

Committee	STRATEGIC PLANNING COMMITTEE	
Report Title	LEWISHAM GATEWAY	
Ward	LEWISHAM CENTRAL	
Contributors	HELEN MILNER	
Class	PART 1	21 MARCH 2017

Reg. Nos.

(A) DC/16/98461

Application dated

26.09.2016

Applicant

Quod [on behalf of Lewisham Gateway Developments Limited]

Proposal

An application submitted under Section 73 of the Town & Country Planning Act 1990 for Minor Material Amendments in connection with the planning permission DC/06/62375 (granted on 8 May 2009) for the comprehensive mixed use redevelopment of the Lewisham Gateway Site, SE13 (land between Rennell Street and Lewisham Railway Station) for up to 100,000m<sup>2</sup> comprising retail (A1, A2, A3, A4 and A5), offices (B1), hotel (C1), residential (C3), education/health (D1) and leisure (D2) with parking and associated infrastructure, as well as open space and water features **comprising amendments to the floorspace allocated to the approved uses (no increase in total floorspace), amendments to the physical parameters of Blocks C1, C2, D1, D2 and E including raising the height of blocks, changes to the footprints and massing, omission of Block F and basement car parking, and associated changes.**

Applicant's Plan Nos.

13902-002/1.1; AA39175/OP – 0001; 0002; 0003; 0004; 0005; 0006; 0007; 0008; AA5575-2001, 2002, 2003, 2004, 2005, 2006, 2007 & 2008; Design & Access Statement (including a Pedestrian Flow Assessment); Planning Statement (including Economic Statement); Delivery Statement; Environment Statement Addendum comprising; Volume I – Main Report; Volume II – Technical Appendices; and Non-Technical Summary; Consultation Report; and Energy and Sustainability Strategy received received 27<sup>th</sup> September 2016; Further Environmental Information (BWB; 12/12/16); S73 Environmental Statement Addendum Revised

Non-Technical Summary (BWB; 12/12/16);  
Revised Flood Risk Assessment (BWB; 1/12/16)  
received 14th December 2016.

### Background Papers

- (1) Case File LE/152/Z/TP
- (2) Local Development Framework Documents
  - Core Strategy
  - Lewisham Town Centre Local Plan
  - Development Management Local Plan
- (3) The London Plan

### Designation

Designation Core Strategy – Strategic Site Allocation 6

### Screening

[The existing planning permission was EIA development with an Environmental Statement and therefore it was accepted that an addendum to this report would be required. A scoping report was submitted to the council in July 2016, to which the Council responded in August 2016, which is attached in Appendix 2]

## **1.0 Context for the Current Application**

### Introduction

- 1.1 Lewisham Gateway is one five strategic sites in the Council's adopted Core Strategy and development of the Gateway site has long been identified as key to the wider regeneration of Lewisham town centre. In the late 1990's the Council together with Transport for London, London Buses and the London Development Agency explored proposals to address the problems associated with the previous road layout, which was, identified as a major barrier to the long-term success of the town. From this work and in response to public consultation on the options to reconnect the town centre and transport interchange as well as create a development site that could support a scale and mix of uses appropriate for this location were developed. This vision was set out in the Lewisham Gateway Planning Brief and associated development framework, endorsed and adopted by the Council in 2002.
- 1.2 Given the scale, complexity and cost of the works involved in delivering the vision for the site the public sector agencies organised a development competition inviting proposals for development of the site. From this process, in 2004 Lewisham Gateway Developments Limited (LGDL) were selected to deliver the phased development of the site, commencing with the road and infrastructure works. The financial model underpinning the development permits the developer a return of 15% on cost. This is below the rate typically secured on development projects of 20%+. Any return above 15% being shared amongst the development partners i.e. LGDL, TfL, London Buses, LDA and the Council. At the time LGDL was appointed grant funding was available to support the delivery of the project (through the Single Regeneration Budget), however this was subsequently withdrawn and has been replaced by a loan.

- 1.3 Implementing the infrastructure works has been a complex and costly undertaking. The combination of re-constructing a major junction whilst keeping the road network open, realigning two rivers, maintaining access to the station and keeping bus services operating, and dealing with major services and utilities diversions has been a major challenge, has taken longer than planned and the project has incurred significant additional costs. The increased cost of the infrastructure works have been borne by LGDL, with public sector funding covering only part of the extra cost.
- 1.4 The current application proposes changes to the approved Gateway development to improve the quality of the scheme, enlarge the areas of open space and improve pedestrian routes through and around the site within Phase 2 as well as support the delivery of a mix of uses appropriate for the town centre. The application does not propose any increase in floorspace above the maximum approved in 2009 and does not change the approved highway/river works. The changes to the layout of the scheme result in an improved relationship of buildings to the wider public realm particularly along Molesworth Street, with increased space for pedestrians and people waiting at the new bus stops. Additionally the amendments to the footprint of the Phase 2 blocks to introduce chamfered corners is considered to assist further in opening up the central way walk through the development, to the benefit of the public realm environment that will be created. The land use mix now proposed increases the residential floorspace and number units in the scheme however this change supports the delivery of other uses including a cinema.
- 1.5 The proposed amendments to the development would generate additional income, which would partly offset the additional infrastructure and construction costs that have been incurred but would also enable an appropriate mix of uses to be delivered. The alternative would be to build out the scheme granted planning permission in 2009, but this could mean only the residential and retail space being provided with potentially no leisure or community space. This would not deliver the Council's overall vision for the site, deliver the mix of uses appropriate for this location nor support the wider town centre and is not a scenario is not one LGDL wish to pursue nor is it one which Officers would welcome.

