks, per block, ie Blocks A1, A2, A3, A4, B1, B2) to be provided as part of the development hereby approved. The specific type and location of the wildlife boxes should be based on the advice of an experienced ecologist.
- (b) Prior to first occupation of the development, evidence that the wildlife boxes have been installed in accordance with the details approved under (a) shall be submitted to and approved in writing by the local planning authority.
- (c) The wildlife boxes shall be retained for the lifetime of the development in accordance with the approved details.

**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).

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### 29. Photovoltaic Panels

No development above first floor level shall take place until full details of the proposed photovoltaic panels have been submitted to and approved in writing by the local planning authority. Thereafter, the approved panels shall be installed as per the approved details prior to first occupation, and retained for the lifetime of the development.

**Reason:** To promote sustainable forms of energy and to minimise carbon emissions in accordance with Policy 8 Sustainable design and construction and energy efficiency of the Core Strategy (June 2011).

### 30. Refuse and Recycling Facilities

(a) Details for the on-site storage, disposal and collection of refuse and recycling facilities for both the residential and non-residential elements of the development shall be submitted to and approved in writing by the local planning authority prior to the completion of above ground works of the development hereby approved.

(b) The approved details shall be carried out in full prior to first occupation of the development and retained as such for the lifetime of the development.

**Reason:** In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse disposal, storage and collection, in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Policy 13 Addressing Lewisham waste management requirements of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character Development Management Local Plan (November 2014).

### 31. Cycle Parking Details

(a) A minimum of 446 dry and secure cycle parking spaces (397 residential, and 49 commercial) shall be provided within the development as indicated on the plans hereby approved.

(b) No development beyond piling shall commence on site until full details of; the residential and commercial cycle parking facilities and security measures have been submitted to and approved in writing by the local planning authority.

(c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained as such for the lifetime of the development.

**Reason:** In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (June 2011).

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### 32. Riparian Lifesaving Equipment

Prior to first occupation of the development, full details of riparian lifesaving equipment (such as grab chains, life buoys and escape ladders) to be installed along the frontage to Deptford Creek to a standard recommended in the 1991 Hayes Report shall be submitted to and approved in writing by the local planning authority (in consultation with the Port of London Authority). The riparian lifesaving equipment shall be installed in accordance with the approved details prior to first occupation of the development and maintained as such for the lifetime of the development.

**Reason:** For the safety of residents and visitors to the area and to comply with Policy 11: River and waterways network of the Core Strategy (June 2011).

### 33. Lighting Strategy

- (a) Prior to first occupation of the development a detailed lighting strategy for any external lighting that is to be installed at the site, including measures to prevent light spillage, shall be submitted to and approved in writing by the local planning authority.
- (b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.
- (c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

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

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#### 34. Water Supply Infrastructure

There shall be no occupation beyond the 99<sup>th</sup> dwelling until confirmation has been provided from the local planning authority (in consultation with Thames Water) that either all water network upgrades required to accommodate the additional flows to serve the development have been completed, or that a development and infrastructure phasing plan has been agreed with Thames Water to allow additional development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation beyond the 99<sup>th</sup> dwelling shall take place other than in accordance with the agreed development and infrastructure phasing plan.

**Reason:** The development may lead to low / no water pressures and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development, in accordance with Policy 8 Sustainable design and construction and energy efficiency of the Core Strategy (June 2011).

#### 35. Flood Defence Structure

No development, except for demolition and enabling works, shall take place until details of a scheme of condition surveying including **intrusive** investigation works to establish the condition and residual life of all elements of the flood defence structures that are proposed to be retained shall be submitted to, and approved in writing by the Local Planning Authority, in consultation with the Environment Agency.

No new foundations shall be commenced within 25 metres of the flood defence structures before the approved scheme of investigation works has been implemented in full and a report detailing the findings has been submitted to, and approved in writing by the Local Planning Authority, in consultation with the Environment Agency.

All findings and conclusions relating to the condition of the river wall and works undertaken must be made available to all perspective leaseholders prior to purchase of the units.

**Reason:** To minimise the risk of flooding to people and property and to comply with Policy 10 Managing and reducing the risk of flooding of the Core Strategy (June 2011).

#### 36. Flood Defence Details

Within six months of commencement of the development, and before any work other than investigation work commences affecting the River Thames tidal flood defence structures, a scheme for the design, construction, improvement and raising works for the flood defence structures and the 8 metres of ground raising starting immediately landward of the flood defence structures and the river wall habitat features shall be submitted to, and approved in writing by, the Local Planning Authority, in consultation with the Environment Agency. The scheme of works shall include:

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- that all new work shall be designed with a lifetime no less than 100 years from the date the last dwelling is expected to be completed, with a defence crest level no lower than 6.2 metres above Ordnance Datum (mAOD);
- that the design shall be supported by structural and stability calculations and needed ground investigation works;
- a replacement anchorage system independent of the buildings to provide the needed horizontal support to the flood defences extending no closer than 2 metres from the riverward new building line;
- details of how the improved flood defence structures and the 8 metres of ground raising starting immediately landward of the defences will tie in to the flood defences and ground levels on the neighbouring sites both upstream and downstream;
- notwithstanding the approved drawings, details of the intertidal habitat features comprising the tidal terrace and a series of timbers to be attached to the flood wall;
- as far as reasonably practical, the removal of buried obstructions within the 8 metre zone landward of the upstand flood defence wall;
- a detailed method statement and sequence of works plans;
- details of any surface water outfalls through the river walls, or preparatory work to enable outfalls to be constructed later without damaging the tidal terrace;
- details of existing and proposed underground services within 8 metres of the flood defence structures;
- details of any street furniture within 8 metres of the flood defence structures and along the access route from the public highway; and
- the timing of implementation of the works making up the scheme.

The development shall then only proceed in strict accordance with the approved scheme, and the approved works shall be carried out and maintained thereafter.

**Reason:** To minimise the risk of flooding to the surrounding built environment, to protect the development from flooding for its lifetime including with climate change induced sea level rise and to mitigate the environmental impacts of the development in line with the Thames Estuary 2100 plan, to comply with the National Planning Policy Framework (NPPF) (Paragraphs 159, 164 and 167), London Plan (2021) Policy SI 12, and the Lewisham Core Strategy (2011) CS Policy 10.

### 37. Ecological Masterplan

- (a) Prior to development of above ground works (excluding demolition) shall take place until an Ecological Masterplan (EM) to maximise the habitat value of the river wall habitat features comprising the tidal terrace, the provision of a similarly sized Sand Martin bank, with terrestrial habitat formed on top, and a series of timbers to be attached to the river wall, the biodiverse living roofs, and any new areas of terrestrial habitat at ground level, has been submitted to and approved in writing by the LPA, in consultation with the Environment Agency and the Creekside Education Trust.

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- (b) The works that form part of the approved Ecological Masterplan shall be implemented in full accordance prior to first occupation, and shall be retained in perpetuity.

**Reason:** To comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011), DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014), and policies G5 Urban greening and G6 Biodiversity and access to nature of the London Plan (2021).

#### 38. Floor Levels

The finished floor levels of all residential accommodation shall be set no lower than 8.0 metres above Ordnance Datum (mAOD).

**Reason:** To minimise the risk of flooding to people and property and to comply with Policy 10 Managing and reducing the risk of flooding of the Core Strategy (June 2011).

#### 39. Flood Resistance and Resilience

The recommendations for the incorporation of flood resistance and/or resilience construction methods as stated within the submitted Flood Risk Assessment (FRA) by Ardent Consulting Engineers (dated 26 October 2021 with reference 2002770- 09A, Revision C) shall be implemented for any part of the development carried out below the maximum likely water level (MLWL) as defined in the submitted FRA.

**Reason:** To minimise the potential damage that could be caused by flooding in line with the National Planning Policy Framework (NPPF) (Paragraph 167).

#### 40. Restriction on Use Class of Commercial Units

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2020 (as amended) and the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Orders revoking, re-enacting or modifying those Orders), the Container premises shall only be used for Use Class E(b) and/ or E(g); and the commercial units in Blocks A and B as Use Class E(g) 'creative workspaces', and for no other purpose whatsoever (including any other purpose in Use Class E, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

**Reason:** Other uses within Class E would be contrary to Development Plan policies (LP Policy E4 and E7, CS Policy 5 and DMLP Policy DM11) that seek to protect employment sites for appropriate employment uses and also could give rise to amenity and transport concerns that have not been assessed nor adequate mitigation provided and to comply with Policy D13 Agent of Change of

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the London Plan (2020) and Policy 26 Noise and Vibration of the Development Management Local Plan (2014)

#### 41. Whole Life Cycle Carbon

Prior to first occupation, the applicant will submit an updated Life cycle carbon assessment following the conclusions set out within the Whole Life-Cycle Carbon Emissions Review by Hodkinson dated Jan. 2022. The development shall be carried out in accordance with the approved document and maintained thereafter.

**Reason:** To comply with Policy SI 2 of the London Plan (2021).

#### 42. Tidal Flood Defence

Within 3 months of completion of the tidal flood defence structures and intertidal habitat works, 'as built' drawings including the allowable surcharge limits and the minimum river bed level assumptions and construction records of the tidal flood defence works and the intertidal habitat features shall be provided to the Local Planning Authority and the Environment Agency.

**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 of the Development Management Local Plan (November 2014).

#### 43. External Plumbing

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 of the buildings, unless otherwise agreed in writing with 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).

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#### 44. Satellite Dishes and 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 antenna shall be erected or installed on the building hereby approved. The proposed development shall have a central dish or aerial system (for each relevant block) for receiving all broadcasts to the residential units, and details of such a scheme shall be submitted to and approved by the local planning authority prior to first occupation of the development. The development shall be implemented in accordance with the approved details and retained as such for the lifetime of 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 Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

#### 45. Black Redstart Habitat

Details of the extent, location, construction and a long-term management plan for biodiverse living roof construction, including provision of suitable black redstart habitat, shall be submitted to, and approved in writing by the Local Planning Authority. The development will then only proceed in accordance with the approved details and the management plan shall be implemented in full thereafter.

**Reason:** To compensate for the loss of the existing black redstart habitat resulting from the tidal terrace improvement works and to promote biodiversity, in line with the National Planning Policy Framework (NPPF) (Paragraphs 174 and 180), and the London Borough of Lewisham's River Corridors Improvement Plan (RCIP) Supplementary Planning Document (SPD) (2015).

#### 46. Monitoring and Maintenance

(a) Prior to commencement of foundation works within 25 metres of the River Thames tidal flood defences, and before any work other than investigation work commences affecting those flood defences, a long-term monitoring and maintenance plan for the flood defence structures and the river wall habitat features and the biodiverse living roof applying for as long as the development remains shall be submitted to, and approved in writing by, the Local Planning Authority, in consultation with the Environment Agency and the Creekside Education Trust. The long-term monitoring and maintenance plan shall include:

- pre-works check for invasive species and an ecological survey to establish the ecological baseline for existing species and habitats on site;
- details of how and when the flood defence structures will continue to be inspected and tested;
- success criteria for each element of the habitat features to determine whether the habitats are achieving significant ecological benefits at this

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location, including usefulness for fish spawning, diverse plant species and use by birds, and to minimise the risk of a net loss of biodiversity and, wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity;

- success criteria for the condition of each element of the flood defence structures;
- a schedule of periodic ecological and photographic monitoring and reporting on the success of habitats over the lifetime of the development and periodic monitoring and reporting of the structural condition of the flood defences, with set inspection milestone dates over the lifetime of the development.

(b) The approved monitoring and maintenance plan in (a) shall be implemented in full thereafter. If the habitat features and flood defence structures are not shown to be meeting their success criteria at an inspection milestone date, then an improvement plan shall be submitted within 4 months to, and approved in writing by, the Local Planning Authority. The approved improvement plan shall then be implemented in full within 12 months of approval.

**Reason:** To minimise the risk of flooding to the surrounding built environment, to protect the development from flooding for its lifetime including with climate change induced sea level rise and to mitigate the environmental impacts of the development in line with the Thames Estuary 2100 plan. This condition is in line with the National Planning Policy Framework (NPPF) (Paragraphs 159, 164 and 167), the London Plan (2021) Policy SI 12, and the Lewisham Core Strategy (2011) CS Policy 10.

#### 47. Drainage Systems for Infiltration of Surface Water Drainage

No drainage systems for the infiltration of surface water drainage into the ground shall be constructed as part of the development other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants discharging to groundwater in the underlying Secondary Aquifers, in line with the NPPF (Para 174).

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#### 48. Delivery and Servicing Plan

- (a) The development shall not be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority, which shall include a detailed swept path analysis to demonstrate vehicles can suitably access the site.
- (b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.
- (c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

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

#### 49. Ventilation System

- (a) Prior to occupation of the commercial units, detailed plans and a specification of the appearance of and the equipment comprising a ventilation system which shall include measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencer(s) and anti-vibration mountings where necessary) shall be submitted to and approved in writing by the local planning authority.
- (b) The ventilation system shall be installed in accordance with the approved plans and specification before use of the development hereby permitted first commences and shall thereafter be permanently maintained in accordance with the approved specification.

**Reason:** To safeguard the amenities of the adjoining premises and the area generally.

#### 50. Amenity Space

The whole of the residential amenity spaces (including all private amenity and communal spaces) hereby approved shall be provided in full prior to first occupation of the relevant block, and 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).

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## 51. Lighting Strategy – Biodiversity

Prior to occupation, a lighting design strategy for biodiversity in relation to the proposed development shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

**Reason:** To comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011), DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014), and policies G5 Urban greening and G6 Biodiversity and access to nature of the London Plan (2021).

## 52. Obscured Glazing

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the windows to be installed in the north facing elevation of Block B1 hereby approved shall be fitted as obscure glazed to a minimum of Level 4 on the 'Pilkington Scale' and top-hung opening only prior to first occupation, and retained in perpetuity.

**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).

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### 53. Fire Statement

No development above ground floor shall commence (except demolition) until;

- Detailed swept path analysis including proposed landscaping to demonstrate a fire engine can suitably access the site; and
- an updated Fire Statement that shows appropriate locations of fire hydrants within and adjacent to the application site

have been submitted to and approved in writing by the LPA.

**Reason:** To ensure that the risk of fire is appropriately addressed in the proposed development, in accordance with the London Plan Policy D12.

### 54. Architectural Details

- (a) Notwithstanding the details hereby approved, no development above ground level (excluding demolition works) shall commence until detailed plans at a scale of 1:5, showing residential and commercial entrances/ windows/ external doors/ balconies/ terraces/ shopfronts etc have been submitted to and approved in writing by the local planning authority.
- (b) Detailed plans shall be submitted to and approved in writing by the LPA that proposes elevational treatment of the southern and western sides of Block A1 to ensure an appropriate and visually interesting design response for this prominent building.
- (c) 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 detailed treatment of the proposal, to ensure the development would be tenure blind, 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.

### 55. Non-Road Mobile Machinery

An inventory of all Non-Road Mobile Machinery (NRMM) shall be kept on-site and registered on <http://nrmm.London/> showing the emission limits for all equipment and shall be made available at the local planning authority's offices if required by the local planning authority.

**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 T4 Assessing and mitigating transport impacts, Policy T7 Deliveries, servicing and construction and Policy SI 1 Improving air quality of the London Plan (2021).

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#### 56. Travel Plan – Residential

- (a) No part of the development hereby approved shall be occupied until such time as a user's Travel Plan, in accordance with Transport for London's document 'Travel Planning for New Development in London' has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.
- (b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.
- (c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).

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

#### 57. Balcony Screening

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), details of balcony screening shall be submitted to and approved in writing by the LPA. The approved screens shall be installed in full compliance prior to first occupation and retained in perpetuity.

**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).

#### 58. Air Source Heat Pump

No development (excluding demolition works) shall take place until a scheme including the details of the location, type and specification and enclosure of the proposed Air source heat pump shall be submitted to and approved in writing by the local planning authority. The approved plant shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied and shall be retained as such thereafter.

**Reason:** To ensure that the amenities of occupiers are protected from poor air quality, in accordance with Policy SI 1 Improving air quality of the London Plan (2021).

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#### 59. Noise Assessment

The proposed development shall be carried out in accordance with the Noise and Vibration Assessment (Arden, October 2021), and the building construction, glazing and mechanical ventilation shall be installed in accordance with the recommendations of the assessment.

**Reason:** To safeguard the amenities of the future occupants, adjoining premises and the area generally and to comply with DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014), and to meet the principles of London Plan Policy D12 Agent of Change.

#### 60. Shop Front Design

(a) No development shall commence above 2nd floor level on site until plans, elevations and sectional details at a scale of 1:10 or 1:20 showing the proposed frontages to the commercial units have been submitted to and approved in writing by the local planning authority.

(b) The development shall be constructed in full accordance with the approved details.

**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 Development Management Local Plan (November 2014) DM Policy 19 Shop fronts, signs and hoardings.

#### 61. Children's Play Equipment

(a) Prior to occupation of the development hereby granted, details of the proposed children's play equipment, specifically for the following age groups – under 5's; 5 to 11s; and 12 & overs, shall be submitted to and approved in writing by the local planning authority.

(b) All children's play equipment will be installed in accordance with the information approved under (a) and retained and maintained in perpetuity.

**Reason:** In order to ensure adequate and appropriate children's play equipment is provided in accordance with the London Plan.

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## 62. Water Efficiency – New Dwellings

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

**Reason:** To comply with Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

## 63. Boundary Treatment

- (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to development above ground level (excluding demolition works.)
- (b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

**Reason:** To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply 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).

## 64. Electric Boilers

No development beyond 4<sup>th</sup> floor shall commence until details of the electric boilers to be installed have been submitted to and approved in writing by the LPA. The approved boilers shall be implemented in full accordance prior to first occupation and be retained thereafter.

**Reason:** To manage and prevent further deterioration of existing low quality air across London in accordance with London Plan (2021) Policy SI 1: Improving air quality.

## 65. Construction – Deliveries & Hours of Working

During the construction period, no work, other than vehicle movements to and from the site in accordance with an approved Construction Logistics Plan, shall take place on the site other than between the hours of 08.00 and 18.00 on Mondays to Fridays and 08.00 and 13.00 on Saturdays and not at all on Sundays or Public Holidays.

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

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66. Art Strategy

(a) Prior to development above second floor, details of a public art strategy, which includes a programme of engagement with the local community, shall be submitted to and approved in writing by the LPA.

(b) The development shall be carried out in accordance with the strategy approved in (a).

(c) Details of the proposed artwork and location shall be submitted to the LPA and approved in writing, including confirmation that engagement with the local community has been undertaken, and the approved details shall be implemented in full accordance prior to first occupation, and 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 Core Strategy (June 2011).

67. Travel Plan – Commercial

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

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

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

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

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#### 68. Site Waste Management and Circular Economy

Prior to commencement of development, the applicant will submit a strategy outlining how performance against the Strategic Approach and the Key Commitments of the Circular Statement prepared by Hodkinson would be monitored and reported to the local planning authority and reporting shall be carried out and submitted in accordance with the approved document.

**Reason:** To comply with London Plan Policy S1 7 to promote resource conservation, waste reduction, increases in materials re-use and recycling and reductions in waste going forward for disposal.

#### 69. Details of Internal Blinds

Prior to completion of the building superstructure, full details of the proposed blinds and/or shutters required in compliance with the overheating assessment in Hodkinson October 2021 shall be submitted to the local planning authority for their approval, to include detailed drawings of venting locations on the elevations. The development shall be implemented in accordance with the approved details.

**Reason:** To ensure that the development is adequately protected from overheating and to ensure a clean air supply in order to comply with DM Policy 23 Air Quality and London Plan Policies SI 1 Improving air quality and SI 4 Managing heat risk.

#### 70. Cycle Welfare Facilities (Workspace)

(a) Prior to completion of super-structure, details of the proposed showers, lockers, changing rooms and maintenance space to demonstrate the commercial units would be capable of accommodating such facilities shall be submitted for the approval of the planning authority;

(b) The facilities approved in (a) shall be provided prior to first operation of the relevant commercial unit.

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

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## 71. UXO

No demolition of structural elements of the existing buildings shall be carried out until an Unexploded Ordnance Threat Assessment has been completed, and (in the event that the Threat Assessment makes recommendations for further surveys and/or measures to protect the safety of the public, of future occupiers of the land and of workers on the site) then structural demolition shall be carried out fully in accordance with the recommendations of the Assessment(s). A copy of the assessment(s) shall be sent to the Local Planning Authority for their records.

**Reason:** To protect the safety of the public, of future occupiers of the land and of workers on the site and to comply with DM Policy 28 of the Development Management Local Plan (2014).

## 72. Urban Greening Factor

Details shall be submitted to and approved in writing by the LPA to demonstrate that the development hereby granted will achieve an Urban Greening Factor of a minimum 0.4. The approved details shall be implemented in full accordance prior to first residential occupation.

**Reason:** To comply with Policy G5 Urban greening of the London Plan (March 2021).

## 12.0            **INFORMATIVES**

### A.    Positive and Proactive Statement

The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. Positive and proactive discussions took place with the applicant prior to the application being submitted through pre-application discussions. Following submission of the application, positive discussions took place which resulted in further information being submitted.

### B.    Community Infrastructure Levy

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/my services/planning/apply-for->

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C. S106 Agreement

You are advised that the approved development is subject to a Section 106 agreement. 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)

D. Street Naming and Numbering

The applicant be advised that the implementation of the proposal will require approval by the Council of a Street Naming & Numbering application. Application forms are available on the Council's website.

E. Construction – Pollution and Noise

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

F. Archaeological Written Scheme of Investigation

An archaeological written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. The applicant should have regard to the guidance set out in the GLAAS response (dated 24 November 2021) in terms of the scope of the archaeological fieldwork. The applicant is advised that Condition 6 is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

G. Nesting Birds

All nesting birds are legally protected. Removal of vegetation should be undertaken outside of the bird breeding season (considered to be end of February to end of August inclusive). If vegetation clearance cannot be undertaken outside this period, the area should be checked for the presence of nesting birds by an experienced ecologist prior to work commencing. If nests are found, the work should be delayed until the nests are deemed to be inactive.

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#### H. Reporting of Pollution Incidents

Any pollution incidents during construction that could affect Deptford Creek should be reported to the Port of London Authority immediately via their 24 hour line on 0208 855 0315.

#### I. River Works Licence

As part of the development of the proposed tidal terrace, a River Works licence will be required from the Port of London Authority. The maintenance and monitoring of the tidal terracing will remain the responsibility of the licence holder. The applicant should contact the Port of London Authority at [LIC.APP@pla.co.uk](mailto:LIC.APP@pla.co.uk) for further information.

#### J. Fire Appliance Undertakings

The London Fire Brigade has identified that an undertaking will be required that access for fire appliances as required by Part B5 of the Building Regulations Approved Document and adequate water supplies for firefighting purposes will be provided.

