



Strategic Planning Committee

Report title: Leegate Shopping Centre, SE12

Date: 19 July 2023

Key decision: No.

Class: Part 1

Ward(s) affected: Lee Green

Contributors: Geoff Whittington

Outline and recommendations

This report sets out Officer's recommendation for the above planning application. The report has been brought before Strategic Planning Committee for a decision as there are 60 valid planning objections and the application pertains to a site of strategic importance.

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

Application details

Application reference number:	DC/22/126997
Application Date:	26 May 2022
Applicant:	Galliard Homes
Proposal:	Proposed development at Leegate Shopping Centre SE12, bounded by Burnt Ash Road, Eltham Road, Leyland Road and Carston Close, for the demolition of existing buildings, and the construction of buildings up to 15-storeys (including basement level) to provide a comprehensive mixed use development including residential (Use Class C3), flexible commercial floorspace (Use Class E), a community centre (Use Class F2) and a public house (Sui Generis), together with associated public realm, landscaping and highways improvements, vehicular access, car parking and servicing arrangements, cycle parking and stores, and all other ancillary works.
Background Papers:	(1) Submission drawings (2) Submission technical reports and documents (3) Internal consultee responses (4) Statutory consultee responses (5) Design Review Panel (6) Aecom responses
Designation:	Site Allocations Local Plan – SA23 District Centre Lee Neighbourhood Forum PTAL 3 Flood Risk Zone 2 Air Quality Management Area
Screening:	Scoping Opinion pursuant to Part 4 Regulation 15(1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (EIA Regulations), and the application has been submitted with an Environmental Impact Assessment.

1 EXECUTIVE SUMMARY

1. The application has been submitted by Knight Frank on behalf of Galliard Homes for the redevelopment of the Leegate Shopping Centre.
2. The proposal is for the demolition of all existing buildings upon the site, and the construction of buildings of varying heights, with the tallest building being 15 storeys (A1) located to the north-west corner of the site.
3. The development would comprise a mix of 562no. residential dwellings, commercial units and community centre.
4. Public routes would run through the site, accessed from Eltham Road, Burnt Ash Hill and Carston Close, all leading to a landscaped public square.
5. The scheme would provide 76no. off-street parking spaces (60 residential, 16 commercial), and 1,150 long and short stay cycle spaces.
6. The scale and height of the proposal is considered to be appropriate for this location and would result in no significant harm to the London View Management Framework. There would be identified impacts upon the settings of conservation areas and listed buildings, however this report concludes that the harm to heritage assets would be in the low to moderate range of less than substantial harm, and is outweighed by public benefit, in accordance with the NPPF (2021).
7. There would be some overshadowing, sunlight and daylight impacts upon existing properties, identified as 'negligible to minor adverse' in the ES submission.
8. The harm to the existing properties is considered to be outweighed by the public benefit including 562 new dwellings that would provide 173 affordable homes, the provision of new commercial units, and public realm works.
9. 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

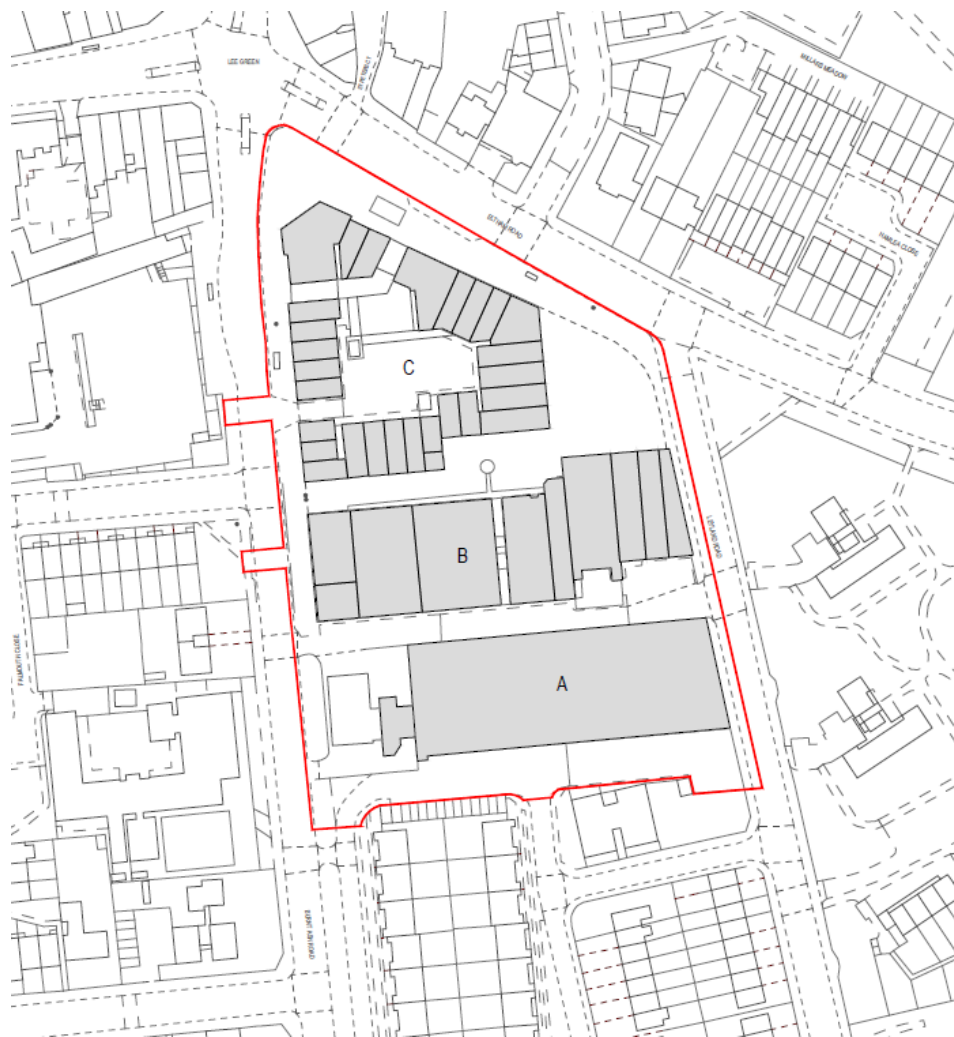
10. The application site comprises an area of 1.92 hectares (ha) within the Lee Green District town centre, located to the southern side of Eltham Road, and the western side of Burnt Ash Road, with Leyland Road to the eastern side. The site accommodates a mix of uses, including retail, public house, office space and 36no. residential units on the upper floors.
11. The site is largely occupied by a 1960s shopping centre, with commercial units on the outer edges fronting Eltham Road and Burnt Ash Road. There is an existing pedestrian route running east to west which connects the north facing square to the corner of Eltham Road and Leyland Road. Three trees that are subject to tree preservation orders are located within the square.
12. The site also accommodates the 8-storey Leegate House fronting Burnt Ash Road which provides commercial and office floorspace.

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13. To the south of the shopping centre is a single-storey car-park with capacity for 186 vehicles, and an adjacent former petrol station which is currently in use as a hand car wash service.
14. Residential properties surround the application site, in the form of 2-storey dwellings; townhouses, and blocks of flats directly to the south and east of up to 11-storeys in height.
15. To the west of the application site is the single-storey Sainsbury's store, whilst to the north of the site are commercial uses including the Old Tigers Head Public House, and an existing fire station.



**Figure 1 – Site Location Plan – (A) Car-Park;
(B) Shopping Centre and flats;
(C) Leigate House, commercial units and delivery area**

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Heritage/archaeology

16. The application site is not within a conservation area and contains no heritage assets.
17. Across the wider surrounding area there are a significant number of designated heritage assets. Due to its proposed scale, in particular the 15-storey height and massing, the development would be visible within the setting of these heritage assets, including Blackheath Park (within RB Greenwich), and Lee Manor Conservation Area, which is within close proximity of the site.
18. The Greenwich Maritime World Heritage Site lies approximately 1.1 miles away from the application site, and a distance of 0.77 miles to the south of the boundary of the World Heritage Site Buffer Zone.
19. There are three notable Grade II listed buildings within the immediate area, including;
 - Lee Green Fire Station to the north of the application site on the opposite side of Eltham Road;
 - former Police Station to the west fronting Lee High Road;
 - Manor House Public Library, and its curtilage Manor House Gardens. The building lies approx. 530m away to the west.
20. Non-designated Heritage Assets include the New and Old Tiger's Head buildings to the north of the site on either side of Lee Road.

Surrounding area

21. The nearest public open space to the application site is Edith Nesbitt Pleasure Ground, which lies on the opposite side of Leyland Road, and provides green space and a children's play area.
22. Approximately 150 metres to the north-east are public playing fields that extend up to Weigall Road. The Manor House Gardens entrance on Taunton Road lies 355m from the site to the west.
23. In terms of local amenities, the immediate surroundings provides a range of retail units, three public houses, and restaurants and takeaway facilities.

Local environment

24. Approximately 40% of the site is within Flood Zones 2 and 3, where parts of the District Centre could be affected by flooding from the Quaggy River to the north of Eltham Road. A small part of the site is within Flood Zone 1, meaning there is a low (1:1000 annual probability) of flooding from the river.
25. The site lies within a designated Air Quality Management Area, with the heavily trafficked highways representing the nearest source of air pollution. In terms of the noise environment, the principal sources of noise within the surrounding area also arises from traffic movement.

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Transport

26. The A20 Eltham Road runs west to Lewisham and central London, and eastwards toward Eltham. The South Circular (A205) lies approximately 0.65 miles to the south. Both highways are managed by Transport for London (TfL).
27. The site has a moderate public transport accessibility level (PTAL) of 3, whereby 1 means poor access to public transport, and 6a is excellent. There are a number of bus stops within the immediate vicinity, whilst the nearest train station is at Lee 0.4 miles to the south.

3 RELEVANT PLANNING HISTORY

28. **DC/14/90032:** Planning permission was resolved to be granted at Strategic Planning Committee on 17 May 2016 for the demolition of the existing buildings and redevelopment to provide a retail led mixed use development, including residential (Use Class C3), food store (Use Class A1), retail units (Use Class A1-A4), assembly and leisure (Use Class D2), non-residential institutions (Use Class D1), public realm, associated car parking, cycle parking, highways works, landscaping, access and all other associated work. The Applicant was St Modwen Developments Ltd.
29. In their Stage 2 response dated 15 February 2017, the GLA raised no objections to the approval of the application and directed the LPA to issue a decision.
30. The resolve to approve scheme was comprised of 229 residential flats; a 3,847sqm supermarket; 10 retail units; a public house; gym facility; and 106 parking spaces for residents. However, following the decision by Asda not to occupy the supermarket, the S106 was not issued and permission not formally granted.
31. **DC/18/107468:** In 2018, an application was submitted to the LPA by St Modwen for the redevelopment of the site, which proposed 393 residential flats and houses; 1,281sqm food store (Use Class A1); 2,177sqm retail units (Use Class A1-A3); 484sqm public house (Use Class A4), gym/leisure facility (Use Class D2); non-residential institutions (Use Class D1); and approximately 131 residential and 40 visitor car parking spaces, public and residential cycle parking spaces.
32. The scheme was subsequently withdrawn following concerns raised by the LPA in regard to the provision of on-site affordable housing being low. Whilst the affordable offer of **16%** was the same as that agreed in the consented scheme DC/14/90032, housing requirements had changed significantly since the grant of permission, and it was therefore considered appropriate to require an affordable provision exceeding 30%.
33. Several meetings with LBL officers were held to present solutions to increase the affordable provision. This included a higher proportion of Shared Ownership units, however as this would result in Social Rent units accounting for only 30% of the overall affordable offer instead of the policy compliant 70%, this was not supported by officers.
34. Increased building heights and unit numbers were also discussed however the required affordable provision could not be achieved. Subsequently, the application was formally withdrawn by the Applicants.
35. **DC/21/120867:** Screening Opinion under Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (amended) in respect of the comprehensive redevelopment of the Leegate Shopping Centre to provide a

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mixed-use development. It was determined that the Opinion met the statutory requirements for scoping set out in Section 13(a) of the EIA Regulations.

4 CURRENT PLANNING APPLICATION

THE PROPOSALS

36. The application proposes the demolition of all existing buildings and comprehensive redevelopment to provide 562 residential units (C3 Use Class) within Blocks A, B and C that would range between 1 and 15-storeys.
37. 657sqm of flexible commercial floorspace (Use Class E) within Blocks A and B are proposed, in addition to a 1,055sqm supermarket within Block C. A community centre (263sqm - Use Class F2) would be located within the ground floor area of Block B fronting Eltham Road.
38. Other uses would include a public house and restaurant within the ground floor of Block A, and a gym facility and medical centre located at first floor level.
39. The application also includes associated vehicle parking; cycle parking; landscaping; play areas; including a small ballcourt; and public realm works.
40. Affordable housing provision would equate to 36% by habitable room (173 units), with 114 units (65%) being London Affordable Rent, and 59 (35%) Intermediate/ Shared Ownership.
41. The proposed development comprises the following:
- Building A1 is the tallest block at 15-storeys, lying to the north-western corner of the site adjacent to the main 'Tiger's Head' junction. The remainder of Block A would be comprised of 8 and 10-storey buildings, set around a podium garden.

Block A would provide 178 residential units, and commercial floorspace at ground fronting the new public square, Eltham Road and Burnt Ash Road; and at first floor level.
 - Block B would front Eltham Road, Leyland Road, and Carston Close, with the tallest building being the 12-storey B1 building located within the site at the head of the landscaped public square. Other buildings forming part of the block that would be visible from the public realm would range in heights between 7 and 10 storeys, whilst the within the site, 3-5 storey dwellings would form one side of the pedestrian footpath leading from Carston Close to the public square.

Block B would accommodate 262 residential units.
 - Block C would be sited to the south-western part of the site, with 2no 8-storey buildings fronting Burnt Ash Hill, and a 5-storey building fronting Carston Close. Within the site, 3-5 storey buildings would lie opposite the dwellings within Block B on the western side of the footpath.

Block C would provide 122 residential units, with the local supermarket fronting Burnt Ash Hill.

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42. The proposed works would be undertaken within two phases. **Phase 1** would include the demolition of the northern part of the site, and construction of Block A.
43. **Phase 2** would see the remainder of the site to the southern section demolished, and the subsequent delivery of Block B and then Block C.
44. Construction works are programmed for up to 53 months to completion.

Residential development

45. The three residential blocks (A, B, C) would comprise a total of 562 residential apartments, including one, two, three and four bedroom units, and a low provision of studios (1b1p).
46. 173 units (36% by habitable room) would be provided as affordable housing (65% London Affordable Rent (114 units); and 35% (59 units) as Intermediate Shared Ownership), with the remaining units being for private sale. The affordable units would be located within Blocks B and C:- B2, B4, B5, B6, C2, C3 and C4.



Figure 2 – Proposed Site Layout Plan

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Commercial floorspace

47. There would be 3,738sqm GIA of non-residential floorspace sited mostly to the ground floor level areas of Blocks A, B and C.
48. Block A would accommodate the most commercial floorspace – 2,302sqm, which includes provision within the ground and first floor levels.
49. The ground floor units would include a public house, restaurant and retail units. At first floor, a medical centre and gym would be provided, in addition to a residents' lounge.
50. Block C would accommodate a local supermarket measuring 1055 sqm.

Public realm

51. The overall provision of public realm space would be 7,739sqm, including the delivery of a new public square, and the formation of public routes through the site accessed from the north, south and western sides.
52. The proposal would include the removal of the three existing TPO trees that lie to the north-east section of the site where Block B would be located, and a further 9no. street trees including three to the Tiger's Head junction.
53. Areas of hard and soft landscaping, and children's playspace for all age groups would be provided to the public square and Carston Close, in addition to doorstep play.
54. Beyond the site boundary, public realm enhancements would include the planting of 19 no. street trees along Burnt Ash Road and Leyland Road.
55. The existing Carston Close to the south of the application site, which is an unadopted highway that was acquired by the Applicants in 2022, would be repaved and landscaped including tree planting to form an improved setting that would be fronted by Blocks B and C dwellings.
56. The existing unused garages that front Carston Close does not form part of the application site.

Highways

57. The site would provide 76no. off-street car parking spaces, of which 60 would be for residential occupiers, and 16 for commercial users.
58. 18no. blue badge residential parking bays would be provided; and two within the commercial. Four bays would also be provided on Leyland Road, including spaces for car club and visitors.
59. 982 dry and secure long stay residential cycle spaces would be provided; 1,150 overall when including all other uses and short stay bays.
60. The existing southbound bus stop on Burnt Ash Road would be inset to allow vehicular movement when a bus is stationary. Further to the south, a new loading bay would be formed that would primarily serve the new supermarket.

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Supporting Documents

61. Supporting documents are as follows:
- Planning Statement (Knight Frank)
 - Design & Access Statement (Rolfe Judd)
 - Transport Assessment (Steer)
 - Landscaping Design & Access Statement (Fabrik)
 - Commercial Strategy (Fourth Street)
 - Desk Study Report (GB Card & Partners)
 - Public Benefits Statement (Knight Frank)
 - Statement of Community Involvement (Kanda)
 - Flood Risk Assessment & Drainage Strategy (Cole Easdon)
 - Commercial Area Kitchen Ventilation Strategy (Whitecode Consulting)
 - Fire Engineering Hoare Lea
 - Fire Safety Statement (Hoare Lea)
 - Sample Overheating Assessment (Whitecode Consulting)
 - Energy Statement (Whitecode Consulting)
 - Sustainability Statement (Whitecode Consulting)
 - Waste Management Strategy (Stantec)
 - Outline Construction Environmental Management Plan (Galliard)
 - Outline Construction Logistics Plan (Galliard)
 - Internal Daylight & Sunlight Report (eb7)
 - Whole Life Carbon Assessment (Greengage)
 - Circular Economy Statement (Greengage)
 - Arboricultural Impact Assessment (Greengage)
 - Arboricultural Method Statement (Greengage)
 - Three Bed Market Evidence Report (Knight Frank)

Environmental Impact Assessment

62. 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).
63. This submitted Environmental Statement (ES) and subsequent ES Addendum includes a range of topics, including:
- Air Quality;
 - Daylight, Sunlight and Overshadowing;
 - Heritage, Townscape and Visual Impact;
 - Wind Microclimate;
 - Noise and Vibration;
 - Socio-Economics;
 - Traffic and Transport.
64. The ES has been subject to detailed review by independent specialist consultants (Aecom) appointed by the Council. Overall, officers generally agree with the findings of

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the ES, and have recommended the use of planning conditions or obligations to secure the identified supplementary mitigation and other measures considered necessary.

65. As required by the Regulations, the ES 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.
66. 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

PRE-APPLICATION ENGAGEMENT

67. The applicant coordinated an online public consultation with residents in April 2021, and two in-person exhibitions in November 2021.
68. The full details of the pre-application consultation are set out within the Statement of Community Involvement.

APPLICATION PUBLICITY

69. Upon submission of the planning application in May 2022, publicity was carried out in accordance with the statutory requirements and those required by the Council's adopted Statement of Community Involvement.
70. Site notices were displayed on 22 June 2022 and a press notice was published on the same date.
71. Letters were sent to approximately 8,637 residents and businesses in the surrounding area and the relevant ward Councillors.
72. A total of 148 responses were received, comprising 60 objections, and 88 expressions of support.
73. 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 7pm – 9pm on 10 January 2023. The meeting was chaired by Cllr Rathbone, ward Cllr for Lee Green, and was attended by representatives from the applicant team together with planning officers. The minutes of the local meeting are attached at **Appendix 1**.

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5.1.1 Comments in objection

74. 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
<i>Design</i>	
<p>Block A1 is too high</p> <p>Monolithic and overbearing</p> <p>Excessive height</p> <p>Should be 10-storeys maximum</p> <p>Will dominate the landscape</p> <p>Proposed development represents over-development of the site.</p> <p>Proposed height is out of character with surrounding context</p> <p>High quality design, but too high</p> <p>Will create a mini city rather than a local area</p> <p>Should be restricted to 3/ 4-storeys</p> <p>Ugly and overwhelming</p> <p>In favour of redevelopment, but height is excessive</p>	379 – 412, 425-442, 520 - 530
Height of Blocks B and C	420 - 421
Redevelopment needs to happen, but not without thought and consultation with the community	67

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Comment	Section where addressed
Proposed height is contrary to the Neighbourhood Plan and Lewisham Tall Building addendum	127, 399-406
The tallest building should be relocated to the south-eastern corner	
Creation of dark public spaces - unattractive pedestrian and shopper experience	502 - 503
Quality of proposed residential accommodation	256 – 317
The Leybridge Estate should not be used as a benchmark of unacceptable height	402
<i>Heritage</i>	
Adverse impacts upon historic site it adjoins.	443 - 494, 520 - 530
Impacts upon views from Blackheath and Manor House Gardens	
Conflicts with the historical buildings such as Lee fire station and Tiger's Head pub	443 - 494, 520 - 530
<i>Residential amenity</i>	
Proposed development will impact on the amount of daylight and sunlight to surrounding properties	640 – 726, 736 - 746
Oppressive impact.	623 - 631
Overshadowing concerns	727 - 730

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Comment	Section where addressed
<i>Employment</i>	
Concerns by existing traders in regard to relocation	336-346
lack of a service yard	352
The proposed plans completely ignore any office/business space, as well as retail space. In the current existing 6 storey building there is in excess of 30,000 sq ft of space, not including the retail units in Leigate. No provision for any of these local businesses and non-profit making organisations has been considered.	166-173
<i>Environmental impacts</i>	
Proposed development will increase the funnelling of wind resulting in wind tunnels. Mitigation measures insufficient.	888 - 904
Air quality concerns	869 - 884
Concerned the development will not be constructed to the highest energy efficiency standards	775 – 799, 877 - 880
Impact upon water pressure	886 - 887
Loss of trees	839 - 843
<i>Highways and transport</i>	
Increased traffic	504
Insufficient existing parking and transport options	578 – 580, 582 - 585
No need for an additional supermarket – will result in traffic	564
Construction traffic impacts	609 - 611

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Comment	Section where addressed
Insufficient space for fire and rescue services to reach the flats.	602 - 604
Additional on-street parking pressures to neighbouring streets	550 - 560
<i>Social infrastructure</i>	
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.	917 – 935, 960 - 961
<i>Impact of construction phase</i>	
Construction phase will cause significant disruption to the local highway network for several years	608
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.	608 – 610, 875 - 876

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5.1.2 Comments in support

75. 88 letters of support have been received.

Comment
Welcome further development that is taking place, and replacement of old tired buildings with new homes
This cannot happen soon enough – Leegate Centre has never been fit for purpose
The buildings are attractive and varied
Wholeheartedly support the development – please proceed, desperately needed
Will provide much needed affordable housing
There is a housing crisis - we should be doing everything possible to ease the situation

5.1.3 Local Groups

76. **The Blackheath Society** have objected on the following grounds;

Welcome fact of redevelopment of this run-down and underused site and allocation of affordable housing, but we believe:

- Total number and density of dwellings is too many for the site;
- The height of tallest building is too much for the location;
- Opportunities remain to improve the scheme's design and public benefits;
- The SCI seriously understates continuing local opposition;
- Strong conditions are essential, especially on construction traffic

77. **The Lee Forum** have commented that whilst there are aspects of the proposal that are welcomed, including the public square and the Carston Road street, they object to the proposal due to 'serious reservations' including excessive height and scale; overshadowing; heritage impacts; and conclusions and terminology within the submission reports.

78. 'This is a scheme that ignores extensive planning guidelines on heights and massing, supported by confused and tendentious specialist assessments that do nothing to support the applicant's arguments. It should be rejected and modified to take account of those guidelines and the views of the local community.'

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5.1.4 Non-material planning considerations

79. Comments relating to non-material planning considerations were also raised as follows:

Comment	Response
Proposed development will block views from apartments within surrounding residential blocks	The loss of a private view is not itself a material planning consideration. Impact on amenity and daylight/sunlight are material considerations and considered below (see table at paragraph 74, above)
Proposed development will result in a reduction in property values of surrounding apartments	The impact on property values is not a material planning consideration

INTERNAL CONSULTATION

80. Copies of all representations are available on the electronic case file.
81. The following internal consultees were notified, and their responses are summarised below:
82. 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.
83. Conservation – identifies less than substantial harm at a lower end of the range to existing heritage assets arising from the development.
84. Design - supportive of the proposal, subject to conditions.
85. Ecology – no objections subject to appropriate conditions.
86. Tree – raises an objection to the proposed UGF being below the required 0.4; satisfied in principle with uplift in trees, subject to species.
87. Environmental Protection (Site Contamination) - no objections raised.
88. Environmental Protection (Air quality) - no objections raised.
89. Environmental Protection (Noise) - no objections raised.
90. Environmental Sustainability - subject to a planning condition, no objections.
91. Sustainable construction and energy efficiency - the Council's Sustainability Manager raises no objections, subject to appropriate conditions.
92. Strategic Housing – raise no objections, and welcome the provision of 4b7p affordable units
93. Economic Development – concerns relating to reduction in employment floorspace, no objections subject to an appropriate financial contribution.

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EXTERNAL CONSULTATION

94. The following External Consultees were notified, and their responses are summarised below:
95. Environment Agency – no objections subject to conditions.
96. 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.
97. Civil Aviation Authority – no response.
98. Greater London Authority
99. In their Stage 1 response dated 1 August 2022, the GLA stated the following:
- Land use principles:** The residential-led redevelopment of the site is strongly supported in strategic planning terms in line with London Plan Policies H1, HC7, S1, SD6, SD7 and Good Growth Objectives GG1 and GG2.
- Affordable housing:** 36% by habitable room, comprising 70% social rent and 30% shared ownership and would qualify for the FTR, subject to the applicant demonstrating engagement with a registered provider and consideration of grant funding and meeting other policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant. An early-stage review must be secured.
- Heritage & Urban design:** The approach to design is broadly supported; less than substantial harm to the Grade II listed Police Station has been identified but this could be outweighed by the public benefits; and the acceptability of the proposed tall buildings will be determined once the outstanding matters relating to impacts have been satisfactorily addressed.
- Sustainable development & Environmental issues:** Additional information on water, green infrastructure, energy, whole lifecycle carbon assessment and circular economy statement is required. Post-construction monitoring and a carbon off-set contribution are to be secured.
- Transport:** The following must be addressed: modelling for the relocated traffic signals; securing appropriate funding for walking and cycling improvements; improving details of cycle parking; issues related to car parking for residents and shoppers; the impact on the bus network; and ensuring that there is sufficient and suitably located capacity for servicing.
100. Historic England – raise concerns on heritage grounds
101. Greater London Archaeological Advisory Service (GLAAS) – no response
102. Heathrow Airport – no response received.
103. HSE – no response.
104. London City Airport – no response received.

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105. London Fire Brigade – no objections.
106. London Westland Heliport – no response received.
107. London Wildlife Trust – no response received.
108. Maritime Greenwich World Heritage Site – no response received.
109. Metropolitan Police – no objection, recommend a Secured by Design condition.
110. National Air Traffic Services (NATS) – no response received.
111. Natural England – no comments.
112. Network Rail – no response received.
113. Royal Borough of Greenwich – objection on heritage grounds.
114. 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.

DESIGN REVIEW PANEL

115. Earlier iterations of the scheme were presented to the Lewisham Design Review Panel on two occasions, the last being in October 2021. At that stage the proposal included 592 residential units, and a 13-storey building within Block B on the corner of Leyland Road and Carston Close.
116. In their summary, the Panel advised they were fully supportive of the aims of the project and appreciated the positive design development undertaken in response to commentary at the first DRP review. However, they considered that further work and refinement on the overall scale, massing and layouts was necessary. Some ‘reservations’ were held toward the height of Building A1 and its view from Blackheath, although they understood the reason for the 15-storey proposal.
117. The main comments raised by the Panel in the most recent review are summarised in the below table.