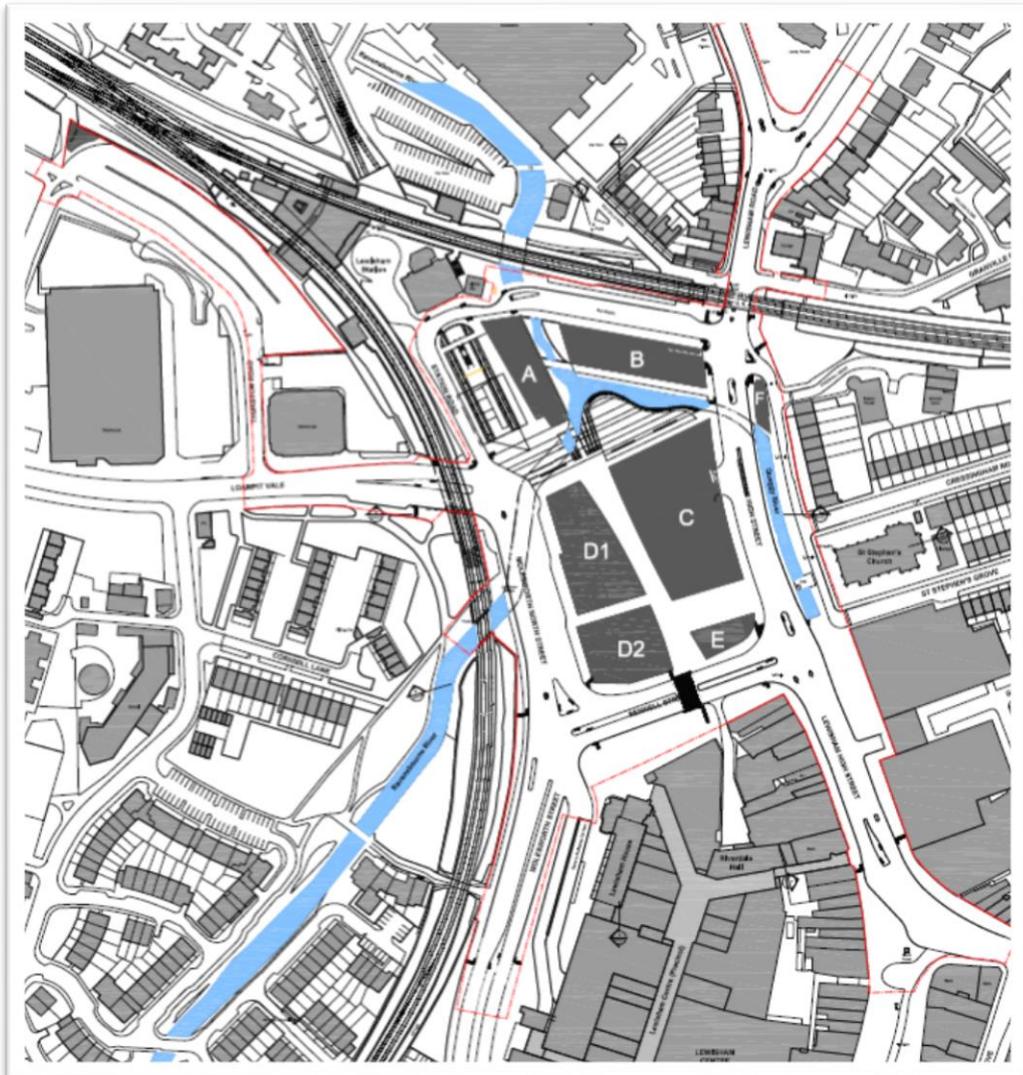
#### Scope of Current Application

- 1.6 The current application seeks to amend the parameters for Phase 2 of the development to support the delivery of a viable development incorporating a range of town centre uses, which support the Council's aspirations and policy objects for the site. The amendments would allow for a different built form and land use mix on the site from that granted outline planning permission in 2009, these amendments to including increasing the height and massing of certain buildings on the site, particularly blocks D1 and D2. The total floorspace on the site would however be capped at 100,000m<sup>2</sup>, the same as that granted outline planning permission in 2009.
- 1.7 These changes to the development parameters would permit an increase in the maximum height of buildings as well as changes to the footprints and massing by redistributing the approved floorspace between the development blocks. This is considered in more detail below, however Officers have reviewed the principles of this approach and are satisfied that the floorspace in the form of development now proposed does not exceed the maximum floorspace granted outline planning permission in 2009.

1.8 The 2009 planning permission also established a number of development principles that remain constant in the current proposals. These include the provision of new open space within the site (including a new public space at the confluence of the Quaggy and Ravensbourne as well as a new square at the southern end of the site); a direct north-south pedestrian route through the site from the station/DLR to the new crossing on Rennell Street; direct east-west routes through the site connecting the station, DLR and bus stops with Lewisham High Street and residential areas to the east; and the location of three tall buildings on the site, two close the station and the other at the junction of Molesworth Street and Rennell Street. The original s.106 agreement includes a number of provisions relating to the delivery of the scheme including the phasing of works and provision of affordable housing (including a review mechanism) that will be retained and updated to reflect current policy, as discussed further in section 10.

### Progress to Date

1.9 The plan below shows the approved Block layout for the 2009 outline permission. Reserved Matters applications for Block A (DC/13/82493) and Block B (DC/14/89233) split the single blocks shown into two buildings: A1 and A2, B1 and B2.



Map 1: Approved Block layout plan

- 1.10 Works started on site in Spring 2014 and the now largely complete new road layout was operational from August 2016. In parallel with the infrastructure works, the construction of the Phase 1 buildings (adjacent to the DLR station) commenced and Blocks A1 and A2 in this phase are now occupied. Due to the construction sequencing the new open space ('Confluence Place' incorporating the realigned Quaggy and Ravensbourne rivers) will be completed in September 2018.
- 1.11 The vision for the site has always been to provide a mix of uses that will support the wider town centre and the 2009 planning permission permitted up to 100,000m<sup>2</sup> of floorspace for a mix of residential, retail, office, education, hotel and leisure uses. The scheme also included extensive re-modelling of the highway network south of the train station as well as the diversion of the River Ravensbourne and Quaggy and services through the site.
- 1.12 Following the original application and planning permission a number of other developments have come forward around the town centre that have delivered a mix of residential, retail and leisure uses. Market conditions and potential occupiers of the development that informed the uses originally proposed on the Gateway site have also changed. These are outlined in Section 3 below.

## **2.0 Overview of Current Application**

- 2.1 Phase 2 of the Gateway development comprises all of the land south of the DLR station, bounded by the new road layout and incorporating the buildings and public realm in this area.
- 2.2 The proposed changes relate solely to the building parameters (height, massing and layout) within this area and to the floorspace allocated to different uses across the development as a whole. The application does not propose any increase in floorspace above the maximum approved in 2009 and does not change the approved highway/river works.
- 2.3 The changes comprise:
- changes to the building massing and orientation, including increasing the height of the building on the south west corner (Block D2), reconfiguring the open space in the south east part of the development ('St Stephen's Square') and altering the heights and orientation of buildings facing onto Lewisham Road (Block C1).
  - changes to the layout of the buildings at the edges of the site and to the open spaces including an enlarged area around the new bus stops on Molesworth Street.
  - changes to the amount of floorspace allocated to the approved uses without increasing the total amount of floorspace allowed by the 2009 Permission.
- 2.4 This includes, increasing the maximum residential floorspace from 57,000m<sup>2</sup> to 79,475m<sup>2</sup>, increasing the maximum hotel floorspace from 3,000m<sup>2</sup> to 5,850m<sup>2</sup> and reducing or omitting the amount of office and education/health space. The current proposal also omits Block F located on the east side of Lewisham High Street and omits the residential car parking resulting in a 'car-free' development.

- 2.5 The effect of the changes under this current application is to maintain the maximum approved floorspace of 100,000m<sup>2</sup> whilst permitting changes to the approved floorspace across the various uses and to permit the reconfiguration of the building footprint, massing and heights. The table below sets out the 2009 approved heights and the 2016 proposed heights.