#### K. Water Mains and Underground Assets

There are water mains crossing or close to the application site. Thames Water do not permit the building over or construction within 3m of water mains. If you are planning significant works near Thames Water's mains (within 3m) they will need to check that your development does not reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services they provide in any other way. The applicant is advised to review the Thames Water guide for working near or diverting pipes:

[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_developers.thameswater.co.uk\\_Developing-2Da-2Dlarge-2Dsite\\_Planning-2Dyour-2Ddevelopment\\_Working-2Dnear-2Dor-2Ddiverting-2Dour-2Dpipes&d=DwIFaQ&c=OMjwGp47Ad5otWI0\\_lpOg&r=0rBh74\\_8rvTrJLBSTecvQldNiLUAd9iE2fRw4zrl-Jc&m=dJBdjs0CKtr7amOsOVWPv9Gk45hI0oflOjjozflOp4A&s=\\_HnF1nZ7XvXq4cJUKxHuzOgULVej\\_U3PmXluWt5R4FA&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Planning-2Dyour-2Ddevelopment_Working-2Dnear-2Dor-2Ddiverting-2Dour-2Dpipes&d=DwIFaQ&c=OMjwGp47Ad5otWI0_lpOg&r=0rBh74_8rvTrJLBSTecvQldNiLUAd9iE2fRw4zrl-Jc&m=dJBdjs0CKtr7amOsOVWPv9Gk45hI0oflOjjozflOp4A&s=_HnF1nZ7XvXq4cJUKxHuzOgULVej_U3PmXluWt5R4FA&e=)

The proposed development is located within 15m of Thames Water's underground assets, and as such the development could cause the assets to fail if appropriate measures are not taken. Please read Thames Water's guide 'Working Near Our Assets' to ensure workings are in line with the necessary processes you need to follow for working above or near Thames Water pipes or other structures:

[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_developers.thameswater.co.uk\\_Developing-2Da-2Dlarge-2Dsite\\_Planning-2Dyour-2Ddevelopment\\_Working-2Dnear-2Dor-2Ddiverting-2Dour-](https://urldefense.proofpoint.com/v2/url?u=https-3A_developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Planning-2Dyour-2Ddevelopment_Working-2Dnear-2Dor-2Ddiverting-2Dour-)

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[2Dpipes&d=DwIFaQ&c=OMjwGp47Ad5otWI0\\_lpOg&r=0rBh74\\_8rvTrJLBSTecvQldNiLUAd9iE2fRw4zrl-Jc&m=dJBdjs0CKtr7amOsOVWPv9Gk45hI0oflOjjozflOp4A&s=HnF1nZ7XvXq4cJUKxHuzOgULVej\\_U3PmXluWt5R4FA&e=](https://www.thameswater.co.uk/2Dpipes&d=DwIFaQ&c=OMjwGp47Ad5otWI0_lpOg&r=0rBh74_8rvTrJLBSTecvQldNiLUAd9iE2fRw4zrl-Jc&m=dJBdjs0CKtr7amOsOVWPv9Gk45hI0oflOjjozflOp4A&s=HnF1nZ7XvXq4cJUKxHuzOgULVej_U3PmXluWt5R4FA&e=)

Should you require further information please contact Thames Water via email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

L. London City Airport

The developer is advised to liaise with London City Airport to provide details and diagrams of all cranes to be used during construction works, clearly labelled with maximum operating heights, coordinate locations and radius/ jib length to ensure no impact on aviation operations and safety.

M. Broadband

Building Regulations Approved Document R - Physical infrastructure for high speed electronic communications networks came into effect in January 2017, and introduced a new requirement for in-building physical infrastructure, which enables copper or fibre-optic cables or wireless devices capable of delivering broadband speeds greater than 30mps to be installed. The development should be undertaken in accordance with these provisions as a minimum, to ensure suitable broadband capability for future occupiers.

N. Asbestos

It is the responsibility of the owner to establish whether asbestos is present within their premises and they have a 'duty of care' to manage such asbestos. The applicant is advised to refer to the Health and Safety website for relevant information and advice.

O. Adverts/ Signage

You are advised that advertisements relating to the proposed commercial uses would require separate permission.

P. Prior to Commencement Conditions

The applicant is advised that the following Conditions; (Construction Environment Management Plan), (Construction Logistics Plan), (Dust Management Plan), (Archaeological Scheme of Investigation, (Ecological Management Plan), (Site Contamination), (Ecological Masterplan) require details to be submitted prior to commencement to minimise disruption on the local highway and transport network, ensure minimum impact upon surrounding occupiers amenity and ensure safe de-contamination of the site.

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Q. Environment Agency

Please be aware that the River Ravensbourne (Deptford – tidal) is a designated ‘main river’ and as such, is under the jurisdiction of the Environment Agency for its land drainage functions. Under the Environmental Permitting (England & Wales) Regulations (2016), certain activities in, over or under the main river or within 16 metres of a tidal defence may require a flood risk activity permit (FRAP). Please visit the ‘floods risk activities: environmental permits’ section of the gov.uk website for further information. Please contact our National Customer Contact Centre on 03708 506 506 or email [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk) or the local Partnerships & Strategic Overview team on [psoselondonandkent@environment-agency.gov.uk](mailto:psoselondonandkent@environment-agency.gov.uk) for further details.

R. Ecological Masterplan

The Ecological Masterplan Condition shall include the following:

- Success criteria for each element of the proposed habitat works based on an updated survey establishing the ecological baseline for species and habitats pre-development;
- Detailed designs and working methods to achieve the stated objectives, including translocation where appropriate;
- The extent and location/ area of proposed works on appropriate scale maps and plans;
- Species schedules, source and provenance of planting;
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.

960 BACKGROUND PAPERS

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

961 REPORT AUTHOR AND CONTACT

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**Virtual Local Meeting Minutes (Microsoft Teams format): 10 January 2022**

**Sun Wharf, Creekside: DC/20/118229**

**Proposal:**

Demolition of all existing buildings and comprehensive redevelopment to provide 3 new buildings ranging in heights of 3 to 19 storeys to provide 220 residential units (C3 Use Class) and 1,132sqm of commercial floorspace (Use Class E) plus 311sqm of commercial floorspace (Use Class E) in a container building, together with associated wheelchair accessible vehicle parking, cycle parking, landscaping, play areas, public realm, improvements to river wall and public riverside walkway and associated works at Sun Wharf, Creekside SE8.

**Panel:**

**Chair:** Cllr Maslin (New Cross Ward) (CllrM)

**Agents:** Mia Scaggiante (MS) (Planning Consultant – Savills)  
Scott Hudson (SH) (Planning Consultant – Savills)  
Jake Snell (JS) (Architect – Stockwool)  
Andrew Proud (AP) (RWDI – Wind/Microclimate consultant)  
Andy Gibbs (AG) (RWDI – Wind/Microclimate Consultant)  
John Barnes (JB) (eb7 – Daylight/ sunlight consultant)  
Nicole Holland (NH) (Ardent – Air Quality Consultant)  
Matt Harmer (MH) (Your Shout – Communications Consultant)  
Julian Thornber (JT) (AA Environmental Limited - Ecology Consultant)  
Brian Cafferkey (BC) (Ardent – Flooding/Riverwall Consultant)  
Andrew Gilnicz (AG) (Ardent – Transport Consultant)  
Lee Dursley (LD) (Ardent – Noise Consultant)

**LBL Planning:** Geoff Whittington (GW)

**Residents:** 33 Attendees

---

Cllr Maslin opened the meeting at 7pm and introduced the panel. The Cllr explained the reason for the meeting, and the main themes to discuss, including design; construction; impacts of development and ecology.

The Developer's architect (Jake Snell) was invited to give a 10 minute presentation of the scheme, which included the key changes from the original submission.

The Chair advised that resident questions had been submitted prior to the meeting. Residents were invited to submit text based questions during the meeting, whilst there would be an opportunity later for residents to speak directly to the panel.

The Chair then read out the neighbour responses received in advance of the meeting.

(ClrM) In regard to design/ scale of development, the design is bland, consisting of largely featureless blocks. There is no recognition of the distinctive historic character and heritage value of the Creekside area – indeed, the Deptford Neighbourhood Plan identified the loss of identity and disregard for history and heritage as an issue for the area. Why can the applicant not devise a plan that does the area justice, given that the site flanks the Deptford Creekside Conservation Area.

(JS) The scheme has been developed in conjunction with the LPA, and presented to 5 DRP reviews, and the proposals were generally well received. Does not consider the scheme to be bland, with intended high quality materiality and detailing. The scheme references the industrial character of the local area.

(ClrM) The proposed painted walls are garish and distasteful. Can the painted walls, at least that of block B2, be removed. Art formed in a brickwork pattern would be preferable, which could be 2D or 3D.

(JS) Fair point raised, but this will be further considered. Only an indicative design has been shown at this stage. Will be worked on with input from neighbouring residents.

(MS) Artwork will be subject to a planning condition.

(ClrM) Concerns have been raised in regard to microclimate and wind tunnelling. As such, there is a clear safety concern for cyclists, pedestrians and occupants. What mitigations will the developers be putting in place to ensure that there is no safety risk for its neighbouring developments.

Andrew Proud (AP) advises that a detailed assessment has been undertaken of the impacts arising from the development, with no particular safety concerns identified within the scheme, with minimal impacts to surrounds.

(MS) Asks AP to advise upon the north-west area of Kent Wharf.

(AP) No safety concern identified, and is a small area. With the Sun Wharf development in place, it would be slightly windier than suitable for a pedestrian thoroughfare – may be resolved by the introduction of a tree or street art.

(MS) The applicant would secure the mitigation in a 106 Agreement.

(ClrM) Concerns raised in regard to neighbour impact – the modelling shows a proposed remaining VSC of just 5.3 for 3 Broadside House, which is considered to be extremely poor by BRE, and is an absolute, not relative, measure. This is unacceptable for single aspect homes and rooms - especially now as homes have become our workplaces.

John Barnes (JB) acknowledges there would be reductions in day/sunlight within the scheme coming forward – there would be affects. Impacts have been reduced since the original submission – there are rooms that would have lower retained daylight, particularly the single aspect units in Kent Wharf. Refers to overhanging balconies being a contributing factor.



(ClrM) Why has revised light modelling only been submitted for the 2nd floor of Broadside House and Portside Court following the omission in the modelling of lips/ overhangs on the balconies, which block part of the sky.

(JB) Acknowledges the lip overhang was incorrectly omitted, and so resubmitted updated details. No additional significant effect.

(Resident) This should have been undertaken to other areas of Kent Wharf.

(ClrM) What was the size of the lip/overhang used in the revised modelling submitted for the 2nd floor of Broadside House and Portside Court.

(JB) 30cm (resident later challenged this, saying he measured it to be 40cm.)

(ClrM) Why does the modelling not account for the metal frames that criss-cross the winter garden balconies of Broadside House and Portside Court, and the balustrades throughout Kent Wharf, as well as window frames.

(JB) Generally window frames are not considered, and would make no difference in this case. Advised there is an independent review on behalf of the LPA where any issues with the methodology can be raised.

(ClrM) In regard to construction concerns - why is Saturday construction work back on the agenda.

(AG) This accords with Lewisham's standard working hours in their good practice guidance.

(MS) This will be secured by condition.

(ClrM) The dust and dirt in the air from construction will be very considerable indeed. Can the applicant change their position on these basic mitigation measures, e.g. MVHR filter replacement, MVHR control upgrades to facilitate summer bypass control, and window cleaning.

(AG) A Construction Environmental Management Plan will be formally submitted to ensure mitigation would be sufficient.

(ClrM) The plans do not provide a prediction on noise levels, as a construction and demolition programme is not available – why not.

(Ardent) Construction Environmental Management Plan will address this, including mitigation.

(ClrM) Can the applicant propose more realistic and clear mitigation measures, rather than asking us to keep our windows shut.

(AG) This detail would be addressed in the Construction Environmental Management Plan.

(ClrM) How can the applicant justify their plans in terms of air quality and the associated health impacts, as well as the impact on climate change during a climate crisis.

(NH) - The volume of construction traffic would be less than the current use of the site, with less emissions. A Construction Environmental Management Plan will ensure measures to control emissions.

(ClrM) The planned construction will permanently destroy Creek habitats, including the Sand Martin/Kingfisher bank. How can the applicant justify this.

(MS) Advises that the statutory body Environment Agency requested the proposed intertidal terrace.

(JT) Bellway preferred to retain the Sand Martin bank, and its loss is sad.

(ClrM) If the Environment Agency believes a 6 metre shift landward is needed to allow for operational access and the intertidal terrace, how can just a 3 metre shift landward suddenly be sufficient to give operational access and an intertidal terrace.

(BC) Time was spent with the EA, and they now raise no objections.

(ClrM) What is the plan for funding of future river wall works/ repairs.

(MS) Will be secured in the s106.

(ClrM) Can the applicant provide any reassurances in relation to asbestos, which may be found during demolition.

(MS) A contamination condition will capture this.

(ClrM) Why did the applicant previously think it was acceptable to force the public to support the plans on their website, in order to find out more. The most recent letter sent to residents from Bellway/ Your Shout contained inaccurate information – it stated that there is "no increase in proximity to existing neighbours". In reality the buildings have moved 3 metres west, towards Kent Wharf. Misleading residents in this way is not a reasonable approach to public consultation. Why is the applicant content with pulling the wool over the eyes of residents and the Council.

(MA) Acknowledges an error in the consultation letter in regard to the 3m move, which was later corrected. There was an ability online to support the proposal, and to obtain further information. This is a part of the consultation process alongside the statutory consultation undertaken by the Council.

At 7:41, ClrM draws a close to reading the email responses, and invites attendees to ask verbal questions, on the proviso they wait for the Cllr's instruction. The issues raised included:

Obj 1: Microclimate, and health and safety.

Obj 2: Height of Block A1, exceeding Kent Wharf. Loss of sunlight concerns.

Obj 3: Many concerns, including biodiversity in Deptford Creek.

Obj 4: Agent of change matter in regard to Cockpit Arts – mitigation issues raised.

Obj 5: Daylight and sunlight, including modelling assessments; Microclimate.

Obj 6: Intertidal terrace, and why the bank has to be removed.

Obj 7: Funding to fix/ maintenance MVHR units.

Obj 8: Wind mitigation measures; and affordable housing/ segregation issues and 'poor doors'.

**Cllr closes the meeting at 8:18pm.**

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# Sun Wharf, 24 Creekside, London, SE8 3DZ

Further Response to BNP Paribas Real Estate  
Viability Review & Addendum Viability Assessment  
DRAFT

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**Appendix 1 – Revised Schedule of Accommodation**

**Appendix 2 – Revised Residual Land Value Appraisal**

**Appendix 3 – Savills February 2021 Rebuttal**

# 1. Introduction

## 1.1. Overview

1.1.1. This document provides a summary of the viability process to date including an analysis of the areas of difference between Savills acting on behalf of Bellway Homes Ltd and Peabody Developments Ltd (the Applicant) and BNP Paribas Real Estate (BNP) acting on behalf of the London Borough of Lewisham (the Council).

1.1.2. Savills provided a Financial Viability Assessment (FVA) in August 2020 in support of a planning application for a residential led mixed use development. Savills' FVA was then independently reviewed by BNP on behalf of the Council and the GLA in two separate reports both dated December 2020. Savills provided a full response to these reports in a Rebuttal dated February 2021, and BNP have subsequently provided further comments in an email dated June 2021. This Addendum addresses BNPs latest June 2021 comments in Sections 3 and 4, a summary of the remaining differences between the parties can be seen below and in Section 2.

1.1.3. Since the time of our February 2021 Rebuttal and BNP's June 2021 comments, there have been a number of changes to the submission scheme design which we outline below:

- Reduction in development area (GIA) from 254,590sqft (23,652sqm) to 236,705sqft (21,991sqm);
- Reduction in residential area (NSA) from 179,259sqft (16,654sqm) to 158,360sqft (14,712sqm);
- Reduction in homes from 251 to 220;
- Reduction in quantum of affordable homes from 88 to 77, however the affordable housing still represents 35% of the total homes by unit (39% by habitable room) and maintains a policy compliant tenure split of 60% London Affordable Rented / 40% Intermediate by unit;
- Reduction in commercial space (Use Class E) (NIA) from 15,981sqft (1,485sqm) to 14,903sqft (1,385sqm); and
- Removal of Use Class B8 (Storage and Distribution) from the application.

1.1.4. An updated accommodation schedule reflecting the above can be found attached at **Appendix 1**. We have amended our appraisal to reflect these changes to the design of the proposed development, all other assumptions remain as per our February 2021 Rebuttal as attached at **Appendix 3**, save for those highlighted within Sections 3, 4 and 5 of this report. A copy of our revised appraisal can be found attached at **Appendix 2**.

## 1.2. Viability Discussions to Date

1.2.1. Savills were instructed by the Applicant to examine the economic viability of the proposed development at the site known as Sun Wharf, 24 Creekside, Lewisham (the Subject) to determine the level of planning obligations that the proposed scheme was able to reasonably support whilst remaining commercially viable. To date Savills and BNP are in agreement on the following assumptions:

- Private Residential Gross Development Value (GDV);
- Affordable Residential GDV;
- Commercial GDV;

- Exclusion of Private Residential Ground Rents;
- Existing Rental Income;
- Pre-Construction and Build Periods;
- CIL and Carbon Offset Payment;
- Residential Sales Legal, Agent and Marketing Fees;
- Commercial Sales Agent, Letting Agent and Legal Fees;
- Existing Use Value (EUV) Yield;
- Landowner Premium; and
- EUV Void and Rent Free Periods.

1.2.2. Disagreements remain between the parties on the following key assumptions:

- Build Costs;
- Professional Fees;
- Finance Rate;
- Developers Profit on Private Residential GDV;
- Off Plan Sales Percentage and Sales Rates; and
- EUV Market Rent.

1.2.3. In Section 2, we provide a summary of the key assumptions adopted by both Savills and BNP, and in the following sections we address each of these assumptions separately. A copy of our revised Residual Land Value appraisal can be found at **Appendix 2**.



## 2. Comparison of Key Differences

2.1.1. Below we provide a comparison of the remaining differences in assumptions adopted by Savills in our February 2021 Rebuttal and BNP in their June 2021 further comments.

### Comparison of Key Differences

Item	Savills Position	BNP Position
Build Costs	£56.735m (£223psf)	£56.127m (£220psf)
Professional Fees	12%	10%
Finance Costs	Debit: 6.75% Credit: 0.1%	Debit: 6.00% Credit: 0.0%
Developers Profit on Private Residential GDV (Blend)	20% (17.15%)	17.50% (15.21%)
Sales Programme (% off plan / sales per month thereafter)	40% / 4 pcm	50% / 6 pcm
<b>Residual Land Value</b>	<b>£9.119m</b>	<b>£13.290m</b>
EUV Market Rent (£psf)	£14.50	£12.50
<b>Site Value Benchmark (SVB)</b>	<b>£16.310m</b>	<b>£14.170m</b>
<b>Surplus / Deficit Against SVB</b>	<b>-£7.2m</b>	<b>-£0.88m</b>

2.1.2. In the below sections we address the differences in assumptions between Savills and BNP.

## **3. Development Costs**

### **3.1. Build Costs**

- 3.1.1. Savills have adopted build costs of £56.735m / £223psf as advised by Ward Williams Associates (WWA), BNP have adopted a build costs of £56.127m / £220psf as advised by CDM Project Services (CDM); both build costs include an allowance of 5% for contingency. We note that in their June 2021 further comments, BNP as advised by CDM, have maintained their adopted build costs notwithstanding the further justifications provided by WWA in our February 2021 Rebuttal.
- 3.1.2. Notwithstanding that there is evidence to suggest that a higher build cost could be justified for the Subject scheme, we are prepared to adopt the CDM costing (£psf) on a without prejudice basis and in order to progress this negotiation in a timely manner. To this end if we have not reached an agreement with the Council's Advisor within four weeks from the submission of this Addendum we reserve our right to review this position.

### **3.2. Sales Programme**

- 3.2.1. Savills have adopted off plan sales of 40% and a sales rate thereafter of four per calendar month. BNP have adopted off plan sales of 50% and a sales rate of six per calendar month thereafter. As previously stated we consider that our adopted sales rate is justified when looking at contemporary comparable evidence from Deptford Foundry (Anthology) and Maritime (Fairview Homes).
- 3.2.2. However, in line with BNP we are prepared to adopt 50% sales off plan and six sales per month thereafter on a without prejudice basis and in order to progress this negotiation in a timely manner. To this end if we have not reached an agreement with the Council's Advisor within four weeks from the submission of this Addendum we reserve our right to review this position.

### **3.3. Professional Fees**

- 3.3.1. Savills have adopted professional fees of 12% and have provided a fee breakdown prepared by WWA. Notwithstanding this further evidence we note that BNP have consulted CDM who maintain their view that 12% is too high. CDM consider that 10% represents a more appropriate allowance and as such BNP have adopted this reduced percentage in their appraisal.
- 3.3.2. We highlight that the GLA have previously agreed to an allowance of 12% at the Subject on Savills higher build costs and that we maintain our opinion that this allowance is appropriate. However, we are prepared to reduce our professional fee allowance to 10% on a without prejudice basis and in order to progress this negotiation in a timely manner. To this end if we have not reached an agreement with the Council and their Advisor within four weeks from the submission of this Addendum we reserve our right to review this position.

### **3.4. Developers Profit on Private Residential GDV**

- 3.4.1. Savills have adopted a profit requirement of 20% on private residential GDV which equates to 17.15% blended. Despite further justifications being provided in Savills February 2021 Rebuttal, BNP have maintained their initially adopted position of 17.50% on private residential GDV which equates to 15.21% blended.

3.4.2. Whilst we disagree with the position adopted by BNP we are prepared to reduce our profit on private residential GDV to 17.50% on a without prejudice basis, and in order to progress this negotiation in a timely manner. To this end if we have not reached an agreement with the Council's Advisor within four weeks from the submission of this Addendum we reserve our right to review this position.

### **3.5. Finance Rate**

3.5.1. Savills have adopted a finance rate of 6.75% debit and 0.1% credit. Despite further justifications being provided in Savills February 2021 Rebuttal, BNP have maintained their initially adopted position on finance of 6% debit only.

3.5.2. In their June 2021 response BNP have not mentioned their adopted finance rate. We can therefore only reiterate the justifications provided to BNP in our February 2021 Rebuttal. We highlight in particular that we are aware of BNP adopting higher finance rates including 6.75% elsewhere within London for viability purposes, and would request clarification from them as to why they consider a lower rate appropriate in this instance.

3.5.3. Without further comments or evidence from BNP we have maintained our previously adopted finance assumption of 6.75% debit and 0.1% credit.

## 4. Site Value Benchmark

### 4.1. Introduction

4.1.1. Savills have adopted a SVB of £16.310m which comprises an EUV of £13.590m / £281psf and a landowner premium of 20%. We note that in response to Savills February 2021 Rebuttal, BNP have adopted a revised capitalisation rate of 4.5% in line with Savills assumption, and this has increased their adopted SVB to £14.170m comprising an EUV of £11.808m / £244psf and a landowner premium of 20%.

### 4.2. Existing Use Value Rent

4.2.1. The remaining difference between Savills and BNP relates to the rental values adopted; £14.50psf and £12.50psf respectively. Given the strength of the industrial occupier and investment market we cannot agree with BNPs adopted rent and subsequent valuation of £244psf for the existing unit at the Subject.

4.2.2. Given a lack of directly comparable rental transactions, Savills and BNP have previously relied upon the Colliers Rents Map, and BNP adopted a rent of £12.50psf in line with Colliers rent estimation for Woolwich secondary industrial units. However, BNPs rent was adopted in December 2020 and we highlight revisions to the rents map estimations as below:

Colliers Rents Map – Revisions over previous 12 months			
Sub Market	Secondary Rents (H2 2020)	Secondary Rents (H2 2021)	% Change
Woolwich	£12.50psf p.a.	£15.00psf p.a.	+20.00%
Canning Town	£13.00psf p.a.	£18.00psf p.a.	+38.46%
Croydon	£12.00psf p.a.	£13.50psf p.a.	+12.50%
Merton	£11.50psf p.a.	£14.00psf p.a.	+21.74%



Source: Colliers Rents Map – H2 2021

4.2.3. The above amendments to the rents map indicate the growing strength of the industrial occupier market in south and east London, Colliers estimates show average secondary rental growth of c.23% in these areas over the last year.

4.2.4. Previously BNP adopted a rent in line with Colliers estimation for Woolwich, and above the estimated secondary rents for Croydon and Merton, by implication they consider the Subject superior to these sub-markets and comparable to Woolwich. Colliers latest estimates for these areas are £13.50psf and £14.00psf for secondary space in Croydon and Merton respectively, and £15psf for space in Woolwich. In light of this updated information we question how BNP can maintain a rent of £12.50psf which now sits below Colliers estimates for Croydon and Merton; two locations BNP have previously implied are inferior to the Subject.