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Design Review Panel comments	Officer response
<p>The Panel's view is that there is justification for a tall building of up to 15-storeys at the apex of the site (A1) and a taller element B1, but the taller element proposed for B4 would not contribute positively to either the townscape or the overall masterplan.</p>	<p>In response to DRP comments, the height of B4 was subsequently reduced to a taller 10 storey Block along Leyland Road, and a lower 8 storey Block along Carston Close. As part of the site-wide massing rationalisation, the form of B4 was also developed to be rectilinear Blocks.</p>
<p>A more holistic approach to massing, masterplan and layout with a clear vision and narrative for the whole site with an architectural and townscape rationale underpinning the whole project would greatly help in its design development and ultimate resolution.</p>	<p>Rolfe Judd Architects undertook a peer review of the 2018 St Modwen scheme, during which the previously established urban design principles were analysed and considered to be correct. The following 6 key principles therefore led the design:</p> <ol style="list-style-type: none"> 1. Reinvigorate the District Centre around the Tiger's Head Junction 2. Redistribute the public realm 3. Extend the green boulevards 4. Enhance permeability 5. Active frontages 6. Provide new housing to complement the District Centre uses improving choice and mix <p>The masterplan strategy provides:</p> <ul style="list-style-type: none"> • Footfall concentrated through the new square • Three clear blocks, well defined with buildings • Connections into the surrounding context to the south • A massing formation similar to approved scheme • Large, well defined public square • Residential frontage to Leyland Road • Supermarket servicing from Burnt Ash Road <p>It should also be considered that the setting provided by the existing Leegate Centre gives rise to negative visual impacts in townscape. The Proposed Development represents a significant enhancement on</p>

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Design Review Panel comments	Officer response
	townscape in comparison to what currently exists on site.
<p>The Panel were clear that from the apex local view, the 15-storey height is superior and more elegant (relative to the 12 storey option). The designs look very impressive from the head on apex view, but the tonality and the re-entrant to the flank elevations need further design development to avoid the slab-like quality which the building exhibits when viewed side on, both at a local level and in distant views.</p>	<p>Although the 15storey element was agreed to be an appropriate height, a review of the flank elevations was encouraged. The design team introduced 'breaks' through linear balconies in order to split the flank elevations. This was further accompanied by a one storey reduction in the primary brick plane of the rear facades to additionally split the envelope. A two storey reduction was tested in the same way but proved to further complicate the building.</p> <p>Following the splits established to divide the flank elevations into a series of planes, the façade treatment for the top of A1 is articulated in two distinct ways. The top of the front two elevations is demarcated using smaller hexagonal piers and continuous decorative panelling which forms a three storey grouping to cap the primary brick grid. The brick grid is reduced by one storey at the rear, where a stepped back metal top forms a distinguished top.</p>
<p>A1: The Panel were surprised that the building is so evident when viewed from Blackheath. Its red/brown brick coloration makes it prominent against the skyline which is not necessarily negative, but it appears flank on and slab-like which is problematic. The Panel were concerned that the impact could well prove far greater than the less than substantial harm reported by the applicant team on the day. A1 also needs more development work to celebrate the summit of the building both from a distant perspective, and from a local views, including from Manor House Gardens, and if elegantly integrated into the architectural designs should do much to enrich its silhouette.</p>	<p>The potential visual effects of the Proposed Development were assessed with reference to 19 views projected as Accurate Visual Representations (AVRs). In 11 of the 19 views, the visual effects were found to be Moderate of Moderate-Major in scale and beneficial in nature. 1 negligible effect was recorded, and the only adverse (minor) effect was in respect of views looking south at Blackheath. The HTVIA establishes that a low level of harm, which is less than substantial harm, would be recorded by way of the visibilities of the Proposed Development in long views across Blackheath towards Blackheath Village, although mitigation through design has allowed this effect to be reduced.</p> <p>The HTVIA establishes that the Proposed Development would be visible in the Manor House Gardens view- particularly Block A1. It acknowledges that the evolution of the</p>

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Design Review Panel comments	Officer response
	<p>design has led to an intention to break up the scale of Block A1 in the background. Its width has been broken into two parts through the introduction of stacked balconies at the midpoint of the plan. This introduces a tall vertical shadow gap in the elevation to break the apparent width. To the north of the gap, the elevation includes a strongly defined 'top' within the masonry frame of the building, which is designed to respond to the presence of the Tiger's Head Junction. The HTVIA concludes that the residual effect from this view is moderate beneficial, as it brings a new architecture of high quality into the view, at some distance, animating the skyline while leaving the enjoyment of the green space unchanged.</p>
<p>B1: Despite the increase in separation distance between Block B buildings (B1 and the Block B building to the east and north) the Panel were unconvinced that the environment on the podium garden would be of high quality as it will sit between tall linear buildings as the sections demonstrate, and the apartments to the lower levels will not have great access to daylight sunlight.</p>	<p>The massing of Block B is drawn from that of the local area and is generally reduced from the one of Block A. The number of storeys vary between 4 and 10 and the split along Leyland Road ensure the gardens at the podium level benefit from appropriate light.</p> <p>The assessment of daylight within the proposed apartments has shown that the vast majority of the habitable rooms receive good levels in excess of the relevant BRE targets. The ADF results have shown that 94% of the habitable rooms across the Proposed Development meet the daylight criteria. The deviations that occur are typically marginal and / or driven by overhanging balconies. Overall, the Proposed Development is considered to have an excellent performance for internal daylight and sunlight levels.</p>
<p>B4: The Panel do not see the architectural and massing case for a tall building (13-storeys) at B4. The nearby towers are point blocks in space which are a different typological model and the Panel do not readily support height on the south-east corner as advised at the May 2021 DRP.</p>	<p>In response to DRP comments, the height of B4 was subsequently reduced to a taller 10 storey Block along Leyland Road, and a lower 8 storey Block along Carston Close. As part of the site-wide massing rationalisation, the form of B4 was also developed to be rectilinear Blocks.</p>
<p>The Panel endorsed the approach to the integration of the architectural detail</p>	

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Design Review Panel comments	Officer response
and materiality, which had developed considerably since the earlier review.	
The proposed specimen Holm Oak tree at the base of Building A1 is unconvincing and will provide heavy shading to the public space.	The Applicant has since amended this element of the scheme through the removal of the single feature Holm Oak on this corner, and the proposal has been updated to retain the majority of the existing Chinese Privet trees in this location.
There needs to be a clearer understanding of how the units at the podium level interact with the communal garden space.	<p>All units within each block has step free access onto the podiums, either via a core or directly from their own private terraces. The design allows for direct access for units that face out onto the podium deck as well as incorporating communal access via the residential cores.</p> <p>The podium will be fitted with CCTV and time restrictions are to be applied for accessible hours.</p>

118. In conclusion, the Panel advised they were pleased to add support to the project but considered that further work was required to address concerns raised. Leegate redevelopment proposals have been presented to DRP on many occasions during pre-application stages, therefore the Panel have extensive knowledge of the application site and surrounds,
119. Officers are satisfied the Applicants have addressed many of the points raised at DRP, and that any outstanding matters can be suitably addressed by appropriate planning conditions

6 POLICY CONTEXT

6.1 LEGISLATION

120. 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).
121. Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

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6.2 MATERIAL CONSIDERATIONS

122. 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.
123. 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 national policy as a material consideration.
124. 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

125. The Development Plan comprises:
- London Plan (March 2021) (LPP)
 - Core Strategy (June 2011) (CSP)
 - Development Management Local Plan (November 2014) (DMP)
 - Site Allocations Local Plan (June 2013) (SALP)
 - Lewisham Town Centre Local Plan (February 2014) (LTCP)
126. The draft Lewisham Local Plan is currently at Regulation 19 stage, and was consulted on between 1st March and 25th April 2023. As such, the draft is unadopted and does not form part of the Development Plan, and its draft policies have no weight to limited weight.
127. The Lee Neighbourhood Plan has not yet been made and Examination Hearing sessions will be held in late 2023.

6.5 SUPPLEMENTARY PLANNING GUIDANCE

128. Lewisham SPG/SPD:
- Planning Obligations Supplementary Planning Document (February 2015)
129. London Plan SPG/SPD:

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- 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)
- Optimising Site Capacity: A Design-led Approach (June 2023)
- Housing Design Standards (June 2023)
- Air Quality Neutral (February 2023)
- Urban Greening Factor LPG (2023)

PLANNING CONSIDERATIONS

130. 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

7.1 PRINCIPLE OF DEVELOPMENT

General policy

131. 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.

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132. 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.

Discussion

133. The application site lies within the district centre of Lee Green located to the south of Lewisham Town Centre. Core Strategy Spatial Policy 3 'District Hubs' identifies Lee Green, stating the requirement to 'improve civic space and facilitate a more intensive mixed use development on the shopping centre site to strengthen its role and function.'
134. The Policy requires District Hubs to be reinforced as places which will sustain a diversity of uses and activities appropriate to each hub's function and location. District Hubs are key places which support the development of a sustainable borough, which capitalises on the availability of services, facilities and public transport. The focus will be to build and maximise the uniqueness and potential of each place and will be managed so as to facilitate change that contributes to the economic vitality and viability of the District centre.
135. The Site Allocations Local Plan (June 2013), together with the Core Strategy, the Development Management Local Plan and the London Plan is the borough's statutory development plan.
136. The application site is identified in the Site Allocations LP (Policy SA23) as having development potential for mixed use retail-led with housing, offices and hotel. The allocation forms a significant part of the Primary Shopping Area within the Lee Green District Centre and will improve the environmental quality. Its redevelopment would support and enforce the role of the District Centre within the Borough's retail hierarchy. The Policy includes an indicative housing capacity of 130 dwellings.
137. This accords with DMLP Policy 1 which requires proposals to secure development that improves the economic, social and environmental conditions in the borough.
138. The draft Lewisham Local Plan, which at the time of writing this report is unadopted and has 'no to limited' weight, states 'Comprehensive mixed-use redevelopment of existing shopping centre comprising compatible main town centre, commercial, community and residential uses. Redevelopment of existing buildings and reconfiguration of spaces to facilitate a street based layout with new and improved routes, both into and through the site, along with public open space and public realm enhancements.'
139. It states that the site must be re-integrated with the surrounding street network to improve access and permeability into and through the town centre. This will require significant reconfiguration and re-orientation of existing buildings and spaces to achieve a hierarchy of routes with clearly articulated east-west and north-south corridors. Positive frontages, with active ground floor frontages within the Primary Shopping Area and along key routes should be ensured, together with the delivery of new and improved public realm and open space, in accordance with a site-wide public realm strategy.
140. The Draft sets the indicative residential capacity of the Leegate shopping centre at 450 residential units.

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Demolition

141. It is proposed that all existing buildings within the application site would be demolished, including the 8-storey Leegate House, shopping centre and public house fronting Burnt Ash Road.
142. Officers are satisfied that the existing buildings are of insufficient architectural merit to warrant consideration as being non-designated heritage assets, neither is the site located within a conservation area. The removal of the buildings will enable the comprehensive redevelopment of the application site therefore officers raise no objections to the proposed demolition.

Land-Use - Residential

143. 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.
144. Core Strategy Spatial Policy 3 identifies the site as being appropriate for mixed use development, including residential use.
145. In this context, the redevelopment of this long-neglected site for residential-led mixed-use development would contribute to these targets and is in line with the policy approach set out for this District Centre. The application site, which currently accommodates 36 residential units (2,291sqm) within the central area above the shopping centre, presents an opportunity for a significant increase in housing provision that would accord with the London Plan Policy H8 which requires appropriate optimisation of development sites to meet housing needs – *‘the loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace.’*
146. The proposed development includes 562 new homes, which represents an uplift of 526 dwellings and 59,533 sqm of floorspace. The GLA consider the development would contribute positively to housing targets and would accord with Policies H1 and H8 and therefore is ‘strongly supported.’

Land Use – Non Residential

147. The application site lies within the Lee Green District Centre, and Core Strategy Spatial Policy 3 ‘District Hubs’ and the Site Allocations DPD encourages the redevelopment of the Leegate Centre for a mixed-use development including retail. Policy 14 of the Development Management Local Plan states that within Primary Shopping Frontages, including Burnt Ash Road, the Council will seek to maintain 70% of units within Class A1 (now Class E) use.
148. Policy 14 also states that the Council would resist the loss of retail frontages at ground floor level in these locations, whilst SA23 has designated the site as being suitable for a retail-led mixed-use development.
149. The existing non-residential floorspace within the application site comprises 14,038sqm (GIA). (Note: this does not include the existing multi-storey car park and hand car wash). The submission advises that in March 2021, 9,326sqm (GIA) of the non-residential floorspace within the Centre was occupied, with many units being vacant. Short term measures have been undertaken to increase occupancy, including offering tenants below market rents on short-term leases.

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150. In this case, the provision of 657sqm of flexible commercial floorspace (retail/ office) (Use Class E), a small retail supermarket, and a public house within the site is supported, maintaining the character of the designated mixed-use employment location.

Land Use	Type of Use	Use Class	May 2022 Submission Floorspace (sqm GIA)	February 2023 Submission Floorspace (sqm GIA)
Flexible Commercial	Retail or Leisure/Recreation or Office	E(a) to E(d) & E(g)(i)	690.6	657.6
Supermarket	Retail	E(a)	1,052.1	1055.5
Restaurant	Retail	E(b)	308.4	307.6
Medical Centre	Community	E(e)	799.3	794.8
Gym	Leisure/Recreation	E(d)	400.6	376.3
Public House	Public House	Sui Generis	283.9	282.3
Community Centre	Community	F2(b)	264.2	263.9
Total Non-Residential Floorspace			3,799.1	3,738

Table 1: Proposed uses and floor areas

Reduction in Employment Floorspace

Policy

151. Core Strategy Policy 5: 'Other Employment locations' seeks to resist the loss of employment space. It states that the loss of employment space will be supported if it can be demonstrated that the employment use is no longer viable. The supporting text to the policy advises that Policy 5 is responding to the existing and predicted need for jobs and employment space.

Discussion

152. Leegate Centre currently accommodates 13,930sqm of employment floorspace (43 units), comprising community, leisure, food & beverage, office, and retail. The application site contributes approximately 48% to the overall employment floorspace within the District Centre.
153. 9,175sqm of the floorspace within Leegate is currently occupied, with 4,712 (46%) being vacant. This compares to 18% vacancy overall within the District Centre, excluding the Sainsbury's store. Of the three largest units within the site, (821sqm charity shop; 1,183sqm retail unit; and 548sqm public house), only the charity shop remained in operation at the time of this report.
154. The existing level of employment within the application site is advised in the submission to be 138 FTE.
155. The provision of employment floorspace within the current application is 3,738sqm, which is a significant reduction of 10,192sqm when compared to the current overall provision – and 5,437sqm less than the existing occupied space. This compares to the indicative provision of 5,449sqm stated in the draft Local Plan (Reg 19).

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156. The proposed number of jobs within the completed development is projected to be up to 198 FTE, based on the Homes and Communities Agency Employment Density Guide 3rd Edition (2015).
157. The Applicants seek to justify the reduction in employment floorspace by referring to:
- underutilisation of the existing space/ high proportion of vacancy;
 - 1000sqm of existing space is used for storage and ancillary spaces;
 - poor built quality of Leegate contributes to businesses not wanting to locate there;
 - the replacement units will be of improved design and quality, and will provide modern facilities that people will want to work in.
158. Despite the temporary rent reductions that the developers have introduced in an attempt to increase occupancy, the rate of commercial vacancy remains high nonetheless. Officers acknowledge that from an external perspective the Leegate Centre appears run-down and dated, and does not provide a particularly welcoming environment. The difficulties in attracting new occupiers, evidenced by the extent of vacant shop units, and the resultant impact upon footfall only serves to contribute to the view that the Centre in its current condition is unviable.
159. It is important that the Lee Green District Centre is provided with sufficient employment floorspace to cater for the needs of the local community, and to contribute to the functioning and economy of the location to attract new tenants and customers. Officers expressed during pre-application meetings that the provision of additional employment floorspace within the new development should be explored to avoid the borough being at risk of losing jobs to places elsewhere.
160. Officers acknowledge however that re-providing the existing 13,930sqm of employment floorspace, or indeed any level of uplift, within the new development would be challenging, with no discernible areas where additional floorspace could be located without reducing the housing/ affordable housing provision. The formation of mezzanines is not a viable option due to restricted internal heights, whilst there are no available external areas to accommodate additional floorspace.
161. The new employment units would be modern, well designed and flexible, and would maximise the space required to ensure functionality, without an overprovision of storage and ancillary floorspace that is evident within the existing Centre. The employment unit sizes are based upon research of similarly sized schemes elsewhere in London, and would be commensurate to the nature of intended uses. The units would maintain frontages onto Burnt Ash Road and Eltham Road, contributing to the overall commercial character of the District Centre.
162. The Socio-economic chapter within the ES summarises key economic and regeneration benefits of the proposed scheme, including;
- Supporting the local economy through the construction phase and supply related jobs, with 201 FTE roles being created, including construction training opportunities and apprenticeships;
 - Increased expenditure within the local area by future residents and workers;

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- Provision of modern flexible non-residential floorspace that would benefit existing commercial tenants, and would attract new businesses to the area.
163. Officers accept there are clear planning benefits arising from the proposal that would serve to deliver wider regeneration benefits that would outweigh the reduction in employment floorspace.
164. For these reasons, officers do not object to the reduction in overall floor size when compared to the existing baseline, and consider the provision would be appropriate. Should the development be granted, it is considered reasonable to require a financial contribution to mitigate the reduction in floorspace that can be used to enable the provision of employment workspace within the Borough. This approach has been agreed with the Council's Economy, Jobs and Partnerships team, who would participate in the process of allocating the sum.
165. In securing the financial contribution, and with suitable measures in place to ensure the new units would be attractive both in terms of quality of space and initial rent levels, officers do not object to the reduction in employment floorspace.

Office Use

Policy

166. Policy E1 of the London Plan (2021) seeks to retain existing viable office floorspace outside of town centre locations or designated office locations. The policy also seeks improvements to the quality, flexibility and adaptability of office space of different sizes through the facilitation of new office provision, refurbishment and mixed-use development.
167. Development Management Local Plan Policy 11 (Other employment locations) states that the Council will seek to retain employment uses (B Use Class) on sites where they are considered capable of continuing to contribute to and support clusters of business and retail uses and where the use is compatible with the surrounding built context.

Discussion

168. Existing office floorspace (formerly B1(a) use class) at the application site amounts to 5,102sqm, including 4,617sqm within Leegate House and Cantilever House, and 485sqm within 6 other units. As part of the current proposal, both Leegate House and Cantilever House would be demolished in their entirety.
169. The Applicants have advised that the Leegate House building has been underutilised for a significant period despite rents being offered at below market levels, and Cantilever House is currently unoccupied. The existing office space is not designated employment land and is considered as 'other employment location' in the Core Strategy.
170. With regard to Leegate House, the submission also advises that difficulties in attracting new occupiers are attributed to its condition and lack of adequate, modern facilities. It is noted that similar occupancy issues for Leegate House were addressed in the committee report presented to Members in 2016, and has not improved in that time.
171. In accordance with DM Policy 11, the application would include the provision of flexible commercial floorspace (Use Class E) therefore office use may form part of the redeveloped Centre, albeit the overall provision of flexible workspace is 690sqm, which is

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considerably less than the existing provision of office floorspace. Similar to the conclusion set out in para.160 which acknowledges that the full reprovision of employment floorspace would be difficult to achieve due to site constraints, the same principle applies to reprovisioning the existing 5,102sqm office floorspace within the new development.

172. An important matter to consider also is that since 2020, following changes to the Town and Country Planning (Use Classes) Order, offices premises have been reclassified from B1a to E(g)(i). This means there is now less planning control to safeguard the use as Class E encompasses many forms of uses, (for example retail and day nurseries), and therefore a change of use within Use Class E would be permitted development. The offices could therefore be lost without planning control.
173. Considering the financial contribution towards the reduction in employment floorspace that will be secured in the s106; the high rate of vacancy in the existing office provision and apparent lack of demand for such use within the District Centre; and the permitted development changes by central government, officers do not object to the reduction in dedicated office space within the proposed mixed use development.

Place of Worship

174. The site currently accommodates 496sqm of place of worship floorspace (use class F1) within units 6 and 14a, although the latter has been vacant for some time despite the undertaking of marketing procedures.
175. The Applicant advises that whilst Unit 6 is not in use for services or congregation gatherings, the current occupier is a church group (Christ Family Assembly) that uses the premises for office based purposes only.
176. Development Management Policy 44 (Places of worship states) that District Centres are appropriate locations for such uses due to transport links and parking facilities.
177. In this case, the proposal does not include the provision of a dedicated place of worship. Such provision has not been accommodated on the site in recent years, with no apparent demand for such use, which may be attributed in part to lack of unrestricted parking within the immediate area.
178. The future intentions of the current tenants CFA are unclear at this stage, however as is the case with all existing tenants, they are engaged with the Applicants who will provide assistance as part of the ongoing relocation strategy, which will be discussed later in this report.
179. The presence of an active faith group at the redeveloped site may occur in the future considering the intention for the new community centre is to provide a facility for a range of different groups, in accordance with DM Policy 41 'Innovative community facility provision'.
180. The new community facility located within the ground floor area of Block B and fronting the Northern Link close to Eltham Road, would provide a floor area of 263sqm, 140sqm larger than the existing facility. The centre would be accessible to non-residents of the proposed development.

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Public House

181. The current redevelopment proposals would require the demolition of the existing Wetherspoon's public house that fronts Burnt Ash Road, with a replacement pub located within Block A sited adjacent to the public square.
182. Development Management Policy DM Policy 20 (Public houses) states that the Council will only permit the change of use or redevelopment of a pub if it is no longer viable to run, if it is demonstrated that there is no demand for the pub as a community use, the design or historic value of the building would not harm the appearance of the street scene or there is no feasible alternative use for the site.
183. In terms of the design quality of the existing building, whilst features are evident that contribute to a traditional frontage, including a timber shopfront with stallrisers and pilasters, officers do not consider this to be sufficient reason to justify its retention. The upper floor is predominantly brick faced in comparison, and overall the building appears nondescript with no redeeming character that contributes positively to the streetscene, neither is the pub formally listed as a 'community asset'.
184. DMP20(a) requires a viability report to demonstrate that a public house is no longer economically viable, accompanied by appropriate marketing of at least 36 months. Such information has not been submitted for this application. It is acknowledged however that in the time that the current planning application has been active, the pub ceased trading in late 2022 due to a national drive by Wetherspoon's to close unprofitable premises. The pub, which has formed an integral part of the existing shopping centre remains vacant, with no likelihood of any imminent occupancy. The closure of the pub (which formed part of a national chain of pubs) demonstrates it was no longer economically viable, and therefore officers are satisfied the proposal in this regard would accord with DMP20.
185. The provision of a public house has formed an important element of the three separate planning applications for this site. Despite no marketing information in the 2014 scheme to accord with DMP20(a), no objections were raised toward the loss of the existing public house, and permission was granted. The current proposal would not give rise to the permanent loss of the existing use, instead re-providing it to a prominent location adjacent to the new public square. The provision of the pub within the development would be secured in the s106 Agreement, and any future change of use of the premises would require robust justification in a planning application.
186. It is noted that the proposed floorspace of the new pub would be 282sqm, which is significantly less than the existing 548sqm. When raised by officers during pre-application discussions, it was advised that the existing pub accommodates a substantial amount of storage space which is largely unused, whilst the proposed customer floorspace would be comparable in size to the existing 325sqm. It is also acknowledged that the new facility would benefit from outdoor seating which would serve to increase customer capacity.
187. In considering the above, officers do not raise any objections to the loss of the existing public house on condition that an appropriate replacement is provided within the new development. The new public house would have potential to contribute to activity and vitality within the site that would have benefits upon the wider District Centre, in accordance with London Plan Policy HC7.

Medical Facility

188. The application proposes a medical centre within Block 1, measuring 794sqm. The original intent was described in the submission as 'a medical facility (akin to a GP Surgery) that

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will service the growing population within the development and local area, and relieve pressure on existing health services in the facility.

189. Discussions are ongoing with the NHS Clinical Commissioning Group to occupy the unit, however initial concerns have been raised about the size of floorspace and its location at first floor level, despite being served by two lifts. Ambulance parking has also been raised as a matter of concern.
190. Should the unit not be occupied by an NHS GP, the s106 Agreement would seek to ensure that an alternative provision within the medical profession would be provided, with the developer expected to undertake comprehensive marketing procedures. In the event of a lack of demand by health providers to occupy the facility despite marketing for a reasonable period, the developer would be required to robustly demonstrate to the Council in a formal planning application why an alternative form of use should be considered.

Assembly and leisure (Gym) (Use Class E(d))

191. London Plan Policy SD8 states that District centres should focus on a viable range of functions, including leisure. Core Strategy Policy 3 states that town centres (including Lee Green District Centre) are key places to support the development of a sustainable Borough and that town centre uses, including leisure facilities will be focused in these areas. Core Strategy Policy 19 Provision and maintenance of community and recreational facilities states that a range of amenities including leisure should be provided to accommodate the needs of current and future populations.
192. The proposal is for a 376sqm publicly accessible gym facility located at first floor level in Block A, accessed from Eltham Road. Officers are satisfied that the provision accords with planning policy.

Hotels

193. SA23 refers to hotel and business space as part of any mixed-use scheme. DM Policy 12 Hotels states that the Council will encourage the provision of hotels in appropriate locations, with a preference given to those in highly accessible sections of town centres, in close proximity to train stations or other locations where there is good public transport access.
194. In this case, a hotel does not form part of the proposed mixed-use development. The provision of a hotel was considered at an early stage of the pre-application discussions, however the Applicant reached the conclusion there would be insufficient demand for such use, whilst it would be difficult to accommodate a hotel due to site constraints arising from the requirement to ensure a policy compliant provision of affordable housing.
195. Officers raise no objections and are satisfied there is a growing provision of hotels within the Borough, including the new Travelodge and Premier Inn located at opposite ends of Lewisham High Street, in addition to the Clarendon Hotel in nearby Blackheath.

Principle of Development Summary

196. 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 District Centre site that would contribute to the vitality and functioning of the wider Lee Green area.

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197. Concerns have been raised toward the significant reduction in overall employment workspace when compared to the existing provision, however in considering various factors and site specific conditions, and the wider regeneration benefits being proposed, officers raise no objections subject to the s106 Agreement securing a financial contribution to mitigate the loss.

7.2 HOUSING

198. 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

199. 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.
200. 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.
201. 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.
202. 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.
203. National and regional policy avoids specifying prescriptive dwelling size mixes for market and intermediate homes.
204. 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.
205. 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.
206. 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.

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207. LPP H12 sets out that an appropriate mix of unit sizes should be informed by several criteria set out in the policy.

Discussion

208. The proposed development would deliver 562 new dwellings, which represents 34% of the Borough's current annual housing target; This would be a significant contribution to the annual target for Lewisham, therefore officers attach significant weight to this in planning terms.
209. The application site has an area of 1.92 hectares, a PTAL of 3, 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. In this context, it is recognised that the site is located within a District Centre, with good accessibility.
210. In terms of scale and design, the detailed design of the scheme has been independently reviewed by Lewisham's Design Review Panel and has also been subject to a series of pre-application meetings with the Council and the GLA. Issues of design are addressed later in the report.
211. In relation to the issue of density, the new London Plan (2021) has replaced the matrix with a design-led approach. This is reflected in LPP D3, which 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.
212. For the purpose of this application, officers have undertaken a density assessment. The proposed density in regard to the C3 units would be 289 dwellings per hectare, which would exceed the upper limit of 170 units per hectare, however given the site is located within a District Centre where appropriate intensification of these sites are supported, the proposal is supported in principle, subject to the scheme delivering high design quality and the maximum level of affordable housing.
213. The GLA have not commented directly upon the former density matrix but do acknowledge the proposal would be consistent with London Plan policies with regard to housing delivery and site optimisation.

Summary

214. 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 562 new residential units (C3), 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

215. National and regional policy avoids specifying prescriptive dwelling size mixes for market and intermediate homes.

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216. 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.
217. 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 dwellings will not be supported other than in exceptional circumstances where they are of exceptional design quality and in highly accessible locations.
218. 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.
219. 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

220. The proposed dwelling mix across the scheme as a whole is summarised in the tables below:

Table 2: Private and affordable mix

Unit Type	No. of Units	% of Total
Private	389	69%
London Affordable Rent	114	20%
Intermediate	59	11%
TOTAL	562	100%

Table 3: Dwelling mix

Unit Size	No. of Units	% of Total	No. of Hab Rooms	% of Total
Studios	18	3%	18	1%
1B2P	258	46%	516	35%
2B3P	50	9%	150	10%
2B4P	171	30%	513	35%
3B4P	3	1%	12	1%
3B5P	50	9%	200	14%
4B7P	12	2%	60	4%
TOTAL	562	100%	1469	100%

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221. The proposed mix of units is considered acceptable, with 51% of all units having two or more bedrooms.
222. Family sized units (ie 3 beds) would amount to 12%, however together with 2b4p units which are considered to be appropriate for small families, the overall provision would be 42%.
223. The provision of studio/ single person units provided entirely within Building B2 would be low, equating to only 1% of the overall provision, which is acceptable.
224. For a high density development within a District Centre this is considered to represent a positive mix that provides for a good range of dwelling sizes, and would contribute towards the creation of a balanced community.
225. 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.

Affordable housing

Percentage of affordable housing

Policy

226. The NPPF expects LPAs to specify the type of affordable housing required (para 63).
227. 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.
228. 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

229. The scheme proposes 173 affordable homes:- 31% by units, and 36.4% by habitable rooms, in the form of 114 London Affordable Rent; and 59 Intermediate units.
230. CSP1 and DMP7 set an expectation of 50% affordable housing; however the figure is a starting point for negotiations and is subject to viability. The development meets the requirements for the fast-track route in London Plan Policy H5 as the affordable offer meets with the minimum 35% provision.
231. Should the development be consented and works not commence within a specific timeframe, an early-stage review would be secured in the s106 to establish whether the development could deliver any further affordable housing.

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Affordable housing tenure and dwelling size mix

Policy

232. 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).
233. 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

234. The affordable housing provision would be in the form of London Affordable Rent (66%) and Intermediate (34%) tenure units, which is considered acceptable.
235. 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.
236. 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.
237. 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.
238. The overall provision within the affordable element of 3-bedroom family units would be 33.7%, which falls below the Core Strategy requirement of 42%. When including 2b4p units, which are capable of accommodating small families, this would amount to 66.7%, which exceeds the policy requirement and is therefore supported by officers.
239. The provision of family units within the Shared Ownership element would be 19%, which would comply with the minimum requirement of 16%, as stated in the Lewisham Planning Obligations SPD (2015).

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Table 4: Affordable dwelling sizes by tenure

Type	London Affordable Rent		Shared Ownership		Total	
	Units	% of Total	Units	% of Total	Units	% of Total
Studio	0	0%	0	0%	0	0%
1B2P	29	25%	25	42%	54	31%
2B3P	2	2%	2	3%	4	2.3%
2B4P	36	32%	21	36%	57	33%
3B4P	3	3%	0	0%	3	1.7%
3B5P	32	28%	11	19%	43	25%
4B7P	12	11%	0	0%	12	7%
TOTAL	114	100%	59	100%	173	100%

240. Considering the development would benefit from an appropriate provision of family units within the overall affordable element, and the excellent standard of residential accommodation that would include 4b7p LAR units, officers consider the proposal would accord with policy.

Location of affordable housing

Policy

241. 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.

242. 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

243. The London Affordable Rent homes and Intermediate homes would be located within Blocks B and C between ground and 7th floors.