	2009 Approval		2016 Proposal	
BLOCKS	HEIGHTS*			
A1	77m		No change	
A2	47m		No change	
B1	47m		No change	
B2	70m		No change	
	Max low zone	Max High zone	Max low zone	Max High zone
C1	14 – 20m	34m	20m	41m
C2	20m	47m	20m	47m
D1	28m	47m	28m	62m
D2	20m	77m	20m	104m
E	20m		20m	
F	11M		removed	

\* All heights are measured from ground level

- 2.6 The submitted Design and Access Statement includes plans and images of the external design and internal layout of the buildings, and the detailed design of the landscaping and public realm. However these are for illustrative purposes only and are not for determination as part of this current application. Details of the design would be submitted separately as a reserved matters application for Phase 2 some time in 2017. This would provide the opportunity for further assessment and scrutiny by the Council. The detailed proposals would need to adhere to the parameter plans, development specification, conditions on the outline planning permission and clauses in the s106.

### **Applications to Amend Planning Permission**

- 2.7 When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements.
- 2.8 New issues may arise after planning permission has been granted, which require modification of the approved proposals and where these modifications are fundamental or substantial, a new planning application will need to be submitted.

Where less substantial changes are proposed the applicant can apply for either a non-material amendment (under section 96a of the Town and Country Planning Act) or a minor material amendment (under section 73 of the Town and Country Planning Act).

- 2.9 There is no statutory definition of 'non-material' or 'minor material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. A minor material amendment is considered an amendment where the development's scale and/or nature results in a development, which is not substantially different from the one which has been approved.
- 2.10 The scope of the changes proposed under the current application and the Council's powers to consider them under s.73 of the Town and Country Planning Act have been considered through pre-application discussions with Council Officers and external legal advice, including Counsel's opinion has been sought on this matter. The advice is that given the scope of the original planning permission and the extent of the changes now being proposed these can be considered as minor material amendments.
- 2.11 The effect of approval of an application under s.73 is the grant of a new planning permission. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Consideration of applications is against current development plan policy and this has changed since the original application was reported in 2007. The policy guidance in relation to assessing applications, specifically s73 applications is detailed further in the Policy Section below.
- 2.12 A development with planning permission that an application under s.73 seeks to amend will, by definition, have been judged to be acceptable in principle at an earlier date. In determining the current application the Council has the ability to amend, omit or add conditions as it considers appropriate. Accordingly as part of the assessment of the current application all conditions attached to the 2009 planning permission have been reviewed.

### **3.0 Property/Site Description**

- 3.1 The Lewisham Gateway site is bounded principally by Rennell Street in the south, the Lewisham-Blackheath railway line in the north, the Lewisham-Ladywell railway line to the west and Lewisham High Street to the east. The site includes the confluence of the Ravensbourne and Quaggy rivers which also flow from south to north through the site on the western and eastern edge of the site respectively as well as land on Thurston Road (to accommodate the relocated bus layover facility).
- 3.2 The current application relates to the entire Gateway site as defined in the 2009 planning permission, however the changes being sought in this current application relate only to the Phase 2 land described above. The Gateway site as a whole is 5.6 hectares.
- 3.3 Since the original 2006 masterplan for the Gateway site and grant of outline planning permission in 2009 there has been significant development and change in the

surrounding area which has changed the physical and land use context within which Phase 2 of the Gateway development is being progressed. These changes include:

- 3.4 Loampit Vale/Renaissance – a high density mixed used development located to the west of the railway line. Planning permission was granted in March 2010 (Ref: DC/09/71246/X) for approximately 790 homes/apartments, 1,850m<sup>2</sup> non-residential floorspace and leisure centre. The development consists of eight buildings, ranging in height from five to twenty-four stories.
- 3.5 Cornmill Gardens and River Mill Park – soft landscaped open space and children's play area opened in 2007.
- 3.6 Premier Inn Lewisham High Street – 60 room hotel to the north east of the Gateway site
- 3.7 Lewisham House/CitiBank – located to the south of Rennell Street and adjacent to the Lewisham Centre, prior approval has been given for the change of use to convert the 22 storey tower to residential providing 237 new residential units (Ref: DC/15/92471).
- 3.8 In addition, there is a current application (DC/16/097629) for the comprehensive redevelopment of Lewisham Retail Park to provide approximately 4000m<sup>2</sup> of non-residential floorspace and 536 residential units in buildings ranging from 4-24 storeys in height.
- 3.9 All these schemes incorporate tall buildings varying in height up to 24, with Gateway Phase 1 permitted up to 25 storeys.
- 3.10 To the north of the Lewisham/Blackheath railway line is a retail superstore (and associated parking) and a row of two storey Victorian houses on Silk Mills Path with two houses sitting alongside Silk Mills Path known as Sharstead Villas. Further to the north are new developments at Conington Road. To the north east the land rises towards Blackheath. To the east is the St Stephen's Conservation Area, with a row of locally listed five storey late-Georgian properties (predominantly in commercial use but including residential) fronting onto Lewisham High Street and the Grade II listed St Stephens Church and to the south of the church the Police Station.
- 3.11 The site falls within Flood Zone 3a and is within an Air Quality Management Area.

#### **4.0 Planning History**

- 4.1 On 8 May 2009 planning permission was granted subject to conditions and a s.106 agreement for the comprehensive mixed use redevelopment of the Lewisham Gateway Site for up to 100,000 m<sup>2</sup> comprising retail (A1, A2, A3, A4 and A5), offices (B1), hotel (C1), residential (C3), education/health (D1) and leisure (D2) with parking and associated infrastructure, as well as open space and water features. The permission was in outline with all matters reserved other than works comprising the realignment of the public highway and diversion of the existing Ravensbourne and Quaggy rivers that were approved in detail.
- 4.2 The permission allows for:
  - up to 57,000 m<sup>2</sup> residential (C3)
  - up to 12,000 m<sup>2</sup> shops, financial & professional services (A1 & A2)

- up to 17,500 m2 offices (B1) / education (D1)
- up to 5,000 m2 leisure (D2)
- up to 4,000 m2 restaurants & cafés and drinking establishments (A3 & A4)
- up to 3,000 m2 hotel (C1)
- up to 1,000 m2 hot food takeaways (A5)
- 500m2 health (D1)
- provision of up to 500 car parking spaces
- revised road alignment of (part of) Lewisham High Street, Rennell Street, Molesworth Street and Loampit Vale and works to Lewisham Road.

4.3 Applications for reserved matters for the Phase 1A and 1B buildings were approved in May 2013 and September 2014 respectively. These comprise buildings of 25 storeys and 15 storeys providing a total of 362 residential units and 1089m2 of retail/restaurant/cafe floorspace. Details of the open space within Phase 1 (including 'Confluence Place') have also been approved.

4.4 In addition approval has been given for non-material amendments to the original planning permission. These have allowed for the variation to the detailed river works and amendments to the highway layout including alterations to crossings, the introduction of new cycle advanced stop lines, cycle lanes, modification of traffic islands and the widening of Rennell Street, alterations to the Thurston Road bus stand internal layout and changes to the length of bus stops. Approval has also been given to the detailed wording of certain conditions.