4.2.5. Savills adopted rent of £14.50psf remains appropriately positioned at a premium to these sub markets. However, it should also be considered that Deptford is a superior location for last mile industrial than Woolwich and that a higher rent than £14.50psf could now be justified.

4.2.6. Assessing BNPs valuation as a whole we don't consider a capital value of £244psf is representative of the scarcity of industrial accommodation within central London and potential of the existing asset in the current market. To demonstrate this we have identified further transactional evidence which has taken place since BNPs further comments in June 2021:

Photo / Address	Size (Sqft)	Passing Rent (£psf p.a.)	NIY (%)	Capital Value (£psf)	Transaction Date
 Evelyn Street, Rotherhithe, SE8	68,320	£16.07	2.66%	£565	Sept-21
 Galleywall Trading Estate, Southwark, SE16	58,000	-	3.90%	£284	Sept-21

- 4.2.7. We highlight the transaction at Evelyn Street 1.2 miles north west of the Subject. The sale comprised a 68,320sqft secondary industrial estate of two units built in the 1990s, it sold in September 2021 reflecting a NIY of 2.66% and capital value of £565psf. We note that the units were let at an average passing rent £16.07psf and understand from CoStar that they are said to be highly reversionary with rent reviews in 2022. This recent evidence would indicate that both the rent and yield assumptions adopted by Savills and BNP are very conservative.
- 4.2.8. We note also that the Galleywall Trading Estate also recently achieved a significantly higher value than that advocated by BNP; £284psf in September 2021. This unit is 2.2 miles north west of the Subject and was similarly constructed in the 1980s. The property is larger but is similarly laid out and has a comparable internal condition to the Subject, considering the larger size of this comparable it could be argued that the Subject could command a higher value (£psf) by comparison.
- 4.2.9. In summary, BNPs EUV valuation does not reflect the strength of the local industrial market as evidenced by the Colliers Rents Map and the recent transactions shown above. Savills adopted rent of £14.50psf and subsequent value of £281psf is more reflective of the current market and as such we have maintained our EUV. Notwithstanding this, there is evidence to suggest a higher EUV could be justified and we reserve the right to review our assumptions at a later date, if required.

### 4.3. Conclusion

- 4.3.1. We have maintained our EUV market rent of £14.50psf. We would highlight that owing to the passage of time the existing industrial unit is becoming increasingly reversionary; the current lease is now only c.8 months from expiration. We have subsequently updated the valuation date of our EUV appraisal in order to fully reflect the reversionary potential of the Subject unit as at the date of this assessment (01/10/2021).
- 4.3.2. We have adopted a revised EUV of £13.810m. Applying the agreed 20% landowner premium this results in a total SVB of **£16.572m**.

## 5. Revised Proposed Development

### 5.1. Introduction

5.1.1. Since the time of our February 2021 Rebuttal and BNP's June 2021 comments, there have been a number of changes to the submission scheme design which we outline below:

- Reduction in development area (GIA) from 254,590sqft (23,652sqm) to 236,705sqft (21,991sqm);
- Reduction in residential area (NSA) from 179,259sqft (16,654sqm) to 158,360sqft (14,712sqm);
- Reduction in homes from 251 to 220;
- Reduction in quantum of affordable homes from 88 to 77, however the affordable housing still represents 35% of the total homes by unit (39% by habitable room) and maintains a policy compliant tenure split of 60% London Affordable Rented / 40% Intermediate by unit;
- Reduction in commercial space (Use Class E) (NIA) from 15,981sqft (1,485sqm) to 14,903sqft (1,385sqm); and
- Removal of Use Class B8 (Storage and Distribution) from the application.

5.1.2. An updated accommodation schedule reflecting the above can be found attached at **Appendix 1**. We have amended our appraisal to reflect these changes to the design of the proposed development, all other assumptions remain as per our February 2021 Rebuttal as attached at **Appendix 3**, save for those highlighted within Sections 3, 4 and 5 of this report. A copy of our revised appraisal can be found attached at **Appendix 2**.

### 5.2. Private Residential GDV

5.2.1. The proposed private residential element has decreased by 20 homes from 114,469sqft (10,635sqm) to 100,638sqft (9,350sqm) (NSA). We note however that the average unit size has remained similar with the proposed homes on average only 2sqft larger. Given this minimal difference we are of the view that the GDV (£psf) previously agreed between Savills and BNP remains applicable to the revised scheme.

5.2.2. We have therefore adopted a revised GDV figure of **£72,926,411** which equates to the previously agreed **£724.64psf**.

### 5.3. Affordable Housing GDV

5.3.1. Savills and BNP had previously agreed a GDV 'package price' of £20.536m / £317psf for the affordable housing element of the scheme, this comprised the following values per tenure:

- Intermediate Housing: £13.579m / £499psf; and
- London Affordable Rent Housing: £6.957m / £185psf.

5.3.2. The above values were advised by the Applicant and represent the previously agreed transfer price for the homes. We have since been advised of a revised package price for the updated mix of **£18.687m / £324psf** comprising the following values per tenure:

- Intermediate Housing: **£11.768m / £519psf**; and
- London Affordable Rent Housing: **£6.920m / £197psf**.

## 5.4. Commercial Revenue

5.4.1. We have updated our commercial rental income to reflect the revised areas as follows:

Unit	Sqm	Sqft	OMR (£psf)	OMR £p.a.
Unit A1a	36	384	£20	£7,680
Unit A1b	126	1,353	£15	£20,295
Unit A2	274	2,951	£15	£44,265
Unit A3a	104	1,122	£17	£19,074
Unit A3b	47	507	£17	£8,619
Unit A4a	59	632	£20	£12,640
Unit A4b	67	723	£17	£12,291
Unit B1	327	3,519	£14	£49,266
Unit B2	64	687	£20	£13,740
Container - 00	52	561	£17	£9,537
Container - 01	114	1,231	£17	£20,927
Container - 02	114	1,232	£17	£20,944
<b>Total</b>	<b>1,385</b>	<b>14,903</b>	<b>£16.06</b>	<b>£239,278</b>

5.4.2. We have maintained the void, rent free, and capitalisation rate assumptions adopted previously and agreed to by BNP.

## 5.5. Additional Revenue – Existing Lease

5.5.1. Owing to the passage of time the current lease to Jones Catering is now only c.8 months from expiration. To reflect this we have updated the existing income within the appraisal to **£296,250** received quarterly in advance, and shortened the period required to gain vacant possession of the asset to 8 months.

## 5.6. Construction Costs

5.6.1. Notwithstanding the WWA costing indicates that a higher build cost may be appropriate, as previously stated we are prepared to adopt the build cost (£psf) advocated by CDM and adopted by BNP on a without prejudice basis and in order to progress this negotiation in a timely manner, to this end we reserve our right to review our position four weeks from the submission of this Addendum.

5.6.2. We note that despite the changes in scheme design the development massing has remained broadly similar; the Subject proposal has reduced by only one storey at its highest point. When applied to the revised scheme GIA, 236,705sqft, this equates to a total build cost of **£52.184m / £220.46psf** inclusive of contingency.

## 5.7. Planning Obligations

5.7.1. We have been provided with the following updated estimate of planning obligations by Savills Planning:

- Borough CIL: £1,354,728;
- Mayoral CIL: £696,260; and
- Section 106: £555,000.

## 6. Conclusion

### 6.1. Summary of Assumptions

6.1.1. Please see below a summary of this report, Savills Updated Position, and the remaining differences between Savills and BNP.

#### Summary of Updated Position

Item	Savills Position	BNP Position	Savills Updated Position*
Total Residential Homes	251	251	220*
Affordable Housing GDV	£20.536m (£317psf)	£20.536m (£317psf)	£18.687m* (£324psf)
Build Costs	£56.735m (£223psf)	£56.127m (£220psf)	£52.184m* (£220psf)
Professional Fees	12%	10%	10%
Finance Costs	Debit: 6.75% Credit: 0.1%	Debit: 6.00% Credit: 0.0%	Debit: 6.75% Credit: 0.1%
Profit on Private Residential GDV (Blend)	20% (17.15%)	17.50% (15.21%)	17.50% (15.15%)*
Sales Programme (% off plan / sales per month thereafter)	40% / 4 pcm	50% / 6 pcm	50% / 6pcm
<b>Residual Land Value</b>	<b>£9.119m</b>	<b>£13.290m</b>	<b>£9.261m</b>
EUV Market Rent (£psf)	£14.50	£12.50	£14.50
<b>Site Value Benchmark (SVB)</b>	<b>£16.310m</b>	<b>£14.170m</b>	<b>£16.572m</b>
<b>Surplus / Deficit Against SVB</b>	<b>-£7.20m</b>	<b>-£0.88m</b>	<b>-£7.311m</b>

*\*Altered to Revised Scheme Design*

### 6.2. Appraisal Results

6.2.1. A summary of our revised appraisal is set out below.

#### Savills Appraisal Results

Residual Land Value	Site Value Benchmark	Deficit
<b>£9.261m</b>	<b>£16.572m</b>	<b>-£7.311m</b>

6.2.2. Given that the RLV for the revised proposed development maintains a deficit against the SVB, we remain of the opinion that the scheme is not considered commercially viable in planning terms.

6.2.3. However, we understand that the Applicant is exploring various grant funding routes in order to maintain the current affordable housing offer contained within this assessment. However, if suitable funding is not attainable then this may alter the affordable housing provision within the proposed development.



### 6.3. Sensitivity Analysis

6.3.1. We set out below a sensitivity analysis showing the effect of increasing market values and decreasing build costs by 2.5% increments.

#### Sensitivity Analysis

Sensitivity Analysis		Private Residential GDV				
		0%	+2.5%	+5%	+7.5%	+10%
Build Cost	0%	<b>£9.261m</b>	£10.322m	£11.384m	£12.445m	£13.506m
	-2.5%	£10.413m	£11.474m	£12.535m	£13.597m	£14.658m
	-5%	£11.565m	£12.626m	£13.687m	£14.748m	£15.810m
	-7.5%	£12.716m	£13.778m	£14.839m	£15.900m	£16.961m
	-10%	£13.868m	£14.929m	£15.991m	£17.052m	£18.113m

6.3.2. The above table demonstrates that for the scheme to become economically viable in planning terms, where the RLV generates a surplus against the SVB, there would need to be a 10% increase in market values and a 7.5% decrease in build cost. Conversely, if there were either a decrease in market rental values or an increase in build cost the RLV would decrease making the development even less commercially viable in planning terms.

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Appendix 1  
Revised Schedule of Accommodation

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DRAFT

LHDG STANDARD AREA	RESIDENTIAL										TOTAL UNITS	HAB ROOMS	OCCUPANTS	RESIDENTIAL		AVENUE	
	1B/2P	2B/3P	2B/4P	2B/5P	3B/4P	3B/4PT	3B/5P	3B/5PD	3B/6P	3B/6PD				NET AREA	F#		AREA
HAB ROOMS	37	50	61	70	79	83	86	90	95	102	90	0	0	0	0	0	0
STUDIO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>BUILDING A1</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AFFORDABLE RENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
INTERMEDIATE SALE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PRIVATE SALE	0	42	0	47	0	0	6	0	0	0	95	249	302	6,218	66,930	1,219	587
<b>BUILDING A2</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AFFORDABLE RENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
INTERMEDIATE SALE	0	10	6	10	0	0	0	0	0	0	31	88	103	2,107	27,684	223	166
PRIVATE SALE	0	2	0	2	0	0	0	0	0	0	5	14	17	395	3,617	34	32
<b>BUILDING A3</b>	0	0	6	12	0	0	0	0	0	0	0	18	102	2,443	26,301	257	228
AFFORDABLE RENT	0	0	6	6	0	0	0	0	0	0	0	66	72	1,380	14,856	168	126
INTERMEDIATE SALE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PRIVATE SALE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>BUILDING A4</b>	0	0	5	5	0	0	0	0	0	0	0	15	55	1,149	12,373	140	105
AFFORDABLE RENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
INTERMEDIATE SALE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PRIVATE SALE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>BUILDING B1</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AFFORDABLE RENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
INTERMEDIATE SALE	0	23	0	14	0	0	0	0	0	0	43	112	132	2,795	30,090	291	261
PRIVATE SALE	0	23	0	14	0	0	0	0	0	0	43	112	132	2,795	30,090	291	261
<b>BUILDING B2</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AFFORDABLE RENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
INTERMEDIATE SALE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PRIVATE SALE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>BUILDING B3</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AFFORDABLE RENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
INTERMEDIATE SALE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PRIVATE SALE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

TOTAL PROVISION	1B/2P	2B/3P	2B/4P	2B/5P	3B/4P	3B/4PT	3B/5P	3B/5PD	3B/6P	3B/6PD	4B/5P	TOTAL UNITS	HAB ROOMS	OCCUPANTS	m <sup>2</sup>	m <sup>2</sup>
STUDIO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NET	0	87	17	97	0	0	29	13%	0	0	0	220	613	718	14,712	158,256
PERCENTAGE BASED ON UNITS	0%	40%	7%	47%	0%	0%	13%	19%	0%	0%	0%	220	613	718	14,712	158,256
PERCENTAGE BASED ON HAB ROOMS	0%	28%	17%	51%	0%	0%	13%	19%	0%	0%	0%	220	613	718	14,712	158,256

AREAS	NET	GIA	AFFORDABLE RENT			INTERMEDIATE			TOTAL AFFORDABLE			% SPLIT			PRIVATE SALE	TOTAL UNITS	NET	
			TOTAL UNITS	UNITS AS %	HAB ROOMS	TOTAL UNITS	UNITS AS %	HAB ROOMS	TOTAL UNITS	UNITS AS %	HAB ROOMS	RENT	INTERMEDIATE	PRIVATE SALE				
RESIDENTIAL	14,712	19,571	46	21%	150	14%	31	77	35%	177	60%	143	65%	143	1,353	1,378		
Energy center			113		88		238			238		375		375	2,951	2,188		
Site Station			77		24%		88			88		375		375	1,122	1,246		
Ancillary			787		24%		39%			39%		67%		67%	507	1,131		
COMMERCIAL Sun Wharf	1,385	1,483	3,265		3,265		2,107			2,107		9,390		9,390	723	409		
TOTAL	16,097	21,991	35,038		35,038		22,884			22,884		100,638		100,638	1,231	1,654		
DENSITY	SITE AREA/HA			HAB RMS			HRH											
	0.74			613			830											

UNIT MIX AFFORDABLE RENT	FAMILY UNITS										TOTAL UNITS	HAB ROOMS	OCCUPANTS	NET		
	1B/2P	2B/3P	2B/4P	3B/4P	3B/4PT	3B/5P	3B/5PD	3B/6P	3B/6PD	4B/5P						
STUDIO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NUMBER OF UNITS	0	11	14	0	0	0	11	0	0	0	0	46	150	150	3,255	3,255
UNITS AS %	0.0%	21.7%	54.3%	0.0%	0.0%	0.0%	23.8%	0.0%	0.0%	0.0%	0.0%	46	150	150	3,255	3,255

UNIT MIX INTERMEDIATE	FAMILY UNITS										TOTAL UNITS	HAB ROOMS	OCCUPANTS	NET		
	1B/2P	2B/3P	2B/4P	3B/4P	3B/4PT	3B/5P	3B/5PD	3B/6P	3B/6PD	4B/5P						
STUDIO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NUMBER OF UNITS	0	6	10	0	0	0	5	0	0	0	0	31	88	88	2,107	2,107
UNITS AS %	0.0%	32.3%	51.5%	0.0%	0.0%	0.0%	16.1%	0.0%	0.0%	0.0%	0.0%	31	88	88	2,107	2,107

UNIT MIX PRIVATE	FAMILY UNITS										TOTAL UNITS	HAB ROOMS	OCCUPANTS	NET		
	1B/2P	2B/3P	2B/4P	3B/4P	3B/4PT	3B/5P	3B/5PD	3B/6P	3B/6PD	4B/5P						
STUDIO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NUMBER OF UNITS	0	67	63	0	0	0	13	0	0	0	0	143	375	375	9,350	9,350
UNITS AS %	0.0%	46.9%	44.1%	0.0%	0.0%	0.0%	9.1%	0.0%	0.0%	0.0%	0.0%	143	375	375	9,350	9,350



SCHEDULE OF ACCOMMODATION  
SUN WHARF

STATUS PROJECT DATE REV  
PLANNING 333RA 04/1/2021 E

SUBTOTAL	COST TYPE	REMARKS	BUDG	PROP	PROP	PROP	PROP	PROP	PROP	PROP	PROP	PROP	PROP	PROP	PROP	PROP	PROP	PROP	PROP	PROP	PROP	SCHEDULE		TOTAL	WEEKS	PERCENTAGE	NO. RISKORS	DOCPPTS	ASPECT	
																						START	END							
																						MONTHS								
<b>10.4 - Floor 11</b>																														
10.4.1 - Floor 11.1																														
10.4.1.1	10.4.1.1	10.4.1.1	10.4.1.1	10.4.1.1	10.4.1.1	10.4.1.1	10.4.1.1	10.4.1.1	10.4.1.1	10.4.1.1	10.4.1.1	10.4.1.1	10.4.1.1	10.4.1.1	10.4.1.1	10.4.1.1	10.4.1.1	10.4.1.1	10.4.1.1	10.4.1.1	10.4.1.1	10.4.1.1	10.4.1.1	10.4.1.1	10.4.1.1	10.4.1.1	10.4.1.1	10.4.1.1	10.4.1.1	10.4.1.1

Table 10-11-1									
Grid	Year	Type	Category	...	...	...	...	...	...
11-1	17	17	17	...	...	...	...	...	...
11-2	18	18	18	...	...	...	...	...	...
11-3	19	19	19	...	...	...	...	...	...
11-4	17	17	17	...	...	...	...	...	...
11-5	18	18	18	...	...	...	...	...	...
11-6	19	19	19	...	...	...	...	...	...
11-7	17	17	17	...	...	...	...	...	...
11-8	18	18	18	...	...	...	...	...	...
11-9	19	19	19	...	...	...	...	...	...
11-10	17	17	17	...	...	...	...	...	...
11-11	18	18	18	...	...	...	...	...	...
11-12	19	19	19	...	...	...	...	...	...
11-13	17	17	17	...	...	...	...	...	...
11-14	18	18	18	...	...	...	...	...	...
11-15	19	19	19	...	...	...	...	...	...
11-16	17	17	17	...	...	...	...	...	...
11-17	18	18	18	...	...	...	...	...	...
11-18	19	19	19	...	...	...	...	...	...
11-19	17	17	17	...	...	...	...	...	...
11-20	18	18	18	...	...	...	...	...	...
11-21	19	19	19	...	...	...	...	...	...
11-22	17	17	17	...	...	...	...	...	...
11-23	18	18	18	...	...	...	...	...	...
11-24	19	19	19	...	...	...	...	...	...
11-25	17	17	17	...	...	...	...	...	...
11-26	18	18	18	...	...	...	...	...	...
11-27	19	19	19	...	...	...	...	...	...
11-28	17	17	17	...	...	...	...	...	...
11-29	18	18	18	...	...	...	...	...	...
11-30	19	19	19	...	...	...	...	...	...

Table 10-11-2									
Grid	Year	Type	Category	...	...	...	...	...	...
12-1	17	17	17	...	...	...	...	...	...
12-2	18	18	18	...	...	...	...	...	...
12-3	19	19	19	...	...	...	...	...	...
12-4	17	17	17	...	...	...	...	...	...
12-5	18	18	18	...	...	...	...	...	...
12-6	19	19	19	...	...	...	...	...	...
12-7	17	17	17	...	...	...	...	...	...
12-8	18	18	18	...	...	...	...	...	...
12-9	19	19	19	...	...	...	...	...	...
12-10	17	17	17	...	...	...	...	...	...
12-11	18	18	18	...	...	...	...	...	...
12-12	19	19	19	...	...	...	...	...	...
12-13	17	17	17	...	...	...	...	...	...
12-14	18	18	18	...	...	...	...	...	...
12-15	19	19	19	...	...	...	...	...	...
12-16	17	17	17	...	...	...	...	...	...
12-17	18	18	18	...	...	...	...	...	...
12-18	19	19	19	...	...	...	...	...	...
12-19	17	17	17	...	...	...	...	...	...
12-20	18	18	18	...	...	...	...	...	...
12-21	19	19	19	...	...	...	...	...	...
12-22	17	17	17	...	...	...	...	...	...
12-23	18	18	18	...	...	...	...	...	...
12-24	19	19	19	...	...	...	...	...	...
12-25	17	17	17	...	...	...	...	...	...
12-26	18	18	18	...	...	...	...	...	...
12-27	19	19	19	...	...	...	...	...	...
12-28	17	17	17	...	...	...	...	...	...
12-29	18	18	18	...	...	...	...	...	...
12-30	19	19	19	...	...	...	...	...	...

Table 10-11-3									
Grid	Year	Type	Category	...	...	...	...	...	...
13-1	20	20	20	...	...	...	...	...	...
13-2	21	21	21	...	...	...	...	...	...
13-3	22	22	22	...	...	...	...	...	...
13-4	20	20	20	...	...	...	...	...	...
13-5	21	21	21	...	...	...	...	...	...
13-6	22	22	22	...	...	...	...	...	...
13-7	20	20	20	...	...	...	...	...	...
13-8	21	21	21	...	...	...	...	...	...
13-9	22	22	22	...	...	...	...	...	...
13-10	20	20	20	...	...	...	...	...	...
13-11	21	21	21	...	...	...	...	...	...
13-12	22	22	22	...	...	...	...	...	...
13-13	20	20	20	...	...	...	...	...	...
13-14	21	21	21	...	...	...	...	...	...
13-15	22	22	22	...	...	...	...	...	...
13-16	20	20	20	...	...	...	...	...	...
13-17	21	21	21	...	...	...	...	...	...
13-18	22	22	22	...	...	...	...	...	...
13-19	20	20	20	...	...	...	...	...	...
13-20	21	21	21	...	...	...	...	...	...
13-21	22	22	22	...	...	...	...	...	...
13-22	20	20	20	...	...	...	...	...	...
13-23	21	21	21	...	...	...	...	...	...
13-24	22	22	22	...	...	...	...	...	...
13-25	20	20	20	...	...	...	...	...	...
13-26	21	21	21	...	...	...	...	...	...
13-27	22	22	22	...	...	...	...	...	...
13-28	20	20	20	...	...	...	...	...	...
13-29	21	21	21	...	...	...	...	...	...
13-30	22	22	22	...	...	...	...	...	...

Table 10-11-4									
Grid	Year	Type	Category	...	...	...	...	...	...
14-1	27	27	27	...	...	...	...	...	...
14-2	28	28	28	...	...	...	...	...	...
14-3	29	29	29	...	...	...	...	...	...
14-4	27	27	27	...	...	...	...	...	...
14-5	28	28	28	...	...	...	...	...	...
14-6	29	29	29	...	...	...	...	...	...
14-7	27	27	27	...	...	...	...	...	...
14-8	28	28	28	...	...	...	...	...	...
14-9	29	29	29	...	...	...	...	...	...
14-10	27	27	27	...	...	...	...	...	...
14-11	28	28	28	...	...	...	...	...	...
14-12	29	29	29	...	...	...	...	...	...
14-13	27	27	27	...	...	...	...	...	...
14-14	28	28	28	...	...	...	...	...	...
14-15	29	29	29	...	...	...	...	...	...
14-16	27	27	27	...	...	...	...	...	...
14-17	28	28	28	...	...	...	...	...	...
14-18	29	29	29	...	...	...	...	...	...
14-19	27	27	27	...	...	...	...	...	...
14-20	28	28	28	...	...	...	...	...	...
14-21	29	29	29	...	...	...	...	...	...
14-22	27	27	27	...	...	...	...	...	...
14-23	28	28	28	...	...	...	...	...	...
14-24	29	29	29	...	...	...	...	...	...
14-25	27	27	27	...	...	...	...	...	...
14-26	28	28	28	...	...	...	...	...	...
14-27	29	29	29	...	...	...	...	...	...
14-28	27	27	27	...	...	...	...	...	...
14-29	28	28	28	...	...	...	...	...	...
14-30	29	29	29	...	...	...	...	...	...