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Block B

244. Block B would accommodate 2b4p and 3b5p London Affordable Rent (LAR) duplex units fronting Leyland Road, each provided with private amenity space in the form of first floor balconies.
245. Intermediate units would be interspersed with the LAR units up to the 4th floor level, with most either fronting Leyland Road or the communal gardens. Four Intermediate units would be dual aspect, with balconies overlooking the shared gardens.
246. 2b4p and 3b5p LAR duplex units would also be provided to the Carston Close side, with all provided with south facing private balconies. The 2b4p would also benefit from north facing semi-private terraces that would allow direct access to the communal podium gardens.
247. To the eastern side of Block B facing the central N-S pedestrian route, 7no. 3-storey townhouses would accommodate 4b7p LAR dwellings. Their inclusion forms an important part of the wider affordable provision due to their size and location, and are supported by the Council's strategic Housing team.
248. The dual aspect dwellings would be provided with first floor semi-private balconies, with direct access to the communal podium garden.



Figure 3: Location of Affordable units in Block B (Blues: Intermediate; Purples: LAR)

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Block C

249. Block C would provide 5no. 4b7p units, directly opposite those within Block B, and would also benefit from rear terraces and access to the communal garden.
250. The locations of the affordable tenure in Block C, which includes both LAR and Intermediate units (in addition to private units) is shown in Figure 4.



Figure 4: Location of Affordable units in Block C (Blues: Intermediate; Purples: LAR)

Summary of affordable housing

251. The proposed development would deliver 173 affordable homes as London Affordable Rent and Intermediate Shared Ownership tenure. This represents 36% affordable housing provision across the site by number of habitable rooms. The provision of London Affordable Rent would meet the Council's definition of genuinely affordable housing, whilst the provision of Shared Ownership/ Intermediate is a recognised form of affordable housing and would meet an identified need for this form of housing.
252. It is acknowledged there would be no 'pepper potting' of private and affordable units within the development. This was raised by officers during early pre-application discussions, however the Applicants maintained this would be difficult to achieve due to management and ground rent issues that are commonly raised by registered Providers in such cases.
253. The proposed development would be tenure blind, meaning there would be no differentiation in quality between private and affordable units. Planning Conditions will secure the submission of facing material details to ensure a consistency in high quality of design throughout the development.
254. All affordable units would be suitably sized, in compliance with room size guidance, and each would be afforded private external amenity. The provision of 12no. 4b7p Social Rent

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dwellinghouses is welcomed, ensuring high quality residential accommodation within a prominent and highly accessible part of the site.

255. For these reasons, officers raise no objections toward the affordable proposal.

Residential Quality

General Policy

256. 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).
257. 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

258. The residential blocks have generally been designed to provide no more than seven residential units per floor served by the relevant building core, which accords with the best practice guidance set out within the Mayor's Housing SPG of 8 units per core.
259. Block C at ground to 5th floors however provides 9no. units per core, thereby exceeding the SPG.
260. The Applicant's justification for this is that the design team have considered the inclusion of an additional unit per floor beyond the guidance of 8 units for only specific area of the scheme. This configuration occurs in one core over 7 floors and is the result of targeting the ideal mix for the scheme as a whole. For these specific instances, the core configuration and short corridor runs allow for this additional unit with no detriment to quality standards.
261. Considering this, and that the affected area of Block C would be served by two lifts and a first floor route onto the podium, officers raise no objections.

Aspect, Outlook & Privacy

Policy

262. 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.
263. 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).

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264. DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its future residents.
265. 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

266. In terms of outlook 60% of residential units would be dual aspect (337 units); and 40% (225 units) are single aspect. Of those single aspect units, none would be north facing.
267. In regard to separation distances, there would be a distance of 11m between the Eltham Road fronting elements of Blocks A and B, which is considered sufficient to ensure good levels of outlook for future occupiers of the dual aspect units.
268. The south-east corner of Block A would lie approximately 7m from the 12-storey B1, however the orientation of windows would ensure sufficient outlook of a minimum 10m, whilst appropriate screening to the balconies within B1 would ensure privacy for occupiers.
269. There would be an 11m distance between single aspect west facing building B1 units and the nearest dwellings within Block C1. Officers are satisfied that the habitable rooms would be afforded sufficient outlook in this case.
270. The positioning of the proposed buildings in relation to each other would result in no significant overlooking between the residential units.
271. The residential units at podium level would be mostly set back from the footpaths, with defensible space provided in the form of soft landscaping, thereby avoiding any significant privacy issues from passers-by.
272. The 4b7p Social Rent townhouses fronting the central pedestrian route would be afforded sufficient defensible space to ensure no unacceptable privacy issues.
273. Having regard to the site's location and the urban density of surrounding development, the separation distances and levels of outlook and privacy are considered to be acceptable in this context.

Daylight and Sunlight (Future residential occupiers within the development)

Policy

274. DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its future residents.
275. 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.
276. The internal daylight and sunlight assessment was updated in March 2023 to reflect the 3rd BRE edition of 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'.

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Discussion

277. 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

278. In terms of levels of daylight for the C3 residential units, the eb7 assessment demonstrates that 1248 habitable rooms (85%) would meet or exceed the BRE recommendation.
279. Of the 222 habitable rooms that would fall below the BRE recommended level, this would in part be attributed to overhead balconies restricting the level of daylight. It is noted that for combined living / kitchen / diners that fall below BRE, the readings include the kitchen areas which will generally be the furthest element away from the openings and so would receive limited daylight. The main living areas would benefit the most from daylight due to being positioned adjacent to windows.
280. In terms of sunlight, 424 C3 units (76%) would meet the BRE recommendation.
281. It is recognised that a proportion of units/ habitable 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 be challenging to achieve.
282. 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. It must also be acknowledged that BRE is for guidance purposes only and does not provide mandatory advice.

Overshadowing

283. 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 21st March.
284. Six separate external areas within the development site have been assessed, of which 5 would achieve 2 hours of direct sunlight to at least 50% of the space. The one area that would not be in compliance is the central route between Carston Close and the public square, where 48% of the space would be BRE compliant, just short of the target 50%. This is attributed to the narrow nature of the route, which would be enclosed on either side by the 3-storey townhouses.
285. 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.

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Noise & Disturbance

Policy

286. 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.
287. 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.
288. 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).
289. 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

290. The Noise and Vibration report (Temple) presents the findings of an assessment of the potential impacts of noise and vibration sources upon future occupiers of the proposed development.
291. The principal sources of noise within the immediate surrounding area include road traffic along Eltham Road and Burnt Ash Road in particular; construction noise arising from Phase 1 development; and operational noise from non-residential uses.
292. 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.
293. 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.
294. 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 commercial units within the application site and surrounding area, and their hours of operation.
295. 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.

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Accessibility and inclusivity

Policy

296. 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

297. The development would comprise a total of 56no. wheelchair accessible M4(3) units, representing 10% of the total number of residential units. These would be located within the private and affordable tenures within Blocks A, B and C, comprising a mix of 1, 2 and 3-bed units.
298. 18no. wheelchair units would be located within the affordable tenure, with 14no being LAR and 4no. Intermediate.
299. All remaining units would be M4(2) compliant accessible and adaptable dwellings.
300. 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.

Inclusivity

301. 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

302. 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).
303. 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.

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304. 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’.
305. 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.
306. 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

307. 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.
308. All units would be provided with private/ semi-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.
309. All occupiers would benefit from use of the communal spaces at podium level and the public square. There would be no rooftop areas of communal amenity space for residents.
310. The commercial units would not be afforded access to the external podium spaces, however it is expected that the public square may be used by employees.

Children’s play space

311. 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 Table 5 below.

Table 5: Play space requirement and provision

	No. of children	Play space requirement (sqm)	Proposal (sqm)
Under 5	79.1	791	912
5 to 11	62.7	627	700
12 to 15	31.4	314	320
16 to 17	16.6	166	169
Total	189.8	1898	2101

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312. The proposed development would generate an estimated child yield of approximately 190 children and the associated play space requirement would be 1898sqm.
313. The scheme would provide a total of 1491sqm of playable space for children of all age groups within the development site, including the public square, podium gardens and Carston Close. Indicative plans propose typical play equipment including slides, play tunnels, balance beams and see saws. The playspace would have good levels of natural surveillance and would provide areas of seating for parents to sit whilst supervising their children play.
314. A Condition will ensure the proposed development would deliver high quality playspace for future occupiers/ all age groups that would achieve 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. The s106 Agreement would ensure the play spaces are provided prior to first occupation of the relevant phase.
315. The remaining 610sqm of play space would be provided off-site for 12 to 17 year olds. The Applicant has agreed to a financial contribution to allow for the provision of play equipment to nearby locations within a short distance of the site, including Weigal Road playing fields, which was identified as a space to satisfy demand in approved Leegate application DC/14/90032. The Mayor's Play and Informal Recreation SPG states that for 12+ years, facilities can be provided off-site, providing they are within 800m of the site, which in this case it would be.
316. The s106 Agreement will secure an appropriate contribution, whilst ensuring that children within the development would have full access to the playspace.

Summary of Residential Quality

317. The proposed development would provide a high quality environment for future occupiers, with appropriate provisions secured by planning Conditions and the s106 Agreement.

Housing conclusion

318. The proposed development would deliver 562 new dwellings, which represents 34% 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.
319. 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 unit sizes according with policy.
320. 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.

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321. 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.
322. The proposed development would deliver 173 affordable homes as London Affordable Rent and Intermediate Shared Ownership tenure. This represents 36% affordable housing provision by habitable rooms and would meet an identified need for this form of housing. Affordable and private housing would be accommodated within blocks B and C, comprised of genuinely affordable housing in the form of London Affordable Rent, and Intermediate housing. The development would ensure tenure neutral accommodation, meaning there would be no differentiation in quality between private and affordable units.

7.3 EMPLOYMENT

Policy

323. 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”
324. LPP SD1 sets out the Mayor of London’s approach to the continued growth and economic development of all parts of London.
325. Development Management Policy (DMP) 1 states that the council will take a positive approach, working work proactively with applicants to find solutions, which mean that proposals secure development that improves the economic, social and environmental conditions in the borough.
326. Core Strategy Policy (CSS) 4 provides a framework for considering the redevelopment of these sites, including the accessibility, restrictions from adjacent land uses, building age, business viability and viability of redevelopment show the site should no longer be retained in employment use. Development Management Policy 11 aims to retain employment uses, where possible, in Town Centres, and Local Hubs where they are considered capable of continuing to contribute to and support clusters of business and retail uses, and where the use is compatible with the surrounding built context.

Discussion

327. As set out in Table 1, the scheme would deliver 3,799sqm of non-residential floorspace within Blocks A, B and C, including 690sqm of flexible commercial uses; a 1,052sqm basket supermarket; 308sqm restaurant; and a 283sqm public house.
328. The provision of flexible commercial floorspace proposed would 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.
329. Paragraphs 155-165 of this report discusses the reasons for the reduction in overall commercial floorspace, and that an appropriate financial contribution will be sought to mitigate the lost space.
330. The application submission estimates that the employment floorspace can be expected to generate up to 198 full time jobs, which is based on the Homes and Communities Agency Employment Density Guide 3rd Edition (EDG, 2015), as set out in Table 6. The

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calculation uses a 'employment density' figure that relates specifically to a particular type of use. For example:

the proposed public house would measure **283.9sqm**,

divided by its employment density number of **15-20**

estimated number of jobs = **14.2 – 18.9**

331. The application submission estimates that the employment floorspace can be expected to generate up to 198 full time jobs. This compares to the existing 175FTE that is advised in the submission, which represents an increase of 37FTE subsequent to the offer of short-term leases below market rents since 2021. It has not been established how many posts the site could provide when in full occupancy, or indeed when the site was last capable of being at full capacity, however it is accepted this would have exceeded the 198FTE currently forecast.

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

Use	Floorspace (Sqm)	Employment Density	Estimated Job Creation
Supermarket	1,052.1	15-20	52.6-70.1
Medical	799.3	41.3	19.4
Gym	400.6	65	6.2
Restaurant	308.4	15-20	15.4-20.6
Public House	283.9	15-20	14.2-18.9
Flexible Commercial	690.6	12-20	34.5-57.6
Community	264.2	50	5.3
TOTAL			147.6-198

332. It is understood that the Applicant has not engaged in early 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 and employment units are an attractive and viable proposition to potential occupiers, and to minimise any periods of vacancy following completion of the development.
333. In regard to the quality of the commercial facilities, unit sizes would be generous and well proportioned, whilst internal head heights would measure approximately 4 metres. The employment and commercial unit sizes are acceptable and would be capable of providing sufficient space to accommodate facilities such as staff rooms, wc's, shower and storage areas. Ultimately, it will be for the end users to arrange the internal layouts as the Applicant intends only to deliver shell and core.
334. 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.
335. The 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 the Masterplanned site.

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Tenant Strategy

336. The redevelopment of the Leegate Centre raises concerns towards the existing traders who would be displaced during the course of the demolition and construction works.
337. Some businesses have been located at Leegate for many years and so have a strong connection to the area and the local community, therefore moving elsewhere even if only for a temporary period may risk the future operation of those businesses.
338. The traders have engaged with the Applicants and the Council's Economy & Partnerships team to ensure appropriate measures of assistance are in place so that their concerns about being displaced and the impact it will have upon their businesses are addressed.
339. The Leegate Commercial Strategy [Fourth Street] confirms that the Applicants are committed to offering existing tenants who wish to return 'appropriate' leases, with their first 12 months rent free, and a commitment to a first rent review after 5 years. The Applicants have not clarified the initial terms of the leases or rental levels at this stage, but will be required to submit such details to the LPA in the s106 Agreement.
340. In comparison, new tenants would be offered leases with their first 6 months of rent for free.
341. Following discussions with officers and the Economy, Jobs & Partnerships team, the Applicants have agreed to a number of obligations that will be secured in the s106 Agreement.
342. The developer will be required to put into place a coaching and enterprise scheme to support the existing traders in their temporary or permanent relocation. Officers have been advised that an enterprise support organisation has already been employed by the Applicants to engage with the traders, and who will also advise on business objectives and growth strategies to optimise the business potential of the individual traders.
343. To supplement this, the Applicant will provide a relocation fund of £1,500 per existing business tenant that may be used to assist in the practical costs of moving their business and establishing within a new location, whether they are moving temporarily prior to a return to the redeveloped Leegate, or a permanent relocation. The sum has been agreed with the Economy, Jobs & Partnerships team, and will be secured in the s106 Agreement.
344. A commercial relocation strategy will be submitted to and approved by the Council that sets out clear initiatives and incentives for those existing traders who wish to return to the development once the commercial units are ready to be occupied. This will include the discounted terms that were addressed earlier in the report with regard to rents and leases, to return to the new development for a period of at least five years.
345. The s106 will also require the submission of details to the LPA within an agreed timescale to demonstrate that the initiatives are being undertaken in full accordance with the approved relocation strategy.
346. The current traders have requested that the development is phased to allow some businesses to remain open and continue to trade, even should it mean moving to another part of the Centre on a temporary basis. The development will be undertaken over two phases, with the northern part of the side being constructed first. The southern side of the shopping centre, the flats and car-park would then follow, therefore depending upon

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safety, there may be an opportunity for the Phase 2 units to be utilised to accommodate the existing tenants. The s106 Agreement will ensure that where possible, the developer will minimise any vacation period for existing tenants in the development, potentially through utilisation of phasing and sequencing.

Local Labour

347. The Council's Planning Obligations SPD identifies that the Council will require both financial and non-financial obligations with regard to local labour.
348. Using the formula within the SPD, a financial contribution of £402,800 would be required towards local labour and business (based on a contribution of £530 per dwelling (x 562 C3 dwellings) and £530 per job (x 198 FTE jobs).
349. 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. The strategy would support local people into work by providing employment opportunity-linked training during both the construction phase and operational phase. The Local Labour Business Strategy would be secured via the s106 agreement.

Employment conclusion

350. 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.
351. To ensure that the proposed commercial floor space meets the requirements of local commercial operators a s106 obligation to provide a fit-out specification is recommended, in addition to a clause that provides future occupants with a minimum three-month rent-free period. This would serve to ensure that costs associated with fit-out and relocation are reduced, thereby promoting the long-term viability of the commercial floorspace.
352. Officers will also ensure that the measures listed earlier to provide appropriate assistance and advice to the existing traders are secured in the s106 Agreement.
353. The Council's Head of Economy, Jobs and Partnerships has stressed that the requirements are essential, and that the development proposal can only be supported if the measures are secured in full.

7.4 URBAN DESIGN AND IMPACT ON HERITAGE ASSETS

General Policy

354. 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.
355. 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

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- crime prevention
- security measures
- access and inclusion
- efficient use of natural resources
- cohesive and vibrant neighbourhoods

356. 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.
357. CSP 15 repeats the necessity to achieve high quality design.
358. 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.
359. Historic England and CABI 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.

Appearance and character

Policy

360. Planning should promote local character. The successful integration of all forms of new development with their surrounding context is an important design objective (NPPG).
361. 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.
362. 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
363. 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.

Layout

Policy

364. 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

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shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions

Discussion

365. The application site measures an approximate length of 165m and 105m in width, and is bound by existing highways on the northern, eastern and western edges; and to the south by the unadopted route in Carston Close. The site is split into 3 separate blocks, with the northern section accommodating the shopping centre, housing and commercial uses; and the southern part occupied by the car-park and former petrol station. Two routes provide access from Burnt Ash Road through to Leyland Road, whilst an existing brick wall on Leyland Road restricts access into Carston Close.
366. In Figure 5 are images of the extant 2014 Leegate proposal and the current layout for comparison purposes. It is evident that the layouts bear some similarities, with the tallest building (A1) at the north-western corner, and buildings set around a central landscaped amenity space, albeit the current scheme introduces more development into the central areas of the site and a public square.
367. The building footprints define the extent of the public realm, introducing active frontages at ground floor level to animate the surrounding spaces and routes through the site. The layout of the proposed buildings seeks to make efficient use of the site by providing podium level amenity spaces within each of the three blocks that would be accessed by residential occupiers only.



Figure 5: Comparison between 2014 scheme and the current proposal

368. Building A1 would be positioned further northwards than the existing 2-storey element that lies at the base of the 8-storey Leegate House but would allow sufficient space for pedestrian movement and trees around the corner, enabled in part by the proposed colonnade. Commercial units and residential entrances would activate the Eltham Road

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and Burnt Ash Road frontages. Plant rooms are proposed to the street frontages, which will require appropriate measures to ensure they are of suitable appearance.

369. Block B would lie 10m to the east of A3, a ground floor commercial unit fronting Eltham Road at the corner of the 'northern link' into the development site. The new route would be activated on either side by the community centre in Block B, and a concierge and restaurant in Block A.
370. Block C would lie approximately 30m to the south of Block A and will accommodate the supermarket and ground floor residential units fronting Burnt Ash Road.
371. The Public Square would be located between Blocks A and B, providing a route from Burnt Ash Road that would connect with the 'northern link'. The square would provide a focal point comprised of a substantial area of soft landscaping for play and activity. The Square would be overlooked by the public house and restaurant in Block A, and the Block C supermarket and residential entrance.
372. The Square would link through to the central pedestrian route between Blocks B and C, which would provide access for the townhouse occupiers and flats above, and through to the newly landscaped Carston Close to the southern end of the site.
373. A key principle for the site has been to provide pedestrian routes that run through the site to connect existing highways, and to provide an alternative route for passing pedestrians away from the busy main roads.
374. The proposed permeability of the site is considered appropriate, with active frontages throughout that will provide overlooking and passive surveillance, and therefore a sense of safe spaces within the site. The proposal represents a significant enhancement of the existing built form which provides minimal active frontages or surveillance for both Carston Close and Leyland Road.
375. The scheme provides a positive response to Carston Close, creating a terrace of south facing family houses with generous private amenity on the top floors of the dwellings (through balconies and roof terraces) along with ground floor activity contributing to the passive surveillance to the street. Carston Close itself would be landscaped to form a prominent route to connect Burnt Ash Road and Leyland Road with the removal of the existing boundary wall.
376. The western side of Leyland Road is currently fronted by large expanses of blank 2-storey height walls, boundary walls and the unsightly car-park, in contrast to the open soft landscaped spaces that surround the Leybridge Estate buildings on the opposite.
377. The proposed Block B would serve to activate Leyland Road by providing duplex units with ground level access, and whilst a vehicular route to the car-park would be located close to the junction with Eltham Road, it would not compromise the much improved environment.
378. The general arrangement of the building layout was well received at the Design Review Panel and the GLA's Stage 1, confirming it would be an appropriate response to the site and its immediate context. In conclusion, officers are satisfied that the proposed layout would make the most efficient use of the site and responds positively to the site context that would ensure an appropriate design solution with regard to internal and external layouts. The layout is logical and well-conceived, ensuring permeability through the site.

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Form and Scale

Policy

379. 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.
380. LPP D9 (C)(1)(d) states proposals should take account of, and avoid harm to, the significance of London's heritage assets and their settings.
381. 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.
382. 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.
383. 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

384. The development proposes a range of building heights across the site, including the 12-storey B1 located adjacent to the public square; 10-storey buildings fronting Eltham Road and Leyland Road; 5-storeys fronting Carston Close; and the 15-storey building on the north-west corner. Image 2 sets out the location of the proposed heights.



Image 1: Proposed building heights

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Block A

385. Block A would comprise three elements, including the 8-storey building (A2) fronting Burnt Ash Road; the 10-storey A3 onto Eltham Road; and the 15-storey A1 fronting the Tiger's Head junction, which would be the tallest building within the development site, reaching a height of 52.6m.
386. The proposed height of development, in particular the 15-storey A1 building, proved to be the leading point of discussion at pre-application stage, which is reflected in the nature of written responses received from neighbour and resident groups.
387. Other than the 11-storey residential blocks to the south/ south-east of the site, and the 8-storey Leegate House which A1 would replace, tall buildings do not form an established presence within the surrounding townscape, instead being largely characterised by 3-4 storey buildings around the Tiger's Head junction.
388. It is important to understand the origins of the 15-storey proposal, and the reasons for the Applicants maintaining the height. The extant 2014 scheme proposed a height of 10-storeys on the corner location. Whilst options including taller buildings were considered by the previous Applicants (St Modwen), through testing it was considered that 10-storeys would provide a sufficient height to mark the junction.
389. This was repeated in the second planning application in 2018 (**DC/18/107468**) which proposed a greater number of residential units, but maintained the 10-storey height at the junction. During the course of that application, significant concerns were raised toward the affordable housing offer of 16%, which was considered insufficient, with an imbalance between the provision of affordable rent and shared ownership units.
390. This resulted in a series of meetings between St Modwen, LBL officers and the GLA to consider appropriate options to increase the affordable provision to 35% and to ensure a 70/30% split in favour of affordable rent units.
391. The layout of the 2018 scheme is comparable with the current proposal, including the provision of a public square and routes through the site. With limited opportunity to expand the building footprints to accommodate the additional units required to achieve the affordable housing threshold, the only feasible option was to increase the building heights.
392. The Applicants were advised at an early stage by officers that only a proposal which responds appropriately to the opportunities and the constraints of the site and that displays exemplary design quality would be considered for any height increases.
393. The Applicants established that the 10-storey corner building would be the most appropriate to incur the increased height, and thereafter the revised schemes presented to officers included a 15-storey building.
394. Despite the various increases throughout the site, the scheme was still unable to deliver a policy compliant provision of affordable housing, at which stage Galliard Homes acquired the site and engaged in pre-application discussions with officers in early 2021.
395. The layout of the 2018 scheme and 15-storey height were maintained throughout the discussions, with additional building heights across the development and a subsequent increase in residential units resulting in a policy compliant affordable offer of 35% that now forms part of the current scheme.

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396. It was made clear that should the A1 building be reduced in height by between 2-3 storeys, this would have a significant impact upon the viability of the scheme, and the ability to deliver 35% affordable housing. Any displaced height would have to be relocated elsewhere within the site, which in itself presented significant issues.



Image 2: Proposed Building A1 viewed from Lee Road

397. Schemes were presented to Design Review Panel on two occasions in 2021, and the Panel's view was whilst there was justification for a tall building of up to 15-storeys at the apex of the site (A1), there were concerns about how it would appear in certain viewpoints including Eltham Road and Blackheath.
398. A 12-storey alternative option for A1 was presented to officers and DRP, however the Panel considered that, '...from the apex local view, the 15-storey height is superior and more elegant (relative to the 12-storey option).'
399. Leegate is identified in the Site Allocations Local Plan (2013) - (SA23) as an allocation that forms a significant part of the Primary Shopping Area, and its redevelopment would support and enforce the role of the District Centre, however it is silent on specific building heights.

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400. The emerging Local Plan (Reg 19 version) identifies the site as a suitable location for tall buildings due to its designation as a District Centre, its good access to public transport and access to local facilities and services. Draft Policy QD4(f) states that within locations identified as appropriate for tall buildings, the maximum height shall not normally be more than 12-storeys in Lee Green.
401. The Lewisham Tall Buildings Study Addendum (2022) has been prepared to support the preparation of the new Local Plan and aligns with London Plan Policy D9 'Tall Buildings' which requires London Boroughs in their Local Plans to consider appropriate locations for tall buildings and to set parameters for building heights.
402. The Study considers 'the principle of taller buildings is already established in this location given the proximity of the Leybridge Towers'. 'The area is identified as a growth area....and is considered to present a contrasting urban character to the prevailing Victorian street', and is 'more appropriate for tall buildings.'
403. In regard to maximum heights, the draft study identifies the site redevelopment as a 'major opportunity' where heights 'could be expected to rise to a maximum of approximately 12-storeys'.
404. The emerging Local Plan Policy QD4 states that new development will be considered on a case by case basis, and where development proposals for building heights depart from the parameters, they will be considered having regard to relevant material considerations. In such circumstances a wider public benefit must be demonstrated to justify the design of the development.
405. The draft Local Plan is not adopted at this stage and is therefore not part of the local Development Plan. The draft policies have 'no to limited' weight in the determination of this application, however principles set out in the document, and the conclusions reached in the Tall Buildings Study and Addendum will assist in informing officers' assessment. In the event that draft Policy QD4 is formally adopted, officers are satisfied that it would not necessarily preclude a well-designed scheme proposal that exceeds 12-storeys for the reasons stated.
406. As set out earlier, the justification for the proposed height is led by the Council's requirement to achieve a policy compliant provision of affordable housing on the site, which will be of public benefit; in addition to the significant overall contribution the scheme would deliver in regard to the Borough's housing targets. The redevelopment of the shopping centre and wider site has been a priority for many years, in which time the condition of the site has only worsened, with increased vacancy of employment units.
407. For these reasons, officers support the principle of a 15-storey building on the prominent corner site, and the proposed variation in heights across the wider site, subject to the development being of exceptional design quality.
408. From an Urban Design perspective, the north-western corner is considered to be a rational location for a tall building as it marks the most prominent position within the site which terminates key views to the District Centre. The relationship between the Block A buildings works well in terms of their composition with the 8-storey building fronting Burnt Ash Road (A2) providing a suitable shoulder height for the taller element.
409. The 10-storey building would be considerably larger in scale than the existing buildings on the opposite side of Eltham Road, including the Listed fire station. Officers acknowledge the approximate 32m distance between the site and existing properties, being separated by the 4-lane highway.

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410. A 17m wide space between Buildings A1 and A3 above level 2 provides some respite to avoid a continuous slab form that would otherwise have been over-dominant in appearance.
411. Being the most prominent corner of the development, adjacent to existing heritage assets Block A has the potential to have the most harmful impacts. Notwithstanding the acceptance of a taller building in this case, which is considered to be contextually responsive and sensitive, it is important to consider its impact upon townscape, heritage assets and views also. The impact of the proposed development is shown via a Townscape and Visual Impact assessment (TVIA), which will be addressed later in this report.
412. The GLA considers the distribution of the height of the tall buildings across the site appropriately steps down in scale to respond to adjacent buildings, whilst Block A appears as a well-proportioned brick building that would landmark the junction and signal the entry into LB Lewisham.

Block B

413. Block B consists of a range of buildings of between 3 and 10 storeys, with a central taller element of 12 storeys. The rhythm of building heights of between 7 to 10 storeys along Eltham Road and Leyland Road is considered appropriate and creates a successful composition. The scale of the development is appropriate overlooking Leybridge Court and adjacent to the 11-storey buildings.



Image 3: Proposed Block B viewed from Leyland Road

414. The north-south mews route is lined by lower development of 3 and 5-storeys which reflects its more intimate scale and character.

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Image 4: Proposed Block B townhouses adjacent to pedestrian route

415. The central building of 12-storeys provides a marker that holds the eastern edge of the central square and terminates views from Taunton Road. Officers support the height to this location, however initial concerns were raised at pre-application stage in regard to the impact the proposed height and massing may have upon the quality of the Block B communal podium space directly behind as its footprint would create a pinch point in plan.
416. This concern was raised by officers during the Design Review Panel, who considered that the space behind the building could be successful with appropriate planting measures that would thrive despite restricted daylight. Cases of similar layouts in completed schemes were discussed, where a welcoming and usable amenity space can be delivered despite the proximity of surrounding buildings.
417. The Panel also considered that the massing and density of Block worked well, and the balconies contributed appropriately to the form of the building.

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Image 5: Proposed Building B1 viewed from Public Square

Block C

418. Block C would comprise 3-storey townhouses fronting the central route (mirroring those within Block B), bookended by 5-storey elements that front the Public Square and Carston Close, and 2no. 8-storey blocks fronting Burnt Ash Road.
419. Officers are satisfied with the proposed building heights overall. The 3-storey dwellings adjacent to the N-S route within the site are appropriately scaled and would contribute well to the quality of the newly formed public realm.
420. The 8-storey buildings, which at ground floor level would accommodate the supermarket and residential units, are comparable in height and scale to the 2014 extant scheme. Whilst effectively a single building as they would be conjoined by a 5-storey set-back central element, there would be no direct internal link between the two.
421. Officers raise no objections to the proposed height and scale of Block C, and consider it would be appropriate within the surrounding context.