## **5.0 Current Application for Minor Material Amendments**

### The Proposals

5.1 This application is made under s.73 of the Town and Country Planning Act 1990 for amendments to the Parameter Plans approved under the 2009 planning permission and consequential changes to the approved Development Specification.

5.2 Conditions on the existing consent control other aspects of the development and its implementation. In determining the current application the Council may amend, omit or add conditions as it considers appropriate and therefore as part of this application all conditions attached to the 2009 planning permission have been reviewed.

5.3 Other than Parameter Plan 1 (Existing Layout) which shows the application boundary and does not change all other Parameter Plans are to be amended. The changes to the Parameter Plans comprise:

5.4 Parameter Plan 2 (Proposed Layout: Ground Level) – change to footprints of Blocks C, D1, D2, E and F omitted. Limits of deviation unchanged. The highway layout including location of pedestrian crossings reflects the approved, as-built layout. Footprint of Blocks A and B reflect the approved, as built configuration.

5.5 Parameter Plan 3 (Proposed Layout: Basement) – no change to extent of the basement but reference to use for residential parking removed.

5.6 Parameter Plan 4 (Building Blocks Plan) – change to building footprint for Blocks C, D1, D2, E. Block F omitted. Limits of deviation unchanged.

- 5.7 Parameter Plan 5 (Public Realm Plan: Ground Level) – change to open space within site. No change to footpaths around site. Block D1 (on Molesworth Street) located further from back of pavement. Minor reduction in distance between Blocks D1 and C.
- 5.8 Parameter Plan 6 (Open Space Plan: Roof Levels) – no change to extent of open space other than to reflect amended Block footprint.
- 5.9 Parameter Plan 7 (Vehicular Circulation / Public Transport Plan) – highway layout updated to reflect approved/as-built layout including location of pedestrian crossings. Amended Block footprint shown.
- 5.10 Parameter Plan 8 (Building Heights Plan) – change to ‘Low Zone’ to Blocks C, D1, D2 and E to allow for lower minimum building height (8m from 16m) with no change to maximum height (20m except Block D1 at 28m); change to ‘Mid Zone’ to Blocks C (C1 and C2) and D1 to increase maximum height from 47m to 62m (no change to minimum height of 34m); change to ‘High Zone’ (Block D2) from 77m to 104m (no change to minimum height of 54m).
- 5.11 The implications of the proposed changes are considered in detail in Section 9 below.

#### Supporting Documents

- 5.12 In addition to Revised Parameter Plans and a Revised Development Specification that define the scope of the proposed changes, the application is supported by:
- 5.13 Design and Access Statement including a Pedestrian Flow Assessment – this sets out the rationale for the proposed changes to the development parameters and illustrates how these could be interpreted in the detailed design of buildings in Phase 2.
- 5.14 Planning Statement, including an Economic Statement – this sets out the planning history and policy context for the current application and identifies the economic, financial and in-kind outputs of the development.
- 5.15 Environmental Statement Addendum – this reports on the likely significant environmental effects of the proposed changes and, where relevant identifies appropriate mitigation.
- 5.16 Delivery Strategy – this sets out the changes in the context of the delivery of the original vision for the site and the delivery programme and phasing.
- 5.17 Consultation Report – this summarises the pre-application public consultation work undertaken by the applicant team and feedback received from these events.
- 5.18 Energy and Sustainability Strategy – this updates the energy and sustainability strategy for the site in the context of current policy and regulations.

#### **6.0 Environmental Impact Assessment**

- 6.1 The original application submitted in 2006 was the subject of an Environmental Impact Assessment (EIA) under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended. These regulations were replaced by the Town and Country Planning (Environmental Impact

Assessment) Regulations 2011 (the '2011 Regulations'). Whilst certain aspects of the 2009 Regulations have changed, the overarching requirements for EIA have not been changed by the 2011 Regulations.

- 6.2 Under the Regulations certain development projects require EIA. Projects of a type listed in Schedule 1 to the Regulations must be subject to EIA before permission can be granted. The Gateway scheme is not a Schedule 1 project. Projects of a type listed in Schedule 2 will require EIA before permission is granted if any part of the development is in a sensitive area or certain prescribed threshold/criteria are exceeded/met and in either case the proposed development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Relevant to the current application is paragraph 13 of Schedule 2 to the 2011 Regulations, which applies to changes and extensions to consented schemes where the development as changed or extended may have significant adverse effects on the environment or the change or extension exceeds the relevant thresholds in Schedule 2 to the 2011 Regulations.
- 6.3 The current application is EIA development for the purposes of the (Town and Country Planning (Environmental Impact Assessment)) 2011 Regulations and accordingly is accompanied by an Environmental Statement Addendum (September 2016) (ES Addendum) and Further Environmental Information (December 2016) (FEI) that assesses the impact of the proposed changes on a range of receptors. The Council must not grant planning permission pursuant to an application to which the Regulations apply unless they have first taken the environmental information into consideration. The environmental information encompasses the Environmental Statement, any 'further' or 'other' information, any representations made by any body required to be invited to make representations, and any representations duly made by any other person about the environmental effects of the development.
- 6.4 The ES Addendum and FEI concludes that the mitigation measures to be secured by planning conditions and/or S106 obligations remain robust and that no changes are required to any of the conditions attached to outline planning permission in order to secure the identified mitigation measures. Officers consider that this is the case in respect of Socio-Economics; Air Quality; Noise and Vibration; Transport and Access; Water Resources and Flood Risk; Ecology and Nature Conservation; and Wind. In respect of Townscape and Visual impacts and of Daylight, Sunlight and Overshadowing Officers consider that further refinement of the massing of the buildings, such as that shown in the Illustrative scheme, is necessary to mitigate the impacts of the development to an acceptable level. Given the outline nature of the existing planning permission and current s.73 application it is considered that Reserved Matters stage is the appropriate mechanism through which to secure this refinement.
- 6.5 An assessment of the environmental impacts arising as a consequence of the proposed changes are covered in Section 9 impacts on Micro-Climate and Townscape.

## **7.0 Consultation**

### Pre-application

- 7.1 The current application for minor-material amendments relates to the approved Lewisham Gateway development, which has been subject to numerous developer

and Council lead consultations sessions over last 10 years. In autumn 2015 the developer began pre-application discussion with the Council regarding the amendments now proposed.