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Appendix 2  
Revised Residual Land Value Appraisal

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DRAFT

Sun Wharf - DRAFT  
Proposed Residual Land Value (inc. 35% AH)

Development Appraisal  
Savills  
17 November 2021

**Sun Wharf - DRAFT  
Proposed Residual Land Value (inc. 35% AH)**

**Appraisal Summary for Phase 1**

Currency in £

**REVENUE**

Sales Valuation	Units	ft <sup>2</sup>	Sales Rate ft <sup>2</sup>	Unit Price	Gross Sales
Market Housing	143	100,638	724.64	509,975	72,926,482
Intermediate Housing	31	22,684	518.76	379,597	11,767,500
Affordable Rented Housing	<u>46</u>	<u>35,038</u>	197.49	150,428	<u>6,919,676</u>
<b>Totals</b>	<b>220</b>	<b>158,360</b>			<b>91,613,658</b>

**Rental Area Summary**

	Units	ft <sup>2</sup>	Rent Rate ft <sup>2</sup>	Initial MRV/Unit	Net Rent at Sale	Initial MRV
Unit A1a	1	384	20.00	7,680	7,680	7,680
Unit A1b	1	1,353	15.00	20,295	20,295	20,295
Unit A2	1	2,951	15.00	44,265	44,265	44,265
Unit A3a	1	1,122	17.00	19,074	19,074	19,074
Unit A3b	1	507	17.00	8,619	8,619	8,619
Unit A4a	1	632	20.00	12,640	12,640	12,640
Unit A4b	1	723	17.00	12,291	12,291	12,291
Unit B1	1	3,519	14.00	49,266	49,266	49,266
Unit B2	1	687	20.00	13,740	13,740	13,740
Container 00	1	561	17.00	9,537	9,537	9,537
Container 01	1	1,231	17.00	20,927	20,927	20,927
Container 02	<u>1</u>	<u>1,232</u>	17.00	20,944	<u>20,944</u>	<u>20,944</u>
<b>Totals</b>	<b>12</b>	<b>14,902</b>			<b>239,278</b>	<b>239,278</b>

**Investment Valuation**

<b>Unit A1a</b>						
Market Rent	7,680	YP @	7.5000%	13.3333		
(3mths Rent Free)		PV 3mths @	7.5000%	0.9821	100,565	
<b>Unit A1b</b>						
Market Rent	20,295	YP @	7.5000%	13.3333		
(6mths Rent Free)		PV 6mths @	7.5000%	0.9645	260,990	
<b>Unit A2</b>						
Market Rent	44,265	YP @	7.5000%	13.3333		
(1yr Rent Free)		PV 1yr @	7.5000%	0.9302	549,023	
<b>Unit A3a</b>						
Market Rent	19,074	YP @	7.5000%	13.3333		
(6mths Rent Free)		PV 6mths @	7.5000%	0.9645	245,288	
<b>Unit A3b</b>						
Market Rent	8,619	YP @	7.5000%	13.3333		
(3mths Rent Free)		PV 3mths @	7.5000%	0.9821	112,861	
<b>Unit A4a</b>						
Market Rent	12,640	YP @	7.5000%	13.3333		
(3mths Rent Free)		PV 3mths @	7.5000%	0.9821	165,514	
<b>Unit A4b</b>						
Market Rent	12,291	YP @	7.5000%	13.3333		
(6mths Rent Free)		PV 6mths @	7.5000%	0.9645	158,060	
<b>Unit B1</b>						
Market Rent	49,266	YP @	7.5000%	13.3333		
(1yr Rent Free)		PV 1yr @	7.5000%	0.9302	611,051	



**Sun Wharf - DRAFT**

**Proposed Residual Land Value (inc. 35% AH)**

<b>Unit B2</b>						
Market Rent	13,740	YP @	7.5000%	13.3333		
(6mths Rent Free)		PV 6mths @	7.5000%	0.9645	176,694	
<b>Container 00</b>						
Market Rent	9,537	YP @	7.5000%	13.3333		
(3mths Rent Free)		PV 3mths @	7.5000%	0.9821	124,882	
<b>Container 01</b>						
Market Rent	20,927	YP @	7.5000%	13.3333		
(6mths Rent Free)		PV 6mths @	7.5000%	0.9645	269,117	
<b>Container 02</b>						
Market Rent	20,944	YP @	7.5000%	13.3333		
(6mths Rent Free)		PV 6mths @	7.5000%	0.9645	269,336	
<b>Total Investment Valuation</b>					<b>3,043,380</b>	

**GROSS DEVELOPMENT VALUE 94,657,038**

Purchaser's Costs		(196,602)	
Effective Purchaser's Costs Rate	6.46%		(196,602)

**NET DEVELOPMENT VALUE 94,460,436**

<b>Additional Revenue</b>			
Jones Catering Rent		296,250	296,250

**NET REALISATION 94,756,686**

**OUTLAY**

**ACQUISITION COSTS**

Residualised Price		9,260,947	9,260,947
Stamp Duty	5.00%	463,047	
Agent Fee	1.00%	92,609	
Legal Fee	0.80%	74,088	
			629,744

**CONSTRUCTION COSTS**

<b>Construction</b>	<b>ft²</b>	<b>Build Rate</b>	<b>ft²</b>	<b>Cost</b>
Build Cost	236,705	220.46		52,184,244
River Wall				1,000,000
Mayoral CIL				696,260
Borough CIL				1,354,728
S106 inc. C02 Offset				555,000
				55,790,232

**PROFESSIONAL FEES**

Professional Fees	10.00%	5,218,424	5,218,424
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**MARKETING & LETTING**

Marketing	1.50%	1,093,897	
Letting Agent Fee	10.00%	23,928	
Letting Legal Fee	5.00%	11,964	
			1,129,789

**DISPOSAL FEES**

Commercial & Affordable Agent	1.00%	215,340	
Private Residential Agent	1.50%	1,093,897	

**Sun Wharf - DRAFT**

**Proposed Residual Land Value (inc. 35% AH)**

Commercial & Affordable Legal	0.80%	172,272	
Private Residential Legal	0.25%	182,316	
			1,663,825

**Additional Costs**

Market Housing Profit	17.50%	12,762,134	
Commercial Profit	15.00%	456,507	
Affordable Housing Profit	6.00%	1,121,231	
			14,339,872

**FINANCE**

Debit Rate 6.750%, Credit Rate 0.100% (Nominal)			
Land		2,590,731	
Construction		3,596,957	
Other		536,165	
Total Finance Cost			6,723,853

**TOTAL COSTS**

**94,756,686**

**PROFIT**

**0**

**Performance Measures**

Profit on GDV%	0.00%
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Appendix 3  
Savills February 2021 Rebuttal

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DRAFT

# Sun Wharf, 24 Creekside, London, SE8 3DZ

Response to BNPPRE's and the GLA's Viability  
Reviews - DRAFT

## **1.0 Table of Contents**

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<b>3.</b>	<b>Gross Development Value</b>	<b>5</b>
<b>4.</b>	<b>Development Costs</b>	<b>10</b>
<b>5.</b>	<b>Site Value Benchmark</b>	<b>15</b>
<b>6.</b>	<b>Conclusion</b>	<b>21</b>

**Appendix 1 – Revised Residual Land Value Appraisal**

**Appendix 2 – WWA Response to CDM Project Services Review**

**Appendix 3 – WWA Professional Fee Breakdown**

# 1. Introduction

## 1.1. Overview

- 1.1.1. This document provides a summary of the viability process to date including an analysis of the areas of difference between Savills acting on behalf of Bellway Homes Ltd & Peabody Developments Ltd (the Applicant), BNPP Real Estate (BNP) acting on behalf of LB Lewisham (the Council) and the Greater London Authority (GLA).
- 1.1.2. Savills provided a Financial Viability Assessment (FVA) in August 2020 in support of a planning application for a residential led mixed-use development. Savills' FVA was independently reviewed by BNP on behalf of the Council as well as the GLA in two separate reports both dated December 2020.

## 1.2. Viability Discussions to Date

- 1.2.1. Savills were instructed by the Applicant to examine the economic viability of the proposed development at the site known as Sun Wharf, Lewisham (the Subject) to determine the level of planning obligations that the proposed scheme was able to reasonably support whilst remaining commercially viable.
- 1.2.2. Within all three reports, BNP, the GLA and Savills agree on the following assumptions:
- Affordable Residential Gross Development Value (GDV);
  - Existing Rental Income;
  - CIL and Carbon Offset Payment;
  - Residential Sales Legal, Agent and Marketing Fees;
  - Commercial Sales Agent, Letting Agent and Legal Fees;
  - Existing Use Value (EUV) Void and Rent Free Periods.
- 1.2.3. However, disagreements currently exist between the parties on the following key assumptions:
- Private Residential GDV;
  - Private Residential Ground Rents;
  - Commercial GDV;
  - Build Costs;
  - Professional Fees;
  - Finance Rate;
  - Developers Profit;
  - Pre-Construction and Build Periods;
  - Off Plan Sales Percentage and Sales Rates;
  - EUV Market Rent;
  - EUV Equivalent Yield; and
  - Landowner Premium.

1.2.4. In Section 2, we provide a summary of the key assumptions adopted by both Savills and BNP, and in the following sections we address each of these assumptions separately. A copy of our revised Residual Land Value appraisal can be found at **Appendix 1**.

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## 2. Comparison of Key Assumptions

2.1.1. In Table 1 below, we provide a comparison of the key assumptions adopted by Savills in our FVA and BNP in their subsequent review.

**Table 1 – Comparison of Key Assumptions**

Item	Savills FVA	BNP Review
Private Residential GDV	£82,949,000 (£725psf)	£82,949,000 (£725psf)
Affordable Residential GDV	£20,536,153	£20,536,153
Residential Ground Rents	Nil	Nil
Commercial GDV	£3,294,174	£4,636,543
Existing Rental Income	£810,538	£810,538
Build Costs	£56,740,000	£56,127,191
Professional Fees	12%	10%
Finance Rate	6.75%	6%
CIL & Carbon Offset	£2,802,089	£2,802,089
Residential Sales Legal, Agent & Marketing	3.25%	3.25%
Commercial Sales Agent	1%	1%
Commercial Letting Agent and Legal	15%	15%
Developers Profit on GDV (blended)	17.15%	15.21%
Pre-Con (months)	6	4
Build Period (months)	31	26
Sales period (months) and % off plan	25, 40%	13, 50%
<b>Residual Land Value</b>	<b>£9,022,210</b>	<b>£14,632,011</b>
Existing Use Value Market Rent (£psf)	£14.50	£12.50
Existing Use Value Void & Rent Free (months)	12	12
Existing Use Value Equivalent Yield (%)	4.50%	5.50%
Existing Use Value	£13,590,000	£11,120,000
Landowner Premium (%)	30%	20%
<b>Site Value Benchmark (SVB)</b>	<b>£17,667,000</b>	<b>£13,440,000</b>
<b>Surplus / Deficit against SVB</b>	<b>-£8.6m</b>	<b>£1.2m</b>

2.1.2. There are a number of assumptions on which Savills and BNP agree, notably including proposed private and affordable residential GDV. However, BNP have adopted differing assumptions on key inputs including Existing Use Value (EUV), Landowner Premium and Construction Costs.

2.1.3. The GLA review is not explicit about certain assumptions and does not provide an appraisal, we are therefore unable to draw direct comparisons between their position and that of Savills and BNP. Where the GLA stance is known we have highlighted this and provided responses accordingly. Despite not providing an exact figure, we note the GLA conclude the scheme is able to accommodate additional affordable housing which would indicate that they have identified a surplus in viability terms.

2.1.4. In the below sections we address the differences in assumptions between Savills, BNP and the GLA.



### 3. Gross Development Value

#### 3.1. Private Residential GDV

3.1.1. Savills and BNP are in agreement that £82,949,000 or £725psf is an appropriate GDV based upon market evidence and from consulting sales agents.

3.1.2. The GLA consider £725psf too low and have adopted a revised revenue assumption of £85,851,750 or £750psf which represents an uplift of £2,902,750 or 3.5%. In support of this revised assumption the GLA have provided the following limited comments.

*“The proposed development has average flat sizes smaller than those at Kent Wharf and values will benefit from existing ‘place making’, with no adjacent warehouse. Flats at higher floor levels are also likely to see a premium price reflecting improved views.”*

3.1.3. The GLA have also requested further sales evidence from Kent Wharf, a development by the Applicant which is located adjacent to the Subject, on the basis that they consider it insufficient to provide 11 out of 125 transactions.

3.1.4. Kent Wharf does represent a good comparable however we would highlight to the GLA that the majority of sales were achieved in 2017 and 2018. The 11 sales provided as part of our Residential Comparables Report date from mid-2018 and therefore consist of the most recently achieved transactions; we do not consider it appropriate to draw upon more historic sales data when there is a significant amount of contemporary evidence available.

3.1.5. In response to the comments made by the GLA regarding unit size and floor level, the pricing exercise undertaken in our FVA made a specific allowance for units of every size and premiums for those units on the upper floors; this was informed by the comparable evidence identified in our Comparables Report. Whilst the Subject does benefit from place making enhancements brought about by the Kent Wharf scheme, this is not a justification for the Subject to achieve premium values above those achieved at Kent Wharf in 2017 / 2018. The values at Kent Wharf should be viewed in the context of more recent comparable evidence from contemporary new build schemes / scheme phases which benefit from existing place making.

3.1.6. Two such comparable contemporary schemes are Maritime by Fairview New Homes and Deptford Foundry by Anthology, below we summarise the blended £psf of both of these schemes by comparison with the pricing adopted by Savills and BNP.

**Table 2 – Pricing Comparison with Contemporary Evidence**

Scheme	Av. Unit Size	Av. Sales £psf	Date achieved
The Subject (Savills and BNP Pricing)	702sqft	£725psf	N/A
Maritime (Fairview New Homes)	719sqft	£712psf	Q4 2018 – Q4 2019
Depford Foundry (Anthology)	676sqft	£693psf	Q4 2018 – Q2 2020

- 3.1.7. As can be seen from the above, the residential GDV advocated by Savills and BNP is in accordance with contemporary sales evidence from within close proximity to the Subject, there is simply no need to draw upon evidence from 2017 as the GLA have requested. To adopt a valuation of £750psf would be to render the apartments uncompetitive and unrepresentative of the local market, and would subsequently impact upon sales absorption rates.
- 3.1.8. In light of this additional evidence, and without any evidence being supplied by the GLA to support their assertion that *“an average value in excess of £750psf looks to be justified”*, we maintain our initially adopted GDV with which BNP agree.

### **3.2. Private Residential Ground Rents**

- 3.2.1. Savills and BNP are in agreement that it is no longer appropriate to include a revenue for ground rents in light of the various Government announcements which have clearly stated an intent to remove them from new build flats.
- 3.2.2. The GLA have included ground rents on the private apartments at £350 per annum capitalised at a yield of 5% to produce a capital value of £1,141,000. In justification of this additional revenue, the GLA have provided the following comments.

*“No value has been attributed to potential ground rent income. This was because of the government announcement on 27th June 2019 that they intended to legislate that ground rents on new flats would be reduced to £0.*

*No further action appears to have been taken by government since then and market sale flats are currently being sold with ground rents included, generally at about £350pa.*

*It is considered that viability should be based on current market factors, which includes ground rents. It is recommended that the market flats should be assessed at an average rent of £350 and yield of 5%.”*

- 3.2.3. On a point of a valuation principle we do not agree with the inclusion of ground rents for the reasons outlined within our initial assessment. This approach has been further reinforced following the very recent announcement to bring forward legislation which will preclude the charging of ground rents across new residential schemes, and this recent show of government intent disproves the justification used by the GLA. Moreover, we would draw attention to the public announcements of increasing numbers of housebuilders and developers reducing ground rents to a notional ‘Peppercorn’ within current and future schemes.
- 3.2.4. The Applicant has confirmed that they do not intend to charge ground rents at the Subject scheme, and in commitment to this they are prepared to have the exclusion of ground rents written into the S106 agreement.
- 3.2.5. Given the above justifications which are also advocated by BNP, we consider it appropriate to exclude an income derived from ground rents in our appraisal.

### **3.1. Private Residential Sales Timescales**

- 3.1.1. Within our FVA we made an assumption that 40% of the apartments would be sold off plan and that four sales would be achieved per month thereafter over a 24 month period.
- 3.1.2. On the basis that Kent Wharf sold entirely off plan, BNP have assumed 50% of the apartments would be sold off plan and that seven sales would be achieved per month thereafter.

- 3.1.3. The GLA also consider our sales rate understated and have commented that “typically, sales rates at 8 units pcm are assumed in these types of developments.”, we note they have also referenced Kent Wharf as a possible justification for an increased sales rate and have asked for Savills adopted rate to be justified.
- 3.1.4. Whilst we would acknowledge the similarities between the Subject scheme and Kent Wharf we do not consider it appropriate to base current sales rates off evidence from 2017. We have therefore sought to identify more contemporary evidence of sales rates from the comparable developments identified, the Deptford Foundry development by Anthology provides a useful indication of likely sales rate given the similar price point of this comparable when compared to the Subject. We understand from Molior that since January 2019 112 homes have been sold at Deptford Foundry equating to an average sales rate of 4.7 per month which is broadly similar to the rate adopted within our FVA. Moreover, we also understand from Molior that Maritime by Fairview achieved a sales rate of c.5 units per month between Q4 2018 – Q4 2019 which again is more aligned to the absorption rate adopted by Savills.
- 3.1.5. Furthermore, and in reference to specific sales risk, BNP have alluded to the relative affordability of the properties and the positioning of many of the homes within the Help to Buy (HtB) threshold. According to Savills New Homes, and based upon their experience within South East London, HtB has been crucial in achieving sales at developments at this price point and in this location. We would highlight to BNP that from April 2021 HtB will only be available to first time buyers and this significantly impacts the benefit of the scheme to developers. It is therefore appropriate to adopt a marginally lower sales rate than at Maritime and Deptford Foundry as these developments both had the benefit of HtB under its previous, and more wide reaching, form.
- 3.1.6. In summary, we consider that the recent evidence of sales rates at Deptford Foundry and Maritime disproves the absorption rates which are advocated by both BNP and the GLA and should provide them with the justification which they have sought.

## **3.2. Commercial Values**

- 3.2.1. BNP have concluded that Savills commercial GDV of £3,294,174 (before purchasers costs) was understated. Having undertaken their own research, BNP reached a total GDV for the commercial space of £4,640,000 (before purchasers costs) and this revised value, which represents a c.40% increase on our GDV, was adopted within their revised appraisal. By comparison with both Savills and BNP, the GLA concluded a revised commercial GDV of £3,600,327 (before purchasers costs). In response to these revised conclusions we have the following comments.

### **Rental Values and Void / Rent Free Assumptions**

- 3.2.2. The GLA are in agreement with the market rent assumptions, and rent free periods adopted by Savills.
- 3.2.3. BNP have adopted an increased market rent for each flexible office / light industrial unit, we highlight the rents adopted by both Savills and BNP in Table 2 below. We note that BNP have adopted identical rent free assumptions to Savills in all but one instance, Container 02, we anticipate that this is a typological error and consider that the rent free periods are agreed. We also note that the rent advocated by BNP for Unit A1b is £25psf within their report and £35psf within their appraisal, in the context of their valuation we consider that the rent of £25psf is correct but would welcome confirmation on this discrepancy.

**Table 3 – Savills FVA and BNP Review Commercial Rent Assumptions**

Unit (Use Class)	Size Sqft	Savills MR (£psf)	BNP MR (£psf)	Savills MR p.a.	BNP MR p.a.	Savills Rent Free	BNP Rent Free
Unit A1a (E / B8)	384	£20	£30	£7,680	£11,520	3	3
Unit A1b (E / B8)	1,353	£15	£25	£20,295	£33,825	6	6
Unit A2 (E / B8)	2,924	£15	£20	£43,860	£58,480	12	12
Unit A3a (E / B8)	1,122	£17	£25	£19,074	£28,050	6	6
Unit A3b (E / B8)	890	£17	£27.50	£15,130	£24,475	3	3
Unit A4a (E / B8)	632	£20	£30	£12,640	£18,960	3	3
Unit A4b (E / B8)	1,121	£17	£25	£19,057	£28,025	6	6
Unit B1 (E / B8)	3,519	£14	£20	£49,266	£70,380	12	12
Unit B2 (E / B8)	1,011	£20	£25	£20,220	£25,275	6	6
Container 00 (E)	561	£17	£17	£9,537	£9,537	3	3
Container 01 (E)	1,232	£17	£17	£20,944	£20,944	6	6
Container 02 (E)	1,232	£17	£17	£20,944	£20,944	6	9
	<b>15,981</b>	<b>£16</b>	<b>£22</b>	<b>£258,647</b>	<b>£350,415</b>		

3.2.4. BNPs adopted rent of £350,415 per annum (£22psf) represents a c.35% increase on the annual rent of £258,647 (£16psf) adopted by Savills in our FVA. In support of these revised revenue assumptions BNP have commented on the evidence provided within our FVA and have also provided additional supplementary evidence. In response to these revised conclusions we have the following comments.

**Flexible Office / Light Industrial Units (E / B8)**

3.2.5. Savills and BNP are in agreement that the flexible use office / light industrial units proposed at the Subject will most likely be let to an office occupier on the basis of the proposed design which is more aligned with office demand. BNP have undertaken an analysis of the comparable office evidence provided in our FVA and have commented the following.

*“We consider that the smaller units would achieve lower rents than the California building due to its location and Creekside (despite being close to the site) is situated in the creative hub ‘Artworks Creekside’. The asking rent at Tarves Way and the achieved rent at Hilton’s Wharf provide a good indication of rental values in the locality and we have had regard to these in pricing the office units.”*

3.2.6. We agree with BNP that the flexible commercial rent will be similar to the quoting price provided by 13 Tarves Way.

3.2.7. BNP have provided additional evidence in the form of an achieved rent at Hilton Wharf, this transaction concerns a modern, built 2016, ground floor office which extends to 2,380sqft and which was let for £21psf. We acknowledge the similarities between Hilton Wharf and the Subject but would highlight to BNP that this letting occurred in 2018 and prior to the Covid-19 pandemic which has had an unprecedented impact on the demand for office space. BNP themselves are reporting that take up in Central London is down 48% on 2019 levels and given the magnitude of these reports it is unavoidable that there will be deflationary pressure on office rental values for the foreseeable future.

- 3.2.8. We also highlight that the Subject commercial space will be delivered to a shell and core finish, and this has been reflected in the rental values adopted. By comparison with Hilton Wharf, built in 2016 and subsequently offering either a Category A or B fit out, the Subject space will achieve a discounted rental value which reflects the liability of the incoming tenant to the fit out costs. If a substantial discount is not applied to the comparable evidence identified by both Savills and BNP, the majority of which represents Category A space, then it would be appropriate to lengthen the rent free periods substantially to account for the increased fit out requirements.
- 3.2.9. We consider the average rental value adopted by BNP for the flexible space at the Subject overstated by comparison with Hilton Wharf and as such we have maintained our initially adopted assumptions on market rent.