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Image 6: Proposed Block C viewed from Burnt Ash Road

Detailing and Materials

Policy

422. 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).
423. 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, enhance and utilise the heritage assets and architectural features that contribute towards the local character.
424. 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.

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Discussion

425. The elevational treatment is generally supported for all the buildings, with each block being afforded its own individual identity, character and design interest. The development as a whole has a vibrant character that would provide an attractive, legible and welcoming mixed-use development. The detailing, articulation and relief within the facades detailed in the submission visualisations plays a vital role in mitigating the impact of the very high density of development proposed.
426. The principal material across the development will be facing brick of differing tones including red, grey, white and browns. The use of facing brick is welcomed, including the use of light and dark tones which would provide appropriate contrasts. This would be achieved in Block A where the tallest building (A1) will be of a red coloured masonry brick throughout, whilst the remaining Block A buildings would be of a lighter red and mortar.
427. Officers consider, the architectural treatment of Building A1 to be very successful. The building has a strong base with an attractive arched treatment that creates a prominent double height frontage to the marker building. The hexagonal brick piers provide greater depth to the façade and a strong vertical emphasis to the building. The proposed colonnade provides greater public realm around the building and creates a successful depth to the buildings. The elevational treatment above provides a strong middle and top to the tall building and overall creates an elegant solution. The decorative metal panels with motif provide a lightness to the elevations to balance the strong vertical piers.
428. A2 and A3 are simpler in their architectural treatment but continue many of the key elements from A1 to create a successful composition. The double height bays on the ground floor clearly differentiate the commercial element from the residential above and create a consistent base datum line. The simpler stepped brick pier once again provides a strong vertical emphasis and creates depth in the elevation.
429. It is important that officers are afforded a further opportunity to assess the colour and quality of the proposed treatments considering the height and scale of development, therefore materiality will be secured by Condition, including the building of 1m x 1m panels on-site that will be inspected by the LPA.
430. 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.
431. In regard to Block B, the centrally located landmark building B1 has many successful elements such as the diamond piers creating a strong vertical emphasis. The building has a clear top, middle and bottom and the depth to the façade creates a richness in the architectural treatment.
432. The other buildings Block B buildings within the site employ use of a simpler, residential architectural language, which is acceptable. The architectural treatment for these are supported.

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Image 7: (clockwise) Base; west, south and north elevations – A1

433. The articulation of the Block B Leyland Road façade is successful with the gaps in the built form breaking up the massing. The buildings have a clear base either using dark brick and recessed entrances and/or projecting brick detail which repeats as a motif across the block.
434. The architectural treatment along Carston Close and within the mews street draw inspiration from semi-detached villas within the locality and successfully re-interpret this to include bayed features and strong horizontal banding.
435. Buildings C1 and C2 are perhaps the least successful elevations with little in the way of architectural depth, however the buildings are articulated well with a strong base and the metal frame around commercial windows is particularly successful, whilst the pre-cast concrete horizontal band and double soldier brick course serve to break up the facades.
436. As advised officers will ensure further materiality details for the whole development proposal are formally submitted to the Council for further assessment.

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Summary

437. It is considered that the proposed development would achieve an excellent quality design quality befitting its prominent setting, whilst optimising the quantum of development upon the site, in accordance with London Plan policy. The design was evolved at pre-application stage with the input of the Council's Urban Design officers, and the Lewisham Design Review Panel on two occasions.
438. This section of the report has set out the reasons for the proposed heights, in particular the 15-storey A1 building. Officers acknowledge the existing form around the Tiger's Head Junction is generally characterised by low scale buildings, the exception being the 8-storey Leegate House to the north-west corner of the application site. The introduction of a 15-storey building would be significant, as would the overall scale of proposed development across the wider site.
439. The principle of tall buildings in this District Centre location is acceptable. This report has addressed the height parameters stated in the draft Lewisham Local Plan, which remains unadopted and therefore currently has no weight in the determination of this application. Nevertheless, officers are minded that the Policy as worded would not necessarily restrict development of greater height but will instead seek robust justification for any exceedance. In this case, the development would deliver 34% of the Borough's annual housing target, in addition to 36% affordable tenure, whilst the comprehensive redevelopment being proposed will revitalise the decaying site. These are major benefits of the scheme to which significant weight is attached in planning terms.
440. Officers are also satisfied that the contextual townscape analysis undertaken for this application demonstrates the tallest buildings being proposed would be appropriate in height, scale and siting.
441. The materiality and detailed treatment of the buildings would be of a high standard, as would the public realm treatment. Facing materials will be subject to further officer assessment following the submission of details by condition.
442. 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, Rolf Judd 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 Designated Heritage Assets

Policy

443. Heritage assets may be designated, including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains, or non-designated.
444. Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the LPA to have special regard/attention to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, and preserving or enhancing the character or appearance of Conservation Areas.

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445. Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to, amongst other things, designated heritage assets. As far as relevant to the present application, that requires an LPA to place great weight on any harm to a designated heritage asset (which includes a conservation area). Any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification.
446. *Less than substantial harm* to the significance of a designated heritage asset should be given great weight, and that harm should be weighed against the public benefits of the proposal.
447. Substantial harm to grade II listed buildings should be exceptional; and substantial harm to grade I and II* listed buildings and World Heritage Sites should be “wholly exceptional”. In addition, where there would be substantial harm, consent should, relevantly, be refused unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits.
448. 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.
449. 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.
450. 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.
451. CSP 16 ensures the value and significance of the borough’s heritage assets are enhanced and conserved in line with national and regional policy.
452. 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

453. The application site does not lie within a conservation area and does not contain any heritage assets. Across the wider surrounding area there are a significant number of designated heritage assets including Blackheath Park (within RB Greenwich), and Lee Manor Conservation Area
454. There are three notable listed buildings within the immediate area, including the Grade II listed Lee Green Fire Station to the north of the application site; the Grade II listed former

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Police Station to the west fronting Lee High Road; and Manor House Public Library, and its curtilage Manor House Gardens.

455. Non-designated Heritage Assets include the New and Old Tiger’s Head buildings on either side of Lee Road.
456. 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 19 viewpoints, as set out below.

Table 7: Viewpoints

Ref	Viewpoint Description	Development Impact
1	Lee Road, north of Priory Park	no effect
2	Lee Road near Meadowcourt Road	major - moderate beneficial
3	Lee High Road near Lee Road	moderate - beneficial
4	Hedgeley Street	minor/ moderate - beneficial
5	Manor House Gardens	moderate - beneficial
6	Taunton Road near Wantage Road	moderate - beneficial
7	Taunton Road near Falmouth Road	minor/ moderate - beneficial
8	Burnt Ash Road near Grade II listed group	moderate - beneficial
9	Burnt Ash Road near Effingham Road	moderate - beneficial
10	Carston Close	minor - beneficial
11	Leyland Road adj Edith Nesbitt	minor - beneficial
12	Eltham Road west of Cambridge Drive	minor/ moderate - beneficial
13	Eltham Road west of Leyland Road	moderate – major beneficial
14	Manor Way	minor - beneficial
15	Lee High Road near Lee Park	minor - beneficial
16	Lee High Road adj River Quaggy	moderate - beneficial
17	Maritime Greenwich World Heritage Site	minor - neutral
18	Shooter’s Hill Road	minor - adverse
19	Eltham Palace	negligible

457. In terms of London View Management Framework (LVMF) viewpoints, the application site does not fall within the specified assessment areas and therefore results in no harmful impacts.

Impact on Maritime Greenwich World Heritage Site (WHS)

458. 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

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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.

459. The submitted Heritage, Townscape and Visual Impact Assessment (HTVIA) includes an assessment of a view across the Heath looking southwards towards the 19th century All Saint's Church. Officers are satisfied that it has been demonstrated there would be no impacts arising from the development upon the WHS or the Church building.

Impact on Listed Buildings

460. There are a number of Listed buildings that lie within 500m of the site, and an assessment has been undertaken for each one in regard to the completed development. These include:

461. **Former Police Station (GII)**

462. The building lies 230m to the west of the application site, and is a Listed Grade II Edwardian landmark dating back to 1904. HTVIA view 16 shows the impact on the setting of this building by proposed A1, occupying the backdrop. Officers consider that A1 will detract from the appreciation of this building as an integral part of the historic urban core, appearing out of scale with the immediate setting of the listed building.

463. Consequently, the proposal would have a **moderate degree of less than substantial harm** upon the setting of the listed building.

464. This was identified at an early stage during pre-application discussions, however no significant amendments were possible to address the concerns, ie a reduction in height of A1 or a reconfiguration of its footprint/ form. As advised by the Council's Conservation officer, a 10-storey building would also result in a harm to a lesser extent. This report has set out the reasons for the 15-storey height, and that a reduction in height by 3-storeys would compromise the viability of the scheme.

465. Materiality will be further assessed at Conditions stage, which may provide an opportunity to ensure an improvement in impact upon the setting of the former Police station, however it is clear that the main impact arises from the height.

Lee Green Fire Station (GII)

466. The fire station lies within the Royal Borough of Greenwich (RBG), as is fully operational. 4-storey building marks the entry to the Lee Green junction in a similar way to the listed Police Station. The effect of its landmark qualities have been eroded to some extent by the existing Leegate Centre directly opposite, however its contribution to the historic character of the junction remains important.

467. RBG have objected, stating, '*In consequence, the proposed development is much more dominant on the heritage asset. In terms of impact on the listed heritage asset, this is no better than neutral (making allowance for new building replacing a tired one).*'

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468. Officers considering the impact to be a **low degree of less than substantial harm** to the setting of the listed building, but to some extent the harm will be mitigated by the replacement of the existing buildings by a better quality scheme in comparison.

56-62 Burnt Ash Road (GII)

469. A group of mid 19th century Italianate villas set behind substantial front gardens located to the south of the application site. (HTVIA view 8). Due to their siting and distance, officers are satisfied the development would **not harm** their setting.

Manor House Public Library (GII)

470. There is no identified harm to the Grade II Listed building.

Impact on Conservation Areas

Lee Manor CA

471. The CA lies to the south-west of the application site, and is comprised of three periods of residential dwellings, the oldest dating back to the late C17th. The setting of the CA is currently harmed by the condition and appearance of the existing Leegate Centre, therefore whilst the proposal would be larger and would not reflect the pattern of development within the CA, it would provide an improvement to its setting due to its overall design quality and landscaping.
472. Manor House Gardens is within the curtilage of the Manor House Public Library and in the Lee Manor CA. The proposed A1 would be visible above the existing trees, as evidenced in HTVIA view 5. The orientation of A1 means it would appear slab-like and not sufficiently elegant to ensure a positive visual addition to the existing view.
473. Considering this, the development would impact upon the setting of the Lee Manor CA (and the setting of the Registered Park itself) by a **moderate degree of less than substantial harm**.
474. It is acknowledged that the HTVIA view 5 also includes built form in the foreground, however these are 2-storey dwellings. Existing trees would serve to partially obscure the building during the warmer months. Building A1 would remain visible within the view even if reduced in height to 10-storeys.
475. Overall, officers consider the identified harm upon the Lee Manor Conservation Area would be **low to moderate degree of less than substantial harm**.

Blackheath CA

476. The significance of the CA lies in the inter-relationships between the architectural quality of its residential development; the tight urban grain and historic buildings of the village; and the effect of the topography which creates both intimate spaces and far reaching views
477. The development would be visible from Blackheath in two views, and would contribute to the cumulative impacts arising elsewhere from other development including Lewisham town centre and Kidbrooke.

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478. Officers consider the resultant harm is largely viewed from the Heath, and would be a **moderate degree of less than substantial harm**.

Blackheath Park CA

479. RBG have commented that the development would appear prominent and bland rooflines that will dominate the backdrop, and consider the harm to be **neutral to negative**.
480. LBL officers do not disagree with this, but acknowledge there are existing visible development comparable in height to the Leegate proposal, other than Building A1.

Impact on Locally Listed Buildings

Old Tiger's Head PH

481. The locally listed Old Tiger's Head PH is located on the opposite side of the junction, and dates back to 1896.
482. Due to the siting and height of A1, officers consider it would have a dominant presence that will fail to achieve a sensitive relationship with the pub building resulting in a **high degree of less than substantial harm**.
483. This report has set out that the corner location of the application site is considered appropriate to accommodate a tall building, and therefore it would be difficult to achieve a sympathetic relationship with the Old Tiger's Head as it is only a 3-storey building. A potential reduction in height of A1 to 10-storeys would appear unsympathetic also.

Impact on Non-Designated Heritage Assets

484. The effect of an application on the significant of a non-designated heritage asset should be taken into account in determining an application. A balanced judgement is required, having regard to the scale of any harm or loss and the significance of the heritage asset (See NPPF, para. 203).

Lee Green Area of Special Local Character

485. The junction at Lee Green was identified in 2017 as a potential conservation area which would straddle the borough boundary with RBG to the east. The junction has a distinct and historic identity and character and has a high number of locally listed buildings and two key statutorily listed buildings in its small area which contribute much to its architectural distinctiveness and through which its historic development and uses can be read.
486. Four different views have been assessed by officers, and the key observations include:

View 2 - Lee Road looking southwards

- Building A1 addresses the junction well but appears over-scaled and out of keeping with the scale, fine grain and detail of the local context.
- The apex of A1 departs from the surrounding architectural approach with the provision of residential balconies.

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- RBG consider the terminating effect of A1 will harm the locally listed parade on the east side of Lee Road

View 3 - Tiger's Head Junction looking east

- The building addresses the junction better than the existing building, and serves to enclose the street edge more effectively and introduces more sympathetic materiality, but is excessively dominant due to its significantly greater height and footprint, which dwarfs the two storey historic buildings opposite with no genuine transition in heights.

View 13 - Eltham Road looking west

- Lack of genuine transition in height from the north side of the road to the south, and the overshadowing and dwarfing effect it will have on the listed fire station and locally listed neighbours opposite.

View 16 – Lee High Road looking east

487. RB Greenwich consider, *'The proposed Block A1 in this view is out of scale with the surrounding historic environment which, despite the variation in its design as it moves up the building, is still top-heavy and lacking in skyline interest'*
488. In considering the above, officers assess the harm upon the Lee Green Area of Special Local Character as resulting in a **high degree of less than substantial harm**.

Summary on designated and non-designated heritage assets

489. As set out above, great weight should be given to any harm to a designated heritage asset, and such harm should require clear and convincing justification. Where there is less than substantial harm, that harm should be given great weight and weighed against the public benefits of the proposal.
490. The report has identified varying levels of harm upon designated and non-designated heritage assets arising from the proposed development. The most notable impacts are:
- **moderate degree of less than substantial harm** upon the setting of the Grade II listed former police station on Lee High Road.
 - **low degree of less than substantial harm** upon the Grade II listed Lee Green Fire Station.
 - **moderate degree of less than substantial harm** upon Blackheath Conservation Area.
 - **high degree of less than substantial harm** upon the locally listed Old Tiger's Head Public House
 - **high degree of less than substantial harm** upon the Lee Green Area of Special Local Character
491. In considering the identified harm upon the assets, the public benefits of the proposed development would include:

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- The delivery of 562 new homes, including 36% of affordable housing tenure (173 units), which would contribute significantly towards the Borough's housing requirement;
- Redevelopment of the Leegate Shopping Centre;
- The creation of new areas of public realm;
- Job creation of up to 198 full time jobs;
- Contribution to the Lee Green economy;
- Biodiversity and sustainability benefits;
- Highways improvements;
- CIL and financial contributions.

492. 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 harm to designated assets, it is considered that the harm is clearly and convincingly justified, and the benefits do outweigh the identified harm to those assets.
493. The assessments undertaken by the applicant have been reviewed by Aecom on behalf of the LPA, and they advise the methodologies used are acceptable.
494. 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.

Landscaping and Public Realm

Policy

495. 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.
496. 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.
497. 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

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legible signage and allow level and safe passage for all including people with disabilities including the careful design of shared surfaces with cyclists.

498. 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.

Discussion

Public Square

499. The Square is a multifunctional space that will comprise a central lawn at the intersection of the pedestrian routes through the site, with trees planted around its perimeter and beyond the site boundary onto Burnt Ash Road, whilst maintaining footpaths of sufficient widths on either side.
500. Seating areas and play space/ equipment for younger children will be provided within the Square, in addition to a sheltered 'teenage zone'.
501. To the north of the Square is the raised terrace where customers of the public house can sit outdoors.



Image 8: Public Square

502. The Square is considered to respond well to the adjacent uses at ground level. Hard landscaping to the north to incorporate seating is appropriate and takes advantage of the orientation whilst the soft landscaped lawn and planting to the south and west creates a degree of enclosure, adds visual interest and ecological value. Officers welcome the green spilling out onto Burnt Ash Road, which would provide a visual cue to the landscaped Square.

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503. The overall landscape concept is successful, which would incorporate a good provision of planting, whilst incorporating children's play in a creative manner. Planting measures and hard landscaping will be subject to planning conditions. Officers are satisfied that the public spaces would receive sufficient sunlight, with 62% of the public square area having at least 2 hours of sun on ground on March 21st.

Pedestrian Routes

504. The pedestrian routes of Carston Close and Residential Street would be substantially greened to reflect the more intimate suburban character of this section of the application site. The improvements to Carston Close are strongly welcomed considering its current unkept and hostile condition.

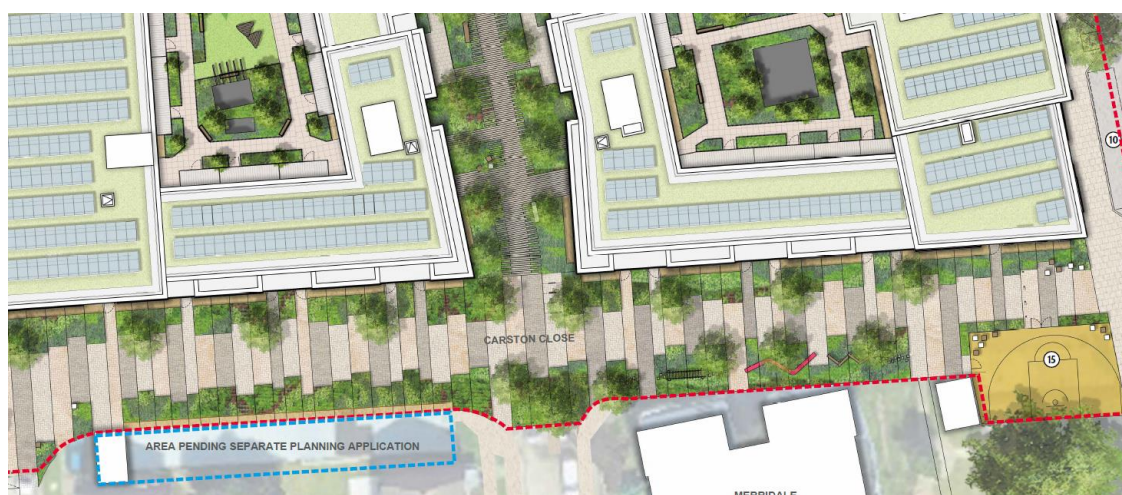


Image 9: Carston Close and 'Residential Street'

505. The s106 will ensure all public realm within the application site will be publicly accessible to pedestrians and cyclists at all times and in perpetuity, subject to relevant permitted closures and any lawful requirements for closure.
506. Additionally, the submission of a Public Realm and Public Access Management Plan to include management and maintenance arrangements for the public realm will be secured in the s106. The open public realm should not be in use until the Public Realm and Public Access Management Plan has been approved by the Council.
507. Condition (24) requires the submission of details to the LPA relating to the management and maintenance of the landscaping for a period of five years.

Podium Gardens

508. The podium gardens would appropriately maximise planting and usable, flexible lawned spaces and hard landscaped areas.
509. Further details will be required by Condition including the nature and species of planting measures, and defensible spaces for the first-floor occupiers.

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510. A pinch-point has been identified within Block B where the back to back distances between buildings are relatively close, which means an area of landscaped space to the northern section would be predominantly shaded. The planting strategy has responded appropriately to this challenge to seek planting species that can thrive despite restricted natural light. Further details will be formally assessed by officers, including a 5 year management plan to ensure the measures are undertaken and maintained thereafter to avoid the space becoming sparse and unused.

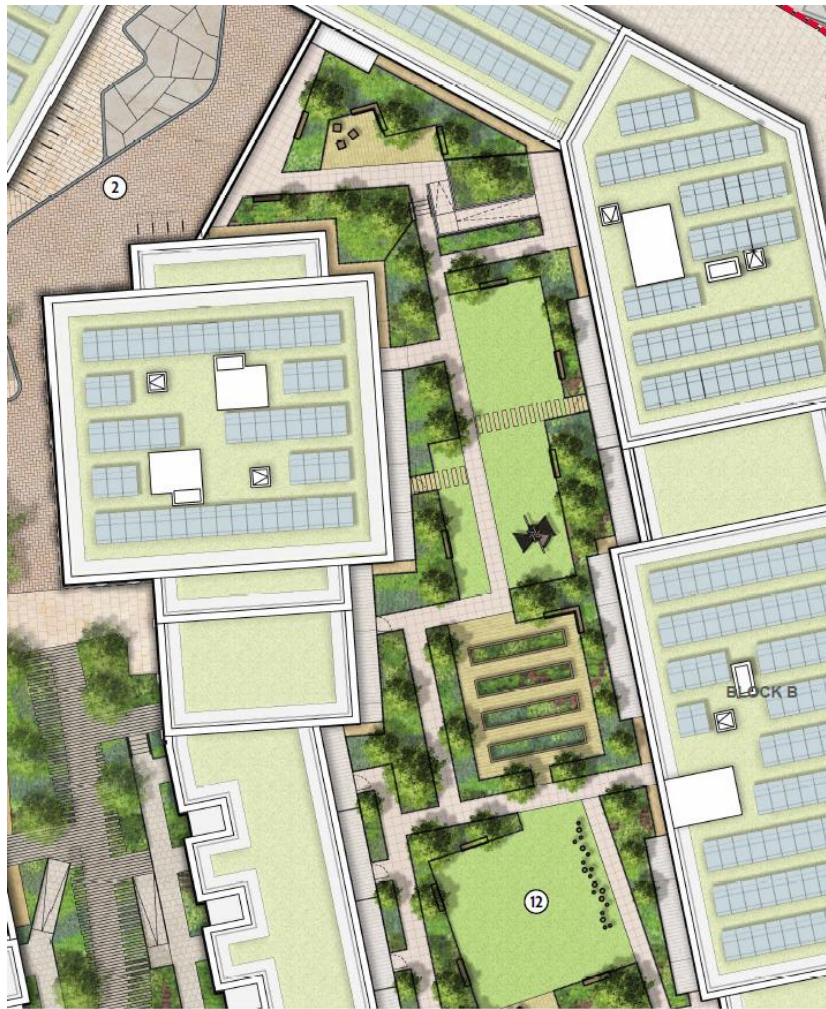


Image 10: Block B Podium

North-West Corner

511. The open space at this corner was created by the current development; prior to this the historic buildings on the site sat closer to the road edge. The footprint of the proposed building extends further into this space than the existing, losing some of the existing public realm but this is mitigated by an open colonnade at ground floor.
512. The space currently contains several trees, seating and an historic information board.

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513. Reference to the local historic context is included in paving that includes mapping of the course of the River Quaggy, highlighting the close relationship of Lee Green with the river. Inlaid feature strips run across the ground pointing to relevant local historic landmarks, including the Old Tiger's Head and the New Tiger's Head. These 'rise up' to provide information posts, with QR codes used to link people to local history websites.



Image 11: North-West Corner

514. Officers consider that whilst this would be an innovative and interesting approach, it may not be accessible to everyone at all times, therefore a more traditional information board with images should also be provided. Details of the interpretation materials and re-provision of the current historic information board will be secured by Condition.

Public Art

515. The application refers to an opportunity for the integration of public art into the public realm to the 'retail storage façade' – eastern elevation fronting Residential Street. The nature and appearance of the artwork will be subject to consultation with the local community, and details will be secured by planning Condition.

External Lighting Scheme

516. 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.
517. The submission advises that the lighting strategy will include 4 metre high light columns along the pedestrian routes; feature lighting columns clustered within the Square; and street lighting at various points along Leyland Road and Burnt Ash Road. At podium level

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planter lighters would be provided. It is noted that no lighting is shown to the proposed ballcourt in Carston Close, which suggests it would not be used after dark.

518. A Condition is proposed to secure details of the lighting strategy across the site, which would minimise any impacts upon residents and wildlife, whilst providing an appropriate level of lighting to provide a safe environment outside of daylight hours.
519. Overall, given the above, the proposals are considered to present a material planning benefit to which officers attach significant weight.

Urban design and heritage conclusion

520. The proposed development would achieve an excellent design quality befitting its prominent location. This report has set out that the proposed height, scale and massing of the development was subject to a series of pre-application meeting with Council officers and was presented to the Design Review Panel on two occasions. The development as proposed accords with the details that formed part of the pre-application discussions.
521. The principle of a tall building to the north-western corner fronting the Tiger's Head junction is considered acceptable, and this report has set out the reasons for the proposal of the 15-storey A1 building, and the subsequent implications that would be incurred should it be reduced in height, including viability issues and inability to deliver a policy compliant provision of affordable housing.
522. Officers acknowledge that the context of the immediate area is of low-level Victorian development, with the only building of considerable height being the 8-storey Leegate House. The A1 building would represent a substantial change to the existing landscape, and the wider development would have impacts upon neighbour amenity and heritage, which is anticipated in new development that proposes significant scale and height.
523. In this case, officers do not object to the scale of development or the 15-storey A1 building, as it would be befitting of its central location within the District Centre, and which has the potential to enhance and revitalise the Lee Green area. The intended materiality of the buildings would be of a high standard, which will be further assessed and secured by planning Conditions, whilst elevational treatments are considered appropriate for this setting.
524. The development would deliver public realm improvements around the perimeter of the site by the replacement of existing dead spaces on Leyland Road, with increased ground floor activation; the creation of a landscaped route along Carston Close; and the planting of new trees.
525. Within the site will be publicly accessible spaces, including the landscaped Public Square, and formation of pedestrian routes – 'Residential Street' linking Carston Close to the Square and 'Northern Link' through to Eltham Road. The public realm will provide major benefits of the scheme to which significant weight is attached in planning terms.
526. At podium levels will be communal garden areas for the residential occupiers only that will comprise of hard and soft landscaping measures.
527. The proposed development would deliver substantive public benefits, and taking all the identified benefits into account, it is considered that they outweigh the identified harm to heritage assets on which the officers have placed great weight, as explained at para 491 above.

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528. In this case, officers consider the harm is outweighed by the public benefits of the development delivering 562 new homes, of which 36% by habitable room (173 units) would be affordable tenure contributing towards the Borough's housing requirement.
529. In addition, the development would deliver substantive new areas of high quality public realm, whilst the creation of employment/ commercial floorspace would support job creation. The scheme would also deliver CIL and other financial contributions that will be apportioned to identified needs within the local area.
530. The proposed development would deliver substantive public benefits, and 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.

7.5 TRANSPORT IMPACT

General policy

531. 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.
532. 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.
533. 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.
534. 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.
535. 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-clubs and cycle storage will be expected to ensure that sustainable transport modes are encouraged.
536. 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

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demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people.

537. CSP 14, amongst other things, states that the access and safety of pedestrians and cyclists will be promoted and prioritised.

538. 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

539. The submission includes a Transport Assessment in support of their application produced by Steer dated May 2022, with subsequent updates during the application, and their associated Outline Delivery and Servicing Plan and Travel Plan documents.

540. The A20 Eltham Road runs west to Lewisham and central London, and east towards Eltham. The South Circular (A205) lies approximately 0.65 miles to the south. Both highways are managed by Transport for London (TfL).

541. The site has a moderate public transport accessibility level (PTAL) of 3, where 1 means poor access to public transport, and 6a is excellent. There are a number of bus stops close to the Tiger's Head Junction, with 6 local routes operating within the area.

542. The nearest train station is at Lee which lies 0.4 miles to the south of the site, whilst Blackheath, Lewisham and Kidbrooke stations are short bus journeys away.

543. A number of local roads, including the adjacent Leyland Road, are subject to Low Traffic Neighbourhood (LTN) restrictions whereby only bicycles, emergency vehicles and refuse vehicles can gain access.

544. The proposals beyond the site include:

- The existing southbound bus stop on Burnt Ash Road would be inset to allow vehicular movement when a bus is stationary.
- Relocation of the existing LTN further south to allow for emergency access into Carston Close.
- A new loading bay on Burnt Ash Road to serve the supermarket; the existing loading bay on Eltham Road would be retained.
- Works to Carston Close including significant landscaping treatments to provide a new route between Burnt Ash Road and Leyland Road.
- Signalling of the crossing on Burnt Ash Road.
- Provision of public seating on Burnt Ash Road heading towards Burnt Ash Surgery.

545. Proposals within the curtilage of the development site includes:

- The provision of 60 off-street residential car parking spaces within Block B, with the formation of a new crossover to provide access from Leyland Road.
- 16 spaces for commercial users within Block C accessed via a new crossover on Burnt Ash Road.

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- 18no. blue badge residential parking bays would be provided; and two within the commercial parking area.
- Four on-street bays would also be provided on Leyland Road, including spaces for car club and visitors.
- 982 dry and secure long stay residential cycle spaces would be provided; 1,150 overall when including all other uses and short stay bays.