- 7.2 The developer held 15 pre-application meetings with Council planning and design officers from October 2015 – September 2016, when the application was submitted. In addition proposed amendments were received by the independent Lewisham Gateway Design Review panel 3 times and review in a pre-application session with the Lewisham Strategic Planning Committee on the 26<sup>th</sup> May 2016.
- 7.3 During the pre-application meetings with Council Officers the focus on the discussions was on the amendments to the building heights and massing and changes to the floorspace allocation.
- 7.4 Public-consultation by the developer on the proposed amendments took place between August and September 2016, with the full details provided within the submitted Consultation Report
- 7.5 Following the distribution of 10,000 project leaflets, 500 emails and over 1000 letters to local residents, letters to local Councillors and business, stakeholders, press releases in local media and blogs four days of a public exhibition were held (11, 13 and 17 August 2016 and 8 September 2016) in three different locations in Lewisham.
- 7.6 With 869 people attending the consultation events and a significant number submitting written feedback, the number of people who got involved in the consultation was higher than previous consultations (in the 2012 Reserved Matters consultation, 275 attended the consultation events and in 2014 a total of 853 people attended the consultation events).
- 7.7 At the events the exhibition display consisted of eight boards that guided visitors through the proposals. This included:
  - An introduction to the site
  - An explanation of the history of the site and development so far
  - A description of the wider masterplan and the timeline
  - An introduction to proposals for Phase 2
  - Details of the proposed changes to the layout of buildings
  - Details of the proposed changes to the usage of buildings
  - Details of the proposed changes to the height of buildings
  - Information on next steps and how to contact the team and submit feedback
- 7.8 Through and following the consultation events 204 feedback forms were submitted, with the form asking questions designed to produce quantitative data to help create a picture of consultees attitudes to different aspects of the proposals. The box below shows how respondents answered these questions;

Statement	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
The changes proposed in layout and positioning of buildings improve the pedestrian space.	18	48	54	28	45
The proposed increase in housing and hotel space is a positive step.	19	43	35	33	67
The proposed alterations in heights better integrate with other buildings in Lewisham.	11	21	34	37	96
The updated proposals offer an improved vision for Lewisham Gateway.	12	39	41	33	74

Table 1: Consultation feedback to developer held pre-application consultation

- 7.9 The Consultation Report outlines the main areas of concern raised during and in response to the consultation exercise, which were; the increase in buildings heights, impact daylight / sunlight and wind to surrounding sites and public realm, train capacity, shortage / no affordable housing, design quality and ensuring occupation of commercial units.
- 7.10 Whilst the document showed that there was generally negative response to the proposed amendments themselves the sessions were considered to be helpful and informative in understanding the scope of the changes, as shown in table 2 below.

Question	Very informative	Informative	Uninformative	Not useful at all
Did you find the consultation informative / useful?	35	111	22	12

Table 2: Quality assessment of developer held pre-application consultation

### Application Consultation

- 7.11 Following the submission of the planning application, Officers formally registered the application and commenced consultation. The s.73 application has been publicised and consulted upon in accordance with the requirements of the Town and Country Planning (Development Management Procedure) Order 2015 and the Council's adopted Statement of Community Involvement. In addition, the application has been advertised and consulted upon in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 7.12 The scale of the development falls within applications referable to the GLA under the Town and Country Planning (Mayor of London) Order 2008. However because the original application was received by the local planning authority before 6 April 2008 the application does not need to be referred to the GLA (paragraph 1, subparagraph (3) of the Order).
- 7.13 The extent of consultation area (See Appendix 3: Consultation Map) remained consistent with that used for the original 2006 application. Letters were also sent to those who had commented on the previous applications, which resulted in approximately 11,000 letters being delivered. An advert was also displayed in the Local Press and 10 Public Notices were displayed around the site as well as 1 Site Notice displayed on site on behalf of the developer. The application and associated documents have also been posted on the Council's website in the usual way.

- 7.14 The application consultation process to date has resulted in 47 written objections from local residents, along with an additional 11 individuals registering an objection to the proposal when attending the local meeting via the attendance sheet. In addition objections have been received from the Blackheath Society, Ladywell Society, Quaggy Waterways Action Group and Lewisham Green Party.
- 7.15 As the Council received more than 10 objections following the initial consultation to the application a Local Meeting was held in accordance with the Council's adopted Statement of Community Involvement. The Local Meeting was held on Thursday 15<sup>th</sup> November 2016, with 37 local residents noting their attendance on the attendance list, however Officers estimated that there were between 50-60 local residents in attendance.
- 7.16 Officers considered that the initial Local Meeting did not achieve its objective of providing an opportunity for the applicant to respond to the local community on their questions. Whilst Officers accepted the applicant may not always provide responses that are of the satisfaction of the community, a local meeting should facilitate the free flow of information between the parties to enable the local community to have a better understanding of the proposals. As this was not considered to have been achieved, it was subsequently agreed that a follow-up local meeting would be held. The meeting took place on Thursday 19<sup>th</sup> January 2017 with 42 local residents noting their attendance on the attendance list, however again Officers estimated between 50-60 local residents in attendance.
- 7.17 Minutes of each local meeting can be found in Appendix 4 and 5.
- 7.18 The objections cover a range of issues which have been set out below;

#### Overview of Changes & Uses

- How can such large scale changes be considered as a 'minor' amendment;
- Why are amendments required; they appear to be largely profit-driven, with no obvious benefits for local residents, and little contribution to the long term economic, social or environmental well-being of the area;
- Challenge view that there is a need for changes to the approved plans due to the built environment and commercial changes that have occurred since 2006;
- The area is being swamped with new developments that take from the local amenities whilst seemingly not giving anything back; how will the development benefit Lewisham residents;
- If the amendments are required to re-coup costs of the road and river changes, this is not justification or a comfort that the proposals will have an acceptable impact on the surrounding area;
- The developers should build the consent and then see if additional changes are required;
- Lewisham already has unoccupied retail units, where is the justification for more;
- If there is no change in the total floorspace, I see no reason to increase the height of the buildings;
- The proposal is not an improvement on original scheme;
- The approved consent allowed for affordable units so why not this proposed revision;
- Why does the development not propose any affordable housing; with such an increase in residential accommodation how can the development still not provide affordable units;

- Will the residential just be bought by investors and left empty and what will LBL / GLA do to ensure this doesn't happen;
- There is a need for social and affordable housing and there must be balance that does consider this;
- Existing vacant housing should be improved before new buildings approved;
- More needs to be done to build more housing suitable for older people so they become more willing to vacate larger properties;
- The proposal does not encourage social cohesion;
- Why there is need for more density of 1 and 2 bedroom flats at the expense of family homes and reduced shop, restaurant and leisure space;
- Object to decrease in A Class uses and loss of Class B and D uses but increase in hotels and residential and provision of a gym;
- How has the demand for hotels in Lewisham increased so quickly; if it is the housing crisis that is the driver for the amendments, how helpful is it to increase the size of the hotel, given one has opened across the road;
- The increase in residential space (not local authority/social housing) at the expense of new shops and amenities which are sorely needed in the development of the town centre;
- There are enough apartments in the centre what the development needs is a cinema, community hub/space/ gallery and a night life;
- What is being done to ensure that the ground floors units are occupied with the shops, cafes and restaurants that will enhance the area;
- The scheme offers limited job provision, although lots from construction
- With the removal of the office and education uses the long term employment opportunities in the site are limited.