#### **Investment Yield**

- 3.2.10. Both Savills and BNP have adopted a capitalisation rate of 7.5%.
- 3.2.11. BNP have highlighted that the Applicant is the developer of River Gardens and have requested that they provide further information on the transactions at Blocks 4 and 5 as well as any additional evidence from this scheme which is available.
- 3.2.12. The GLA are in agreement with a yield of 7.5% for the container building. However, in respect of the flexible commercial units they consider that a yield of 6.75% would be more appropriate on the basis of capital values of the comparable evidence, and the yield assumption previously adopted, in 2019, by Savills for the purposes of assessing viability at the Subject. We would highlight that the yield assumption adopted by Savills in 2019 is of limited relevance as the market has evolved significantly since this time; the perceived risks for both occupiers of, and investors in commercial property are now much increased as a result of the Covid-19 pandemic.
- 3.2.13. In respect of the further information requested by BNP for the River Gardens scheme, we have now been provided with more transactional detail by the Applicant and understand that as things stand, of the 17 commercial units being delivered across the scheme, five are currently under offer and only three have sold leaving nine available. We understand that the eight units which are currently either under offer or sold have 'achieved' an average capital value of £228psf, and for context these units have an average area of 1,680sqft compared with 1,332sqft at the Subject. In respect of the River Gardens scheme, we would reiterate our view that this comparable represents a superior commercial destination which is enhanced through the creation of landscaped gardens and squares, and which also fronts the River Thames.
- 3.2.14. This additional evidence would appear to support the valuation undertaken by Savills (£206psf) and demonstrates that the capital value advocated by BNP (£290psf) is in our opinion overstated by comparison with the 'achieved' prices at the River Gardens which are at a significantly lower price point. Moreover, we understand from the Applicant that demand for the commercial space at this scheme has been weak and this would provide an explanation for the slow sales and letting rates.
- 3.2.15. In light of this additional evidence, which supports the GDV adopted by Savills, we have maintained our initially adopted capitalisation rate assumption.

## 4. Development Costs

### 4.1. Build Costs

- 4.1.1. Within our FVA we adopted a build cost, inclusive of a 5% contingency, of £56,740,000 (£223psf (GIA)) as advised by Ward Williams Associates (WWA).
- 4.1.2. The GLA have agreed to the costing provided by WWA commenting that it falls at the lower end of evidence provided for schemes of this nature.
- 4.1.3. BNP instructed CDM Project Services (CDM) to review the costing provided by WWA, CDM concluded a build cost of £56,127,191 (£220psf (GIA)), inclusive of a 5% contingency to which they agreed. The CDM costing represents a £612,809 (c.1%) reduction on the conclusion reached by WWA and has been adopted by BNP in their appraisal.
- 4.1.4. In respect of the revisions made by CDM, we have been provided with a full response by WWA, attached at **Appendix 2**, which concludes the following.

*“We believe our Feasibility of £56,740,000 or £223/ft2 GIFA is not an unreasonable budget for this scheme.*

*The proposed Overheads and Profit reduction does not match the tenders being received in the current London Residential Market.*

*The asbestos allowance has been included due to the asbestos sheet roofing and potential other internal asbestos. This is a risk to Bellway as they have been unable to carry out an asbestos survey due to the existing tenant.*

*The container office building is based upon actual cost data of a current container office scheme in East London by the specialist contractor Container City.*

*The fit-out allowance queries for the office do not include the connection and distribution from the central energy centre.*

*We have agreed with the minor (£5,000) reduction on the external works items.”*

- 4.1.5. Given the conclusions from WWA, as well as the comments made by the GLA who consider our adopted build costs to be reasonable in this instance, we have adopted a revised position on build cost of **£56,735,000** (£222psf (GIA)) which reflects a £5,000 reduction on external works.

### 4.2. Contingency

- 4.2.1. A build contingency allowance of 5% is considered agreed between Savills, BNP, and the GLA.

### 4.3. Construction Timescales

- 4.3.1. The GLA consider Savills timescales overstated, they suggest that a six month pre-construction period is inappropriate on the basis that *“the date of possession is known”*, and that the construction period is *“3-6 months longer than typical developments of this nature”*; we note that no evidence has been supplied by the GLA in support of these opinions.

4.3.2. BNP have identified and adopted the timescales set out within the Construction Logistics Report prepared by Ardent and submitted as part of the planning application. For ease we highlight the timescales advocated by Ardent below.

**Table 4 – Ardent Project Timescales**

Phase	Item	Starts	Ends	Period (Months)
Pre-Construction	Site set up & demolition	Feb-21	May-21	4
Construction	Basement excavation & piling	May-21	Nov-21	6
	Sub-structure	Nov-21	Mar-22	4
	Super structure	Mar-22	Jan-23	10
	Cladding	Jan-23	Apr-23	3
	Fit-out, testing & commissioning	Apr-23	Dec-23	8
<b>Total Period</b>				<b>35</b>

4.3.3. Ardent consider an appropriate construction timescale of 35 months, which consists of a 4 month pre-construction period and 31 month construction period. We note that BNP have adopted a 4 month pre-construction period and 26 month construction period “*on the basis of the Ardent project programme*”, it is not clear why BNP have adopted a shorter construction period given their comments and we request that they clarify this position.

4.3.4. We note that the programme advocated by Ardent uses the same construction period as that which was adopted within our FVA, 31 months, but that the pre-construction period advocated is two months shorter. We consider it a reasonable approach to adopt the timescales advocated by Ardent and have updated our revised appraisal to reflect a four month pre-construction period.

4.3.5. In respect of the shorter timescales advocated by the GLA, we would highlight that the Construction Logistics Report prepared by Ardent provides an independent third party view on timescales by an expert organisation for the Subject scheme. In the absence of any evidence provided by the GLA we are unable to accept their assertion that shorter timescales, than those provided by Ardent and advocated by Savills and BNP, would be appropriate. In further support of the evidenced position taken by Savills and BNP we would also highlight Section 2.6 of the RICS Professional Statement “Financial Viability in Planning”, 1st Edition which requires that “*Where a reviewer disagrees with a submitted report and / or with elements in it, differences must be clearly set out with supporting and reasonable justification.*”.

#### **4.4. Professional Fees**

4.4.1. We adopted a professional fee allowance of 12% within our FVA.

4.4.2. In their review BNP have adopted a revised allowance of 10% giving consideration to “*site constraints and scheme complexity*” and “*the monetary value of the percentage in the appraisal*”.

4.4.3. Conversely, the GLA have also given consideration to site specifics but have concluded the allowance of 12% adopted within our FVA is reasonable on the basis of the following justification.

*“assessment of these fees needs to take in to account the assessment of preliminaries profits and overheads as these include elements of professional fee work. In the previous scheme FVA build costs included preliminaries profits and overheads at 17% of build costs. This is lower than typical and implies more limited professional fees included in the PP&O heading, but a higher amount in the ‘Professional Fees’ heading. Assuming the same approach is adopted on this assessment, professional fees in this assessment at 12% can be agreed.”*

- 4.4.4. We highlight the above observations made by the GLA to BNP, and would comment that the same approach has been applied by WWA in this iteration of scheme costings for the Subject. Moreover, WWA have adopted a reduced preliminaries, profits and overheads (PP&O) allowance of 14% for this iteration and subsequently a 12% professional fee assumption is further justified.
- 4.4.5. Moreover, we have now received a detailed breakdown of professional fees from WWA which we provide attached at **Appendix 3**.
- 4.4.6. Given the detailed breakdown provided by WWA which demonstrates 12% is an appropriate allowance, as well as the comments made by the GLA who consider 12% to be a reasonable allowance in this instance, we have maintained our initially adopted position on professional fees.

## **4.5. Finance Rate**

- 4.5.1. We adopted a finance rate of 6.75% in our FVA.
- 4.5.2. BNP have adopted a 6% finance rate within their revised appraisal, this represents a reduction of 0.75% from our assumption which BNP comment *“falls outside of current lending requirements”*.
- 4.5.3. Based upon our current experience of development finance, and having received no justification from BNP as to why a lower rate would be acceptable at the current time, we are unable to accept that 6% represents an appropriate finance rate.
- 4.5.4. Furthermore, we have consulted with our specialist Residential Valuations team to establish what constitutes current lending requirements, we understand that since the outbreak of the Covid-19 Pandemic the high level of market uncertainty has caused development finance rates to rise as a number of lenders have either completely withdrawn from the development finance market or significantly revised their Loan to Value ratio and price offerings.
- 4.5.5. Moreover, we are aware of BNP recently adopting a finance rate of 6.75% elsewhere within London for viability purposes and would request clarification from them as to why they consider a lower rate appropriate in this instance.
- 4.5.6. We note that the GLA also consider our adopted finance rate overstated, they suggest a revised rate of 5% be adopted and have cited a previous exercise undertaken by Savills in reference to the Ladderswood Estate in Enfield where 5% was adopted. We are concerned that the GLA place such precedence on this exercise for three principles reasons (1) this work was undertaken in 2019 (2) the work was not a planning FVA (3) finance rates are highly variable and differ project to project.



- 4.5.7. In practice development finance arrangements are specific to developers and / or development sites, they can vary significantly and as such within development viability a finance rate is to be adopted which represents an achievable market average rate. Given this, for the GLA to have adopted a site specific finance rate from 2019 is inappropriate when assessing this assumption. This work was undertaken in 2019 and it is unjustifiable for the GLA to infer that the development market has not changed since. Moreover, this exercise was not undertaken for planning viability purposes and we understand that the analysis was of site specific financial performance and used to support a grant funding application; it was also representative of 100% equity financing.
- 4.5.8. Of most importance is that finance rates to which developers have access vary significantly, viability guidance therefore requires that a standardised approach is taken to finance whereby market average rates are adopted. In the case of the Ladderswood Estate regeneration, a finance rate of 5% was appropriate as it represented the specific covenant strength of the applicants who also had the backing of Enfield Council. For the GLA to apply this finance rate, which represents such a specific set of circumstances and which dates from 2019, to the Subject scheme is therefore entirely contrary to the Mayor of London “Affordable Housing and Viability” SPG which requires a “*standardised approach...based on standard market rates*”, the Ladderswood Estate represents neither.
- 4.5.9. We disagree with both the finance rates adopted by BNP and the GLA and their justifications. A finance rate of 6% or below is inappropriate in current times when development finance has become more difficult to obtain and as such we have maintained our initial finance rate of 6.75%.

#### **4.6. Profit**

- 4.6.1. Within our FVA we adopted a profit margin of 20% on GDV for the proposed residential accommodation, both BNP and the GLA have challenged this margin and are of the opinion that a requirement of 17.5% on GDV would be more appropriate. BNP and the GLA are in agreement that a profit requirement of 15% on commercial GDV and 6% on affordable housing GDV are appropriate. BNP have based their revised profit requirement for the residential GDV “*upon the perceived risks associated with the proposed development*” which they identify as being Brexit, the Covid-19 pandemic as well as unidentified scheme specific risks.
- 4.6.2. We note that BNP have recently experienced a profit range of between 17% and 20% of residential GDV within London and would question why they have adopted a lower requirement based upon the unprecedented macroeconomic risks which they have identified. We would acknowledge that the NPPF PPG stipulates an appropriate profit range as being between 15% and 20% on GDV, the profit target adopted by BNP therefore reflects a mid-range assumption in this context. We would however, highlight that this range was published in 2019 and prior to the outbreak of Covid-19, the development market has since become significantly more uncertain and this aspect of the PPG could be considered outdated and unreflective of the current risks faced by developers.
- 4.6.3. Having consulted with specialist colleagues within the Loan Security Valuation and Capital Markets departments of Savills, as well as applying our own development experience, we do not consider that in the current market it is appropriate to apply a mid-range profit assumption and are of the opinion that our initially adopted profit margin of 20% on residential GDV represents the significant current market uncertainty caused by the Covid-19 Pandemic and Britain’s ongoing exit from the European Union.
- 4.6.4. Furthermore, we would highlight that the residential market is still yet to see the full impact of Covid-19. Oxford Economics estimates that approximately 4.5m people are on the furlough scheme and they predict that unemployment will rise sharply to 6.7% once this government initiative ends in April of this year. These stark figures suggest developers are to face adverse market conditions for the foreseeable future as Oxford Economics predict unemployment levels won’t revert to pre-Covid levels until 2024.

- 4.6.5. In relation to scheme specific risk, this proposal is for a 20 storey tower directly adjacent to Deptford Creek and subsequently a higher profit rate should be required. The GLA London Plan Viability Study concluded that *“storey height was found to be the most significant factor to inform developer returns”* and that schemes of 20 plus storeys require an average developers return of 20% on GDV. Furthermore and similarly to the NPPF range, this study was undertaken prior to the Covid-19 pandemic and is unreflective of the additional risks which are now faced by developers. We consider that this evidence further justifies our opinion that the profit adopted by BNP and the GLA is inadequate for the proposed scheme and based on current market conditions.
- 4.6.6. Lastly, and assessing profit holistically, the blended requirement of c.15.2% adopted by BNP and the GLA is even more inadequate when considering it falls at the bottom of the NPPF range and is well short of the 20% identified by the London Plan Viability Study. By comparison the blended rate of 17.15% adopted in our appraisal more fully reflects these ranges as well as the current market and scheme specific risks.
- 4.6.7. In light of all the above, we remain of the opinion that a 20% profit on residential GDV is an appropriate developers return and we have subsequently maintained this assumption within our revised appraisal.

## 5. Site Value Benchmark

### 5.1. Introduction

- 5.1.1. Savills adopted a SVB of £17.67m on the basis of an EUV of £13.59m (£281psf) and a landowner premium of 30%.
- 5.1.2. In their review BNP consider both Savills EUV and premium overstated and have adopted a SVB of £13.44m consisting of an EUV of £11.12m (£230psf) and a premium of 20%.
- 5.1.3. The GLA also consider Savills EUV and premium overstated and have adopted a SVB of £14.88m consisting of an EUV of £12.4m and a premium of 20%.
- 5.1.4. In the table below we summarise the assumptions used by Savills, BNP, and the GLA in establishing the SVB.

**Table 5 – Savills, BNP and GLA SVB Assumptions**

Item	Savills Assumption	BNP Assumption	GLA Assumption
Current Passing Rent (£psf)	£440,000 (£9.10psf)	£440,000 (£9.10psf)	£440,000 (£9.10psf)
Rent payable (May 2021 – May 2022)	£450,000 (£9.31psf)	£450,000 (£9.31psf)	£450,000 (£9.31psf)
Open Market Rent on lease expiry	£700,000 (£14.50psf)	£605,000 (£12.50psf)	£675,000 (£14psf)
Equivalent Yield (%)	4.5%	5.5%	4.75%
Void Period (months)	6	6	6
Rent Free Period (months)	6	6	6
Letting Agency Fees (%)	10%	10%	10%
Letting Legal Fees (%)	5%	5%	5%
Purchasers Costs (%)	6.72%	6.8%	6.8%

- 5.1.5. In reference to the differing assumptions adopted by BNP and the GLA in their reviews, we have the following comments.

### 5.2. EUV Rent

- 5.2.1. BNP consider our rental valuation to be overstated and have adopted a revised market rent of £12.50psf representing a discount of 16% from our market rent of £14.50psf.
- 5.2.2. In support of their revised position BNP have reviewed the rental evidence supplied within our FVA and have also identified a number of additional asking rents for south London industrial units. According to BNP the additional asking price evidence ranges in size from 400sqft - 25,000sqft with rents ranging from £10psf - £16psf, BNP have provided no further details or comments on these properties apart from acknowledging that they have been unable to identify any lettings of similarly sized units or indeed “*any units which are comparable to the Subject*”. BNP have concluded their analysis by noting that the Colliers Rents Map suggests secondary rental values for 1990s built industrial units in Woolwich are £12.50psf and that given this they have adopted a market rent of £12.50psf at the Subject “*to reflect the Subjects more central location*”.

- 5.2.3. Having reviewed the comments provided by BNP in respect of the available rental evidence, it would appear that they have placed precedence on the Colliers Rents Map as their primary valuation evidence. In response to this we have three principle issues; (1) the assertion that the Subject space is secondary (2) the non-differentiation between Woolwich and the Subject location (3) the disregard for the recent transactional evidence provided within our FVA.
- 5.2.4. We acknowledge the age of the existing building but would highlight the prime location of the Subject within 4 miles of the City of London as well as being excellently connected to the wider south London road network, 0.4 miles from access onto the A2 main road which connects London to the port of Dover. The scarcity of such large, and central industrial space is evidenced by the lack of entirely comparable transactions which has been acknowledged by BNP.
- 5.2.5. In respect of issue two, whilst BNP have noted the superior location of the Subject in Deptford they have adopted the average rental value in Woolwich, by BNPs own concession the Subject is better located and therefore we consider that a premium will need to be applied to evidence obtained from Woolwich. As BNP have acknowledged the superior location of the Subject, we require clarification as to why no premium has been applied.
- 5.2.6. In respect of issue three, we disagree with the statement provided by BNP that there is no comparable evidence available and question the weight they afford to both the additional asking price evidence and the Colliers Rents Map; it would appear that BNP have given particular precedence to the rents map over the achieved transactions which we have provided. We would note that the RICS Guidance Note "*Comparable Evidence in Real Estate Valuation*" (2019) which offers best practice guidance to surveyors undertaking valuation work, at 4.6.1. the document details a hierarchy of evidence to be used as follows.

*"Category A – direct comparables*

*This category relates to all types of relevant transactional comparable evidence including:*

- *contemporary, completed transactions of near-identical properties for which full and accurate information is available; this may include data from the subject property itself*
- *contemporary, completed transactions of other, similar real estate assets for which full and accurate information is available*
- *contemporary, completed transactions of similar real estate for which full data may not be available, but for which enough reliable data can be obtained to use as evidence*
- *similar real estate being marketed where offers may have been made but a binding contract has not been completed and*
- *asking prices (see 4.1.4 above).*

*Category B – general market data*

*This category relates to data that can provide guidance rather than a direct indication of value including:*

- *information from published sources or commercial databases; its relative importance will depend on relevance, authority and verifiability*
- *other indirect evidence (e.g. indices)*
- *historic evidence and*
- *demand/supply data for rent, owner-occupation or investment."*

- 5.2.7. The hierarchy shows that general market data, such as the Colliers Rents Map, represents Category B evidence and should be afforded less weight than contemporary transactions, such as those provided in our report, which represent Category A evidence. In this instance we consider it appropriate to apply the Colliers Rents Map in a cross checking capacity only; the prime rents for the south London areas identified range from £15.50psf - £16.50psf which is within the range of the achieved evidence.
- 5.2.8. Furthermore, in respect of asking prices the guidance note states the following at 4.1.4.

*“Asking prices do not provide reliable evidence of value and should be treated with caution because they often differ substantially from the agreed final transaction price...asking prices may be the only evidence available and if interpreted carefully by an experienced valuer,”*

5.2.9. We acknowledge that asking prices should be analysed in circumstances where there is a shortage of transactional evidence however, in this instance there is sufficient evidence of *“contemporary, completed transactions of other, similar real estate assets”*. Furthermore, in reference to paragraph 4.1.4. of the guidance note which is highlighted above, and in consideration to the very limited analysis of the additional asking price evidence supplied by BNP, we would also question whether the asking prices provided have been carefully interpreted. Finally, since our previous research in August 2020 we would highlight the following supplemental Category A transactional evidence.

**Table 6 – Savills Supplemental Category A Evidence**

Address	Size Sqft	Rent £psf	Let Agreed Date	Term (yrs)
Suite 1A Juno Way	8,927	£15	Sep-20	20

- 5.2.10. Suite 1A Juno Way is comparable in terms of location, specification and condition; this industrial unit is located 1.5 miles to the north west of the Subject, features two storey ancillary office accommodation, has roller shutter doors with parking to the front and was constructed in a similar period. The property was let on a 20 year lease term for £15psf, a rental value in keeping with the other achieved transactions identified in our FVA as well as the Colliers rents map. Whilst we would acknowledge the smaller size of Suite 1A we would highlight the length of the term agreed and the inferior access of this comparable to the A2 main road (1.1miles away compared with 0.4 miles at the Subject). On balance we consider the Subject will achieve a similar rent to this comparable which offers Category A evidence and should be given precedence to the evidence sought to justify BNP’s lower valuation.
- 5.2.11. BNP have used Category B market data as their primary evidence in valuation, they have identified the Subject as secondary which it is not and have adopted an average rent for the Woolwich market (which they note is an inferior location) of £12.50psf. It is clear that BNP have afforded too little weight to the transactional evidence provided within our August 2020 report, these lettings should be given precedence over market data and asking prices. With an average value of £18.10psf none of the transactions in our August 2020 report are at the level of BNP’s valuation. Furthermore, we have provided supplemental achieved lettings evidence which justifies our opinion of market rent at £14.50psf.
- 5.2.12. We note that the GLA consider our market rent assumption *“marginally overstated”* and have adopted a lower rent of £14psf. Whilst the GLA consider our rent *“not justified in the current market conditions”* they have provided no evidence to support this statement and it is not clear why a discount of £0.50psf has been applied to Savills market rent. We would highlight that given the GLA disagree with our market rent, as stated by the guidance quoted earlier in this document, they are required to demonstrate this through the provision of evidence.
- 5.2.13. In light of no evidence to the contrary we have maintained our market rental valuation of **£14.50psf**.

### 5.3. EUV Yield

- 5.3.1. BNP consider our capitalisation rate of 4.5% to be overstated and have adopted a revised rate of 5.5%, representing an increase of 100bps.
- 5.3.2. In support of their revised position BNP have commented on the transactions identified in our FVA and have also cited the Knight Frank Investment Yield Guide (November 2020) which indicates that a yield of 5.5% would be appropriate for secondary national distribution units, BNP “do not consider that the subject site can be considered to be prime” but we note no justification has been provided for this.
- 5.3.3. Having reviewed the comments made by BNP in support of their position, we are unable to accept their revised capitalisation rate largely for the same reasons identified in reference to their EUV rental valuation; (1) a misclassification of the Subject as a secondary asset (2) an over-reliance on Category B general national market data as their primary evidence (3) a disregard of the Category A evidence provided within our valuation which indicates that a significantly lower yield would be more appropriate. Having covered issues one and two in section 5.2, we have primarily focussed on issue 3 below.
- 5.3.4. Firstly, we highlight that the December 2020 edition of the Knight Frank Investment Yield Guide reflects revisions as below.

**Table 7 – Knight Frank Yields**

Asset Type	Dec. 20 Yield Guide	Change on Nov. 2020
Prime Distribution / Warehousing (20 year income (NIY) with fixed uplifts)	3.5%	-0.25%
Prime Distribution / Warehousing (15 year income)	4%	+/-0%
Secondary Distribution (10 year income)	5% - 5.25%	-0.25%

- 5.3.5. As well as the above downwards revisions in yield, the guide also states that the market sentiment for all three asset types is positive. These revisions demonstrate the risks of relying on Category B general market data as primary evidence for an EUV valuation when compared with Category A achieved transactional evidence. We consider that market data such as the Knight Frank Yield Guide provides a good cross checking tool, and offers an insight into market sentiment which is currently strong with significant downward pressure on investment yields.
- 5.3.6. In respect of the comparable transactions provided within our FVA, BNP have commented the following.
- “with the exception of Linford Street we note that the occupants of the other units are generally occupied by tenants of a high covenant strength which will inevitably impact upon the yields and the units are located in superior industrial locations.”*
- 5.3.7. We have two issues with this analysis; (1) BNP have placed too significant an emphasis on the existing lease term of 1.8 years (2) BNP consider Jones Hire to represent a weaker covenant by comparison with the evidence provided.