Residential car-parking (including Blue Badge and electric charging points)

Policy

546. LP Policy T6 states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. Car-free development should be the starting point for all development proposals in places that are (or planned to be) well connected by public transport, with developments elsewhere designed to provide the minimum necessary parking (car-lite).
547. Table 10.3 of the London Plan states in areas of Inner London with a PTAL of 2, the maximum provision of car parking is 0.5 spaces per dwelling.
548. CSP 14 states that the Council will take a restrained approach to parking provision.
549. DMP 29 requires wheelchair parking to be provided in accordance with best practice standards.

Discussion

550. The development would provide 60 residents' parking bays located within the ground floor area of Block B, which would be accessed from Leyland Road. The Blue Badge provision within the residential parking area would be 18, which accords with the London Plan requirement to ensure a 3% provision on-site. Officers are satisfied there would be sufficient sightlines for vehicles to exit the car-park safely without compromising passing pedestrians and motorists.
551. The residential car-parking provision would equate to a ratio of 0.11 per dwelling, which falls within the maximum 0.25 stated in Policy T6 of the London Plan. It is acknowledged however that part (b) of the Policy requires car-free development to be the starting point in all development proposals, particularly within places that are well connected by public transport.
552. In justifying the general parking, the Applicants point to the provision being considerably less than the maximum ratio, and that it would be a sustainable provision of parking for a PTAL 3 location that would serve to avoid overspill parking onto neighbouring streets.
553. Whilst there is restricted on-street parking within the locality, including to the west of Burnt Ash Road, the adjacent Leyland Road is not subject to a Controlled Parking Zone (CPZ), neither are neighbouring streets directly to the south.
554. Parking surveys were undertaken during day and night-time hours on Thursday 8th and Saturday 10th July 2021, and were conducted using the Lambeth Methodology within a 200m radius of the application site. The surveys identified space capacity within streets to the south of the site that lie outside of existing CPZ's, including Leyland Road, Osberton

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Road, Dorville Road and Carston Close. Highways officers were satisfied with the methodology of the surveys and the conclusions.

555. LB Lewisham is currently reviewing on-street parking in the area with a view to establishing a larger CPZ area that would extend to the southern and eastern highways around the site.
556. Accordingly, the Applicants have agreed to incur a financial contribution of £30,000 towards the establishment of a CPZ within the surrounding area, which is supported by the Council's Highways officers.
557. Officers will also ensure the site would be permit free through an appropriately worded legal Agreement. The applicant has agreed that any resident of the proposed development would be precluded from applying for a parking permit should a CPZ be introduced, save for those who qualify for disabled parking Blue Badge. The Blue Badge bays will be allocated to residents that are registered, and all vehicles would be required to display the relevant permit.
558. The Department for Transport: Inclusive Mobility (Dec. 2021) states that, 'Ideally, designated accessible spaces should be located adjacent, or as close as possible, to the entrance to the facility they serve, and no more than 50 metres away. The route between parking place and venue should be well maintained with no obstructions to access. Pedestrians should not be expected to cross a road when travelling to or from the car park, but where this is unavoidable, dropped kerbs should be provided to ensure level access.'
559. In this case, there would be wheelchair units within Blocks A and C that would lie more than 50 metres away from the Blue Badge bays located within Block B (up to 125m to Buildings A1 and A2), contrary to the advice in the Inclusive Mobility document. This has been subject to discussions with Highways and TfL officers, and no objections are raised to the distances. Occupiers would be able to access Block B from the pedestrian routes within the site, with opportunities to make use of 'rest points' located in the public square, and on Burnt Ash Road. Additionally the routes would also be safe and well lit.
560. 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 policy and is supported.

Commercial car-parking

561. The supermarket car-park would provide 16 car parking bays within Block C (including two Blue Badge), accessed from Burnt Ash Road. According to the London Plan, 1 space is required per 75sqm of retail floorspace, which the proposal would achieve. It is assumed that once an end user is in place, measures to ensure the car-park would be used by supermarket customers only, and appropriate time restrictions would be enforced.
562. The access into the car-park would be acceptable, located a sufficient distance away from the existing Burnt Ash Road pedestrian crossing.
563. TfL raised initial concerns in regard to the potential for vehicles to queue in Burnt Ash Road should the supermarket car-park be full, and the resultant impact it would have upon traffic travelling southbound. A condition will require a submission to the LPA to set out how the car-park will be managed to avoid such circumstances arising, including details of appropriate measures and regular monitoring.

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564. The Transport Statement predicts (customer only) trip generation for the supermarket would be 504 car movements daily. This is based on the TRICS database which includes the results of travel surveys from similar developments across London. It is acknowledged however that the supermarket would be relatively small when compared to the larger Sainsburys store opposite, and so is more likely to be used for 'basket' purchases by those who live locally and would arrive on foot, rather than customers driving there specifically from outside the area.
565. 20% of the parking spaces will be provided with active Electric Vehicle Charging Points, with a further 80% to provide passive provision, which is compliant with the London Plan.
566. Overall, officers are satisfied with the proposed parking to be provided for the new supermarket unit.

Walking and Cycling

Policy

567. LPP T5 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.
568. CSP 14 states that the access and safety of pedestrians and cyclists will be promoted and prioritised.

Discussion

569. Table 10.2 of the London Plan requires the provision of 1.5 cycle spaces per 1b2p unit, and 2 spaces for larger units. In this case, as set out in Table 7, the development would deliver 1150 cycle spaces, of which at least 982 would be long stay dry and secure.

Use	Long Stay (no. spaces)	Short Stay (no. spaces)	Total
Residential (Use Class C3)	982	15	997
Community Centre (F2)	1	3	4
Supermarket (E(a))	7	40	47
Restaurant (E(b))	2	16	18
Medical Centre (E(e))	5	8	13
Gym (E(d))	1	5	6
Flexible Commercial (E(a to d & g))	10	38	48
Public House (Sui Generis)	2	15	17
Total	1,010	140	1,150

Table 7: Cycle parking

570. Long stay cycle parking would be located within the basement area of Block A, accessed by three lifts which TfL are satisfied would be acceptable in size to accommodate bicycles. Cycle stores for Blocks B and C would all be located at ground floor level.
571. The internal parking areas would comprise a mix of Sheffield stands and two tier racks, whilst 5% of the overall provision accommodating larger cycles which is welcomed.

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572. TfL had raised concerns with regard to aisle widths between the two-tier cycle stands, requiring a distance of 2.5m to ensure the stands are easier to use. This has been resolved during the course of the planning application. Officers are satisfied that the quantum and proposed standard of cycle parking would accord with the London Cycle Design Standards (LCDS).
573. 70no. Sheffield stands would provide short term parking at various points along Burnt Ash Road and Eltham Road, and within areas of Carston Close and Northern Link. Short-term cycle parking stands would be located directly outside the supermarket on Burnt Ash Road. Details of the stands will be subject to condition.
574. 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 considered necessary by officers and TfL to encourage staff to cycle to work.
575. Officers consider the scheme would have a positive impact on the walking environment both within and beyond the curtilage of the site. The provision of new publicly accessible landscaped routes through the site connecting the four adjacent highways would encourage walking. Public footpaths on Burnt Ash Road and Eltham Road would be of sufficient widths, with new tree planting and soft landscaping measures that would create an enhanced setting.
576. In addition, the Applicant will be required to contribute to benches or other resting places for those that cannot walk long distances; removal of unnecessary street clutter, including guard rails; and street lighting close to the site.
577. In considering the above, officers are satisfied that the development would promote walking and cycling.

Car Club

Policy

578. Policy T6.1 Residential parking states car clubs can help support lower parking provision and car-lite lifestyles by enabling multiple households to make infrequent trips by car.

Discussion

579. A Zipcar car club operates in four streets between 160m to 960m distance from the application site in Leyland Road, Lenham Road, Lee Park and Manor Lane.
580. The Applicant will pay towards car club membership for 3 years for the first occupiers of all the residential units, which will be secured as part of the S106 Agreement.

Public transport

Policy

581. The NPPF states that significant impacts on the transport network (in terms of capacity and congestion) should be mitigated to an acceptable degree.

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Discussion

582. The development site is located within an area that is well served by public transport, in particular bus routes that operate along all adjacent highways.
583. In discussions with TfL, it has been agreed that to mitigate the additional impact on the local and London bus network that would arise from the development, an appropriate financial contribution would be secured in the s106 Agreement towards existing bus service enhancements.
584. In addition, a further contribution would be secured for four bus stop replacement shelters to include real-time arrival times on Eltham Road heading west; Lee High Road heading east; and Burnt Ash Road north and south sides. TfL have confirmed they support the identified provisions.
585. The proposal includes the relocation of the Burnt Ash Road bus stop on the eastern side further northwards towards Tiger's Head Junction. This would form part of a new inset bay that could accommodate two parked buses, and would serve to address the existing issue of southbound buses blocking traffic behind when parked at the stop. This is welcomed in principle by officers and TfL, subject to the submission of further dimensioned plans within the s278 Agreement to demonstrate the provision would fully accord with TfL's bus stop design guidance.

Active Travel Zone/ Healthy Streets

Policy

586. Policy T2 of the London Plan (2021) states development proposals should deliver patterns of land use that facilitate residents making shorter, regular trips by walking or cycling.

Discussion

587. The Healthy Streets Audit was included within the Transport statement and assesses the quality of the walking routes in the vicinity of the site against the 10 Healthy Streets indicators, which includes ease of crossing roads; safety; places to stop and rest; and clean air.
588. The ATZ assessment has been subject to amendments following initial TfL comments, which is considered to now be improved as it identifies a number of measures that could usefully support active and sustainable modes of travel. LP Policy T2(d) requires proposals to, 'demonstrate how they will deliver improvements that support the ten Healthy Streets Indicators in line with Transport for London guidance.'
589. LP T5(a) requires 'Development ... proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. This will be achieved through: 1) supporting the delivery of a London-wide network of cycle routes, with new routes and improved infrastructure.' LP Policy T9(c) states, 'Planning obligations (Section 106 agreements), including financial contributions, will be sought to mitigate impacts from development, which may be cumulative. Such obligations and contributions may include ... the expansion of the London-wide cycle networks and supporting infrastructure, and making streets pleasant environments for walking and socialising, in line with the Healthy Streets Approach.'

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590. In their further review, TfL consider that financial obligations should be sought to deliver some of the identified measures, which the Applicant has confirmed, including:
- Provision of public seating in Eltham Road (Route 1);
 - Signalling of a Burnt Ash Road crossing near Effingham Road (Route 2);
 - New benches on Burnt Ash Rd and cycle parking facilities at the GP surgery (Route 3);
 - Contribution to additional street lighting in Meadowcroft Road (Route 5)
591. The measures set out in the ATZ will be secured in the s278 Agreement.

Servicing and refuse

Policy

592. DMP 31 requires new development to have appropriate regard for servicing of residential units including refuse.
593. The draft Delivery and Servicing Plan advises that four loading bays would be provided around the site, including a new bay on Burnt Ash Road that would primarily serve the supermarket; the retention of an existing Eltham Road bay, and two existing bays on Leyland Road.
594. The Plan however fails to provide information on how the loading bays will be managed or allocated with regard to the commercial uses within the proposed development. The Applicant states there are areas/ stopping places within the site to allow for residential servicing without preventing the free flow of other passing vehicles. This would need to be clarified with regards to locations on a scaled plan showing the proposals inclusive of appropriate swept paths within an updated Delivery and Servicing Plan. The submission of further details will be secured by condition.
595. In regard to the supermarket loading bay on Burnt Ash Road, it would measure a length of 32m, and would require deliveries to be taken across the pavement and through the car-park access to the storage area of the retail unit. Officers do not object to this method of delivery, considering the supermarket is relatively small and would not incur large deliveries on a regular basis. The location of the loading bay would also negate the need for a dedicated service area within the site, which would detract from the provision of public spaces the scheme would deliver.
596. Further details will be required in the s278 Agreement to ensure the loading bay would be of a sufficient length to accommodate both an articulated lorry serving the shop, and a small van at the same time that may be delivering to the residential core. The submission will be expected to demonstrate that appropriate measures would be in place to manage the bay, particularly should it be occupied when a supermarket delivery is expected. In such a case, it would clearly be unacceptable for a lorry to wait in Burnt Ash Road for the bay area to become available.

Refuse

597. All refuse servicing of the commercial and residential units would be undertaken from one of the four loading bays located on Burnt Ash Road, Eltham Road and Leyland Road.

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598. All residential refuse bins will be collected by the Council, and is likely to take place twice a week. Blocks B and C would have internal refuse stores that would require the Facilities Management Team to take the bins to the dedicated points on collection days to accord with Lewisham's refuse guidance that states the Council's refuse workers will only collect bins should they be located no more than 10m from the footpath.
599. It is noted however that the Eurobins may need to be stored kerbside, which the Applicant advises would be 'for a short period - being sure to not cause an obstruction.' Once the bins are emptied, the Management Team would collect all bins and relocate to the storage areas. In the interest of safeguarding the amenities of neighbouring occupiers and the area in general, officers will require the submission of further details by condition to ensure the bins are not stored on the kerbside for any considerable length of time, and would not obstruct pedestrian movement.
600. In regard to the commercial units, bins would be collected directly from the units by private contractors.
601. Further information will also be required by condition in regard to a swept path analysis to include more detail in relation to the manoeuvring of a refuse vehicle within the site to ensure no over-running of footways.

Emergency Vehicle Access

602. The accompanying Fire Statement demonstrates how access to the proposed development would be provided, and that all routes within the application site would be accessible for a fire appliance.
603. The submission advises there are existing hydrants 'in the vicinity' but does not specify where. A Condition will request this information.
604. In commenting on this application, London Fire Brigade have raised no objections, and 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.

Highways Improvements

Policy

605. Policy T4 of the London Plan (2021) states that where appropriate, mitigation, either through direct provision of public transport, walking and cycling facilities and highways improvements or through financial contributions, will be required to address adverse transport impacts that are identified.

Discussion

606. The Council's Highways Officer has identified that financial contributions are required to deliver public realm and highway works within the immediate area.
- 1) Consultation on and/ or implementation of a Controlled Parking Zone/ restricted Parking Zone with the surrounding area.
 - 2) Legible London Signage.

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- 3) Existing bus service enhancements (financial contribution).
 - 4) Four bus stop replacement shelters to include real-time arrival times.
607. These works are considered necessary to improve the environment for pedestrians and cyclists and improve accessibility.

Construction phase

608. The submission documents identify an estimated construction build programme of approx. 53 months, however a draft Construction Logistics Plan has not been submitted at this stage to set out anticipated construction vehicle movement per day; waiting areas; routes; or details of cumulative developments. A detailed Construction Logistics Plan and Construction Management Plan will be secured by condition to ensure satisfactory vehicle management.
609. Chapter 7: Traffic and Transport of the ES predicts a total of 20 HGV trips one way per day during the demolition and construction phases, with predominant use of the TfL highways Lee High Road and Eltham Road.
610. Temporary minor adverse effects are shown to construction related traffic; pedestrian/cyclist delay; and public transport delay.

Transport impact conclusion

611. The Transport Assessment and supporting evidence demonstrate that the proposed development and associated highway improvements will not result in an unacceptable impact on surrounding highways, 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.
612. The proposal would not result in significant harm to the local highway network or pedestrian / highway safety. The s106 would secure car club membership for 3 years for the first occupiers of all the residential units.
613. Cycle provision would accord with policy, providing dry and secure storage, whilst walking would be promoted.
614. 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, in addition to bus improvement contributions. Additionally, contributions would be sought for highways improvements to areas beyond the site that will benefit pedestrians and cyclists.
615. Subject to planning conditions, and s106/ s278 obligations, officers consider that the development would be acceptable and supportable.

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7.6 LIVING CONDITIONS OF NEIGHBOURS

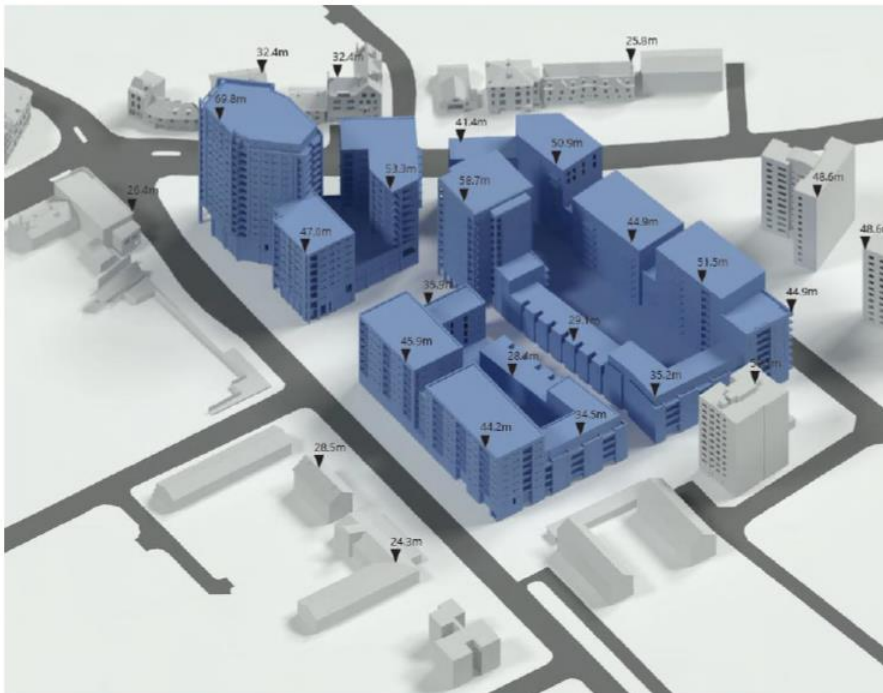
General Policy

616. 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.
617. 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).
618. DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.
619. 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

620. The relationship between the proposed development and surrounding buildings is illustrated in **Figures 6 and 7**.
621. 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 6: Relationship between the proposed development and neighbouring buildings (looking northwards)



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Figure 7: Location of assessed properties



Enclosure and Outlook

Policy

622. 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

623. The application site is surrounded by differing building types. To the south are 3-storey dwelling-houses, and 2-storey residential properties on the opposite side of Burnt Ash Road. Three 11-storey blocks of flats are located to the east and south, whilst the Sainsburys retail store and associated car-park lies to the west. Commercial and residential uses front the Lee Green junction.
624. The tallest element of the proposed development (15-storeys) would front Eltham Road and Burnt Ash Road. 10-storey buildings would front Leyland Road; 8-storeys on the Burnt Ash Road side; and 5-storeys fronting Leyland Road.
625. Merridale is the nearest of the three existing 11-storey residential blocks on the southern side of Carston Close, which has a number of bedroom windows that face toward the development site. For the lower level openings, their current view is of the unsightly single-storey car-park that lies approximately 14.5m away. The proposed 5-storey building would lie a similar distance away, whilst the 8-storey element on the corner with Leyland Road approximately 17m away.

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626. The lower floor Merridale openings would incur increased enclosure due to the proposed building heights, however the immediate surroundings would be improved significantly by the removal of the car-park and replaced by buildings of greater quality, in addition to the public realm improvements along Carston Close. The location of the access point into the development site would provide some respite with a 10m spacing between Blocks B and C.
627. The east facing habitable room Merridale windows would maintain good outlook, whilst the majority of upper floor north facing openings would be on a higher level than the proposed 5-storey building. Overall, officers are satisfied that despite the increased heights arising from the proposal, there would be sufficient distance to avoid any unacceptable enclosure or outlook issues.
628. The two equivalent 11-storey blocks to the east would lie a minimum 30m from the Leyland Road frontages, which is considered a sufficient distance to avoid outlook and enclosure concerns.
629. The 3-storey townhouses to the south of the site are orientated so that their primary outlook is east-west. The dwellings would lie approximately 21m from the 5/ 8-storey Block C, and so whilst the development would be a notable introduction, the distance is sufficient to avoid any outlook or enclosure concerns.
630. The proposed 15-storey building A1 to the prominent northern corner would lie approximately 35m from the nearest residential property on the opposite side of Eltham Road; and 26m from the mixed use commercial and residential building on the opposite side of Burnt Ash Road, which already has a direct view of the existing 8-storey Leegate House building.
631. Given the existing baseline, any development of an urban scale on the site would be expected to impact on the outlook to some extent of the neighbouring dwellings. Officers are satisfied that due to the distance between the buildings, there would be no significant harm that would warrant a refusal in this case.

Privacy

Policy

632. Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.
633. 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

634. 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.

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635. The Leegate site is generally surrounded by low scale development including 2 and 3-storey dwellings which is of a suburban setting, with four relatively tall 11-storey blocks of flats, and the 8-storey Leegate House which contribute to a 'denser' form of development, albeit they are sufficiently spaced to avoid any overwhelming sense of a dense urban context.
636. Therefore, should the existing wider site be considered as 'suburban', the development proposal would largely achieve the separation distances of 18-21m to the 'conventional' housing and flats above commercial units.
637. The Merridale building would lie approximately 15m away from the proposed 5-storey Block B fronting Carston Close, which would include balconies/ external spaces on all floors. The existing openings, which are relatively small in size, serve kitchens, and so whilst there would be a greater sense of overlooking than at present, the distances would be sufficient to avoid unacceptable impacts upon privacy. It is noted that the main east facing habitable room openings would not be affected by the development to the same extent.
638. The sites are located within a District Centre whereby large development is considered to be appropriate in principle. For this reason, the proximity of Block C to Merridale is considered acceptable and reflects the nature of higher density to this southern edge.
639. Overall, officers are satisfied there would be no unacceptable overlooking and that appropriate levels of privacy would be maintained for occupiers of surrounding properties.

Daylight, Sunlight and Overshadowing

Policy

640. Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards.
641. 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.
642. 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).
643. Alternatives may include 'drawing on broadly comparable residential typologies within the area and of a similar nature across London' (ibid, para 1.3.46).
644. It is therefore clear that the BRE standards set out below are not a mandatory planning threshold.

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645. On 9 June 2022, BRE issued a 3rd edition of their guidance. 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'.
646. 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.
647. 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.
648. 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.
649. Daylight is defined as being the volume of natural light that enters a building to provide satisfactory illumination of internal accommodation between sunrise and sunset - this can be known as ambient light. Sunlight refers to direct sunshine.

Daylight guidance

650. 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).
651. 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.
652. 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.
653. 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.
654. 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
655. It is important to consider also the context and character of a site when relating the degree of significance to the degree of harm.

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656. 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.
657. 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

658. Sunlight is measured as follows: (i) Annual Probable Sunlight Hours (APSH); and (ii) Area of Permanent Shadow (APS)
659. 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 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.
660. 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

661. Chapter 10 of the Environmental Statement assesses the impact of the proposed development in relation to daylight, sunlight, overshadowing and solar glare. 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.
662. On 9 June 2022, BRE issued a 3rd edition of their guidance which addressed changes to on daylight and sunlight provision to dwellings **within** new development to bring the document into line with BS EN 17037:2019, 'Daylight in buildings'.
663. The assessment for existing properties beyond the Leegate site was undertaken in accordance with the 2nd BRE edition, which is unchanged in the updated edition and therefore remains valid. Officers are satisfied that the assessment undertaken by the Applicant is correct, and is supported by Aecom.
664. The assessment considers the impact of the proposed development on a number of identified sensitive receptors, including the following:
- 1, 3 and 5 Eltham Road,
 - 21-33 (odds) Eltham Road,
 - 17-19 Eltham Road,
 - 159-167 Lee Road,

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- 10 Burnt Ash Road,
- 38 & 40 Burnt Ash Road,
- Flats at Merridale and Leybridge Court,
- Flats 1-8 Stafford House
- Old Tiger's Head

665. Overall, the assessment has considered 431 windows serving neighbouring residential and non-residential properties, of which 355 currently have daylight levels that meet or exceed BRE. In regard to sunlight, 207 existing windows that were tested are currently BRE compliant.
666. The assessment has identified that the development proposal would result in varying levels of reductions in the daylight/ sunlight to some properties, including 'major adverse', 'moderate', 'minor' and 'negligible'.
667. Chapter 12: Effect Interactions of the EIA states impact on daylight based on reduction at nearby properties along Eltham Road, Burnt Ash Road, Merridale, Leybridge Court and Stratford House would in general be **minor to moderate adverse**.
668. Sunlight reductions would be **minor adverse**.
669. The 'major adverse' harm in daylight (VSC) and sunlight (APSH) would occur to some windows within properties set out in Table 8.

Table 8: Major Adverse harm to existing properties

<u>Daylight (VSC)</u> Major Adverse	<u>Sunlight (APSH)</u> Major Adverse
17-19 Eltham Road (1 window)	21 Eltham Road (3 windows)
Merridale (1 window)	23 Eltham Road (3 windows)
1-44 Leybridge (24 windows)	25 Eltham Road (2 windows)
45-89 Leybridge (26 windows)	27 Eltham Road (2 windows)
	29 Eltham Road (2 windows)
	17-19 Eltham Road (24 windows)

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	1,3,5 Eltham Road (9 windows)
	161-167 Lee Road (x4)
	1-44 Leybridge (x12)

17-19 Eltham Road

673. This comprises a 3-storey pair of semi-detached properties that accommodates flats, lying directly opposite Leyland Road.

Existing baseline

674. Of the 24 windows tested, 22 achieve VSC levels above BRE guidance. It is noted that some windows are located at lower ground floor level, and so have restricted access to natural light.

675. All 16 habitable rooms tested comply with BRE sunlight standards.

Daylight impact

676. Following the assessment, a single bedroom window would incur a 'major' daylight reduction by 52.3%. However, it is acknowledged that the room is served by two windows, and the affected window would retain a VSC of 15.2%, which for an urban area is acceptable. The second opening would retain a VSC of 22.4%, therefore officers are satisfied the habitable room would receive sufficient daylight with the development in place.

677. Generally, other windows would see 'moderate' reductions in daylight, however the majority would retain levels between 20-25%, with the lowest being 19%. Whilst the reductions would be noticeable, officers are satisfied the retained daylight levels would remain acceptable.

Sunlight impact

678. Following the assessment, there would be 'minor to moderate' reductions in the 'Total' readings, however all openings would retain levels that would significantly exceed the 25% BRE threshold.

679. In regard to 'Winter' readings, whilst all openings would incur 'major' reductions, they would all retain levels that would significantly exceed the 5% BRE threshold.

680. Officers therefore consider the overall sunlight reductions at 17-19 Eltham Road to be acceptable, given the urban context.

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21-29 Eltham Road

681. These are 2-storey plus roofspace dwellings that lie opposite Leyland Road, which are set back approximately 18m from the edge of the highway.

Existing baseline

682. The existing VSC results show that of the 14 windows tested, 14 currently meet the BRE guidelines, ie measure more than the benchmark 20% VSC in an urban area.

683. In regard to sunlight values, all 14 habitable rooms tested are BRE compliant

Daylight impact

684. With the development in place, all windows would experience 'minor to moderate' reductions that would be noticeable, however all would exceed 20% for an urban area, with 3 windows exceeding the 27% for a suburban area.

685. No 'major' adverse reductions would be incurred.

Sunlight impact

686. With regard to sunlight, all 14 tested rooms would remain BRE compliant.

687. The 'Total' readings would see 'minor' reductions that would be noticeable, however all windows would exceed the 25% BRE threshold.

688. 'Major' reductions would be incurred to 11 of the 14 windows, however all would significantly exceed the 5% BRE threshold.

689. Officers are therefore satisfied the development would not significantly harm daylight and sunlight amenity at these properties.

1-42 Merridale

690. Merridale is an 11-storey residential block that lies directly to the south of the development site.

Existing baseline

691. The existing VSC results show that of the 106 windows tested, all currently exceed the BRE guidelines.

692. For existing sunlight values, all 40no windows tested meet BRE guidance.

Daylight impact

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

694. The nature of the ground floor room served by the sixth window is unknown. It is noted that the room has two windows, and the one that would incur a 'major' reduction by 60% would retain a VSC of 13.4%, down from the baseline 34.2%. This is a significant reduction, but the second window would retain a BRE compliant 26.9% VSC, therefore overall the room would retain sufficient daylight provision.

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Sunlight impact

695. In regard to sunlight, most windows would only incur negligible reductions, and so would retain BRE compliant 'Total' and 'Winter' standards.

1-44 Leybridge Court

696. Leybridge is an 11-storey residential block that lies to the east of the development site.

Existing baseline

697. Of the 85 windows tested, 48 achieve VSC levels above BRE guidance. This is attributed in part to some windows being set-back by deck accesses.

698. All 33 habitable rooms tested comply with BRE sunlight standards.

Daylight impact

699. Following the assessment, 24 windows would experience 'major' reductions.
700. It is acknowledged however that all the affected windows already have low VSC levels. For example, a first-floor opening has a baseline 3.4% VSC, which would fall to 1.9% VSC, representing a 55.8% reduction. A fifth-floor window with a baseline 1.9 VSC would fall to 0.2 VSC, a reduction of 92%.
701. On the tenth-floor, a 2 VSC window would reduce by 50% to 1 VSC.
702. Whilst these are considerable reductions, the low baselines must be acknowledged. The affected rooms already experience low intakes of natural daylight due to the presence of deck accesses, and therefore the further reductions are unlikely to be significant in real terms.
703. Generally, the majority of other windows would experience 'negligible to minor' reductions, with some 'moderate' reductions elsewhere. All openings that currently enjoy high VSC levels would retain a good provision in excess of the 20% urban threshold.

Sunlight impact

704. Following the assessment, 12 openings would incur 'major' reductions in 'Winter' readings of up to 55%, however all the affected windows would either comply with or exceed the 5% BRE threshold.
705. Officers consider the overall sunlight reductions to be acceptable, given the urban context.

45-88 Leybridge Court

706. This is another 11-storey residential block of flats to the east of the application site.

Existing baseline

707. Of the 85 windows tested, 48 achieve VSC levels above BRE guidance.

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708. Of the 33 habitable rooms tested, all comply with BRE sunlight standards.