#### Quality of process / application

- The consultation carried out by the developer was tick box and was not of sufficient timescale;
- The chosen dates for the consultation, within the summer holidays, did not help the level of response;
- The consultation carried out by the Council was not sufficient for an application of this size and should have been longer given the amount of application documentation;
- Scaled models should be permanently on show somewhere locally so that everyone has a chance to see the alternatives and comment;
- The documents for the planning application, including the ES report, are poorly organised and need to be largely re-written as they contained errors and did not provide all the required details;
- Concerned about level of assessment by both developers and LB with regards environmental risks, especially flooding and wind impacts;
- A number of additional views from local conservation areas should be required.
- The application documentation was too large to go through and fully understand.

#### Environmental

- The proposed amendments will severely change the overall environment for the local community and have an unacceptable impact within the development in surrounding area in relation to, overshadowing, levels of daylight and sunlight and wind tunnelling;
- Specific concern around the quality of the environment that will be created for the public realm, specially Confluence Place, which appears to be overshadowed;

- The increase in height to block D2 especially will impact on daylight within the vicinity and privacy to surrounding residential accommodation;
- Concern that the new homes and infrastructure will be at risk of flooding. Given the re-directing of various rivers; require reassurance of the flood risks and prevention strategy;
- The development will have an unacceptable impact on air quality;
- Object due to the impact on terrestrial TV and mobile signals, require details of compensation for this loss;
- Concern that the amendments to the blocks will increase noise pollution from sound bouncing off the buildings;
- The proposal will have a detrimental effect on wildlife;
- The proposal will impact the vista from Blackheath.

### Infrastructure

- The increase in residential will impact on infrastructure;
- The developers have spent nearly 2 years adding utilities (water, electricity, communications, gas, etc.) and changing the road layout. But what about schools, dentists, doctors, public transport, etc;
- There is no provision for health, education and community building and with the proposed additional residential units this will cause further pressure on local amenities and transport;
- The proposal will have an unacceptable impact on rail network and cause overcrowding and a risk to the safe operation of Lewisham station;
- The development cannot rely on bus capacity to accommodate demand for public transport;
- The increase in residential numbers will place additional strain on already over-stretched medical services, both GPs and Lewisham Hospital;
- The changes proposed and facilities they would diminish and the pressure the development would put on the locality correlate in large part with the Government's 'indices of multiple deprivation' (IMD): Income deprivation; Employment deprivation; Health deprivation and disability; Education, skills and training deprivation; Barriers to housing and services; Crime; Living environment deprivation.

### Parking

- Whilst the site is accessible by rail and bus there will still be demand for parking, with the scheme now proposed to be car free there will then be increased demand for parking within the area;
- There will be increase parking pressure on existing streets, require assurances that no parking permits will be allowed to new residents;
- People staying in the hotel will require parking, how will this be accommodated without impacting on surrounding streets;

### Design / Massing

- The proposed increase in height is unacceptable;
- The models and images of the proposed amendments do not match up with the rhetoric, with the design failing to be slender;
- The proposed amendment are visually intrusive, oppressive and excessive and would be overly dense;

- Approach to the stations will be claustrophobic as we shall have to make our way along narrow walkways enclosed by oppressive structures which will destroy sight lines;
- The proposed layout and position of the proposed amendments will directly impact the public spaces and existing buildings, and destroy historic views;
- Buildings will directly face and overshadow St Stephen's Church and adjacent terrace
- The development is out of character with what remains of Lewisham Town Centre's character and will destroy the character of the town centre;
- All the tall buildings in Lewisham Town Centre have a different design, which is to the detriment of the Centre;
- The proposal, specially D2, would be out of proportion with Blocks A and B as approved / built;
- The amendments result in wall like to the detriment of the overall environment and character of the centre and adjacent conservation area;
- The 2006 plan, is "light, open and shop-lined pedestrian routes" from the station through the Phase II development, the amendments no longer appears to offer a light and open route.

#### Details of proposal

- Concerned about the changes to the layout of Confluence Place, and would like the developers to re-commit to allowing shared access for pedestrians and cyclists to access this area;
- Insufficient details of the public realm and confluence place;
- Concern about the quality of residential accommodation provided within the development, currently there is inadequate detail about internal layouts and orientations in the application and with the changes proposed concerned about the environment that will be created;
- All new housing meets basic design and environmental sustainability standards, and provides a decent quality of life for future inhabitants;
- The public realm and retail commercial space appears to be of poor quality;
- Object that the applicants have included roof areas as public realm;
- Limited details of how the public areas will be managed have been provided.

#### Objections relating to the approved and partially built Phase 1 / Road/River layout

- The loss of the bus stops outside the police station is unacceptable;
- Object to the changes to phase 1 layout, with amendments to the access through to Station Road area;
- Unhappy with new/existing road and pedestrian routes, which has reduced accessibility around the site and caused problems with traffic;
- Confluence Place is too small.

7.19 Following the local meetings a number of additional comments were received from residents expanding on the issues raised previously, with more detailed consideration to the impacts of the proposed amendments, specifically height, transport/infrastructure pressure and environmental impact. A number of residents also noted their dissatisfaction with the quality of the local meetings.

7.20 Throughout the application process a number of residents have continued dialogue with Officers to ascertain clarity on the application proposed and requesting further documentation.

7.21 In addition to the objections from local residents the following objections have been received from local groups / societies;

#### Blackheath Society

7.22 The society object to the proposal for the following reasons;

- Inadequate public consultation
- Do not agree that the proposed amendments are minor-material
- Consider that the views within the ES Addendum as part of the Townscape Assessment are inadequate, specifically those from Blackheath.
- The increase in heights and massing of the buildings, especially relative to the amount of public space in the development.
- Do not understand the assertion that the amount of floorspace is not increasing.
- Consider that the decrease in A uses limits the amount of public useable space within the development.
- Consider that a model should have been made available at the Council Offices for the public to view.

#### Ladywell Society

7.23 The society object to the proposal for the following reasons;

- Objected to the heights in the outline application (approved in 2009) and do not see any reason to change that position.
- The addition to the heights will make the development even more overbearing than originally proposed and D2 will appear even more out-of-scale with the adjacent Citibank and could act as a precedent for height.
- The proposed increase in heights to buildings C1 and C2 will impact even more on the Grade II listed St. Stephen's Church and the Conservation Area, when policy is to protect these important historical assets.
- The amendments will exacerbate the wind impacts of the developments.
- No affordable housing and not meeting local housing need.
- Do not agree there is need for the hotel, especially at an increased size.
- Potential loss in New Homes Bonus.
- The omission of Block F shows a lack of investigation at the time of the original outline application (2007).
- Question if the parking was removed due to flood risk and what is the impact on parking in local streets going to be?
- Confluence Park appears to be being reduced and will not be the public space that was intended.

#### Lewisham Green Party

7.24 Lewisham Green Party object to the proposal for the following reasons;

- No affordable housing is to be provided, even though the originally consent / s106 agreement sought to secure 15%.
- Strong concerns about local housing need and that new residential developments in the borough do not contain an appropriate quantity of affordable housing units.