- 5.3.8. In respect of the first issue, as we have demonstrated in Section 5.2 the reversionary (market) rent for the Subject space is c.£14.50psf, and the current lease will expire in May 2022. Given that the property is currently under rented and a reversion will be achieved in under two years it is inappropriate to place such an emphasis on the impact of the existing lease on the yield profile. Furthermore, we would note that the existing lease is contracted out of the security of tenure provisions of the Landlord and Tenure Act (1954) which further underpins that the value of the property as an investment is in the reversionary potential of a new lease and the likely covenant strength of the new occupant after Jones Hire have vacated.
- 5.3.9. Notwithstanding the above, we also disagree with the classification of Jones Hire as a weak covenant. Jones Hire is a successful private company, founded in 1989, to provide quality catering equipment to professional caterers, major hotels, restaurants, city institutions and private clients. The success of the business and quality of the product is evidenced by Jones Hire being awarded Royal Warrants in 2005 / 2006. Moreover, we understand that an exemplary full rental payment record exists for the property and this is testament to the strength of the existing covenant.
- 5.3.10. In summary, it is inappropriate for BNP to rely upon general nationwide market data as the primary evidence for their EUV yield, this evidence is defined as Category B by the RICS, and it should be used in a supplemental capacity where there is sufficient transactional evidence available as there is in this case. We also highlight that the yield guide refers to national averages, and that the London industrial market specifically will reflect a different yield profile. Notwithstanding this, the December edition of the Knight Frank Yield Guide has adopted revisions showing significant downward pressure on yields and this is reflective of the strength of the industrial market at present and the transactional evidence which we have identified. In reference to the comparable evidence supplied in our FVA, BNP have placed too significant an emphasis on the existing lease of this reversionary asset and have incorrectly classified Jones Hire as a weak covenant.
- 5.3.11. We note that the GLA have adopted an equivalent yield of 4.75% on the basis that this is consistent with the view expressed by GL Hearn when they reviewed the viability of the Subject in 2019, they have used the Knight Frank Yield Guide (Dec-20) as their principle justification. As we have already demonstrated, in this instance, the Knight Frank Yield Guide should only be used in a cross checking capacity as there are recently achieved investment transactions available; these transactions indicate a lower yield would be appropriate.
- 5.3.12. In light of our comments above we have maintained our equivalent yield assumption of **4.5%**.

#### **5.4. EUV Conclusion**

We have reviewed the EUV evidence and valuation undertaken by BNP and have maintained our EUV of **£13.59m** which equates to **£281psf**.

#### **5.5. Landowner Premium**

- 5.5.1. BNP have adopted a 20% landowner premium to produce a SVB of £13.44m, we note no justification for a lower premium is provided. The GLA have also adopted a 20% premium on the basis that the asset is nearing the end of its economic life and already has a relatively high EUV.
- 5.5.2. In response, we reiterate our earlier comments that the Subject represents a highly sought after asset in the context of a scarcity of large industrial units within such close proximity to the City of London and with such good transport links.

- 5.5.3. Notwithstanding the above, in order to reach a timely agreement in these negotiations we are prepared to adopt a landowner premium of 20% on a without prejudice basis. When applied to our EUV of £13.59m this produces a revised SVB of **£16.31m**.

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## 6. Conclusion

### 6.1. Summary of Revised Assumptions

- 6.1.1. Please see below a summary of this report and the remaining key differences between Savills and BNP. We have been unable to draw a direct comparison between Savills and BNP and the GLA as the GLA have not provided a revised appraisal as part of their review.

**Table 8 – Summary of Revised Position**

Item	Savills FVA	BNP Review	Savills Revised
Private Residential GDV	£82,949,000 (£725psf)	£82,949,000 (£725psf)	£82,949,000 (£725psf)
Affordable Residential GDV	£20,536,153	£20,536,153	£20,536,153
Residential Ground Rents	Nil	Nil	Nil
Commercial GDV	£3,294,174	£4,636,543	£3,294,174
Existing Rental Income	£810,538	£810,538	£810,538
Build Costs	£56,740,000	£56,127,191	£56,735,000
Professional Fees	12%	10%	12%
Finance Rate	6.75%	6%	6.75%
CIL & Carbon Offset	£2,802,089	£2,802,089	£2,802,089
Residential Sales Legal, Agent & Marketing	3.25%	3.25%	3.25%
Commercial Sales Agent	1%	1%	1%
Commercial Letting Agent and Legal	15%	15%	15%
Developers Profit on GDV (blended)	17.15%	15.21%	17.15%
Pre-Con (months)	6	4	4
Build Period (months)	31	26	31
Sales period (months) and % off plan	24,40%	13, 50%	24,40%
<b>Residual Land Value</b>	<b>£9,022,210</b>	<b>£14,632,011</b>	<b>£9,118,673</b>
Existing Use Value Market Rent (£psf)	£14.50	£12.50	£14.50
Existing Use Value Void & Rent Free (months)	12	12	12
Existing Use Value Equivalent Yield (%)	4.50%	5.50%	4.50%
Existing Use Value	£13,590,000	£11,120,000	£13,590,000
Landowner Premium (%)	30%	20%	20%
<b>Site Value Benchmark</b>	<b>£17,667,000</b>	<b>£13,440,000</b>	<b>£16,310,000</b>
<b>Surplus / Deficit against SVB</b>	<b>-£8.6m</b>	<b>£1.2m</b>	<b>-£7.2m</b>

### 6.2. Revised Appraisal Results

- 6.2.1. A summary of our appraisal results is set out below. A copy of our revised appraisal can be found at **Appendix 1**.

**Table 9 – Savills Revised Appraisal Results**

Residual Land Value	Site Value Benchmark	Deficit
<b>£9.1m</b>	<b>£16.3m</b>	<b>-£7.2m</b>

6.2.2. Given that our revised Residual Land Value maintains a deficit against our adopted SVB, the scheme is not able to provide any further planning obligations whilst remaining viable in planning.

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Appendix 1  
Savills Revised Appraisal

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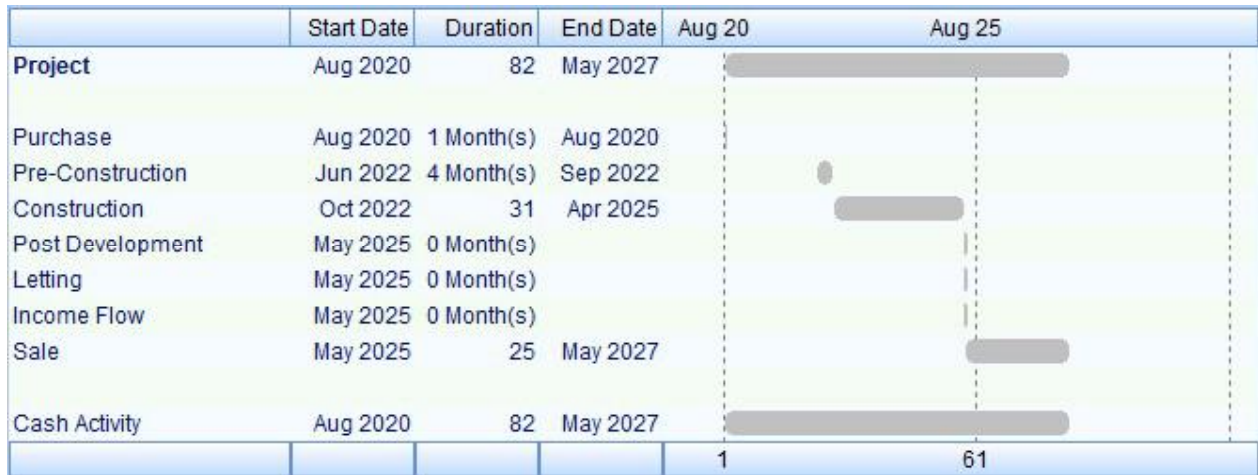
Sun Wharf - DRAFT  
Proposed Residual Land Value (inc. 35% AH)

Development Appraisal  
Savills (UK) Limited  
04 March 2021

**Sun Wharf - DRAFT  
Proposed Residual Land Value (inc. 35% AH)**

Project Timescale	
Project Start Date	Aug 2020
Project End Date	May 2027
Project Duration (Inc Exit Period)	82 months

**Phase 1**



**Sun Wharf - DRAFT  
Proposed Residual Land Value (inc. 35% AH)**

**Appraisal Summary for Phase 1**

Currency in £

**REVENUE**

Sales Valuation	Units	ft <sup>2</sup>	Sales Rate ft <sup>2</sup>	Unit Price	Gross Sales
Market Housing	163	114,469	724.64	508,890	82,949,000
Intermediate Housing	34	27,194	499.33	399,375	13,578,750
Affordable Rented Housing	<u>54</u>	<u>37,596</u>	185.06	128,841	<u>6,957,403</u>
<b>Totals</b>	<b>251</b>	<b>179,259</b>			<b>103,485,153</b>

**Rental Area Summary**

	Units	ft <sup>2</sup>	Rent Rate ft <sup>2</sup>	Initial MRV/Unit	Net Rent at Sale	Initial MRV
Unit A1a	1	384	20.00	7,680	7,680	7,680
Unit A1b	1	1,353	15.00	20,295	20,295	20,295
Unit A2	1	2,924	15.00	43,860	43,860	43,860
Unit A3a	1	1,122	17.00	19,074	19,074	19,074
Unit A3b	1	890	17.00	15,130	15,130	15,130
Unit A4a	1	632	20.00	12,640	12,640	12,640
Unit A4b	1	1,121	17.00	19,057	19,057	19,057
Unit B1	1	3,519	14.00	49,266	49,266	49,266
Unit B2	1	1,011	20.00	20,220	20,220	20,220
Container 00	1	561	17.00	9,537	9,537	9,537
Container 01	1	1,232	17.00	20,944	20,944	20,944
Container 02	<u>1</u>	<u>1,232</u>	17.00	20,944	<u>20,944</u>	<u>20,944</u>
<b>Totals</b>	<b>12</b>	<b>15,981</b>			<b>258,647</b>	<b>258,647</b>

**Investment Valuation**

<b>Unit A1a</b>						
Market Rent	7,680	YP @	7.5000%	13.3333		
(3mths Rent Free)		PV 3mths @	7.5000%	0.9821	100,565	
<b>Unit A1b</b>						
Market Rent	20,295	YP @	7.5000%	13.3333		
(6mths Rent Free)		PV 6mths @	7.5000%	0.9645	260,990	
<b>Unit A2</b>						
Market Rent	43,860	YP @	7.5000%	13.3333		
(1yr Rent Free)		PV 1yr @	7.5000%	0.9302	544,000	
<b>Unit A3a</b>						
Market Rent	19,074	YP @	7.5000%	13.3333		
(6mths Rent Free)		PV 6mths @	7.5000%	0.9645	245,288	
<b>Unit A3b</b>						
Market Rent	15,130	YP @	7.5000%	13.3333		
(3mths Rent Free)		PV 3mths @	7.5000%	0.9821	198,119	
<b>Unit A4a</b>						
Market Rent	12,640	YP @	7.5000%	13.3333		
(3mths Rent Free)		PV 3mths @	7.5000%	0.9821	165,514	
<b>Unit A4b</b>						
Market Rent	19,057	YP @	7.5000%	13.3333		
(6mths Rent Free)		PV 6mths @	7.5000%	0.9645	245,069	
<b>Unit B1</b>						
Market Rent	49,266	YP @	7.5000%	13.3333		
(1yr Rent Free)		PV 1yr @	7.5000%	0.9302	611,051	
<b>Unit B2</b>						

**APPRAISAL SUMMARY**
**SAVILLS (UK) LIMITED**
**Sun Wharf - DRAFT**
**Proposed Residual Land Value (inc. 35% AH)**

Market Rent (6mths Rent Free)	20,220	YP @ PV 6mths @	7.5000% 7.5000%	13.3333 0.9645	260,025
<b>Container 00</b>					
Market Rent (3mths Rent Free)	9,537	YP @ PV 3mths @	7.5000% 7.5000%	13.3333 0.9821	124,882
<b>Container 01</b>					
Market Rent (6mths Rent Free)	20,944	YP @ PV 6mths @	7.5000% 7.5000%	13.3333 0.9645	269,336
<b>Container 02</b>					
Market Rent (6mths Rent Free)	20,944	YP @ PV 6mths @	7.5000% 7.5000%	13.3333 0.9645	269,336
<b>Total Investment Valuation</b>					<b>3,294,174</b>

**GROSS DEVELOPMENT VALUE 106,779,327**

Purchaser's Costs		(212,804)
Effective Purchaser's Costs Rate	6.46%	(212,804)

**NET DEVELOPMENT VALUE 106,566,524**

<b>Additional Revenue</b>		
Jones Catering Rent		810,538
		810,538

**NET REALISATION 107,377,062**
**OUTLAY**
**ACQUISITION COSTS**

Residualised Price		9,118,673	9,118,673
Stamp Duty		445,434	
Effective Stamp Duty Rate	4.88%		
Agent Fee	1.00%	91,187	
Legal Fee	0.80%	72,949	
			609,570

**CONSTRUCTION COSTS**

Construction	ft <sup>2</sup>	Build Rate ft <sup>2</sup>	Cost	
Build Cost	254,590	222.85	56,735,000	
River Wall			1,000,000	
Mayoral CIL			798,691	
Borough CIL			1,562,912	
Carbon Offsetting Contribution			440,486	
				60,537,089

**PROFESSIONAL FEES**

Professional Fees	12.00%	6,808,200	6,808,200
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**MARKETING & LETTING**

Marketing	1.50%	1,244,235	
Letting Agent Fee	10.00%	25,865	
Letting Legal Fee	5.00%	12,932	
			1,283,032

**DISPOSAL FEES**

Commercial Sales Agent	1.00%	236,175	
Resi Sales Agent Fee	1.50%	1,244,235	
Commercial Sales Legal Fee	0.80%	188,940	

**Sun Wharf - DRAFT**

**Proposed Residual Land Value (inc. 35% AH)**

Resi Sales Legal Fee	0.25%	207,372	1,876,723
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**FINANCE**

Debit Rate 6.750%, Credit Rate 1.000% (Nominal)

Land		3,479,047	
Construction		3,861,247	
Other		1,490,810	
<b>Total Finance Cost</b>			<b>8,831,105</b>

**TOTAL COSTS**

**89,064,391**

**PROFIT**

**18,312,670**

**Performance Measures**

Profit on GDV%	17.15%
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**Appendix 2**  
**WWA Response to CDM Project Services Review**

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Bellway London Partnerships Ltd  
Sun Wharf  
Feasibility Study Rebuttal

JAN 21 : 20-5389QS

# 1.0 Executive Summary

- 1.1 CDM Project Services issued their report, on the Ward Williams Associates (WWA) Feasibility Study Nr 3, dated 3<sup>rd</sup> September 2020 which assessed the scheme costs to be lower than the WWA Feasibility by £612,809 or 1.08%.
- 1.2 The main differences relate to: -
  - a. Overheads and Profit
  - b. Asbestos – Clarification requested
  - c. Container Building allowances – Clarification requested
  - d. Container Building on costs
  - e. Commercial Fit Out – Clarification requested
  - f. External Works Furniture Allowances
  - g. Marketing Suite Costs – Clarification requested
  - h. Maintenance Allowance – Clarification requested
- 1.3 The above cost items and clarifications are detailed in the next section.
- 1.4 The suggested reductions; although not significantly different to the submitted costs; are not all reflective of the scheme. The following report defends and compromises and a revised sum of £56,735,000 or £5,000 less has been concluded following the comments by CDM Project Services.

## 2.0 Variance Qualifications

### 2.1 Overheads and Profit

The allowance of 6% is the current normal overhead and profit (OHP) percentage being presented by the contracting market and has been for the past two years. We have had tenders returned with OHP at 7 – 10% in some cases. The suggested 5% is not reflective of the current residential market for this type of development.

### 2.2 Asbestos Allowance

The below photograph has identified potential asbestos sheet roofing to the existing warehouse building. This extends to the whole of the warehouse roof equating to circa 7,000m<sup>2</sup>.



There is also a risk of infill panels, plant lagging and floor coverings. Due to units being occupied the client has been unable to carry out an asbestos survey and so given the size of the industrial units, the highlighted roofing material along with the unknown areas not surveyed we have allowed a sum of £100,000 for the removal & disposal.

## 2.3 Container Building Allowances

The staircase, lift and lobby areas are deemed to be covered external space hence it hasn't been added to the GIFA. WWA have been working on a similar office scheme in East London with Container City. Container City tendered the project in East London and are one of a few Contractors that specialise in buildings of this nature. When producing the costs for Sun Wharf we used the market knowledge of this specialist building type to provide accurate costings for this scheme. For comparison (including the external communal space in the area for direct comparison), the scheme with Container City was tendered and negotiated at £1,851/m<sup>2</sup> excluding the lifts. Sun Wharf comparable rate excluding the lift allowance is £1,820/m<sup>2</sup>. The proposed container office building will have to be let as a stand-alone contract by a specialist container contractor and can not be assumed as separate trade packaged elements of work. The costs included are comparable to a similar scheme by a specialist container contractor.

## 2.4 Container Building On Costs

As stated in 2.3 above, this element of works will need to be procured and built using a specialist container contractor as a turn-key scheme. We have used our current knowledge of the market having procured and negotiated a container office scheme in East London with Container City. Their tendered on costs rates are 10% for Management & Preliminaries and 10% for margin. The bottom line cost for an office building at circa sub £2,000/m<sup>2</sup> is good value and should not be any lower.

## 2.5 Commercial Fit Out

The commercial fit out allowances include for the incoming Statutory services; which we agree at the suggested rate of £150/m<sup>2</sup> by CDM Project Services; however, we have also allowed for the energy centre distribution and connection pipework. This increases the cost allowance to £250/m<sup>2</sup>.

## 2.6 External Works – Furniture Allowances

The Feasibility allows £5,000 for a fixed commercial outdoor table tennis table and CDM Project Services have allowed £700. There isn't a specification for this item yet however the range available at £700 are more suited to a domestic setting and not in the unmanaged public realm. We would compromise on this rate however for a concrete commercial table tennis table, delivered and fixed to the ground we would suggest a lower rate of £3,500/Nr.

CDM Project Services also reduced our rate of £2,500 for a picnic table to £800. Again, although not specified, the suggested rate would not be enough to procure a robust enough commercial picnic table to be fixed in place in the public realm. We would therefore compromise on this rate for a concrete and timber commercial fixed picnic table and benches at £1,500/Nr.

The total cost reduced by CDM Project Services equates to £5,000 which is in line with our comments above and is agreed.

## 2.7 Marketing Suite

Bellway have allowed £400,000 for the build and fit out of a marketing suite on the site for the Private sales and Shared Ownership market. This sum is not excessive and is in our opinion far

lower than other Residential Developers would allow. It would not be unusual for Berkeley or Ballymore to exceed a budget of £1million for a sales suite.

## 2.8 Maintenance Allowance

The allowance of £1,000 per unit is a standard house builder allowance within the construction budget for snagging and minor repair to each unit. This would cover the unrecoverable damage and redecoration required when units are damaged by sub-contractors but can't be proven and contra-charged. This is a normal construction budget allowance used by Residential Developers as inevitably unrecoverable cost of minor damage and redecoration will always occur on multiple unit schemes. It is therefore a capital cost to the project and not a service charge cost.

## 3.0 Conclusion

- 3.1 We believe our Feasibility of £56,470,000 or £223/ft<sup>2</sup> GIFA is not an unreasonable budget for this scheme.
- 3.2 The proposed Overheads and Profit reduction does not match the tenders being received in the current London Residential Market
- 3.3 The asbestos allowance has been included due to the asbestos sheet roofing and potential other internal asbestos. This is a risk to Bellway as they have been unable to carry out an asbestos survey due to the existing tenant.
- 3.4 The container office building is based upon actual cost data of a current container office scheme in East London by the specialist contractor Container City
- 3.5 The fit-out allowance queries for the office do not include the connection and distribution from the central energy centre.
- 3.6 We have agreed with the minor (£5,000) reduction on the external works items.
- 3.7 The BCIS figures base dated to 3Q2020 equate to the following (excluding Demolition and External Works): -
  - i, London Borough of Lewisham Range **£1,753 - £ 2,324/m<sup>2</sup>** & Mean of **£2,153/m<sup>2</sup>**
  - ii, London Borough of Greenwich Range **£1,811 - £2,402/m<sup>2</sup>** & Mean of **£2,225/m<sup>2</sup>**
  - iii, London Postal Range **£1,855 - £2,460/m<sup>2</sup>** & Mean of **£2,278/m<sup>2</sup>**

The equivalent WWA budget (Excluding Demolition and External Works) equates to **£2,292/m<sup>2</sup>** included contingency and **£2,184/m<sup>2</sup>** excluding contingency. Both budgets are within the BCIS range for the London Borough of Lewisham and London Borough of Greenwich, which borders the site.

CDM Project Services budget (Excluding Demolition and External Works and incorporating their suggested reductions) equates to **£2,284/m<sup>2</sup>** included contingency and **£2,177/m<sup>2</sup>** excluding contingency. Both budgets are approximately 0.3% different to WWA's submitted budget.

We would therefore conclude that the budget prepared, based upon the actual scheme, is an acceptable cost for the scheme and should be adopted as the build cost.

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Appendix 3  
WWA Professional Fee Breakdown

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**BELLWAY LONDON PARTNERSHIPS  
SUN WHARF, DEPTFORD**

**Professional Fees**

Architect		4.8%
Structural Engineer		1.4%
Services Engineer		1.3%
Quantity Surveyor	}	1.5%
PM/Employer's Agent		
Planning Supervisor		0.1%
Planning Consultant		0.3%
Viability Consultant		0.1%
Party Wall Surveyor		0.1%
ROL		0.1%
Fire Engineer		0.1%
Building Regulation Fees		0.4%
Project Insurances		0.8%
Landscape Architect		0.1%
Acoustic Engineer		0.1%
Site Surveys		0.2%
Contract Legals		Excluded
Archeology		0.1%
Sundries		0.5%
		12.0%





## **Review of 'Affordable Housing Viability Assessment'**

### **Sun Wharf, 24 Creekside, Deptford**

Prepared for  
Lewisham Council

December 2021



## Contents

1	Introduction and Terms of Reference	3
2	Development Description	5
3	Methodology	6
4	Review of Assumptions	7
5	Appraisal Outputs	11
6	Conclusion	14

## Appendices

Appendix 1 - Construction Cost Review
Appendix 2 - Proposed Scheme Appraisal
Appendix 3 - Proposed Scheme Appraisal (Policy Compliant Tenure Split)

# 1 Introduction and Terms of Reference

The London Borough of Lewisham (“the Council”) has commissioned BNP Paribas Real Estate to advise on a ‘Financial Viability Addendum Assessment Report’ dated October 2021 submitted by Savills on behalf of Bellway Homes Ltd & Peabody Developments Ltd (“the Applicant”) in relation to development proposals at Sun Wharf, 24 Creekside, Deptford (“the Site”).

The development comprises the redevelopment of the site to provide 220 residential dwellings and commercial uses.

This report provides an objective review of the Applicant’s viability assessment in order to advise the Council whether the Applicant’s contention that the scheme cannot support more than 35% affordable housing (by unit) is correct.

## 1.1 BNP Paribas Real Estate

BNP Paribas Real Estate is a leading firm of chartered surveyors, town planning and international property consultants. The practice offers an integrated service from nine offices in eight cities within the United Kingdom and over 180 offices, across 37 countries in Europe, Middle East, India and the United States of America, including 16 wholly owned and 21 alliances. In 2005, the firm expanded through the acquisition of eight offices of Chesterton and in 2007, the firm acquired the business of Fuller Peiser and in 2017, Strutt & Parker. We are a wholly owned subsidiary of BNP Paribas, which is the number one bank in France, the second largest bank in the Euro Zone and one of only six top rated banks worldwide.

BNP Paribas Real Estate has a wide-ranging client base, acting for international companies and individuals, banks and financial institutions, private companies, public sector corporations, government departments, local authorities and registered providers (“RPs”).

The full range of property services includes:

- Planning and development consultancy;
- Affordable housing consultancy;
- Valuation and real estate appraisal;
- Property investment;
- Agency and Brokerage;
- Property management;
- Building and project consultancy; and
- Corporate real estate consultancy.

This report has been prepared by Jamie Purvis MRICS, RICS Registered Valuer and reviewed by Anthony Lee MRTPI, MRICS, RICS Registered Valuer.

The Affordable Housing Consultancy of BNP Paribas Real Estate advises landowners, developers, local authorities and RPs on the provision of affordable housing.