Daylight impact

709. Following the assessment, 26 windows would incur 'major' reductions on all floors other than the tenth. As with 1-44, the affected rooms already have low VSC levels due to deck accesses, whilst it is unclear if any of the rooms are kitchens.

710. Most other windows would experience 'negligible' to 'minor' reductions, and would retain high VSCs in excess of 20%.

Sunlight impact

711. Following the assessment, only negligible reductions would be incurred.

161-167 Lee Road

712. These are 2-storey plus roofspace terraced properties with commercial uses at ground floor, and residential on the upper floors. The terrace lies directly opposite the proposed Building A1.

Existing baseline

713. The existing VSC results show that of the 7 windows tested, all 7 currently meet the BRE guidelines.

714. In regard to sunlight values, all 6 habitable rooms tested are BRE compliant

Daylight impact

715. With the development in place, the windows would experience 'negligible' to 'minor' reductions that would be noticeable for four openings, however most would retain VSCs in excess of 25%, and none would fall below 22 VSC.

716. No 'major' adverse daylight reductions would be incurred.

Sunlight impact

717. With regard to sunlight, all 14 tested rooms would remain BRE compliant.

718. Four windows in the 'Winter' readings would see 'major' reductions of up to 46%, however all windows would exceed the 5% BRE threshold.

719. Officers are therefore satisfied the development would not significantly harm daylight and sunlight amenity at these properties.

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1, 3, 5 Eltham Road

720. These are 4-storey properties arranged in a terrace that comprises commercial uses at ground floor, and residential on the upper floors. The terrace lies directly opposite the proposed siting of Block A.

Existing baseline

721. The existing VSC results show that of the 21 windows tested, all currently meet the BRE guidelines.

722. In regard to sunlight values, all 9 habitable rooms tested are BRE compliant

Daylight impact

723. With the development in place, whilst all windows would incur 'moderate' reductions, all openings would achieve VSCs in excess of 19%, which is acceptable in an urban setting.

724. No 'major' adverse daylight reductions would be incurred.

Sunlight impact

725. Nine windows in the 'Winter' readings would see 'major' reductions of up to 62%, however all windows would significantly exceed the 5% BRE threshold.

726. Officers are therefore satisfied the development would not significantly harm daylight and sunlight amenity at these properties.

Overshadowing

Policy

727. 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

728. The applicant's daylight and sunlight consultants have carried out a sun-on-ground overshadowing assessment in relation to the identified amenity space on the opposite side of Leyland Road serving the Leybridge Court flats.

729. The assessment concludes that the space would remain BRE compliant following the Leegate development on March 21st, receiving more than two hours of sun.

730. Having reviewed the submission details, officers are satisfied with the conclusions reached, and that no residential gardens would be impacted due to the position and orientation of the proposal.

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Solar Glare

731. The submission includes a solar glare assessment, in which it reports the current baseline scenario as 'little potential for reflective solar glare'.
732. In the proposed scenario, Chapter 10 of the ES mostly concludes negligible impacts, however in Viewpoint V4A (travelling east on Taunton Road – stopping at junction looking ahead), it would be 'moderate adverse'. This is described as instances of glare directly in the view of the driver, but broken up by 50% of façade materials being non-reflective.
733. The harm, which would arise from the 12-storey Block B1 building, would however be largely mitigated by the proposed landscaping to the Square and public realm directly opposite the junction, therefore consideration must be afforded to this matter when proposing tree species and heights in the soft landscaping Condition.

Independent review on behalf of the LPA

734. The LPA appointed Aecom 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 and overshadowing, reviews have been undertaken by Aecom upon all submissions received to date.
735. Aecom have advised the LPA that the Applicants have undertaken the correct BRE assessment methodology with regard to VSC and APSH, confirming that the methodology, selection of baseline receptors, and conclusions of the assessments are agreed.

Daylight, sunlight and overshadowing conclusion

736. The submission has been accompanied by a comprehensive daylight and sunlight assessment undertaken as part of the Environmental Statement.
737. The independent consultants appointed by the Council have undertaken a detailed review of the submitted daylight and sunlight assessments. 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 acceptable. 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 sunlight results, which do include breaches of the BRE guidelines, may be considered acceptable.
738. It is clear from the assessment that the proposed development will result in some significant reductions in daylight and sunlight levels for surrounding properties. It has been demonstrated that where Major Adverse impacts would be incurred, the properties already experience low provision of daylight and sunlight, but would still retain acceptable provisions in compliance with BRE.
739. 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 urban environments, and particularly where neighbouring properties have existing architectural features (such as balconies/ deck accesses) which necessarily impose restrictions on levels of daylight and sunlight.

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740. It should also be considered that many surrounding dwellings currently benefit from unobstructed outlook over the application site due to the existing limited heights.
741. 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.
742. In conclusion, as addressed in this report, it is recognised that some occupiers would experience noticeable and significant reductions in sunlight and daylight, however for the reasons set out, the impacts 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. The impacts must also be weighed against the public benefits of the scheme.
743. The proposed development would deliver 562 new homes of which 36% 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 that will deliver substantial new housing and mixed use development that will rejuvenate the Leegate District Centre.
744. In addition, the development would deliver new areas of high quality public realm, and the provision of employment floorspace, together with substantive financial contributions that would be secured to deliver highway and public realm improvements locally.
745. The proposed development would deliver significant public benefits, and taking all the identified public benefits into account, it is considered that they outweigh the identified harm in relation to those dwellings that would experience reductions in levels of daylight and sunlight.
746. As such, it is considered that the public benefits of the development would outweigh the identified harm.

Noise and disturbance

Policy

747. 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.
748. 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.
749. 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

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London's The Control of Dust and Emissions during Construction and Demolition SPG (2014).

Discussion

750. 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.
751. It is not considered that the residential element of the proposed development would result in unacceptable levels of noise pollution.
752. Planning conditions are proposed to secure an appropriate level of soundproofing to the development which would ensure no unacceptable impact either for occupiers of the proposed residential units or within surrounding buildings.
753. For the proposed commercial uses, details will be required by Condition in regard to ventilation measures to ensure any odours arising from the cooking of food are dispersed appropriately.
754. Times of operation for the commercial units will be **7am to 12am**, in general accordance with the wider District Centre.
755. A planning Condition will require a management plan for the basketball half court within Carston Close so that officers can understand how it would be operated, who would use it and when it would be available for use. The court would lie within close proximity of the block of flats at Merridale and the future Block B occupiers, therefore it is important to ensure there would be no unacceptable noise and disturbance arising from the playspace.

Impact on neighbours conclusion

756. It is acknowledged that the proposed scale of development would result in varying degrees of harm to occupiers of neighbouring properties through reductions in daylight, sunlight, and outlook.
757. Some dwellings close to the site would experience major adverse harm with regard to daylight (VSC) and sunlight (APSH) reductions, however the majority of affected windows would retain good levels of natural light in accordance with BRE guidance.
758. The Applicant submissions have been reviewed on behalf of the LPA by Aecom, who have advised that the methodology and conclusions reached are acceptable.
759. 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.
760. For the current scheme, the GLA have raised no overshadowing or day/ sunlight issues.
761. The degree of harm to some 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

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scheme, it is considered that the substantive benefits that the scheme would deliver outweigh the harm identified.

7.7 SUSTAINABLE DEVELOPMENT

General Policy

762. NPPF para 156 sets an expectation that planning will support transition to a low carbon future.
763. This is reflected in relevant policies of the London Plan and the Local Plan.
764. 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.
765. 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.
766. 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.
767. Core Strategy Policy 8 requires non-residential development to achieve a minimum of Building Research Establishment Environmental Assessment Method 'Excellent' standard.
768. 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.

Energy and carbon emissions reduction

Policy

769. LPP SI 2 seeks an overall reduction in carbon dioxide (CO2) emissions, and states that major development proposals should make the fullest contribution to minimising CO2 in accordance with the following hierarchy: (1) be lean: use less energy; (2) be clean: supply energy efficiently; (3) be green: use renewable energy; and (4) be seen: monitoring.
770. In addition, LPP SI 2 sets targets for CO2 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.
771. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:

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- 1) through a cash in lieu contribution to the borough's carbon offset fund, or
- 2) off-site provided that an alternative proposal is identified and delivery is certain.

772. CSP8 seeks to minimise the carbon dioxide (CO2) emissions of all new development and encourages sustainable design and construction to meet the highest feasible environmental standards.
773. 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.
774. DMP22 requires all developments to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling using the published hierarchy.

Discussion

775. The application is accompanied by an Energy statement prepared by Whitecode dated 13 May 2022.

Be Lean

776. 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, and low energy lighting. The development would achieve 97% cumulative on-site savings within the domestic element compared to the 2013 Building Regulations, and 37% within the non-residential – an overall reduction of 90%, which is in accordance with LPP S12.
777. Air tightness and ventilation has been considered, and it is proposed to install a Mechanical Ventilation Heat Recovery (MVHR) system that will ensure heat is retained within the dwellings, with an efficiency level of up to 80%.
778. In regard to the residential dwellings, space heating and hot water will be provided for by a combination of Exhaust Air Source Heat Pumps and MVHR via an internal system that recovers energy from extracted air, which also serves to provide dehumidified air within the units. The proposed system does not require the installation of any related plant on the building roofs.
779. For the commercial units, Air Source Heat Pumps will provide heating and cooling, whilst hot water would be provided by means of electric.

Be Clean

780. As set out in Be Lean, the application proposes the installation of internal Exhaust Air Source Heat Pumps (ASHP) to serve the residential units, and Air Source Heat Pumps for the commercial units.
781. 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.
782. The Energy Statement confirms that there are no existing district heat networks close to the development site to connect to, however the Applicant is committed to connecting the

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development to any future heat network that is developed in the local area where it is both technically and commercially viable to do so. This would involve the installation of pipelines to the site boundary to enable future connection.

Be Green

783. In terms of renewable technologies, a minimum provision of 2600sqm PV panels are proposed to the flat roofs of each building. The development will target a **60%** reduction in CO₂ emissions, which exceeds the 35% reduction required by the London Plan.

Be Seen

784. In accordance with the GLA 'Be Seen' guidance, all major plant will include the provision of meters to allow for the monitoring of energy consumption and operational performance over a 5 year period post development.

Carbon Offset

785. 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 £200,085.60, which will be secured in the s106 Agreement.
786. The Stage 1 GLA response required additional information relating to the energy strategy, including overheating; potential for district heating network connection; maximisation of renewable energy to be demonstrated; and details of air source heat pumps. Subsequently, further engagement has been undertaken with the GLA during the course of the application, who have since advised that no objections are raised subject to appropriate planning Conditions.

Whole Life-Cycle Carbon

Policy

787. 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

788. 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 assessment period of 60 years. The modules include 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).
789. 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.

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790. The assessment shows that the embodied carbon performance of the development for Modules A, B and C is expected to be 1,085 kgCO₂eq/m² over the 60 years, which would exceed the GLA's 'aspirational' benchmark of 800 kgCO₂eq/m².
791. The GLA have reviewed the submission and advise no objections are raised, and that an appropriate planning Condition should seek the submission of a post-construction assessment to include emission details.

Overheating

Policy

792. 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.
793. DMP 22 reflects regional policy, requiring all developments to maximise the incorporation of design measures to manage heat gain.
794. Further guidance is given in the Sustainable Design and Construction SPG (GLA) and Chapter 5 of the London Climate Change Adaptation Strategy.

Discussion

795. The application includes a Dynamic Overheating Assessment undertaken by Whitecode.
796. It sets out that the development would include the provision of inset balconies to some residential blocks to maximise shading, whilst dwellings will primarily utilise openable windows for ventilation purposes.
797. 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, allowing for effective ventilation. Details of this will be required by condition.
798. 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.
799. On the basis of the information submitted, the Council's Sustainability officer has confirmed 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

800. 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.
801. 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

802. 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.
803. In this case, the submission confirms the development would deliver a UGF of **0.364**, assisted by the construction of biodiverse living roofs; planting; rain gardens and vegetated sustainable drainage elements; and tree planting. Further details of the living roofs and landscaping measures will be subject to planning conditions.
804. External green walls were considered however these have not been included due to fire safety concerns.
805. The Applicants have been advised by the Council's Tree Officer during the application period to consider further ways to increase the UGF to achieve the 0.4 benchmark, however despite additional work that has resulted in a small increase, the proposal remains below the threshold.
806. Considering the existing UGF baseline is very low due to the site being mostly comprised of hard landscaping (0.08UGF), it is clear that the extent of soft landscaping and tree planting being proposed represents a significant improvement. Nevertheless the Applicants are urged to consider potential solutions to achieve the 0.4 threshold, considering this is a new development. This matter will be further discussed at planning condition stage.

Flood Risk

Policy

807. 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.
808. LPP SI 12 requires development proposals to ensure that flood risk is minimised and mitigated.
809. CSP 10 requires developments to result in a positive reduction in flooding to the Borough.

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

Discussion

811. The application site lies within Flood Zones 2 and 3, with the River Quaggy located 100m to the north. The southern part of the site is largely in Flood Zone 1, with lower potential for flooding.

812. The FRA advises that the site is susceptible to flooding due to surface water flow from Eltham Road and the relatively close proximity to the River Quaggy. There is an historic record of fluvial flooding at the site in 1968 from the Quaggy to the western part of the site (Burnt Ash Road side).

813. The northern half of the site is within the Flood Risk Zone. No residential units are to be provided at ground level in this location. The basement would be at risk, but there are no habitable areas at basement level, only plant equipment and storage of bicycles.

814. Considering the development has a larger footprint than the existing, it would reduce the level of floodplain storage by up to 320sqm, therefore compensatory storage will be provided within the central Square by lowering the ground level from 16.6mAOD to 16.5AOD.

815. To reduce water ingress, all public realm would be constructed with minor gradients that would slope towards the highway. The commercial units can be readily evacuated and are considered to be appropriate uses, notwithstanding the risk of flooding.

816. The application is accompanied by a Flood Risk Assessment (Cole Easdon, June 2022), and a subsequent Technical Note dated December 2022 which concludes that the development will be safe for its lifetime, and would not increase flood risk.

817. The Environment Agency have raised no objection to the proposed development or the conclusions of the FRA, subject to appropriate planning Conditions relating to internal floor levels.

818. Officers consider that the flood risk strategy is practical and suitable for a District Centre location that is partially located within a flood risk zone.

Sustainable Urban Drainage

Policy

819. The NPPF at para 168 expects major development to incorporate sustainable urban drainage systems (SUDS) unless there is clear evidence it is inappropriate.

820. 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.

821. 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

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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.

822. 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.
823. 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

824. 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.
825. The surface water drainage strategy proposes rainwater harvesting, permeable paving and living roofs across the development that would contribute towards surface water management.
826. In addition, attenuation measures would include a below ground cellular storage tanks below the public Square and Blocks B and C.
827. The submitted information has been reviewed by the Council's SuDS team, who required clarification on points including reasons why above ground SuDS measures such as water butts, rain gardens and tree pits could not be incorporated. The submission of a further developed strategy and a detailed maintenance strategy for all components of the drainage strategy will be required by planning Condition prior to the commencement of works.

Sustainable Infrastructure conclusion

828. Subject to planning 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 contribution to urban greening with its associated benefits in terms of amenity, ecology and biodiversity, and the overall uplift in urban greening when compared to the existing baseline is a planning benefit of the scheme to which moderate weight is accorded.

7.8 NATURAL ENVIRONMENT

General Policy

829. Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.
830. The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.

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831. 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.
832. 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.

Ecology and biodiversity

Policy

833. 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.
834. 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.
835. LPP G5 seeks wherever possible to ensure that development makes a positive contribution to the protection, enhancement, creation and management of biodiversity.
836. LPP G7 protects trees of value and replacements. New development should include additional trees wherever appropriate, particularly large-canopied species
837. CSP 12 seeks to preserve or enhance local biodiversity.
838. 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

Trees

839. The proposal seeks to implement extensive tree planting within the site and to surrounding streets. 12no. trees would be felled, including;
- 3 TPO trees within the north-eastern area of the site;
 - 1 tree on Burnt Ash Road;
 - 4 trees on Leyland Road;
 - 4 trees on Eltham Road
840. The 3no. London Plane trees that are currently protected by Tree Preservation Orders (TPO) are considered to make a valuable contribution to the streetscene, whilst providing the only substantial greenery within the curtilage of the application site. Permission is required to fell a TPO tree, with robust justification for their felling. In this case, the

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positioning of the trees means they cannot be retained as Block B would be located there. The felling of the 3 trees was approved in the 2014 scheme for the same reason. Officers raise no objections to the proposed felling of the trees, considering there would be a significant uplift within the site as part of the development proposal.

841. At Tiger's Head Junction, the original proposed was to fell the 6 existing privet trees, and replace them with a single Holm Oak. Following advice from officers that the Holm is invasive in the UK, the Applicant will instead retain 4 of the 6 privets, which is welcomed, however this would result in a net loss of trees on the TRLN as there is limited space available for replacements. In response the GLA have advised they will discuss this matter with the Applicants outside of the planning application to seek an appropriate level of mitigation.
842. Along Burnt Ash Road away from the application site is an avenue of large canopy trees created from both street trees and trees in front gardens, which is an important element of Lee Manor CA and its setting, and also the quality of the streetscape outside the CA. Reinforcing and continuing this avenue at the northern end of the adjacent to Leegate is essential to the setting of the CA and will help to soften the experience of the buildings. The proposed tree planting is welcomed however further details in regard to species and height will be required by Condition.
843. Overall, 178 trees will be planted, of which 66 will be located within the public realm areas; and 112 in the podium gardens. This represents an overall uplift of 166 trees across the site and in principle is supported by the Council's Tree Officer, subject to the submission of further details by condition with regard to species and height.

Ecology

844. The submission identifies that the development of the site represents an opportunity to enhance biodiversity post-development. These include the provision of living roofs, native plantings at ground and podium levels and the installation of bird boxes and bat bricks.
845. A preliminary ecological appraisal (PEA) was undertaken in January 2021 to identify any potential to support protected species within the site. The existing buildings were observed, and several gaps/ holes and lifting of flashing were found that could present opportunities for bat roosts.
846. A single summer day bat roost of a common pipistrelle was found in building B3 (car-park to the southern end of the site), and it was recommended that a further survey should be undertaken. The second survey observed the same roost, and recommended that a licence must be obtained prior to any demolition works.
847. The Council's Ecology manager has reviewed the details and has stressed the need for a further bat survey to be conducted to inform the licence application, which the Applicant has agreed to. The provision of bat boxes/ bricks within the new development will mitigate the loss of the existing roost, as will the uplift in green surroundings. Such measures, and sensitive lighting, will be secured by Condition, and Informatives will advise the Applicant of their responsibilities with regard to the existing bat roost.
848. A Biodiversity Enhancement and Management Plan will be formally submitted to the LPA to address new habitat features, which will include integrated bird boxes and bricks and insect habitats. The Plan will also consider aims and objectives of the proposals, which will be subject to ongoing monitoring and reviews.

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849. Overall, the submission advises there would be a biodiversity net gain of 171.48% across the site, which accords with the requirements of LP Policy G6 that states development proposals should aim to secure net biodiversity gain.

850. Landscaping measures and details relating to the living roofs will be required by Condition, which will be formally assessed by the Ecology and Tree officers to ensure the effectiveness of the proposals.

Impact of lighting

851. 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.

852. DM Policy 27 'Lighting' requires development to provide sensitive lighting schemes with particular consideration of the potential adverse impact on biodiversity.

853. 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 and any resulting impacts on habitats.

Summary

854. The submitted information has been reviewed by the Council's Ecological Regeneration Manager who raises no objections to the findings or principle of measures proposed, subject to appropriate planning Conditions. The Applicant has confirmed no uplighting to trees will be proposed as it is recognised they may harm the trees and harm nocturnal species.

Ground pollution

Policy

855. 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.

856. 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.

857. DMP 28 'Contaminated land' provides the policy basis for assessing development proposals in terms of site contamination.

858. 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.

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859. The test is that after remediation, land should not be capable of being determined as “contaminated land” under Part 2A of the EPA.
860. 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.
861. 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 furthermore detailed investigation is required, or whether any proposed remediation is satisfactory.
862. 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.
863. 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

864. A Desk Study Report and Preliminary Contamination Risk Assessment (GB Card & Partners May 2022) has been submitted as part of the application submission. This identifies that the likely source of any contamination on the site would be from the former petrol station, and possibly materials used in construction such as asbestos.
865. The report recommends an ‘limited’ 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.
866. 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 planning Condition requiring a full site assessment, site investigation report and closure report including verification details to be submitted to and approved by the local planning authority.
867. The submission considers there to be a risk of unexploded Ordnance (UXO) on site, and therefore a risk assessment is not necessary. This will be secured by a planning Condition.
868. Subject to the above, the proposed development is considered to be acceptable with regard to ground pollution.

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Air pollution

Policy

869. 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.
870. 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.
871. Further guidance is given in the Mayor of London's Air Quality Strategy.

Discussion

872. 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.
873. The Council's Air Quality Management Plan identifies AQMA4 to be an area where exceedances of vehicle emissions PM10 particles and NO2 have been modelled to be present. Air quality is actively monitored in the area as a whole.
874. An Air Quality Report (Temple) (Chapter 8 of the ES) has been submitted which assesses the impact of the proposed development on air quality during both the construction and operational phases.
875. 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.
876. In addition, a Construction Environment Management Plan will be submitted to the Council prior to commencement of works to ensure the construction process is carried out in a manner that will minimise possible pollution to neighbouring properties, in compliance with Policy S11 Improving air quality of the London Plan (March 2021).
877. In terms of the operational phase, the energy strategy relies on Exhaust Air Source Heat Pumps within residential units, and Air Source Heat Pumps would serve the commercial units, providing a clean form of renewable energy to meet space heating and hot water demands.
878. Electric vehicle bays would be provided within the development, with 20% being 'active', and the remainder being 'passive' should there be future demand. This is in compliance with London Plan policy.
879. An air quality neutral assessment has been undertaken for the proposed development, which shows the development emissions would be below the nitrogen oxides (NOx) Building Emissions Benchmark and the Transport Emission Benchmarks for NOx and

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therefore can be considered 'air quality neutral' for the purposes of building and transport emissions.

880. The submitted documents have been reviewed by the Council's Environmental Protection team, and independent consultants on behalf of the LPA (Aecom), who required clarification on some matters, and has since raised no objections to the methodology undertaken by the Applicant.
881. The draft Lee Neighbourhood Plan includes three policies which are relevant to air quality: Policy GB2 Achieving a Green Infrastructure-led Development Approach and Policy, Policy GB4 Protection and Increase of Tree Cover, and Policy TC2 Improve Measures to Reduce Pollution Levels.
882. The development complies with draft Policy GB2 as it includes urban greening as a key element of the design and deliver a high quality landscaped areas. In regard to Policy GB4, whilst there would be a shortfall in street trees on the TLRN, there would be an overall uplift in quantity of trees within the site.
883. The requirements of Policy TC2 would be broadly met by the promotion of cycling and walking, provision of electric vehicle bays, and no on-street parking (loading bays being the exception).
884. Subject to appropriate planning conditions, it is considered that the proposed development would be acceptable with regard to air quality. A financial contribution of £50k for air quality improvements in the Borough will be secured in the s106 Agreement.

Water quality

Policy

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

Discussion

886. In terms of local water supply, Thames Water have requested a planning Condition to ensure the 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.
887. Additional information will also be required by Condition in regard to surface water and foul water network infrastructure.

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Wind & Microclimate

Policy

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

Discussion

890. A Pedestrian Level Wind Microclimate submission Assessment (arcaero, March 2022) has been submitted as part of the application and provides a wind microclimate assessment based on computational modelling that informs whether the development would accord with the Lawson Comfort Criteria (LCC).
891. The LCC is comprised of five categories that include 'Sitting'; 'Standing', 'Strolling' and 'Walking'. 'Uncomfortable' addresses wind levels that are a nuisance for most activities. If the measured wind conditions exceed the threshold wind speed for more than 5% of the time, then they are unacceptable for the stated pedestrian activity and the expectation is that there may be complaints of nuisance or people will not use the area for its intended purpose.
892. The criteria for wind impacts are set out in Table 9 as follows:

Threshold Wind Speed [m/s]	Comfort Rating / Activity		Qualifying Comments
4	C4	Long-term sitting	Reading a newspaper and eating and drinking.
6	C3	Short-term standing / sitting	Appropriate for bus stops, window shopping and building entrances.
8	C2	Strolling	General areas of walking and sightseeing.
10	C1	Walking	Local areas around tall buildings where people are not likely to linger.
> 10	C0	Uncomfortable	Uncomfortable for all pedestrian activities.

Table 9: Lawson Comfort Criteria

893. In this case, the impacts of (1) the existing site (baseline); and (2) the proposed development have been assessed based on existing topography and buildings within a 450m radius.
894. In regard to the existing scenario during the 'worst case season', the submission concludes that the surrounding area is predominantly 'long-term standing/ sitting' and

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'short-term standing/ sitting'. Public footpaths and entrances to buildings are mostly 'long-term standing/ sitting'.

895. Small areas of 'strolling' are shown, including to the Eltham Road/ Burnt Ash Road junction, and areas to the east of the site. No areas of 'uncomfortable' are identified.
896. In the proposed scenario during the 'worst case season', the impacts would be broadly similar to the baseline with regard to entrances and footpaths. It is noted that the gardens of the townhouse dwellings directly to the south would see an improvement from 'short-term standing/ sitting' to 'long-term standing/ sitting'. During the windiest season, conditions for nearby crossings and bus-stops would remain suitable, with negligible effects, as set out in **Table 10** below. No areas of 'uncomfortable' are identified.
897. The Eltham Road/ Burnt Ash Road junction would experience a larger area of 'strolling', which is acceptable considering this would mostly be where pedestrians are crossing the busy highways. For context, the next comfort rating of 'walking' includes local areas around tall buildings where people are not likely to linger.
898. Officers are satisfied the scheme would be suitable for cyclists. The 'strolling' speed is 8 metres per second, whilst an unsafe speed for cyclists is 15 metres per second.

Phase	Resource or Receptor affected	Residual Effect
Demolition and Construction	Thoroughfares within the surrounding area	Temporary negligible effect
	Entrances within the surrounding area	Temporary negligible effect
Operation	Thoroughfares within the Site	Permanent negligible effect
	Entrances within the Site	Permanent negligible effect
	Recreational spaces within the Site	Permanent negligible effect
	Balconies within the Site	Permanent negligible effect
	Thoroughfares in the surrounding area	Permanent negligible effect
	Entrances in the surrounding area	Permanent negligible effect

Table 10: Microclimate impacts

899. Within the proposed development, the first-floor podiums in Blocks A and B would incur a mix of long and short term 'standing/ sitting' in the winter worst case scenario. This would be similar in the summer scenario for Block A, although Block B would change to predominantly 'long-term'.

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900. The impacts would not be significant and would allow for residents to use and enjoy any fixed seating within the 'short-term - sitting' areas, with trees and other forms of landscaping providing some protection.
901. Details of screening to balconies will be subject to a planning Condition, and details will be expected to consider suitable measures to address those balconies where 'short-term - sitting' has been identified.
902. Overall, with regard to wind and microclimate, the proposed development results in mostly negligible impacts. It must be acknowledged that the assessment has been modelled to a worst case scenario.
903. The submission has been considered by independent consultant (Aecom) on behalf of the LPA. They confirm they are satisfied with the methodology used to inform the outcomes and confirm that assumptions are made on worst-case wind speeds between December and February. Subsequently no objections are raised.
904. Given the above, the proposed development is considered acceptable with regard to wind microclimate impacts.

Waste and Circular Economy

Policy

905. 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
 - 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

906. A Site Waste Management Strategy (Stantec, 2022) has been submitted as part of the application submission which details the anticipated waste arising from the development. It is estimated that the proposed development for the residential element only will produce

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a total of 430 tonnes of household waste per year. A similar exercise has not been undertaken for the commercial element as users are currently unknown.

907. A Condition is proposed requiring submission of an updated Site Waste Management Plan as part of the Construction Environment Management Plan for waste produced during demolition and construction activities.
908. 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.
909. 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.
910. 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

911. 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 would deliver a net gain in terms of the provision of soft landscaping and trees, biodiverse living roofs, and wildlife habitats, and this is supported.

7.8 PUBLIC HEALTH, WELL-BEING AND SAFETY

General Policy

912. 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 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).
913. 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.

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914. 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.
915. 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.
916. 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

Medical Facilities

917. Chapter 6 'Socio-Economic' of the ES identifies that based on a projected residential population of 1,150 residents (an uplift of 1088 over the existing). It identifies capacity within six existing surgeries that lie within 1.6km of the application site, with the Burnt Ash and Nightingale surgeries being the closest. It is noted in **Table 11** that the Burnt Ash surgery has a very high GP to patient ratio, but is still accepting patients.
918. The six medical facilities have an overall average of 28.1 full-time GPs, and 62,904 registered patients, providing a GP to patient ratio of 1 per 2,239. This would exceed both the NHS SE London average of 1 GP per 2,403, and an average Lewisham ratio of 1 GP per 1,900.
919. The current planning application proposes a 799sqm medical facility (Use Class E(e)) at first floor in Block A, which the submission advises would be 'akin to a GP surgery that will service the growing population within the development and local area and relieve pressure on existing health services' to provide 4.8 FTE GPs.
920. During the course of the planning application period, the Applicants have engaged with the NHS with regard to future use of the proposed centre, and whether it would involve an existing local GP moving there, or to provide an additional facility.
921. At the time of this report, discussions had not reached a conclusion between the parties, however the NHS had raised concerns about the size of floorspace, its location at first floor and lack of parking for ambulances. Whilst not confirmed, it would appear unlikely that the NHS would occupy the facility for these reasons, however the intention remains for the unit to be used as an alternative form of medical facility.
922. Without an on-site NHS centre within the development, the proposal would be expected to generate a requirement for up to **0.6** GPs.
923. It is acknowledged that the development would make a substantial financial contribution to the Borough Community Infrastructure Levy, which could potentially be directed towards additional public health (in addition to other areas including education and community facilities) if this is considered to be a priority.
924. The Lewisham Local Plan: Infrastructure Delivery Plan Framework Document will play an important role in assisting the Council to direct investment in line with the spatial strategy for the Borough, whilst ensuring there is appropriate provision of facilities, services and infrastructure to support sustainable development in Lewisham.