- Given that the northern section of the scheme has already been approved with no affordable homes, if no in phase 2 the whole scheme would be private tenure.
- The viability appraisal submitted by the development is confidential and not available for public scrutiny; will the Council's assessment of the viability be available?
- Consider that standards / tests used to assess viability and affordable housing provision is flawed.

#### Quaggy Waterways Action Group

7.25 QWAG object to the proposal for the following reasons;

- C1 is now of a greater height directly adjacent to Confluence Place, thus appearing to enclose it on all sides and therefore should be limited to 16.5m, like the central section of C1 to improve light.
- Confluence Place too small and the surrounding buildings very overbearing
- Developer said QWAG would be sent detail of how increased heights impact on overshadowing of rivers
- In the Sunshine Survey within the Environmental Statement document, show that A4, Confluence Place does not meet the BRE's guideline. This is too vague a suggestion as is the notion of useable space.
- Discrepancy in acceptable of light levels, stating that guidance not meet, but no mitigation required; the rivers need maximum light.
- Overshadowing appears to be a problem with the scheme if it does not meet BRE guidance contrary to policy.
- Lewisham Rivers should be considered a Heritage Asset and therefore should not have their southern light reduced by a 38m building.
- Errors in the artist impressions and also show sunshine and light.
- The submitted Design & Access seems inconsistent with the approved scheme for Confluence Place; please provide assurances that there are to be no changes to the approved scheme.
- Will there be direct access to the rivers; there should be.
- ES states that (10.50) "Due to the bare ground limited habitats ... the scheme has no value for bird species including those that have been identified within the surrounding area". This overlooks Swifts, which is a summer visitor here and the Gateway development should be taken as a good opportunity to help both swifts and bats through sensitive lighting and installation boxes.

7.26 Officers consider that the report responds to the objections raised, with further consideration of the objections in section 11 of the report.

7.27 Any additional comments received prior to the committee will be reported verbal and through an addendum.

#### Written Responses received from Statutory Agencies

#### Transport for London

7.28 TFL raise no objection to the proposal and welcome the proposal to remove the car parking from the site given site congestion and proximity to public transport, but also the support the obligation to exempt for residents from seeking parking permits within the local Control Parking Zone (CPZ). In addition the following comments were provided;

- Although the reconfiguration of ground floor areas will result in increased trips on the public transport networks during both the AM and PM peaks, TfL does not believe that the increases would give rise to capacity issues on the local bus network;
- TfL would consider it appropriate for the scheme to retain some level of off-street blue badges spaces and would welcome further discussion with Lewisham and the applicant on this matter;
- TfL will require cycle parking for the new residential units to comply with London Plan 2015 standards, in addition, 5% of all cycle parking spaces must be capable of accommodating adapted cycles;
- Travels Plans, Delivery and Servicing Plans and Construction Logistics Plans should all be amended in light of the proposed changes to the development.

#### Network Rail

7.29 Network Rail raised no objection to the

#### London Borough of Bromley

7.30 No objection

#### Tower Hamlets Borough Council

7.31 No objection

#### Historic England

7.32 Subject to the retention of condition 28 (archaeological investigation) attached to the original 2009 permission no objection is raised.

#### Highways England

7.33 No objection

#### Environment Agency

7.34 The Environment Agency originally commented on the application for the s73 in November 2016, raising objection to the proposal for the following reason;

- The submitted FRA fails to take the impacts of climate change into account and use the new climate change allowances to assess fluvial flood risk.
- The submitted flood risk assessment states that finished floor levels will be set between 7.7m AOD and 8m AOD and allows a 300mm freeboard above the 1 in 100 year plus climate change level. Please note that proposed finished floor levels will need to be revisited in the light of updated climate change allowances to ensure that the design of the floor level is still appropriate.

- We also recommend that occupants register with the Environment Agency's flood warning service and that any evacuation plan should provide suitable access and egress from the site and would need to be approved by your authority's emergency planning department.

7.35 In December 2016 a revised flood risk assessment (FRA) was submitted by the applicant, which was reviewed by the EA and to which they provided the following comments in January 2017;

- The objection remains as the applicant has failed to apply the advice we have provided in the previous comments. Our concerns still remain regarding Blocks D2 and E where finished floor levels will be set at 8.2m AOD. This falls short (by approximately 500m) of the freeboard for the allowance of climate change as well as standards outlined in Lewisham's Strategic Flood Risk Assessment (SFRA).
- We note that the applicant has considered internal design work in Block D2 post-planning, along with incorporating flood resilient measures, however this approach does not fulfil the necessary requirements under the National Planning Policy Framework (NPPF), whereby there is a requirement for a development to remain safe throughout its lifetime, taking climate change.

7.36 Given the objection from the Environment Agency regarding the finished floor levels Officers considered that before the application could be put to the committee it was necessary to understand that the objection could be resolved. A meeting was therefore held on Friday 3<sup>rd</sup> March between the Environment Agency and the applicant team. The meeting discussed potential design options to overcome the flood risk presented by the floor levels and how through use of structural design and elevational treatment the scheme would be able to overcome the outstanding objection. The Environment Agency was supportive of the options discussed and confident that through the detailed design stage the required floor levels or flood safety features could be achieved to the satisfaction of the Agency.

#### Lewisham Design Panel

7.37 An obligation as secured through the s106 agreement attached to the 2009 planning permission required that the applicant undertake continued consultation with a Design Review Panel for the Gateway development. As part of the pre-application discussion with Council Officers the DRP were included and have strongly supported the proposed amendments subject to a continuation of the high quality of design through the Reserved Matters applications to follow.

#### Strategic Housing

7.38 No comments received.

#### Sustainability Manager

7.39 No comments received.

#### Highways and Transportation

7.40 Lewisham Highways raise no objection to the proposed amendments and car free development, subject to securing a financial contribution through a planning

obligation to assess extending the times of the existing times of the CPZ on adjacent streets to reduce the impact on residents parking within the area.

### Environmental Health

- 7.41 Raised concerned on the air quality assessment submitted with the ES Addendum, but following the receipt of further information for the addendum raise no objection, subject to the conditions attached to the 2009 consent being retained.

## **8.0 Policy Context**

### Introduction

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

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

A local finance consideration means:

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

- 8.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan, the Lewisham Town Centre Local Plan, and the London Plan.

- 8.3 In the case of s.73 applications, these should be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004. In making their decisions, as well as considering the changes being proposed local planning authorities should focus their attention on national or local policies or other material considerations which may have changed significantly since the original grant of permission.

- 8.4 The policies below are relevant to the changes being sought by way of this s73 application.

### National Planning Policy Framework

- 8.5 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215

guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that ‘...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)’.

- 8.6 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.
- 8.7 National Planning Practice Guidance (NPPG)
- 8.8 On 6 March 2014 the Department for Communities and Local Government (DCLG) launched the NPPG web-based resource. This was accompanied by a Written Ministerial Statement that includes a list of the previous planning practice guidance documents cancelled when the NPPG was launched.
- 8.9 This web-based resource was developed following the recommendations of the External Review of Planning Practice Guidance, its purpose is to expand upon the National Planning Policy Framework. The document is subject based and includes much of the guidance previously contained in Circulars and other policy based guidance documents.