Anthony Lee was a member of the working group which drafted guidance for planning authorities on viability, which was published by the Local Housing Delivery Group in June 2012 as ‘*Viability Testing Local Plans: Advice to Planning Practitioners*’. He was a member of MHCLG’s ‘Developer contributions expert panel’ which assisted in the drafting of the viability section of the 2019 Planning Practice Guidance. He is also a member of the Mayor of London’s Housing Delivery Taskforce expert panel.

In addition, we were retained by Homes England (‘HE’) advise on better management of procurement of affordable housing through planning obligations.

The firm has extensive experience of advising landowners, developers, local authorities and RPs on the value of affordable housing and economically and socially sustainable residential developments.

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## 1.2 Report Structure

This report is structured as follows:

**Section two** provides a brief description of the Development;

**Section three** describes the methodology that has been adopted;

**Section four** reviews the assumptions adopted by the Applicant, and where necessary, explains why alternative assumptions have been adopted in our appraisals;

**Section five** sets out the results of the appraisals;

Finally, in **Section six**, we draw out initial conclusions from the analysis.

## 1.3 The Status of our advice

In preparing this report and the supporting appraisals, we have given full regard to the RICS Guidance Note ('GN') 'Assessing viability in planning under the National Planning Policy Framework for England 2019' (first edition, March 2021). However, paragraph 2.2.3 of the GN acknowledges that statutory planning guidance takes precedence over RICS guidance. Conflicts may emerge between the GN and the PPG and/or other adopted development plan documents. In such circumstances, we have given more weight to the PPG and development plan documents.

In carrying out this assessment, we have acted with objectivity, impartiality, without interference and with reference to all appropriate available sources of information.

We are not aware of any conflicts of interest in relation to this assessment.

In preparing this report, no 'performance-related' or 'contingent' fees have been agreed.

This report is addressed to London Borough of Lewisham only. No liability to any other party is accepted.

## 2 Development Description

### 2.1 Site Location and Description

The Site extends to approximately 0.73 hectares and accommodates warehouse buildings currently occupied by tenants. The site is bounded by Creekside and Cockpit Arts to the west, railway arches to the south, Deptford Creek to the east and Kent Wharf to the north. Kent Wharf is a mixed use scheme delivered by Bellway and comprises 143 residential units and commercial floorspace. The site is located c. 500 metres of Deptford Railway Station which provides links into London Cannon Street in 12 minutes in addition to Bedford, Slade Green and Rainham (Kent).

### 2.2 Planning History

The site was subject to a planning application submitted in September 2020 for:

*“Demolition of all existing buildings and comprehensive redevelopment to provide 3 new buildings ranging in heights of 3 to 20 storeys to provide 251 residential units (C3 Use Class) and approximately 1,233 sqm flexible commercial floorspace (E Use Class - formerly B1/B8 Use Class) plus 311sqm flexible commercial floorspace (E Use Class - formerly B1/A3) in a container building, together with associated wheelchair accessible vehicle parking, cycle parking, landscaping, play areas, public realm, improvements to river wall and public riverside walkway and associated works at Sun Wharf, Creekside, SE8”.*

This planning application was subsequently revised and comprises the proposed development in section 2.3.

### 2.3 The Proposed Development

The Applicant is seeking planning permission (ref: 20/118229) for re-consultation due to submission of revised plans, documents and further environmental information in relation to the Planning Application for the following:

*“Demolition of all existing buildings and comprehensive redevelopment to provide 3 new buildings ranging in heights of 3 to 19 storeys to provide 220 residential units (C3 Use Class) and 1,132 sqm of commercial floorspace (Use Class E) plus 311sqm of commercial floorspace (Use Class E) in a container building, together with associated wheelchair accessible vehicle parking, cycle parking, landscaping, play areas, public realm, improvements to river wall and public riverside walkway and associated works. (Please note the submission of revised plans, documents and further environmental information in relation to the Planning Application)”.*

## 3 Methodology

The Applicant has submitted their appraisal using Argus Developer ('Argus').

We have used Argus to appraise the development proposals. Argus is a commercially available development appraisal package in widespread use throughout the industry. It has been accepted by a number of local planning authorities for the purpose of viability assessments and has also been accepted at planning appeals. Banks also consider Argus to be a reliable tool for secured lending valuations. Further details can be accessed at [www.argussoftware.com](http://www.argussoftware.com).

This cash-flow approach allows the finance charges to be accurately calculated over the development/sales period. The difference between the total development value and total costs equates to either the profit (if the land cost has already been established) or the residual value. The model is normally set up to run over a development period from the date of the commencement of the project and is allowed to run until the project completion, when the development has been constructed and is occupied.

Essentially, such models all work on a similar basis:

- Firstly, the value of the completed development is assessed;
- Secondly, the development costs are calculated, using either the profit margin required or land costs (if, indeed, the land has already been purchased).

The difference between the total development value and total costs equates to either the profit (if the land cost has already been established) or the residual value.

The output of the appraisal is a Residual Land Value ('RLV'), which is then compared to an appropriate benchmark, typically the Existing Use Value ('EUUV') of the site plus a site-specific landowner's premium, in line with the Planning Practice Guidance.

An Alternative Use Value ('AUV') may also constitute a reasonable benchmark figure where it is considered to be feasible in planning and commercial terms. Development convention and GLA guidance suggests that where a development proposal generates a RLV that is higher than the benchmark, it can be assessed as financially viable and likely to proceed. If the RLV generated by a development is lower than the benchmark, clearly a landowner would sell the site for existing or alternative use or might delay development until the RLV improves.



## 4 Review of Assumptions

In this section, we review the assumptions adopted by the Applicant in their viability assessment.

### 4.1 Market Housing Revenue

The Applicant has adopted revenue for the revised scheme totalling c. £72.93m on the basis of the previously agreed revenue that equated to c. £725 per sq/ft. In support of this revenue, the Applicant has stated:

*“The proposed private residential element has decreased by 20 homes from 114,469sqft (10,635sqm) to 100,638sqft (9,350sqm) (NSA). We note however that the average unit size has remained similar with the proposed homes on average only 2sqft larger. Given this minimal difference we are of the view that the GDV (£psf) previously agreed between Savills and BNP remains applicable to the revised scheme”.*

We summarise in Table 4.1.1 the average sale prices adopted by the Applicant in their 2020 viability assessment.

**Table 4.1.1: Proposed Scheme Average Sales Values**

Unit Type	Average Floor Area (sq/ft)	Average Market Value	Average £PSF
1 Bed	558	£418,000	£751
2 Bed	783	£563,500	£719
3 Bed	970	£654,000	£675

The Applicant’s 2020 values relied upon 2018 and 2019 sales from Kent Wharf and Maritime, which are schemes located within close proximity to the subject site. We have undertaken additional research and note that there is limited new build sales evidence within close proximity to the subject site. For the purpose of this assessment, we have maintained the scheme revenue at c. £725 per sq/ft, however, we would recommend that the Council implements a review mechanism in the S106 agreement so that if sales values increase from this base position the Council has the opportunity to reassess the scheme’s affordable housing provision.

### 4.2 Affordable Housing Revenue

The Applicant has adopted a affordable housing revenue totalling c. £18.69m equating to a blended capital value per sq/ft of £324. We understand that the revenue represents the agreed transfer price for the affordable units equating to a value of £519 per sq/ft for the intermediate units and £197 per sq/ft for the London Affordable Rent units. We have subsequently adopted this revenue in our appraisal.

### 4.3 Commercial Revenue

The commercial accommodation generates revenue of c. £3.04m and we summarise the proposed commercial accommodation and the Applicant’s adopted rents in Table 4.3.1.

**Table 4.3.1: Commercial Units**

Unit	Use	Area (sq/ft)	£PSF	Yield	Rent Free (months)
A1a	B1/B8	384	£20	7.5%	3
A1b	B1/B8	1,353	£15	7.5%	6
A2	B1/B8	2,924	£15	7.5%	12

Unit	Use	Area (sq/ft)	£PSF	Yield	Rent Free (months)
A3a	B1/B8	1,122	£17	7.5%	6
A3b	B1/B8	890	£17	7.5%	3
A4a	B1/B8	632	£20	7.5%	3
A4b	B1/B8	1,121	£17	7.5%	6
B1	B1/B8	3,519	£14	7.5%	12
B2	B1/B8	1,011	£20	7.5%	6
Container 00	B1/A3	561	£17	7.5%	3
Container 01	B1/A3	1,232	£17	7.5%	6
Container 02	B1/A3	1,232	£17	7.5%	6
<b>Total</b>	-	<b>15,981</b>	-	-	-

In support of the Applicant's rents, the Applicant provided further information regarding the commercial revenue in their rebuttal dated February 2021 and on that basis we do not consider that the Applicant's commercial revenue was unreasonable.

#### 4.4 Existing Rental Income

The Applicant states that the existing tenant will remain in occupation of the site until May 2022 paying a remaining total rent of £296,250. We summarise the remaining rents that we summarised in our December 2020 report.

**Table 4.4.1: Existing Rental Income**

Payment Date	Rent Payable
Sep – 21	£112,500
Dec – 21	£112,500
Mar – 22	£71,250
<b>Total</b>	<b>£296,250</b>

For the purpose of this assessment, we have adopted the exiting rental income totalling c. £0.30m.

#### 4.5 Construction Costs

The proposed scheme construction costs total c. £52.18m equating to a cost per sq/ft of c. £220. In our 2020 viability assessment, CDM assessed the construction costs are c. £220 whilst the Applicant's consultant assessed costs at c. £223 per sq/ft.

The Applicant's current viability assessment provides the following statement:

*“Notwithstanding the WWA costing indicates that a higher build cost may be appropriate, as previously stated we are prepared to adopt the build cost (£psf) advocated by CDM and adopted by BNP on a without prejudice basis and in order to progress this negotiation in a timely manner, to this end we reserve our right to review our position four weeks from the submission of this Addendum”.*

For the purpose of this assessment, we have adopted the CDM cost rate of c. £220 per sq/ft.

#### 4.6 Professional Fees

The Applicant has adopted a professional fee allowance of 10% of construction costs on a without prejudice basis providing the following statement:

*“Savills have adopted professional fees of 12% and have provided a fee breakdown prepared by WWA. Notwithstanding this further evidence we note that BNP have consulted CDM who maintain their view that 12% is too high. CDM consider that 10% represents a more appropriate allowance and as such BNP have adopted this reduced percentage in their appraisal.*

*“We highlight that the GLA have previously agreed to an allowance of 12% at the Subject on Savills higher build costs and that we maintain our opinion that this allowance is appropriate. However, we are prepared to reduce our professional fee allowance to 10% on a without prejudice basis and in order to progress this negotiation in a timely manner. To this end if we have not reached an agreement with the Council and their Advisor within four weeks from the submission of this Addendum we reserve our right to review this position”.*

For the purpose of this assessment, we have maintained the professional fees at 10% of the base construction costs.

#### **4.7 Finance**

The Applicant’s viability assessment that they:

*“have adopted a finance rate of 6.75% debit and 0.1% credit. Despite further justifications being provided in Savills February 2021 Rebuttal, BNP have maintained their initially adopted position on finance of 6% debit only.*

*In their June 2021 response BNP have not mentioned their adopted finance rate. We can therefore only reiterate the justifications provided to BNP in our February 2021 Rebuttal. We highlight in particular that we are aware of BNP adopting higher finance rates including 6.75% elsewhere within London for viability purposes, and would request clarification from them as to why they consider a lower rate appropriate in this instance.*

*Without further comments or evidence from BNP we have maintained our previously adopted finance assumption of 6.75% debit and 0.1% credit”.*

For the purpose of this assessment, we have revised our finance rate to 6.5%, which is consistent with recent viability assessments we have undertaken within the past 12 months.

#### **4.8 Community Infrastructure Levy (‘CIL’) & S106**

The Applicant has adopted a CIL payment totalling £2,050,988 and a S106 payment of £555,000 and we would welcome confirmation from the Council which S106 payment is correct.

#### **4.9 Sales, Letting, Marketing & Legal Fees**

The Applicant has adopted the following fees summarised in Table 4.9.1, which are consistent with the 2020 viability assessment.

**Table 4.9.1: Sales, Letting, Marketing & Legal Fee**

<b>Fee</b>	<b>Cost</b>
Residential Sales Agent	1.5% of value
Commercial Sales Agent	1% of value
Residential Sales Legal Fee	0.25% of value
Commercial Sales Legal Fee	0.5% of value
Commercial Letting Agent Fee	10% of first year’s rent
Commercial Letting Legal Fee	5% of first year’s rent
Residential Marketing Fee	1.5% of value

We do not consider that the Applicant’s fees are unreasonable.

#### **4.10 Developer's Profit**

In relation to developer's profit the Applicant has provided the following statement:

*"Savills have adopted a profit requirement of 20% on private residential GDV which equates to 17.15% blended. Despite further justifications being provided in Savills February 2021 Rebuttal, BNP have maintained their initially adopted position of 17.50% on private residential GDV which equates to 15.21% blended.*

*Whilst we disagree with the position adopted by BNP we are prepared to reduce our profit on private residential GDV to 17.50% on a without prejudice basis, and in order to progress this negotiation in a timely manner. To this end if we have not reached an agreement with the Council's Advisor within four weeks from the submission of this Addendum we reserve our right to review this position".*

On that basis, we have maintained our profit of 17.5% of GDV for the market housing units, 15% of GDV for the commercial space and 6% for the affordable housing element of the scheme. The reduced profit on affordable housing reflects the risk of delivery. The developer will contract with an RP prior to commencement of construction and they are – in effect – acting as a contractor, with their risk limited to cost only. After contracting with the RP, there is no sales risk. In contrast, the private housing construction will typically commence before any units are sold and sales risk is present well into the development period.

#### **4.11 Sales Programme**

The Applicant's viability assessment states:

*"Savills have adopted off plan sales of 40% and a sales rate thereafter of four per calendar month. BNP have adopted off plan sales of 50% and a sales rate of six per calendar month thereafter. As previously stated we consider that our adopted sales rate is justified when looking at contemporary comparable evidence from Deptford Foundry (Anthology) and Maritime (Fairview Homes).*

*However, in line with BNP we are prepared to adopt 50% sales off plan and six sales per month thereafter on a without prejudice basis and in order to progress this negotiation in a timely manner".*

We have therefore maintained the sales rates adopted in our previous assessment.

## 5 Appraisal Outputs

In this section, we consider the outputs of the appraisals and the implications for the provision of affordable housing at the proposed development and review the benchmark land value.

### 5.1 Viability Benchmark Site Value

The Applicant has adopted a site value of c. £16.57m on the basis of an existing use value of c. £13.81m and a landowner's premium of 20%. By contrast, we previously adopted a site value of £14.17m comprising an EUV of c. £11.81m and a 20% landowner's premium.

The key difference between the site values relate to the rent per sq/ft and the Applicant has adopted a rent of £14.50 per sq/ft whilst our previous assessment adopted £12.50 per sq/ft.

The Applicant's viability assessment states:

*“Given a lack of directly comparable rental transactions, Savills and BNP have previously relied upon the Colliers Rents Map, and BNP adopted a rent of £12.50psf in line with Colliers rent estimation for Woolwich secondary industrial units. However, BNPs rent was adopted in December 2020 and we highlight revisions to the rents map estimations as below:*

Submarket	Secondary Rents (H2 2020)	Secondary Rents (H2 2021)
Woolwich	£12.50 psf p.a.	£15.00 psf p.a.
Canning Town	£13.00 psf p.a.	£18.00 psf p.a.
Croydon	£12.00 psf p.a.	£13.50 psf p.a.
Merton	£11.50 psf p.a.	£14.00 psf p.a.

*The above amendments to the rents map indicate the growing strength of the industrial occupier market in south and east London, Colliers estimates show average secondary rental growth of c.23% in these areas over the last year.*

*Previously BNP adopted a rent in line with Colliers estimation for Woolwich, and above the estimated secondary rents for Croydon and Merton, by implication they consider the Subject superior to these submarkets and comparable to Woolwich. Colliers latest estimates for these areas are £13.50psf and 14.00psf for secondary space in Croydon and Merton respectively, and £15psf for space in Woolwich. In light of this updated information we question how BNP can maintain a rent of £12.50psf which now sits below Colliers estimates for Croydon and Merton; two locations BNP have previously implied are inferior to the Subject.*

*Savills adopted rent of £14.50psf remains appropriately positioned at a premium to these sub markets. However, it should also be considered that Deptford is a superior location for last mile industrial than Woolwich and that a higher rent than £14.50psf could now be justified”.*

We have reconsidered the Colliers rent maps and note that the secondary rents in 2020 reflect 'early 1990s accommodation' whilst the 2021 rents reflect units constructed in the 2000s. As a result there will be inevitably be an inherent increase in the rents during the course of the year which is dependent upon the typical building ages that Colliers have regard to. By contrast, we understand that the site's existing use was constructed in 1975 and is therefore considerably older than the benchmarksthat inform the Colliers rent maps.

In June 2021, we provided the Applicant with the following lettings located within close proximity to the subject site.

**Table 5.1.1: Lettings**

Address	Date	Floor Area (sq/ft)	£PSF
Unit 3, Greenwich Business Centre	Feb-20	2,284	£12.68
Suite 23, 53 Norman Road	May-20	3,509	£12.31

We have also had regard to the following asking price for a unit located within close proximity to the subject site.

**Table 5.1.2: Unit available to let**

Address	Floor Area (sq/ft)	£PSF
53 Norman Road	2,976	£14.11

We have considered the available yet somewhat limited evidence base comprising the available evidence located within close proximity to the subject site in addition to the Colliers rent maps in which their current and historic information relates to units constructed in the 1990s and 2000s. On the basis of the available information and that the subject site is considerably larger than the unit summarised in the tables above we have marginally increased our rent for the site to £13.50 per sq/ft which also accounts for the current demand for industrial accommodation in London.

In summary, our existing use value is c. £13.64m and with the addition of a 20% landowner's premium, our site value is c. £15.26m.

## 5.2 Appraisal Results

We tabulate below the results of the Applicant's viability assessment.

**Table 5.2.1: Applicant's Appraisal Results**

Proposed Scheme Residual Land Value	Benchmark Site Value	Surplus/Deficit
c. £9.12m	c. £16.57m	c. £7.20m

In summary, the Applicant's proposed scheme appraisal generates a deficit of c. £7.20m concluding that the scheme cannot support more than 35% affordable housing.

We summarise in the tables below our appraisal results

**Table 5.2.2: BNPPRE Appraisal Results**

Proposed Scheme Residual Land Value	Benchmark Site Value	Surplus/Deficit
c. £9.57m	c. £15.26m	c. £5.69m

In summary, our proposed scheme appraisal generates a residual land value of c. £9.57m and when benchmarked against a site value of c. £15.26m the proposed scheme generates a deficit of c. £5.69m.

### 5.3 Sensitivity Analysis

We have also undertaken a sensitivity analysis, which demonstrates scheme performance in the event that the market housing sales values increase and construction costs decrease. We summarise this analysis in Table 5.3.1.

**Table 5.3.1: Sensitivity Analysis**

Scenario	Proposed Scheme Residual Land Value	Benchmark Site Value	Surplus
+ 5% sales values	c. £11.76m	c. £15.26m	c. - £3.50m
+ 5% sales values and – 5% costs	c. £14.08m	c. £15.26m	c. - £1.18m
+ 10% sales values and – 5% costs	c. £16.24m	c. £15.26m	c. £0.98m

## 6 Conclusion

We have reviewed the Applicant's viability assessment, which seeks to demonstrate that the scheme cannot support more than 35% affordable housing as the residual land value of the scheme generates a deficit of c. £7.20m.

In summary, our proposed scheme appraisal generates a residual land value of c. £9.57m and when benchmarked against a site value of c. £15.26m the proposed scheme generates a deficit of c. £5.69m. Consequently, the proposed scheme cannot support in excess of 35% affordable housing.



## Appendix 1 - Proposed Scheme Appraisal

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## Development Appraisal

Sun Wharf - Dec 2021

Proposed Residual Land Value (inc. 35% AH)

Report Date: 03 December 2021

**Sun Wharf - Dec 2021  
Proposed Residual Land Value (inc. 35% AH)**

**Summary Appraisal for Phase 1**

Currency in £

**REVENUE**

Sales Valuation	Units	ft <sup>2</sup>	Rate ft <sup>2</sup>	Unit Price	Gross Sales
Market Housing	143	100,638	724.64	509,975	72,926,482
Intermediate Housing	31	22,684	518.76	379,598	11,767,552
Affordable Rented Housing	46	35,038	197.49	150,427	6,919,655
<b>Totals</b>	<b>220</b>	<b>158,360</b>			<b>91,613,688</b>

**Rental Area Summary**

	Units	ft <sup>2</sup>	Rate ft <sup>2</sup>	Initial MRV/Unit	Net Rent at Sale
Unit A1a	1	384	20.00	7,680	7,680
Unit A1b	1	1,353	15.00	20,295	20,295
Unit A2	1	2,951	15.00	44,265	44,265
Unit A3a	1	1,122	17.00	19,074	19,074
Unit A3b	1	507	17.00	8,619	8,619
Unit A4a	1	632	20.00	12,640	12,640
Unit A4b	1	723	17.00	12,291	12,291
Unit B1	1	3,519	14.00	49,266	49,266
Unit B2	1	687	20.00	13,740	13,740
Container 00	1	561	17.00	9,537	9,537
Container 01	1	1,231	17.00	20,927	20,927
Container 02	1	1,232	17.00	20,944	20,944
<b>Totals</b>	<b>12</b>	<b>14,902</b>			<b>239,278</b>

**Investment Valuation**

<b>Unit A1a</b>					
Market Rent	7,680	YP @	7.5000%	13.3333	
(0yrs 3mths Rent Free)		PV 0yrs 3mths @	7.5000%	0.9821	100,565
<b>Unit A1b</b>					
Market Rent	20,295	YP @	7.5000%	13.3333	
(0yrs 6mths Rent Free)		PV 0yrs 6mths @	7.5000%	0.9645	260,990
<b>Unit A2</b>					
Market Rent	44,265	YP @	7.5000%	13.3333	
(1yr Rent Free)		PV 1yr @	7.5000%	0.9302	549,023
<b>Unit A3a</b>					
Market Rent	19,074	YP @	7.5000%	13.3333	
		PV 0yrs 8mths @	7.5000%	0.9529	242,349
<b>Unit A3b</b>					
Market Rent	8,619	YP @	7.5000%	13.3333	
(0yrs 3mths Rent Free)		PV 0yrs 3mths @	7.5000%	0.9821	112,861
<b>Unit A4a</b>					
Market Rent	12,640	YP @	7.5000%	13.3333	
(0yrs 3mths Rent Free)		PV 0yrs 3mths @	7.5000%	0.9821	165,514
<b>Unit A4b</b>					
Market Rent	12,291	YP @	7.5000%	13.3333	
(0yrs 6mths Rent Free)		PV 0yrs 6mths @	7.5000%	0.9645	158,060
<b>Unit B1</b>					
Market Rent	49,266	YP @	7.5000%	13.3333	
(1yr Rent Free)		PV 1yr @	7.5000%	0.9302	611,051
<b>Unit B2</b>					
Market Rent	13,740	YP @	7.5000%	13.3333	
(0yrs 6mths Rent Free)		PV 0yrs 6mths @	7.5000%	0.9645	176,694
<b>Container 00</b>					
Market Rent	9,537	YP @	7.5000%	13.3333	
(0yrs 3mths Rent Free)		PV 0yrs 3mths @	7.5000%	0.9821	124,882
<b>Container 01</b>					
Market Rent	20,927	YP @	7.5000%	13.3333	
(0yrs 6mths Rent Free)		PV 0yrs 6mths @	7.5000%	0.9645	269,117
<b>Container 02</b>					
Market Rent	20,944	YP @	7.5000%	13.3333	
(0yrs 6mths Rent Free)		PV 0yrs 6mths @	7.5000%	0.9645	269,336
					<b>3,040,441</b>