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925. Aecom have reviewed the submission on behalf of the LPA, and raise no objections to the methodology undertaken by the applicants.

Surgery	Distance (km)	Number of Patients	GPs (FTE)	GP to Patient Ratio	Accepting new NHS patients?
Burnt Ash Surgery	0.3	6,069	1.5	4,046	Yes
Nightingale Surgery	0.3	6,278	3.5	1,794	Yes
Lewisham Medical Centre	0.5	13,201	5.0	2,640	Yes
Lee Road Surgery	0.8	12,063	4.9	2,462	Yes
Kidbrooke Village Medical Centre (branch of Everest Health Partnership)	1.3	18,527	9.0	2,059	Yes
Belmont Hill Surgery	1.4	6,766	4.2	1,611	Yes

Table 11: Local GP centres – April 2022

Schools

926. In regard to schooling, the development would accommodate approximately 194 children – 80 of nursery age; 64 primary; and 50 secondary school age.
927. There are 21no. nurseries/ pre-schools that lie within 1.6km of the site, with a projected capacity based on a minimum 10% assumption to accommodate an additional 106 children. It is acknowledged that nursery and early years providers do not operate standardised capacities or hours as there is a wide range of provider types, whilst attendance is not mandatory. Aecom have not objected to the methodology used in determining the projected spare capacity.
928. Within 1.6km of the site are 14 primary schools, the nearest being Brindishe Lee School. **Table 12** lists the identified primary schools and surplus capacities – it is noted that the list also includes Greenwich schools at Ealdham, Wingfield, Brooklands, Holy Family and Horn Park.
929. The overall surplus for the 14 schools would be 723 spaces. When considering Lewisham schools only, there is spare capacity of 356, which would be sufficient to accommodate the projected 64 primary school aged children within the Leegate development.

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Table 12: Local Primary schools

Primary School	Distance (km)	School Places	Number on Roll	Net Capacity	Surplus Capacity
Brindishe Lee School	0.3	255	229	26	10.2%
Trinity Church of England School*	0.5	466	414	52	11.2%
St Margaret's Lee CofE Primary School	0.6	210	204	6	2.9%
Brindishe Manor School	0.8	450	444	6	1.3%
Wingfield Primary School	1.0	630	356	274	43.5%
St Winifred's RC Primary School	1.0	420	414	6	1.4%
Brooklands Primary School	1.0	210	200	10	4.8%

Primary School	Distance (km)	School Places	Number on Roll	Net Capacity	Surplus Capacity
Baring Primary School	1.3	233	217	16	6.9%
Holy Family Catholic Primary School	1.3	210	195	15	7.1%
John Ball Primary School	1.3	630	539	91	14.4%
St Matthew Academy*	1.3	420	319	101	24.0%
Brindishe Green School	1.3	630	593	37	5.9%
Horn Park Primary School	1.4	420	377	43	10.2%
Ealdham Primary School	1.6	386	346	40	10.4%
Total		5,570	4,847	723	13.0%

930. In regard to secondary schools, 14 schools have been identified within a radius of 3.2km, of which 8 are located outside the Borough – International Academy of Greenwich, Thomas Tallis, Harris Academy, Eltham Hill, The Halley Academy, Leigh Academy, The John Roan and St. Ursula's Convent.
931. It should be noted that since the application submission, The International Academy of Greenwich has closed after planning permission for the redevelopment of the school was refused. The closure was phased, hence the low 'number on roll' figure.
932. The 13 remaining schools have spare capacity of 2,589 spaces, with two being over-subscribed. For the Lewisham schools only, there would be spare capacity of 886no.

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Table 13: Local Secondary schools

Primary School	Distance (km)	School Places	Number on Roll	Net Capacity	Surplus Capacity
International Academy of Greenwich	0.2	765	41	724	94.6%
Trinity Church of England School Lewisham*	0.5	674	726	-52	-7.7%
St Matthew Academy*	1.3	900	683	217	24.1%
Thomas Tallis School	1.3	1908	1882	26	1.4%
Harris Academy Greenwich	1.9	1150	1104	46	4.0%

Primary School	Distance (km)	School Places	Number on Roll	Net Capacity	Surplus Capacity
Prendergast Vale School*	2.2	600	570	30	5.0%
Eltham Hill School	2.4	1050	1146	-96	-9.1%
The Halley Academy	2.4	1479	906	573	38.7%
Leigh Academy Blackheath	2.6	1150	180	970	84.3%
The John Roan School	2.6	1352	1207	145	10.7%
St Ursula's Convent School	2.6	690	629	61	8.8%
Prendergast Ladywell School*	2.9	1200	689	511	42.6%
Conisborough College	2.9	948	883	65	6.9%
Haberdashers' Aske's Knights Academy*	3.1	1040	947	93	8.9%
Total		14,906	11,593	3,313	22.2%

933. Overall, it is clear that the application site lies within proximity of primary and secondary schools that have sufficient capacity to accommodate the increased need arising from the development.
934. In considering major developments that have been built or are coming forward within the vicinity of the application site, **Table 14** sets out sites, including the comprehensive development taking place in Kidbrooke. (Note, 'Lewisham House' is an error).
935. Cumulatively, the development sites including Leegate would accommodate 1,925 children of all age groups. According to **Tables 12 and 13**, there would be sufficient capacity within the listed schools to support the projected uplifts.

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Table 14: Cumulative development

Scheme	Net Additional Child Yield			Total
	Early Years (0 to 4 years)	Primary (5 to 11 years)	Secondary (12 to 18 years)	
Proposed Development	80	64	50	194
Kidbrooke Masterplan Phase 3, 5 and 6*	679	321	244	1244
Kidbrooke Village, Phase 3 (Blocks F and G only) and Phase 5 (Blocks C, E and J only)*	57	56	22	132
Kidbrooke Station Square*	92	55	34	181
Kidbrooke Park Road Development (Phase 1)	58	46	34	138
Connington Road*	15	5	4	24
Lewisham House	7	4	1	12
Total	988	551	389	1925

Well-being

936. In terms of well-being, it is acknowledged that existing residents surrounding the site may be working from home, and so would experience construction works for a considerable period. The developers would be expected to adhere to an 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.
937. Post development, Leegate would provide high quality public realm spaces, including hard and soft landscaped areas for future residents and the wider community. The site is located within a District Centre that provides a range of services, access to open spaces and safe places for active play, and is accessible by walking and cycling and public transport.
938. Given the above, the proposed scheme is considered acceptable with regard to public health and wellbeing.

Public safety

Policy

939. 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.

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940. 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.
941. 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.
942. CSP 15 requires development to minimise crime and the fear of crime.
943. 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 alarm systems and passive and active fire safety measures; and (iv) details of access for the emergency services.

Discussion

944. 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.
945. As part of the design process, pre-application consultation took place between the Applicants and the Metropolitan Police Designing Out Crime Officer, which the officer has since advised was 'constructive'.
946. The Designing Out Crime Officer has reviewed the application submission and has commented that with regards to the external areas, he welcomes there are no excessive levels of permeability through the site meaning that the routes are likely to be well used. The routes are of sufficient widths, and all have good lines of sight allowing pedestrians to walk with confidence and make informed choices whether to walk through an area or not. There are also good levels of natural surveillance across the site which assist in lowering the potential for crime.
947. Concern has been raised in regard to the potential for vehicles to use the Carston Road route as a cut-through for vehicles at speed. Appropriate measures will be secured by s106 in consultation with the Designing Out Crime Officer and LBL Highways team.
948. During further discussions with the officer, the Applicants have advised on access matters to improve security, including:

Ground Floor

- Fob access will be required for residents accessing the residents' lounge;
- There will be biometric recognition for gym uses (requires some personal data to be captured as a condition of entry);
- Access will be granted to the medical centre via appointment over intercom and visitors will be 'buzzed in'.

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First Floor

- Front doors to residents' lounge and medical centre to be brought forward in order to increase visibility and reduce antisocial behaviour;
- Introduction of security rated doors;
- CCTV to look over the communal lobby;
- Removal of the fire escape door from the medical centre that directly opens onto the stair core.

949. The measures on both floors (fobs, biometrics, and CCTV) would require data to be stored for 30 days.
950. The Officer raises no objections in principle to the above, or to the development generally, and has requested an appropriate planning Condition 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.
951. 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.
952. 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.
953. A plan has been provided to show the routes where a fire engine could access the areas within the site. A swept path plan has been provided which shows that all proposed routes into the site could accommodate a 7.9m long pumping appliance.
954. As addressed earlier in this report, there are concerns that cars and motorbikes would use Carston Close from Leyland Road, which would have potential to compromise pedestrian and cyclist safety. A form of deterrent would therefore be necessary, which may include a barrier or bollards whilst maintaining access for emergency vehicles. This will be secured in the s106 Agreement.
955. The Fire Brigade and Health and Safety Executive were formally consulted and did not raise objections.
956. A more detailed consideration of fire safety matters will be undertaken at Building Regulations stage.

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8.0 LOCAL FINANCE CONSIDERATIONS

957. 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).
958. The weight to be attached to a local finance consideration remains a matter for the decision maker.
959. The CIL is therefore a material consideration.
960. Approximately **£4,400,000** 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.
961. As part of the sum, 25% would be apportioned to Neighbourhood Community Infrastructure Levy (NCIL), which is a community funding programme that will benefit identified areas of need within the Ward, which may include community facilities and parks/open spaces for example. The local community would have an opportunity to participate in the process to determine where the funds may be directed.

8.1 EQUALITIES CONSIDERATIONS

962. 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.
963. 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.
964. 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.
965. The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010

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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>

966. 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
967. 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>
968. 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

969. 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
970. 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.

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971. 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.
972. This application has the legitimate aim of providing 562 new residential dwellings, commercial and employment uses, and public realm works. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

8.3 LEGAL AGREEMENT

973. 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
974. 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.
975. 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.
976. The following S106 requirements have been identified in respect of the scheme:

Phasing

The proposed development is a phased development (such phasing to be secured by way of condition), and accordingly, terms in the corresponding s106 agreement will be drafted to apply to the relevant specific phases (wherever possible) to retain flexibility of developing out individual phases and meeting the planning requirements necessary for that component part of the proposed development. This approach will ensure that the

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obligations do not inadvertently curtail the ability to attempt to minimise any vacation period for existing tenants in the development.

Housing

- Minimum 36% affordable housing (by habitable rooms), comprising;
 - London Affordable Rent – 114 units; and
 - Shared Ownership – 59 units

Unit Type	London Affordable Rent/ Low Cost Rent	Shared Ownership	Overall
Studio	0	0	0
1B2P	2	2	4
2B4P	36	21	57
3B4P	3	0	3
3B5P	32	11	43
4B7P	12	0	12
TOTAL	114	59	173

- 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 including a range of income thresholds for different sized units.
- An Affordable Housing Scheme will be submitted prior to any above ground works setting out the precise location, size and tenure mix (and which would be wheelchair user dwellings) of the AHUs in the development generally consistent with the Application Stage Size and Tenure Mix. Delivery will be in compliance with the approved Affordable Housing Scheme.
- Completion timing and availability of AHUs in relation to market units.
- Early Stage Viability Review triggered if an agreed level of progress on substantial implementation is not made within two years (subject to reasonable extensions of time to be agreed) of any permission being granted.

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- Standard exclusion clause for mortgagees, receivers etc exercising a power of sale in respect of any AHUs; shared ownership occupiers who have staircased to 100% equity; protected tenants by statute.

Wheelchair Housing

Submission of a Wheelchair Housing Marketing Plan to include:

- use reasonable endeavours to market the wheelchair user dwellings in each Block which contains wheelchair user dwellings in accordance with the approved WHMP.
- Marketing of wheelchair units in each Block for a minimum period of 6 months when marketing the units in that Block and if following that period it has not been possible to dispose of the unit to a wheelchair user, then the developer shall construct that unit to be easily adaptable and otherwise be free to dispose of the unit to a non-wheelchair user; and
- Affordable wheelchair units to be marketed in accordance with the SELHP Guidelines for Developing & Marketing Wheelchair Accessible Shared Ownership Properties.

Provide 10% of the market units as wheelchair user dwellings, designed to be wheelchair accessible, or subject to demand for wheelchair accessible dwellings (as determined in accordance with compliance with the approved WHMP), easily adaptable.

Provide 10% of the AHUs as wheelchair user dwellings, or subject to demand for wheelchair accessible dwellings (as determined in accordance with compliance with the approved WHMP), easily adaptable.

Submission of a Wheelchair Unit Scheme prior to above ground works of each Block. The WUS will show the details of which units are to be provided (subject to the marketing provisions above) as wheelchair units and precise location, size and internal layout.

The wheelchair units in each Block shall be provided in compliance with the approved Wheelchair Unit Scheme prior to occupation of more than 50% of the residential units in that Block.

Local Labour and Business

Submit and enter into a Local Labour and Business Strategy (to be agreed with Lewisham's Economic Development Team), relating to the demolition and construction phase and end user phases of the development to be submitted to and agreed with the Council's Economic Development Officer prior to the commencement (including demolition) of development which will set out how the applicant will use reasonable endeavours to promote and recruit suitably qualified employees, contractors, suppliers and sub-contractors (as applicable) from the local area.

Financial contribution of £402,800. Index linked

Commercial units - Local labour targets with respect to end user requirements will include any existing traders returning to the site and the provisions of any local labour strategy will be without prejudice to the commercial relocation plan.

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Employment/ Commercial Floorspace Marketing Strategy and Fit Out

Developer to provide to shell and core the commercial units prior to any occupation of the residential units in the Block in which the relevant commercial units are to be located. The 'shell and core' standard to be set out in a specification of works for the relevant type of floorspace (i.e. commercial unit shell and core specification).

'Shell and core' will mean the external envelope, external and internal structure (foundations, floor slabs, columns required for the building support), and all external works to the building and will also include service connections for gas, electricity, water and foul drainage (as applicable to the relevant floorspace); provision for telecommunication services and broadband services; wheelchair accessible entrances; screed floors; glazing solution.

Marketing strategy to be submitted for approval 6 months prior to first occupation of the relevant block setting out the measures for marketing of the commercial units in that Block, which shall include, among other things, rent levels, marketing methods and period of marketing. The agreed marketing measures shall be implemented prior to occupation of the relevant Block.

Community Centre

Developer to provide to shell and core the community centre prior to any occupation of the residential units in the phase in which the community centre is located. The 'shell and core' standard to be set out in a specification of works for the relevant type of floorspace (i.e., Community Centre shell and core specification).

'Shell and core' will mean the external envelope, external and internal structure (foundations, floor slabs, columns required for the building support), and external works but will also include service connections for gas, electricity, water and foul drainage (as applicable to the relevant floorspace); provision for telecommunication services and broadband services; wheelchair accessible entrances; screed floors; glazing solution.

On completion of the shell and core works to provide the Community Centre, the developer is to handover the Community Centre by way of a long leasehold disposal to the Council (or such other community enterprise group or management agent who can demonstrate the ability to effectively and viably run/operate the Community Centre and such entity to be approved by the Council) subject to reasonably agreed terms (including a reasonable contribution to fit-out and a peppercorn/nominal rent). If the Council do not lease the Community Centre, then a management plan must be submitted to the Council to demonstrate how the Community Centre will be managed (including identifying appropriate funding streams for such operation and the public access arrangements for the facility). The Community Centre will be retained for such use for the life of the development.

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Carbon Offsetting

Financial contribution of £200,085.60 (Index linked) towards carbon offsetting in three instalments:

- 1) £100,000 to be payable upon commencement;
- 2) £50,000 payable prior to occupation of the 200th residential unit; and
- 3) £50,085.60 payable prior to occupation of the 500th residential unit.

Highways and Transport

(a) Highway Works

Enter into a S278 agreement to deliver the following in accordance with a phasing plan to be agreed so that works come forward where adjacent to particular phases of the development.

- The provision of over 2m wide footways surrounding the site on Eltham Road, Burnt Ash Road and Leyland Road.
- All highways works on Leyland Road as identified in the Transport Assessment.
- Delivery of a new crossover to the residential car park.
- Restricted vehicular access connection created through to Carston Close.
- Relocation of LTN road closure (as illustrated in Figure 4.2 of the TA).
- Removal of crossover to existing car park and any other redundant crossovers.
- Burnt Ash Road Works (where identified by the TA and LPA)
- Delivery of a new inset bus stop on the southbound arm, removing need for buses to stop southbound traffic, which will require the submission of detailed plans that are clearly dimensioned to demonstrate compliance with TfL's bus stop design guidance.
- Delivery of new crossover for access into the commercial car park.
- Delivery of a new inset loading bay to service the proposed supermarket on Burnt Ash Road, which will require the submission of an appropriate Management Plan in advance to ensure it would not cause any highways congestion.
- Carston Close: Landscaping treatment and creation of restricted access connection through to Leyland Road for refuse collection and emergency access.
- Signalling of the crossing on Burnt Ash Road.
- Public seating on Burnt Ash Road (heading towards Burnt Ash Surgery).
- Extra street lighting, particularly outside of the Academy of Greenwich.

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- Designated space for cyclists would help to improve both the appeal and safety of cycling as identified along this route. This is particularly important when considering access to Quietway 1.
- Improved cycle conditions and designated bike storage that would improve cyclist's experiences.
- Benches or other resting places for those that cannot walk long distances.
- The addition of orcas and/or wands to provide a degree of segregation for existing cycle lanes.
- Removal of unnecessary street clutter, including guard rail where appropriate.
- Consideration of additional on- or off-street cycling infrastructure for route 8, but may be applied to other routes, including for route 9 where minor changes to the service road running just east of Burnt Ash Road (including adding a crossing on Dorville Road and potentially removing the unlawful footway parking on the western side) could make the route significantly more attractive to cyclists.
- Provision of cycle parking at destinations, especially parks, doctors/ dentist's surgeries and places of worship.

Complete the works relevant to a phase in accordance with the highways agreement prior to occupation of that phase.

(b) Parking permit restriction

Provision to ensure that future residents will not be eligible to obtain parking permits within Lewisham or neighbouring Greenwich.

(c) Car Club

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 (subject to demand).

Details of the location of car club bays to be submitted to the Council.

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(d) Financial Contributions

Financial contributions toward the following:

- Consultation on and/ or implementation of a Controlled Parking Zone/ restricted Parking Zone with the surrounding area - £30K
- Legible London Signage - £13k
- Existing bus service enhancements

Four bus stop replacement shelters to include real-time arrival times on:

- Eltham Road heading west;
- Lee High Road heading east;
- Burnt Ash Road north and south sides.

Public Realm

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.

Submission of a detailed delivery and phasing strategy in relation to delivery of the public realm within the development, including details of the timescales for completion of such component areas by reference to occupation of buildings, number of dwellings and/or commercial units in the phase related to each component of the public realm.

Provision which requires all public realm within the application site to be publicly accessible to pedestrians and cyclists at all times and in perpetuity, subject to relevant permitted closures and any lawful requirements for closure.

Submission of a Public Realm and Public Access Management Plan for approval, including management and maintenance arrangements for the public realm. Not to open public realm for use unless and until the Public Realm and Public Access Management Plan has been approved by the Council.

The colonnade (A1) and the recessed area adjacent to Block A fronting Eltham Road will require clear demarcation and an agreement securing full public access at all times.

Completion of all public realm within and around the application site and it being made publicly accessible prior to completion of the 300th residential unit.

Trees

Subject to necessary consents (including TfL's consent), the removal of 4 trees on TfL owned land.

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Amenity Space & Children's Playspace

Submission of a detailed delivery and phasing strategy in relation to delivery of the community amenity areas (including playspace) within the development, including details of the timescales for completion of such component areas by reference to occupation of buildings, number of dwellings and/or commercial units in the phase related to each component of the public realm.

Prior to the opening of any community amenity areas for use, a management plan of such areas must be approved by the Council.

Ensure that access to the communal amenity areas is provided for all residents of the development for the life of the development, subject to relevant permitted closures and any lawful requirements for closure. For communal amenity areas located at above ground level and comprised in a particular Block, such spaces are to be accessible to residents in that block and subject to specific safeguarding and security measures.

Financial contribution towards off-site facilities in the immediate vicinity of the development (i.e. Edith Nesbitt Pleasure Ground; Weigall Road Sports Ground; and Manor House Gardens) for 12-17 years – **£183,000**

Air Quality

Financial contribution for environmental protection (air quality) of £50k. (Index linked)

Architect Retention Clause

Rolfe Judd 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 provided that Rolfe Judd are willing and able to fulfil such role and that such employment is capable of being secured on reasonable commercial terms.

Medical Facility

Subject to demand and securing entry into legal agreements in relation to the operation of the related floorspace, the floorspace marked as A1.01.C1 at first floor level of Block A (approx. 799 sqm) to be provided in its entirety as a medical centre/ medical related use only, and retained in perpetuity unless agreed in writing by the LPA.

The Developer must market the proposed medical floorspace to a health provider (including CCGs or other NHS and community health organisations) and use best endeavours to agree reasonable and commensurate terms for the health facility with the health provider for 12 months from the date the planning permission is free from challenge. If terms are agreed, the developer must then construct the health facility in accordance with such terms and hand it over to the health provider prior to occupation of Block A. If terms are not agreed, then they may provide evidence to the Council to support lack of demand for such floorspace use and, if the evidence is accepted, seek to provide the floorspace instead for other community services class E uses, subject to the approval of the Council.

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Public House

The floorspace marked as A2.00.C2 at ground floor level of Block A to be provided in its entirety as a public house only and retained in perpetuity unless agreed in writing by the LPA.

Existing Traders – Relocation Strategy

The developer will put in place a coaching and enterprise scheme to support the existing traders in their temporary relocation and business objectives/growth strategy with the aim of optimising each trader's business potential.

Relocation Fund of £1.5k per existing business.

A commercial relocation strategy will be submitted to and approved by the Council setting out initiatives and incentives for those existing traders who wish to return to the development once the commercial units are ready to be occupied – inclusion of offer to current tenants discounted terms to return to the new development for a period of at least five years, including a 12 month rent free period and a rent review 5 years after first occupancy.

Where possible, the developer will minimise any vacation period for existing tenants in the development, potentially through utilisation of phasing and sequencing.

Details will be submitted to the LPA within agreed timescales to demonstrate that the initiatives are being undertaken in accordance with the approved relocation strategy.

Reduction in Commercial Floorspace

Financial contribution - **£230,661**

Closed Circuit Television (CCTV)

The provision of CCTV cameras (at the applicant's expense) in and around the site, but covering external spaces only, capable of being connected to the Council's CCTV network. Relevant obligations on the Council regarding installation.

Monitoring Fee and Legal Costs

Commitment to meeting the Council's costs in relation to the preparation and drafting of the legal agreement (legal costs and officer time).

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977. 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

978. 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.
979. The proposals were developed in the context of extensive pre-application discussions with Council officers, the Greater London Authority and following presentations to Lewisham's Design Review Panel. The applicant has also held pre-application consultation events to which local residents and stakeholders were invited.
980. The application site lies within Lee District Centre, and would deliver 562 residential dwellings, which represents a significant contribution to the Borough's current annual housing target of 34% on the basis of the London Plan. Considerable weight is therefore afforded to this in planning terms.
981. The proposal seeks to optimise the residential capacity of the site, in accordance with the London Plan LPP H1 which supports the most efficient use of land and development at the optimum density. Defining optimum is particular to each site and is not based upon the former density matrix, but instead a design-led approach.
982. The principle of a tall building to the north-western corner fronting the Tiger's Head junction is considered acceptable, and this report has set out that the primary reason for the 15-storey proposal and overall quantum of residential units is to deliver a policy compliant provision of affordable housing, in this case 36% by habitable rooms.
983. The height and scale of development has been subject to rigorous interrogation by officers and Design Review Panel during pre-application meetings since 2019. Officers acknowledge the concerns that have been raised by local residents and groups toward the 15-storey height and scale of development.
984. The A1 building would represent a substantial change to the existing landscape, and the wider development would have impacts upon neighbour amenity and heritage, which have been addressed in this report. A reduction in the height of Building A1 to 12-storeys was tested at pre-application stage, which proved unsuccessful and was not supported by the DRP.
985. At this stage the necessary assessments and considerations to inform a final determination must be based upon the merits of the scheme that is being proposed. Members are advised that the removal of height from A1 would mean relocating the displaced storeys elsewhere within the site, which would require a significant redesign of the development proposal and further assessments toward neighbour and heritage impacts, and standard of accommodation.
986. The alternative approach of reducing the height, scale and quantum of units and not re-providing elsewhere would serve to significantly impact the viability of the scheme, and the ability to deliver sufficient affordable housing. Members are advised that it is the

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Council that required an uplift in affordable housing in the 2018 Leegate scheme from 16% to 35% that has resulted in a series of design challenges over a period of 3 years to meet the expectation, and which has culminated in the height increases being presented.

987. The concerns relating to height must be balanced with the benefits that the development would deliver. In considering the identified impacts, officers do not object to the scale of development or the 15-storey A1 building as it would be befitting of its prominent location within the District Centre, and would revitalise this long neglected site, whilst providing new housing and affordable dwellings.
988. 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.
989. The proposed development would achieve an excellent design quality. Planning Conditions and the s106 Agreement will ensure that materiality and detailed treatment of the buildings would be of a necessary high standard.
990. 36% of the new C3 dwellings (by habitable rooms) would be provided as affordable housing, with a policy compliant 64/36% mix of genuine affordable and Intermediate tenure.
991. The development would deliver high quality public realm surrounding the site, connecting to other areas that will eventually form the completed Masterplan, providing substantive public benefit for local residents and visitors to the area that will be a major benefit of the scheme to which significant weight is attached in planning terms.
992. The development would deliver net gains in biodiversity through the provision of new landscaping and planting, biodiverse living roof areas, and wildlife habitats.
993. Other benefits of the proposed development include the provision of flexible commercial and employment floorspace, which would support job creation and economic benefits.
994. Financial contributions would be secured to deliver highway and public realm improvements to the surrounding areas to create a high quality environment for pedestrians and cyclists.
995. As detailed within this report, the proposed development would result in identified harm upon some heritage assets. The level of harm has been discussed, and in accordance with NPPF para 202 where there is 'less than substantial harm' to designated heritage assets, officers have weighed the harm against the public benefits of the proposal including.
996. 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 protected view, including;
- Delivery of 562 additional residential homes within the Borough;
 - Provision of 36% affordable housing (by habitable rooms);
 - Provision of employment and commercial units;
 - Substantial CIL contribution towards infrastructure;

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- Provision of new employment opportunities;
- Local Labour and Business Strategy and financial contribution;
- Improvements to the existing highways network;
- Provision of publicly accessible areas of new public realm, including the public Square;
- New community and medical facilities;
- Ecological net gains;
- Creation of new, legible public routes away from the busy highways.

997. The proposed development would result in varying amenity harm to occupiers of neighbouring development through reductions in daylight and sunlight, and additional overshadowing. Some habitable rooms would experience impacts of Major Adverse, which has been addressed in this report. For the reasons set out, the impacts must be considered in the context of the existing baselines, and the need to apply BRE guidelines flexibly. Whilst the degree of harm to some dwellings will be significant, the majority of harm would be minor or negligible. In weighing the harm against the public benefits of the scheme, it is considered they would be outweighed by the substantive benefits listed above.
998. The proposed development will give rise to additional demands on existing social infrastructure including health services and schools, although it has been demonstrated that existing schools and medical centres have capacity to manage the demand.
999. Nevertheless, funding of the provision and improvement of existing infrastructure to support the demands arising from the development will be secured by the Community Infrastructure Levy (CIL) payment, which would be approximately **£4.4m** in this case. A portion of the sum would fund the Neighbourhood Community Infrastructure Levy that would involve engagement with the local community.
1000. The ES and the additional information received, provides a comprehensive assessment of the likely significant effects of the proposed development during both construction and on completion/ operation. The content of the documents submitted is considered to be acceptable, including their scope and methodology for assessment and reporting. As a major development there are significant impacts and, where appropriate, mitigation has been identified to address these impacts. As stated, there are impacts arising from the development where there would be adverse harm, which officers have taken into account in their assessment.
1001. 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 comprehensive sustainable development in accordance with the NPPF and will make an important contribution to the Borough's housing supply. The proposals are considered to be both appropriate and beneficial, therefore, on balance, any harm arising from the proposed development is considered to be outweighed by substantial benefits.

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10.0 RECOMMENDATION

RECOMMENDATION (A)

1002. 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)

1003. 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)

1004. 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.

RECOMMENDATION (D)

1005. If a satisfactory legal agreement has not been entered into by **19 March 2024**, it is recommended that the Director of Planning refuses planning permission for the following reason:

The proposal, by failing to provide for appropriate planning obligations secured through the completion of a s106 Agreement, fails to ensure adequate mitigation against the adverse impacts of the development, contrary to Policy DF1 'Delivery of the Plan and Planning Obligations' of the London Plan (2021).