# APPRAISAL SUMMARY

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## Sun Wharf - Dec 2021 Proposed Residual Land Value (inc. 35% AH)

<b>GROSS DEVELOPMENT VALUE</b>			<b>94,654,130</b>
Purchaser's Costs	6.46%	(196,413)	(196,413)
<b>NET DEVELOPMENT VALUE</b>			<b>94,457,717</b>
<b>Additional Revenue</b>			
Jones Catering Rent		296,250	296,250
<b>NET REALISATION</b>			<b>94,753,967</b>
<b>OUTLAY</b>			
<b>ACQUISITION COSTS</b>			
Residualised Price		9,574,797	
Stamp Duty	5.00%	478,740	
Agent Fee	1.00%	95,748	
Legal Fee	0.80%	76,598	
			10,225,883
<b>CONSTRUCTION COSTS</b>			
<b>Construction</b>	<b>ft<sup>2</sup></b>	<b>Rate ft<sup>2</sup></b>	<b>Cost</b>
Build Cost	236,705 ft <sup>2</sup>	220.46 pft <sup>2</sup>	52,184,244
			<b>52,184,244</b>
River Wall			1,000,000
Mayoral CIL			696,260
Borough CIL			1,354,728
S106 inc Carbon Offset			555,000
			3,605,988
<b>PROFESSIONAL FEES</b>			
Professional Fees	10.00%	5,218,424	5,218,424
<b>MARKETING &amp; LETTING</b>			
Marketing	1.50%	1,093,897	
Letting Agent Fee	10.00%	22,020	
Letting Legal Fee	5.00%	11,010	
			1,126,928
<b>DISPOSAL FEES</b>			
Commercial Sales Agent	1.00%	215,312	
Resi Sales Agent Fee	1.50%	1,093,897	
Commercial Sales Legal Fee	0.80%	172,250	
Resi Sales Legal Fee	0.25%	182,316	
			1,663,776
<b>Additional Costs</b>			
Market Housing Profit	17.50%	12,762,134	
Commercial Profit	15.00%	456,066	
Affordable Housing Profit	6.00%	1,121,232	
			14,339,433
<b>FINANCE</b>			
Debit Rate 6.500% Credit Rate 0.000% (Nominal)			
Land		2,498,433	
Construction		3,481,034	
Other		409,825	
Total Finance Cost			6,389,291
<b>TOTAL COSTS</b>			<b>94,753,967</b>
<b>PROFIT</b>			<b>0</b>
<b>Performance Measures</b>			
Profit on Cost%	0.00%		

**Sun Wharf - Dec 2021****Proposed Residual Land Value (inc. 35% AH)**

Profit on GDV%	0.00%
Profit on NDV%	0.00%
Development Yield% (on Rent)	0.25%
Equivalent Yield% (Nominal)	7.50%
Equivalent Yield% (True)	7.87%
IRR	6.74%
Rent Cover	0 yrs 0 mths
Profit Erosion (finance rate 6.500%)	0 yrs 0 mths

**Sun Wharf - Dec 2021  
Proposed Residual Land Value (inc. 35% AH)**

<b>Initial</b>
<b>MRV</b>
7,680
20,295
44,265
19,074
8,619
12,640
12,291
49,266
13,740
9,537
20,927
<u>20,944</u>
<b>239,278</b>

Sun Wharf - Dec 2021  
Proposed Residual Land Value (inc. 35% AH)

Sun Wharf - Dec 2021  
Proposed Residual Land Value (inc. 35% AH)



## Table of major adverse impacts to Kent Wharf

Below we have set out a table of the Major daylight effects to Kent Wharf as requested. In terms of Vertical Sky Component (VSC), of the 553 windows assessed, 28 would see major adverse effects. With regard to No Sky-Line Contour (NSC), only 15 rooms would see a major adverse effects. With the existing site being low rise, many of the windows are currently completely unobstructed and as such, a greater level of proportional change is expected. Further to this, the reductions are magnified by overhanging balconies or winter gardens. All major adverse effects for VSC are as a result of these overhanging features or are flank windows in a rooms where the other window does not see a major effect.

The VSC is in basic terms, the view of the sky from the outside window wall. For VSC the BRE sets out a target of 27% which it is widely considered is appropriate for a suburban context, not for multi block schemes in an opportunity area as we have here. Further to this, a reduction of 20% from the existing value is considered noticeable to the occupant. Industry standard suggests that reductions beyond 40% are major adverse.

More widely used targets in London are retained VSC levels in the mid-teens for non-overhung windows, with these having been accepted at several appeals. Where windows are overhung, this places considerable additional constraint on the window meaning retained levels will often be lower. This is clear in the table below with windows that are not obstructed by surrounding external buildings currently seeing VSC levels lower than this mid-teen level. In addition, the overhangs serve to magnify the proportional change meaning that even modest neighbouring development can cause significant proportional reductions in light. Because of this, the BRE guidance suggests that a supplementary test is carried out with balconies removed to determine if this is the case. That has been considered here as described in the notes below. The VSC results with overhangs removed show that none of the windows serving single aspect rooms would see major adverse impacts in the balconies off assessment.

The NSC is the outline of the working plane in a room that from which the sky can be seen. The BRE suggests a reduction beyond 20% would be considered noticeable to the occupant. Generally, reductions beyond 40% are considered Major Adverse.

### Daylight

Targets	Kent Wharf Block and flat number	Floor/ Room / Window Reference/ Use	Existing VSC levels	Proposed VSC levels	Proportional VSC Reduction/or significance of effect where not major	Proportional NSC Reduction/ or significance of effect where not major	Notes
For VSC, the BRE Guidance recommends that a window should	Portside Court - 1	First – R17 - W24 – Living/Kitchen/Dining	12.4%	2.4%	81.7%	76%	Overhung and recessed by winter garden. With winter garden removed, window no longer sees major adverse VSC loss, and retains 21.6% VSC.

<p>either achieve an absolute value of 27% VSC (maximum of 40%) or experience a proportional reduction of less than 20% from the existing value to see no noticeable loss.</p> <p>For NSC, the BRE Guidance provides no absolute target and recommends that a room should retain at least 80% of the existing value in order not to see a noticeable effect (experience a loss less than 20% from the existing value).</p>							The 2 other rooms within this unit would not see a loss of light to their windows.
	Portside Court - 2	First – R15 – W22 – Living/Kitchen/Dining	4.5%	2.5%	44.4%	Minor	Secondary side return window, overhung and recessed by winter garden With winter garden removed, window no longer sees major adverse VSC loss. Room served by a primary window retaining in excess of 20% VSC with the proposal in place.
		First – R16 – W23 - Bedroom	11.7%	2.4%	79.8%	44.7%	Overhung and recessed by winter garden. With winter garden removed, window no longer sees major adverse VSC loss and retains, 18.4% VSC.  With winter garden removed, room sees minor adverse NSC loss.
	Portside Court – 4	Second – R17 – W24 – Living/Kitchen/Dining	10.3%	1.7%	83.4%	74.2%	Overhung and recessed by winter garden. With winter garden removed, window no longer sees major adverse VSC loss and retains 24.2% VSC. The 2 other rooms within this unit would not see a loss of light to their windows.  With winter garden removed, room no longer sees major adverse NSC loss.
	Portside Court - 5	Second – R15 – W22 – Living/Kitchen/Dining	3.6%	1.8%	48.9%	Minor	Secondary side return window, overhung and recessed by winter garden With winter garden removed, window no longer VSC sees major adverse loss. Room served by other window retaining in excess of 20% VSC.
		Second – R16 – W23 – Bedroom	9.8%	1.8%	81.3%	43.2%	Overhung and recessed by winter garden. With winter garden removed, window no longer sees major adverse VSC loss and retains 20.7% VSC.  With winter garden removed, room no longer sees noticeable NSC loss.
	Portside Court – 7	Third – R17 – W24 –	13.5%	6.3%	53.3%	42.2%	Overhung and recessed by winter garden.

		Living/Kitchen/Dining					With winter garden removed, shows compliant retained value of 27.1% VSC. The 2 other rooms within this unit would not see a loss of light to their windows.  With winter garden removed, room no longer sees noticeable NSC loss.
	Portside Court - 8	Third – R16 – W23 - Bedroom	12.6%	6.1%	51.3%	Negligible	Overhung and recessed by winter garden. With winter garden removed, window sees minor adverse VSC loss, and retains 23.3% VSC.
	Broadside House – 1	First – R21 – W29 – Living/Kitchen/Dining	10.1%	3.0%	69.8%	Moderate	Overhung and recessed by winter garden. With winter garden removed, window no longer sees major adverse VSC loss and retains 19.2% VSC. The 2 other rooms within this unit would not see a loss of light to their windows.
	Broadside House – 2	First – R19 – W26 & W27 – LKD			Minor to Moderate	51.6%	One window overhung and recessed by winter garden. Windows show minor to moderate impacts, but major NSC reduction.
		First – R20 – W28 – Bedroom	9.9%	2.7%	72.4%	47.3%	Overhung and recessed by winter garden. With winter garden removed, window sees minor adverse VSC loss and retains 18.6% VSC.  With winter garden removed, room no longer sees noticeable NSC loss.
	Broadside House – 3	First – R18 – W25 – Living/Kitchen/Dining	11.8%	2.3%	80.7%	66.6%	Overhung and recessed by winter garden. With winter garden removed, window no longer sees major VSC adverse loss. The 2 other rooms within this unit would not see a loss of light to their windows.
	Broadside House – 4	Second – R21 – W29 – Living/Kitchen/Dining	8.6	2.4%	72.7%	Moderate	Overhung and recessed by winter garden. With winter garden removed, window sees minor adverse VSC loss and retains 21.4% VSC. The 2 other rooms within this unit would not see a loss of light to their windows.

	Broadside House – 5	Second – R19 – W26 & W27 – Living/Kitchen/Dining			Minor to Moderate	45.7%	One window overhung and recessed by winter garden. Windows show minor to moderate VSC impacts, with major NSC reduction.
		Second – R20 – W28 - Bedroom	8.4%	2.1%	75.3%	46.2%	Overhung and recessed by winter garden. With winter garden removed, window sees minor adverse VSC loss and retains 20.9% VSC.  With winter garden removed, room no longer sees noticeable NSC loss.
	Broadside House – 6	Second – R18 – W25 – Living/Kitchen/Dining	9.9	1.8%	82.2%	68.4%	Overhung and recessed by winter garden. With winter garden removed, window no longer sees major adverse VSC loss and retains 21.7% VSC The 2 other rooms within this unit would not see a loss of light to their windows.  With winter garden removed, room no longer sees major NSC loss.
	Broadside House – 7	Third – R21 – W29 – Living/Kitchen/Dining	11.9	6.7%	43.4%	Negligible	Overhung and recessed by winter garden. With winter garden removed, window sees minor adverse VSC loss and retains 23.9% VSC. The 2 other rooms within this unit would not see a loss of light to their windows.
	Broadside House – 8	Third – R20 – W28 - Bedroom	11.3%	6.5%	42.4%	Negligible	Overhung and recessed by winter garden. With winter garden removed, window sees minor adverse VSC loss with a retained value of 23.5%.
	Broadside House – 9	Third – R18 – W25 – Living/Kitchen/Dining	13%	6.4%	50.5%	41.8%	Overhung and recessed by winter garden. With winter garden removed, window no longer sees major adverse loss and retains 24.4% VSC. The 2 other rooms within this unit would not see a loss of light to their windows.  With balcony removed, room sees minor adverse NSC loss.

	Bowspirit Apartments – 3	First – R26 – W34 – Bedroom	12.2%	6.3%	48.8%	53.3%	Overhung by balcony. With balcony removed, window sees minor adverse VSC loss and retains 20.7% VSC.  With winter garden removed, room no longer sees major NSC loss.
		First – R27 – W35 – Bedroom			Moderate Adverse	40.2%	Overhung by balcony. With balcony removed, room sees minor adverse NSC loss.
	Bowspirit Apartments – 9	Second – R26 – W34 – Bedroom	12.3%	7.2%	41.4%	Moderate Adverse	Overhung by balcony. With balcony removed, window sees minor adverse VSC loss and retains 22.5% VSC.
	Bowspirit Apartments – 10	Second – R25 – W33 – Bedroom	11.5%	6.9%	40.1%	Negligible	Overhung by balcony. With balcony removed, window sees minor VSC adverse loss and retains 20.3% VSC.
	Bowhouse Court – 2	First – R31 – W39 – Living/Kitchen/Dining			Moderate	45%	Overhung by balcony. With balcony removed, room no longer sees major adverse NSC loss.
	Deckhouse Court – 4	First – R48 – W61 – Living/Kitchen/Dining	37.5%	7.8%	79.2%	Negligible	Flank window serving dual aspect room, with fully VSC compliant primary window.
	Deckhouse Court – 5	First – R47 – W60 – Living/Kitchen/Dining	37.2%	13%	65%	Moderate	Flank window serving dual aspect room, with fully VSC compliant primary window.
	Deckhouse Court – 10	Second – R48 – W61 – Living/Kitchen/Dining	38.2%	9.3%	75.7%	Negligible	Flank window serving dual aspect room, with fully VSC compliant primary window.

	Deckhouse Court – 11	Second – R47 – W60 – Living/Kitchen/Dining	37.9%	15.5%	59.1%	Negligible	Flank window serving dual aspect room, with fully VSC compliant primary window.
	Deckhouse Court – 16	Third – R48 – W61 – Living/Kitchen/Dining	38.6%	12.2%	68.4%	Negligible	Flank window serving dual aspect room, with fully VSC compliant primary window.
	Deckhouse Court – 17	Third – R47 – W60 – Living/Kitchen/Dining	38.4%	18.8%	51%	Negligible	Flank window serving dual aspect room, with fully VSC compliant primary window.
	Deckhouse Court – 22	Fourth – R48 – W61 – Living/Kitchen/Dining	39%	18.9	51.6%	Negligible	Flank window serving dual aspect room, with fully VSC compliant primary window.

### Sunlight

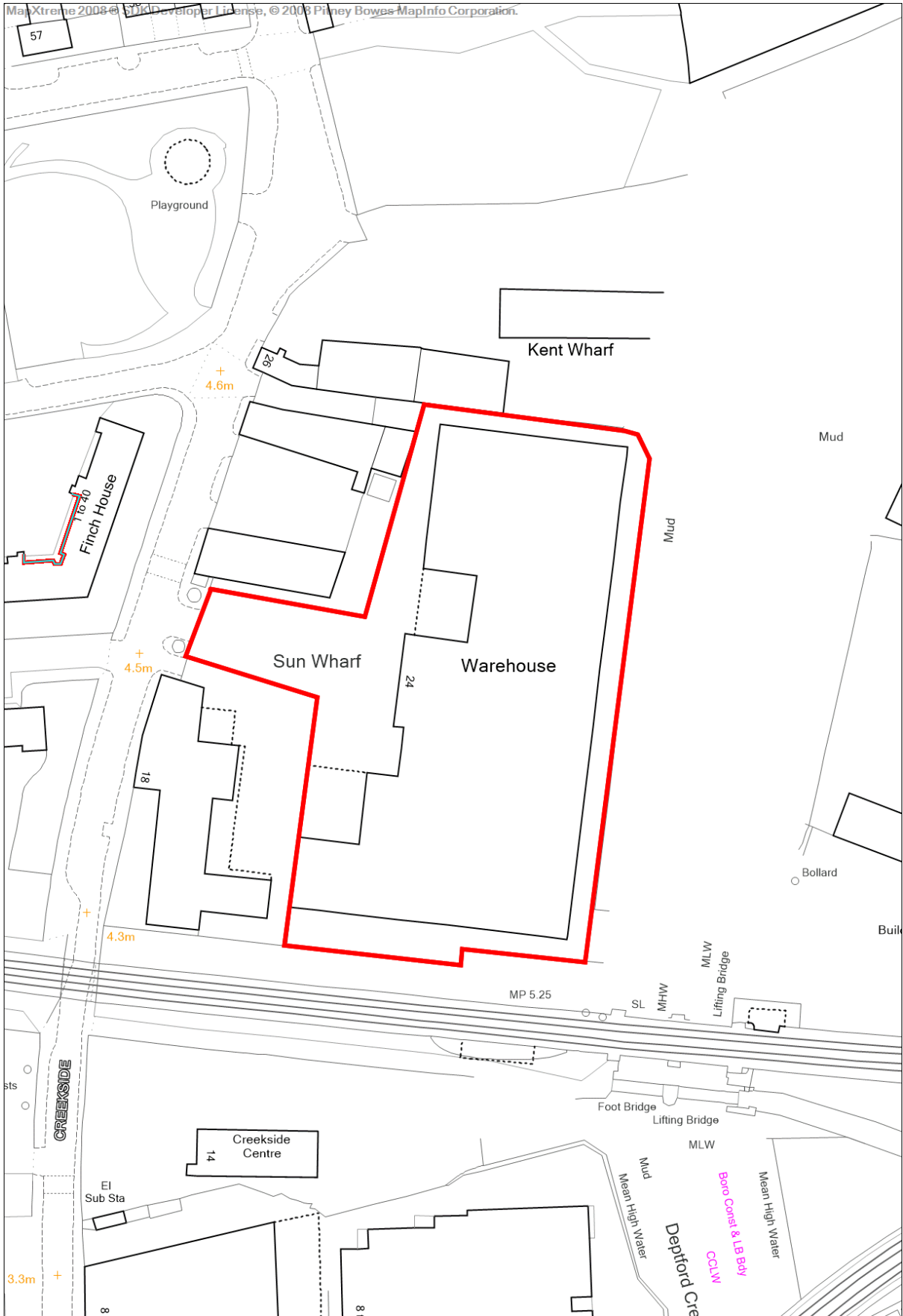
Annual Probable Sunlight Hours (APSH) is the long-term average of the total number of hours during a year in which direct sun. The BRE guidance suggests that interiors should see 25% of the APSH with 5% of that received in winter. For an existing dwelling there may be an adverse effect if the retained levels are below this and there is a reduction beyond 20% existing value and if the absolute reduction in APSH is greater than 4%.

APSH Targets	Kent Wharf Block	Room / Window Reference/ Only Living Rooms considered	Existing Total APSH	Existing Winter APSH	Proposed Total APSH	Proposed Winter APSH	Total APSH Proportional Reduction	Winter APSH Proportional Reduction	Notes
The BRE Guidance states that in order to be regarded as meeting APSH criteria once the Proposed	Portside Court – 1	First – R17 – W24 –	20%	8%	4%	2%	80%	75%	Overhung and recessed by winter garden. With winter garden removed, window is BRE compliant.

<p>Development has been constructed, a room should either:</p> <ul style="list-style-type: none"> <li>Retain at least 25% total APSH with 5% in the winter months in absolute terms; or</li> <li>Retain at least 80% of its existing APSH values either over the whole year or just in the Winter months after the Proposed</li> </ul> <p>Development is constructed to see no noticeable effect; or</p> <ul style="list-style-type: none"> <li>The loss of total absolute annual APSH is no greater than 4% from the existing level.</li> </ul>	Portside Court – 4	Second – R17 – W24 –	13%	8%	2%	2%	84.6%	75%	Overhung and recessed by winter garden. With winter garden removed, window is BRE compliant.
	Portside Court – 7	Third – R17 – W24 –	20%	8%	12%	2%	40%	75%	Overhung and recessed by winter garden. With winter garden removed, window is BRE compliant.
	Portside Court – 10	Fourth – R17 – W24 –		8%		3%	Minor	62.7%	Overhung and recessed by winter garden. With winter garden removed, window is BRE compliant.
	Broadside House – 1	First – R21 – W29 –	16%	6%	7%	0%	56.3%	100%	Overhung and recessed by winter garden. With winter garden removed, window is compliant on Total APSH
	Broadside House – 4	Second – R21 – W29 –	9%	6%	2%	1%	77.85	83.3%	Overhung and recessed by winter garden. With winter garden removed, window is BRE compliant.
	Broadside House – 6	Second – R18 – W25 –	15%	7%	5%	1%	66.7%	85.7%	Overhung and recessed by winter garden. With winter garden removed, window is BRE compliant.
	Broadside House – 7	Third – W21 – W29 –		6%		2%	Moderate Adverse	66.7%	Overhung and recessed by winter garden. With winter garden removed, window is BRE compliant.

	Broadside House – 9	Third – W18 – W25 –		7%		3%	Moderate Adverse	57.1%	Overhung and recessed by winter garden. With winter garden removed, window is BRE compliant.
	Broadside House – 10	Fourth – W21 – W29 –		6%		3%	Negligible	50%	Overhung and recessed by winter garden. With winter garden removed, window is BRE compliant.
	Broadside House – 12	Fourth – W18 – W25 –		7%		4%	Negligible	42.9%	Overhung and recessed by winter garden. With winter garden removed, window is BRE compliant.
	Deckhouse Court – 4	First – R48 – W61		28%		2%	Negligible	92.9%	Flank window serving dual aspect room.
	Deckhouse Court – 10	Second – R48 – W61		28%		2%	Negligible	92.9%	Flank window serving dual aspect room. Room as a whole archives the targets for APSH and Winter Sun.
		Second – R48 – W62	31%		18%		41.9%	Negligible	Flank window serving dual aspect room.
	Deckhouse Court – 16	Third – R48 – W61		29%		3%	Negligible	89.7%	Flank window serving dual aspect room.
	Deckhouse Court – 22	Fourth – R48 – W61		29%		3%	Negligible	89.7%	Flank window serving dual aspect room.





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# **Strategic Planning Committee**

## **Sun Wharf, Creekside, SE8**

**Application No. DC/20/118229**

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This presentation forms no part of a planning application and is for information only

# Proposed development

- 220 residential units within buildings ranging between 6 and 19-storeys
- 39% Affordable housing by habitable rooms (77 units)
  - 46 London Affordable Rent (60%)
  - 31 Shared Ownership Intermediate (40%)
- 1132sqm commercial units with Blocks A and B
- 311sqm of affordable workspace within Container building
- Substantive new areas of public realm and Deptford Creek route



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**Aerial view – Existing context**

# Sun and Kent Wharf Mixed Use Employment Location

## Site Allocation 11

Employment uses including creative industries, office, workshop development and housing

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Opportunity Area

Creative Enterprise Zone

Cultural Quarter





**Aerial views of application site and sites to the north**

**Aerial view looking north**



**Site entrance from Creekside**









# Proposed layout



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BUILDING HEIGHTS

### KEY

-  BUILDING TYPE 1 - 19 STOREYS
-  BUILDING TYPE 2 - 7 STOREYS
-  BUILDING TYPE 3 - 6 & 7 STOREYS
-  BUILDING TYPE 4 - 3 STOREYS











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VIEW 04 - LOOKING NORTH-EAST ALONG CREEKSIDE TOWARDS THE SUN WHARF



CGI – view north from Creekside



VIEW 03 - LOOKING SOUTH-EAST FROM THE SITE ENTRANCE TOWARDS BUILDING A1



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1. LOOKING NORTH ALONG THE CREEK PATH



3. LOOKING SOUTH FROM THE NORTH-EAST CORNER OF BUILDING B1





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# Key public benefits

- Significant contribution towards housing delivery targets, including 220 new residential units, and 39% affordable housing, including 46 genuine affordable units.
- 1443sqm of commercial floorspace, including 311sqm of affordable workspace.
- Substantive areas of new high quality public realm.
- Provision of a new public Deptford Creek route.
- Financial contribution towards local highway and public realm works.

# Key planning issues

- Principle of development;
- Design and scale of development;
- Housing
- Impact on surrounding developments, including:
  - Daylight, sunlight and overshadowing, outlook and privacy.
- Ecology issues, including new intertidal wall and resulting impact upon the Sand Martin/ Kingfisher bank.
- Highways
- S106 contributions

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