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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) 562 residential units (Use Class C3).
- b) Flexible Commercial floorspace (Use Class E) of 690sqm.
- c) A public house (Sui Generis).
- d) A community centre (Use Class F2).
- e) Blocks: A (up to 15 storeys); B (up to 12 storeys); C (up to 8 storeys).
- f) Minimum provision of 1150 no. cycle spaces.
- g) Minimum provision of 60no. residential car parking bays.
- h) Minimum provision of 16no. commercial car parking bays.
- i) 20 no. 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 hereby approved and as detailed below:

Existing Plans

T90150 Rev P01; T10099 Rev P01; T10100 Rev P01; T10101 Rev P01; T10102 Rev P01; T10103 Rev P01; T10104 Rev P01; T10105 Rev P01; T10106 Rev P01; T10107 Rev P01; T10108 Rev P01; T10201 Rev P01; T10202 Rev P01; T10203 Rev P01; T10204 Rev P01 (**Received 30 May 2022**)

Proposed Plans

T90100 Rev P01 (**Received 30 May 2022**)

TA21404 Rev P02; TC20201 Rev P02 (**Received 5 December 2022**)

T120100 Rev P04; T120101 Rev P03; T20102 Rev P03; T20103 Rev P03; T20104 Rev P03; T20105 Rev P03; T20106 Rev P03; T20107 Rev P03; T20108 Rev P03; T20109 Rev P03; T20110 Rev P03; T20111 Rev P03; T20112 Rev P03; T20113 Rev P03; T20114 Rev P03; T20115 Rev P03; T20203 Rev P02; T20205 Rev P02; T20301 Rev P03; T20302 Rev P03; T20303 Rev P03; T20305 Rev P03; T20306 Rev P02; T20307

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Rev P02; T20309 Rev P02; T20312 Rev P02; TA20102 Rev P03; TA20103 Rev P03; TA20108 Rev P03; TA20109 Rev P01; TA20110 Rev P03; TA20114 Rev P03; TA20115 Rev P03; TA20204 Rev P03; TA20205 Rev P03; TA20207 Rev P02; TA20210 Rev P02; TA21401 Rev P02; TA21405 Rev P02; TB20201 Rev P02; TB20203 Rev P02; TB20204 Rev P02; TB20205 Rev P03; TB20206 Rev P02; TB20207 Rev P02; TB20209 Rev P02; TB20211 Rev P02; TB20212 Rev P02; TB21401 Rev P02; TB21402 Rev P02; TB201406 Rev P02; TB120100 Rev P03; TB120101 Rev P02; TB120102 Rev P02; TB120105 Rev P03; TB120106 Rev P02; TB120107 Rev P02; TB120110 Rev P02; TB120112 Rev P02; TB320100 Rev P03; TB320101 Rev P03; TB320102 Rev P03; TB320103 Rev P02; TB320104 Rev P02; TB320105 Rev P03; TB320108 Rev P02; TB320110 Rev P02; TC20102 Rev P03; TC20103 Rev P03; TC20104 Rev P03; TC20105 Rev P03; TC20106 Rev P02; TC20108 Rev P02; TC20203 Rev P02; TC20205 Rev P02; 08002 Rev P03; 01002 Rev P02 **(Received 19 February 2023)**

TA20101 Rev P04 **(Received 5 April 2023)**

TC20100 Rev P03 **(Received 3 May 2023)**

T20099 Rev P04; T20100 Rev P04; T20201 Rev P04; TA20099 Rev P04; TA20100 Rev P04; TA20201 Rev P03; TA202 Rev P04; 01000 Rev P04; 01001 Rev P03; 00010 Rev P04 **(Received 22 June 2023)**

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.

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. The plan shall include:-

- appropriate limits on hours of site working;
- 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;
- commitments regarding the secure on-site storage of fuel and other hazardous liquids or materials to prevent these causing groundwater contamination;
- a Site Waste Management Plan including commitments regarding waste management strategies for all waste produced during demolition and construction activities;
- the location and operation of plant and wheel washing facilities;
- 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;
- details of Security Management (to minimise risks to unauthorised personnel);
- details of the training of site operatives to follow the Construction Environment Management Plan requirements; and

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- a process for updating local residents of construction work progress including any potential disturbance arising, and a process for handling complaints from the public.
- biodiversity measures set out in Informative K

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 Policies T7 Deliveries, servicing and construction, and Policy SI1 Improving air quality of the London Plan (March 2021).

5) Construction Logistics Plan

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

- (a) Rationalise travel and traffic routes to and from the site;
- (b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity;
- (c) 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;
 - Details of the size/type and number of vehicle accessing the site
- (d) Measures to ensure a safe environment for pedestrians and cyclists using surrounding streets during the construction phase;
- (e) 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 of the London Plan (March 2021).

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6) Dust Management Plan

Prior to the commencement of development, a Dust Management Plan (DMP), based on an Air Quality and Dust Risk Assessment, shall be submitted to and approved in writing by the LPA. The DMP shall be in accordance with The Control of Dust and Emissions during Construction and Demolition SPG (2014), and shall seek 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.

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) Ground Contamination

- (a) Unless the Council agrees in writing that a set extent of development must commence to enable compliance with this condition, no development (other than demolition of the existing building and structures, (including demolition of slab level), and enabling works for site investigation) shall commence within the relevant phase until:
- (i) A site investigation report (based on the findings and recommendations detailed in the Desk Study Report ref. GB662-P1-DSR-MAY-2022-REV, dated May 2022 by GB Card & Partners Limited) to characterise and risk assess the relevant land for all receptors which may be affected (including those off site) which shall include the gas, hydrological and contamination status specifying rationale and recommendations for treatment for contamination and risk encountered (whether by remedial works or not), has been submitted (including subsequent correspondences as being necessary or desirable for the remediation of the site) to and approved in writing by the local planning authority; and
 - (ii) The required remediation scheme for the relevant land 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 immediately adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.
- (c) The relevant phase shall not be occupied until a closure report for that phase 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 relevant phase 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 relevant phase); 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).

8) 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).

9) Piling Works

- (a) No piling or any other foundation designs using penetrative methods shall take place in a phase, 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 the works described in part (a) above in that phase and shall be accompanied by details of the relevant penetrative methods.
- (c) Any such work within the relevant phase 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 DM Policy 28 Contaminated land of the Development Management Local Plan (November 2014).

10) Energy

The proposed development shall be carried out in accordance with the recommendations of the Energy Statement (prepared by Whitecode Consulting, dated 13 May 2022) 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).

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11) Biodiverse Living Roofs

Details of the living roofs (minimum area of 4500m²) shall be submitted to and approved in writing by the local planning authority prior to any superstructure works commencing within the relevant block. A 1:20 scale plan of the living roofs within the relevant block 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 relevant block.

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 relevant block.

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).

12) Water Supply Infrastructure

Prior to occupation of the 100th dwelling in the development, confirmation must have been provided to the local planning authority (in consultation with Thames Water) that either: (a) all water network upgrades required to accommodate the additional flows to serve the development have been completed; or (b) a development and infrastructure phasing plan has been agreed with Thames Water to allow additional development to be occupied. If required, the development and infrastructure phasing plan shall include the number of dwellings (beyond the 99th dwelling) that are permitted to be occupied, and where any occupation is contingent on delivery of infrastructure for the water network what the terms and conditions for such occupation are. Where a development and infrastructure phasing plan is agreed, no occupation dwellings (beyond the 99th 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).

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13) Sustainable Drainage Strategy

- (a) No development (excluding demolition and enabling works) above ground level within a phase 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 relevant phase, evidence shall be submitted to and approved in writing by the local planning authority to demonstrate that the sustainable drainage scheme for that relevant phase has been completed in accordance with the approved details.
- (c) The sustainable drainage scheme for the relevant phase shall be managed and maintained for the lifetime of that phase of development in accordance with the agreed management and maintenance plan for all of the proposed drainage components approved under part (a).

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).

14) Materials

- (a) No development (excluding demolition and enabling works) above ground level) for a block shall take place until a detailed schedule and samples of all external materials and finishes (for that block) 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 ironmongery 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) Each block shall be carried out in accordance with the approved details for that relevant block under (a) above.

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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15) Internal Noise Standards

- (a) Each block shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB L_Amax (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 block shall not exceed the vibration dose values criteria 'Low probability of adverse comment' as defined within BS 6472.
- (b) No development (excluding demolition and enabling works) above ground level (within the relevant block shall commence until details of a scheme for that block complying with paragraph (a) of this condition have been submitted to and approved in writing by the local planning authority.
- (c) Prior to first occupation of the relevant block, 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 for each block shall be maintained for the lifetime of that relevant block in accordance with the approved details for that block

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).

16) 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 within the relevant phase) 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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17) 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 (excluding demolition works and enabling works) above ground level within the relevant block shall commence until details of a scheme for that block complying with paragraph (a) of this condition have been submitted to and approved in writing by the local planning authority.
- (c) A block 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 relevant block.

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).

18) BREEAM

- (a) The non-residential floorspace within the blocks 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 (excluding demolition works and enabling works) above ground level within the relevant block, a Design Stage Certificate (prepared by a Building Research Establishment qualified Assessor) for that block 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 relevant non-residential floorspace in each block, 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 that block.

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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19) Secured by Design

- (a) Prior to any above ground work hereby authorised, details of security measures shall be submitted to and approved in writing by the Local Planning Authority, and any such security measures shall be implemented prior to occupation of the relevant building in accordance with the approved details which shall be in line with the standards set out by 'Secured by Design'.
- (b) Within 3 months of Practical Completion of the relevant building hereby approved, confirmation that the development has achieved Secured by Design accreditation shall be submitted to and approved in writing by the local planning authority. The approved standards set out and approved shall be maintained in perpetuity thereafter.

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).

20) Mechanical Ventilation with Heat Recovery Units

No development (excluding demolition works and enabling works) above ground floor level shall take place within the relevant phase until full details of the proposed mechanical ventilation with heat recovery (MVHR) units for that phase, 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 within the relevant phase 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).

21) External Noise

The outdoor noise emissions (LAeq) from music, public address systems or any other amplified sound shall be at least 5dB below background sound level (LA90), when evaluated at 1m from all noise sensitive facades.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 170 of the National Planning Policy Framework and 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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22) Community Facility and Public House

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), the community facility (Use Class F2) and public house (Sui Generis) hereby approved shall be used as a community facility and public house respectively and for no other purposes of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: In order to protect the viability and vitality of the District Centre in accordance with the provisions of Policy 6 Retail hierarchy and location of retail development in Lewisham's Core Strategy (2011) and Policy 14 District centres shopping frontages of the Development Management Local Plan (2014).

23) Electric Vehicle Charging Points

- (a) Details of the number and location of electric vehicle charging points to be provided in a phase 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 (excluding demolition and enabling works) in that phase. The details should demonstrate that 20% of all parking spaces in that phase would be fitted with electric vehicle charging points and the remaining 80% of spaces in that phase 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 relevant phase of development and shall be maintained as such for the lifetime of the relevant phase 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).

24) Soft Landscaping

- (a) A soft landscaping scheme for each phase including 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 (excluding demolition and enabling works) above first floor level within the relevant phase.
- (b) The soft landscaping proposed in (a) shall demonstrate that harm identified to Viewpoint V4A by solar glare would be suitably mitigated.
- (c) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the relevant phase, 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 relevant phase die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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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).

25) Hard Landscaping

- (a) No development (excluding demolition and enabling works) above first floor level within the relevant phase shall take place until detailed design proposals for hard landscaping in that phase, including street furniture, have been submitted to the local planning authority for their approval.
- (b) Each phase of the development shall be implemented in accordance with the applicable 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.

26) Wildlife Boxes

No development (excluding demolition and enabling works) above first floor level within a phase shall take place until a Biodiversity Enhancement & Management Plan (BEMP) is submitted to and approved in writing by the LPA. The Plan shall deliver a minimum of 3.68 Habitat Biodiversity Units and 0.02 Hedgerow Biodiversity Units and include the following:

- a) Description and evaluation of features to be enhanced, created and managed (including but not limited to 15 integrated swift bricks, 8 various integrated bird bricks, 7 various bird boxes, 10 integrated bat bricks and 22 bee/bug habitat features)
- b) Extent and location/area of proposed enhancement works on appropriate scale maps and plans
- c) Ecological trends and constraints on site that might influence management
- d) Aims and Objectives of management
- e) Appropriate management Actions for achieving Aims and Objectives
- f) An annual work programme (to cover an initial 5 year period)
- g) Ongoing monitoring and remedial measures.
- h) Details of the specialist ecological management body or organisation responsible for implementation of the Plan
- i) For each of the first 5 years of the Plan, a progress report sent to the LPA reporting on progress of the annual work programme and confirmation of required Actions for the next 12 month period
- j) The Plan will be reviewed and updated every 5 years and implemented for perpetuity

The Plan shall include details of the legal and funding mechanisms by which the long-term implementation of the Plan will be secured by the developer with the specialist ecological management body or organisation responsible for its delivery. The Plan shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that

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the development still delivers the Objectives of the originally approved Plan. The approved Plan will be implemented in accordance with the approved details.

Reason: to ensure the long-term protection and enhancement of biodiversity in accordance with Core Strategy Policy G8 and G9, NPPF and BS 42020:2013.

27) Photovoltaic Panels

No development (excluding demolition and enabling works) above first floor level shall take place in a phase until full details of the proposed photovoltaic panels for that phase 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 for that phase prior to first occupation of the relevant phase, and retained for the lifetime of the relevant phase of 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).

28) 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 within a phase of the development shall be submitted to and approved in writing by the local planning authority prior to the completion of above ground works (excluding demolition and enabling works) of that phase.
- (b) The approved details shall be carried out in full prior to first occupation of the relevant phase of development and retained as such for the lifetime of the relevant phase of 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).

29) Cycle Parking Details

Notwithstanding any details of cycle parking shown in the approved drawings, no development (excluding demolition and enabling works) in a phase beyond ground works shall commence on site until full details of the residential and commercial cycle parking facilities to be provided in respect of that phase have been submitted to and approved in writing by the local planning authority in consultation with TfL, which shall include:

- (a) A minimum of 1150 dry and secure cycle parking spaces (997 residential, and 153 commercial) shall be provided within the development.
- (b) Demonstration of compliance with the London Cycling Design Standards chapter 8, in particular making 5% of stands accessible for wider cycles, a maximum of 75% (residential) or 90% (commercial) of stands to two-tier racks, with the remainder being Sheffield stands at recommended spacing.

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- (c) Demonstration of a good level of security of the cycle stores, including in particular addressing the personal security of users, in consultation with a Designing-Out Crime Officer.

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

30) Lighting Strategy

- (a) Prior to first occupation of a phase of the development, a detailed lighting strategy for any external lighting that is to be installed within that phase, 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).

31) Floor Levels

The finished floor levels of all residential accommodation shall be set no lower than levels as shown on Drawing No. 7801/514 Rev D QGY 1000 Year Flood Levels (Undefended) – Proposed Development Site within the submitted Flood Risk Assessment (Issue 6) dated January 2023 by Cole Easdon Consultants with reference 7801.

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).

32) 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 Cole Easdon Consultants (Issue 6 dated January 2023 with reference 7801) 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).

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33) Restriction on Use Class of Commercial Units

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (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 flexible commercial units in Blocks A, B and C shall be used for purposes within as Use Class E (a), (b), (c), (d), (e) and (g)(i) (the “Flexible Uses”) (or any equivalent use to those uses stated ‘Use Class E (a), (b), (c), (d), (e) and (g)(i)’ in any statutory instrument which changes the defined uses classes from time to time), 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) and for the avoidance of doubt, the provisions of this condition do not alter the legal effect of Class V (Schedule 2, Part 3) of the GPDO 2015 (as amended) in respect of the “Flexible Uses” where that may otherwise be applicable

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

34) 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).

35) Telecommunications Equipment

No mobile telecommunications equipment shall be erected on the external surfaces of any building within the development unless agreed in writing by the LPA.

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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(36) CCTV

- (a) Details of all CCTV to be installed in relation to each Block shall be submitted to the LPA and approved in writing prior to installation.
- (b) All such CCTV shall be installed in full accordance with the details approved in (a) before any dwelling and / or non-residential unit in the relevant Block is occupied and shall be retained in accordance thereafter.

Reason: In order that the LPA may be satisfied with the details of the proposal.

37) 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 buildings 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).

38) Delivery and Servicing Plan

- (a) A phase of development shall not be occupied until a Delivery and Servicing Plan for that phase 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 that phase.
- (b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the phase, with the aim of reducing the impact of servicing activity.
- (c) The approved Delivery and Servicing Plan for the relevant phase shall be implemented in full accordance with the approved details from the first occupation of the relevant phase of development and shall be adhered to for life of that phase of development.

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

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39) Ventilation System

- (a) Prior to occupation of the commercial units within a phase, 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) for the relevant commercial units 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 relevant commercial units in that phase 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.

40) Amenity Space

The whole of the residential amenity spaces within a phase (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).

41) Fire Statement

No development (excluding demolition and enabling works) above ground floor within a block shall commence (except demolition) until;

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

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

To comply with the details approved under (a) and (b) for the life of the relevant block.

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

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42) Architectural Details

- (a) Notwithstanding the details hereby approved, no development above ground level within a phase (excluding demolition works) shall commence until detailed plans at a scale of 1:5 for that phase, 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) The relevant phase of the development shall be carried out in accordance with the applicable 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.

43) 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).

44) Parking Management Plan

No block within the development shall be occupied until a Parking Management Plan for the relevant block which seeks to ensure that vehicles (including motorcycles) of those living or working at or visiting within that block are parked within parking spaces provided for that relevant block and are not parked on non-designated parking areas within the development has been submitted to and approved in writing by the local planning authority. The parking management plan shall provide for:

- (a) The proposed regime for the operation and management of car, motorcycle and cycle parking within the relevant block;
- (b) Monitoring and review of the operation of the parking management plan and for monitoring reports and reviews to be submitted to the Council on a regular basis; and
- (c) Details of a scheme to prioritise the provision of Blue Badge Parking Spaces to registered disabled persons who reside in the relevant block.

To comply with the approved parking management plan for the relevant block for the life of that block of the development.

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Reason: To ensure the permanent retention of the spaces for parking purposes and to ensure that the use of the building does not increase on-street parking in the vicinity and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 29 Car parking of the Development Management Local Plan (November 2014), and the London Plan (March 2021).

45) Travel Plan – Residential

- (a) No part of the development within a phase 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).

46) Residential Parking

The residential car-parking accommodation comprising 60 spaces (including 18 blue badge spaces) shall be provided and made available for use prior to first occupation of the associated residential units. The parking spaces shall be permanently retained thereafter and used solely by residents of the development.

Reason: To ensure the permanent retention of the spaces for parking purposes, to ensure that the use of the buildings do not increase on-street parking in the vicinity and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and DM Policy 29 Car Parking of the Development Management Local Plan, (November 2014).

47) Commercial Parking (supermarket)

- (a) Prior to first operation of the supermarket hereby approved, a detailed Management Plan shall be submitted to and approved in writing by the LPA, including measures to ensure the parking area would be managed appropriately, and would not impact upon vehicular movement along Burnt Ash Road. Thereafter, the Management Plan shall be implemented in full accordance with the approved details in perpetuity.
- (b) The commercial car-parking accommodation comprising 16 spaces shall be provided and made available for full use prior to first operation of the associated commercial unit. The parking spaces shall be permanently retained thereafter and used solely by users of the commercial unit.

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Reason: To ensure the permanent retention of the spaces for parking purposes, to ensure that the use of the buildings do not increase on-street parking in the vicinity and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and DM Policy 29 Car Parking of the Development Management Local Plan, (November 2014).

48) 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).

49) Exhaust/ Air Source Heat Pump

No development (excluding demolition and enabling works) shall take place until a scheme including the details of the location, type and specification and enclosure of the proposed air source heat pumps 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).

50) Shopfront Design

(a) No development shall commence above 2nd floor level within a block until plans, elevations and sectional details at a scale of 1:10 or 1:20 showing the proposed frontages to the commercial units in that phase 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.

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51) Children's Play Equipment

- (a) Prior to occupation of a phase of the development hereby granted, details of the proposed children's play equipment, specifically for the following age groups – under 5's; and 5 to 11s, to be provided in that phase, 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 for the life of that phase of development.

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

52) 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).

53) Boundary Treatment

- (a) Details of the proposed boundary treatments (including any gates, walls or fences and ball court enclosure) shall be submitted to and approved in writing by the local planning authority prior to development above ground level (excluding demolition & enabling works) within the relevant phase.
- (b) The approved boundary treatments shall be implemented prior to occupation of the relevant phase and retained for the life of that phase of the development.

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).

54) Travel Plan – Commercial

- (a) No commercial unit within a phase 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.

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- (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).

55) 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 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.

56) Details of Internal Blinds

Prior to completion of the superstructure of a block, full details of any proposed blinds and/or shutters for that block required in compliance with the overheating assessment in the Sustainability Statement [May 2022] shall be submitted to the local planning authority for their approval, to include detailed drawings of venting locations on the elevations. The relevant block of development shall be implemented in accordance with the applicable 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

57) Remediation Strategy

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: to ensure that the development does not contribute to, and it not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site, in line with the National Planning Policy Framework (NPPF) (Paragraph 174)

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58) 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).

59) Whole Life-Cycle Carbon Assessment

Prior to the occupation of the development the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance. The post-construction assessment should be submitted to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to, and approved in writing by the local planning authority, prior to occupation of the development.

Reason: In the interests of sustainable development and to maximise on-site carbon dioxide savings.

60) 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 [Greengage, March 2023]. 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).

61) Circular Economy Statement Guidance

Prior to the occupation [of the development/each phase of development], a post [1] construction monitoring report should be completed in line with the GLA's Circular Economy Statement Guidance. The post-construction monitoring report shall be submitted to the GLA, currently via email at: circulareconomystatements@london.gov.uk, along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of the development.

Reason: In the interests of sustainable waste management and in order to maximise the re-use of materials.

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62) Waste Water

- (a) Prior to the commencement of Development (other than Enabling Works), details of a strategy for the provision of foul water drainage works (including the timetable for those works) shall be submitted to and approved in writing by the local planning authority.
- (b) The foul water drainage works shall be carried out and completed in accordance with the drainage strategy approved pursuant to part (a) of this condition.
- (c) Prior to the occupation of any Block within a phase, the drainage works related to that Block (as specified in the drainage strategy approved pursuant to part (a) of this condition) shall be completed in full accordance.

Reason: To comply with Core Strategy Policy 10: Managing and reducing the risk of flooding (2011).

63) Public Realm Details/ Public Access Areas

- (a) Within 6 months of the commencement (excluding Enabling Works) of any Development Phase involving the construction of all or part of the Public Access Areas (including the Public Square), detailed plans and specifications for all the Public Access Areas within that Development Phase including both hard and soft landscaping, street furniture, lighting, drainage and proposed levels shall be submitted to and approved in writing by the LPA.
- (b) Construction of the Public Access Areas (including the Public Square) shall be carried out and completed in accordance with the details approved pursuant to part (a) of this condition prior to first residential occupation of the relevant phase.

Reason: To ensure that the Development is of a satisfactorily high design standard to ensure that it makes a positive contribution to the appearance of the locality and to comply with Core Strategy Policy 15 High quality design for Lewisham, and Development Management Local Plan (2014) DM Policy 30 Urban design and local character and DM Policy 35 Public Realm.

64) Commercial Deliveries

No deliveries shall be received at or despatched from the site other than between the hours of 7 am and 11pm on Mondays to Fridays, 7 am and 7pm on Saturdays, and 8am and 5pm on Sundays and Public Holidays.

Reason: In order to safeguard the amenities of adjoining residents and to comply with Paragraph 120 of the National Planning Policy Framework, and 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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65) Operation Hours

The commercial premises hereby granted shall only be open for customer business between the hours of 07.00 and 00.00 on any day of the week.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 170 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, DM Policy 14 District centres shopping frontages, DM Policy 17 Restaurants and cafes (A3 uses), and drinking establishments (A4 uses), DM Policy 18 Hot food take-away shops of the Development Management Local Plan (November 2014).

66) Play Space (Carston Close)

- (a) A Management Plan relating to the Carston Close 'half-court', including details of access, times of use etc shall be submitted to and approved in writing by the LPA.
- (b) The playspace shall be operated in full accordance with the details approved in (a).

Reason: In order to safeguard the amenities of neighbouring occupants.

67) Art Strategy

- (a) Prior to development above second floor level of Block C, 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).

Reason: In order that the LPA 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).

68) Tree Protection

No development shall commence until a Tree Protection Plan (TPP) in respect of the existing trees to be retained has been submitted to and approved in writing by the Council. The TPP shall follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP shall also clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.

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

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69) Phasing Plan (Land Extents)

Prior to commencement of development, a phasing plan shall be submitted to and approved by the LPA in writing. The development shall be carried out in accordance with the plan hereby approved. Not to commence development until the phasing plan has been approved by the LPA.

Reason: To allow the Local Planning Authority to understand the relevant phase of development that is subject to condition discharge and references to “phase” in this decision notice shall be deemed to mean a phase as shown on the approved phasing plan.

70) CIL Phasing

Prior to commencement of a phase of the development, a detailed CIL phasing plan (and any CIL Additional Information Requirements) showing the location and extent of the CIL chargeable development(s) (which may include any proposed sub-phases within a phase) within that phase shall be submitted to and approved in writing by the local planning authority. A CIL phase can include non-chargeable development such as demolition, enabling, site preparation and infrastructure works or any other works which result in zero GIA floorspace and can comprise below and/or above ground works. Not to commence development in a phase, until a CIL phasing plan for that phase has been approved by the LPA.

Reason: To assist with the identification of each chargeable development and the calculation of CIL payable in respect of each chargeable development in accordance with the Community Infrastructure Levy Regulations 2010 (as amended)

71) Flood Risk Assessment

The development shall be carried out in accordance with the submitted flood risk documentation – including the submitted Flood Risk Assessment (FRA) by Cole Easdon Consultants (dated January 2023 with reference 7801, Issue 6) and the submitted technical note by Cole Easdon Consultants Ltd (dated January 2023 with reference 7801, issue 2) – and, in particular, the following measures:

- Finished floor levels for ‘more vulnerable’ residential accommodation situated within Flood Zone 3 shall be set a minimum of 300mm above the design flood level;
- Finished floor levels for the ‘more vulnerable’ public house shall be set a minimum of 300mm above the design flood level;
- The basement level shall be designed to prevent the entry of flood water up to a minimum of 300mm above the design flood level, including at any service entry points or other penetrations.

These measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme’s timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

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Reason: To reduce the risk of flooding to the development and occupants, in line with the National Planning Policy Framework (NPPF) (Paragraphs 159, 164 and 167) and the London Borough of Lewisham's Core Strategy (Policy 10).

72) Floodplain storage mitigation

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

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

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

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

73) Piling and Foundation Designs

Piling or any other foundation designs using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: to ensure that the proposed 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, in line with the National Planning Policy Framework (NPPF) (Paragraph 174).

74) Infiltration of Surface Water Drainage

No drainage systems for the infiltration of surface water drainage into the ground are permitted 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 the 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 it not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants, in line with the National Planning Policy Framework (NPPF) (Paragraph 174).

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75) Display Boards

- (a) Relocation details of the existing historic information board in the north-west corner shall be submitted to and agreed in writing by the LPA prior to above ground works in the relevant phase.
- (b) Details of a traditional information board with images to supplement the historic context to be shown in the new paving shall be submitted to and agreed in writing by the LPA prior to above ground works in the relevant phase.
- (c) The details agreed in (a) and (b) shall be displayed in full accordance with the approved details prior to first residential occupation of Block A and retained thereafter.

Reason: In order that the LPA 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).

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/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>

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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

D. 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.

E. 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=dJBdjs0CKtr7amOsOVWPv9Gk45hl0oflOjjozflOp4A&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-2Dpipes&d=DwIFaQ&c=OMjwGp47Ad5otWI0_lpOg&r=0rBh74_8rvTrJLBSTecvQldNiLUAd9iE2fRw4zrl-Jc&m=dJBdjs0CKtr7amOsOVWPv9Gk45hl0oflOjjozflOp4A&s=HnF1nZ7XvXq4cJUKxHuzOgULVej_U3PmXluWt5R4FA&e=

Should you require further information please contact Thames Water via email: developer.services@thameswater.co.uk

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F. 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.

G. 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.

H. Adverts/ Signage

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

I. Prior to Commencement Conditions

The applicant is advised that the following Conditions; (Construction Environment Management Plan), (Construction Logistics Plan), (Dust Management Plan), 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.

J. Bat informative for applicants, agents and contractors

As a bat roost was found onsite during bat surveys, the Applicant is advised that an appropriate licence will be needed **before** demolition works can start on site. To inform the licence application and as recommended by the ecology report an additional bat survey is required on site.

It is requested that a copy of the bat licence (EPS or 'low impact' licence) is provided to the Local Planning Authority for its records prior to the commencement of works on-site.

The applicant and contractors should be aware that all bats and any structures used by them are protected by law, and that works likely to disturb bats or their resting places (even if undertaken at a time of year when the bats are absent) require a licence from Natural England.

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Should a bat be encountered during development, work should cease immediately and advice should be sought from Natural England (tel. Batline 0845 1300228). Bats should preferably not be handled (and not without gloves) but should be left in place, gently covered, until advice is obtained.

Particular care and vigilance should be taken when roof tiles or slates are removed (remove by hand and check underside for bats before stacking, particularly the ones over the gable ends and ridge tiles.) Fascias, barge boards and external cladding may also provide roost opportunities for bats and should be disturbed with care. As a further precaution, undertaking roof work during the months of March to May, or September to November will avoid the main hibernation and breeding seasons when bats are most sensitive to disturbance.

K. Construction Environmental Management - Biodiversity

- a) Risk assessment of potentially damaging construction activities upon retained habitat biodiversity units;
- b) Identification of biodiversity protection zones;
- c) Measures to avoid or reduce impacts during construction;
- d) Location and timings of sensitive works to avoid harm to biodiversity features, including but not limited to trees, nesting birds, bats and small mammals;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) The role of a responsible person (Ecological Clerk of Works) and lines of communication;
- g) Use of protective fences, exclusion barriers and warning signs.

1006. BACKGROUND PAPERS

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

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