London Plan Consolidated With Alterations Since 2011 (March 2016)

- 8.10 The London Plan policies relevant to this application are:
- Policy 1.1 Delivering the strategic vision and objectives for London
  - Policy 2.3 Growth areas and coordination corridors
  - Policy 2.9 Inner London
  - Policy 2.13 Opportunity areas and intensification areas
  - Policy 2.14 Areas for regeneration
  - Policy 2.15 Town centres
  - Policy 2.18 Green infrastructure: the network of open and green spaces
  - Policy 3.1 Ensuring equal life chances for all
  - Policy 3.2 Improving health and addressing health inequalities
  - Policy 3.3 Increasing housing supply
  - Policy 3.4 Optimising housing potential
  - Policy 3.5 Quality and design of housing developments
  - Policy 3.6 Children and young people’s play and informal recreation facilities
  - Policy 3.7 Large residential developments
  - Policy 3.8 Housing choice
  - Policy 3.9 Mixed and balanced communities
  - Policy 3.10 Definition of affordable housing
  - Policy 3.11 Affordable housing targets
  - Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
  - Policy 3.13 Affordable housing thresholds
  - Policy 3.18 Education facilities
  - Policy 4.1 Developing London’s economy
  - Policy 4.2 Offices

Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment provision

Policy 4.7 Retail and town centre development

Policy 4.8 Supporting a successful and diverse retail sector

Policy 4.12 Improving opportunities for all

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.5 Decentralised energy networks

Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater Infrastructure

Policy 5.15 Water use and supplies

Policy 5.18 Construction, excavation and demolition waste

Policy 5.21 Contaminated land

Policy 6.1 Strategic approach

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.4 Enhancing London's transport connectivity

Policy 6.7 Better streets and surface transport

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.7 Location and design of tall and large buildings

Policy 7.8 Heritage assets and archaeology

Policy 7.14 Improving air quality

Policy 7.18 Protecting local open space and addressing local deficiency

Policy 7.19 Biodiversity and access to nature

Policy 7.30 London's canals and other rivers and waterspaces

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

#### London Plan Supplementary Planning Guidance (SPG)

8.11 The London Plan SPG's relevant to this application are:

Accessible London: Achieving an Inclusive Environment (2014)

Housing (2016)

Sustainable Design and Construction (2014)  
Planning for Equality and Diversity in London (2007)  
Green Infrastructure and Open Environments (2012)  
Shaping Neighbourhoods: Play and Informal Recreation (2012)

London Plan Best Practice Guidance

8.12 The London Plan Best Practice Guidance's relevant to this application are:

Control of dust and emissions from construction and demolition (2006)  
Health Issues in Planning (2007)  
Managing the Night Time Economy (2007)

Core Strategy

8.13 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The following lists strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy of particular relevance to this application:

Spatial Policy 1 Lewisham Spatial Strategy  
Spatial Policy 2 Regeneration and Growth Areas  
Core Strategy Policy 1 Housing provision, mix and affordability  
Core Strategy Policy 6 Retail hierarchy and location of retail development  
Core Strategy Policy 7 Climate change and adapting to the effects  
Core Strategy Policy 8 Sustainable design and construction and energy efficiency  
Core Strategy Policy 9 Improving local air quality  
Core Strategy Policy 10 Managing and reducing the risk of flooding  
Core Strategy Policy 11 River and waterways network  
Core Strategy Policy 12 Open space and environmental assets  
Core Strategy Policy 14 Sustainable movement and transport  
Core Strategy Policy 15 High quality design for Lewisham  
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment  
Core Strategy Policy 17 The protected vistas, the London panorama and local views, landmarks and panoramas  
Core Strategy Policy 18 The location and design of tall buildings  
Core Strategy Policy 19 Provision and maintenance of community and recreational facilities  
Core Strategy Policy 21 Planning obligations  
Strategic Site Allocation 1 Requirements for strategic site allocations  
Strategic Site Allocation 6 Lewisham Gateway

Development Management Local Plan

8.14 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan of particular relevance to this application:

DM Policy 1 Presumption in favour of sustainable development  
DM Policy 7 Affordable rented housing

DM Policy 12	Hotels
DM Policy 13	Location of main town centre uses
DM Policy 17	Restaurants and cafés (A3 uses) and drinking establishments (A4 uses)
DM Policy 18	Hot food take-away shops (A5 uses)
DM Policy 20	Public houses
DM Policy 22	Sustainable design and construction
DM Policy 23	Air quality
DM Policy 24	Biodiversity, living roofs and artificial playing pitches
DM Policy 25	Landscaping and trees
DM Policy 26	Noise and vibration
DM Policy 27	Lighting
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 35	Public realm
DM Policy 36	New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens
DM Policy 40	Public conveniences
DM Policy 41	Innovative community facility provision
DM Policy 43	Art, culture and entertainment facilities

#### Lewisham Town Centre Local Plan

8.15 The Council adopted the Lewisham Town Centre Local Plan (LTCLP) on the 26<sup>th</sup> February 2014. The following policies are considered of particular relevance to this application:

Policy LTCP0 Presumption in favour of sustainable development

Policy LTCP1 Plan boundaries

Policy LTC2 Town centre boundary

Policy LTC8 Lewisham Central Policy Area

Policy LTC9 Growing the local economy

Policy LTC10 Mixed use

Policy LTC11 Employment uses

Policy LTC14 Town centre vitality and viability

Policy LTC16 Retail areas

Policy LTC17 Evening economy uses

Policy LTC18 Public realm

Policy LTC19 Tall buildings

Policy LTC20 Public and shopper parking spaces

Policy LTC21 Sustainable transport

Policy LTC22 Social infrastructure

Policy LTC23 Heritage assets

Policy LTC24 Carbon dioxide emission reduction

Policy LTC25 Adapting to climate change

Policy LTC26 Implementation

Policy LTC27 Monitoring

Planning Obligations Supplementary Planning Document (February 2015)

- 8.16 This document sets out guidance and standards relating to the provision of affordable housing within the Borough and provides detailed guidance on the likely type and quantum of financial obligations necessary to mitigate the impacts of different types of development.

**9.0 Planning Considerations**

- 9.1 This application is seeking approval for minor material amendments to the development granted outline planning permission in 2009. Whilst there is no statutory definition of what constitutes a 'minor material amendment', NPPG states that it includes any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. The issue is one of fact and degree.

- 9.2 The current application does not increase the total floorspace of the development granted planning permission in May 2009, which is capped at 100,000m<sup>2</sup>. Changes relate to the quantum of floorspace associated with each approved land use and to the layout, massing and height of buildings on the site. Taking into account the changes now proposed and the scale of development granted planning permission in 2009, as well as the manner in which the development was defined through the parameter plans, Officers consider that the scale and nature of the amendments would not result in a substantially different development from that already approved in 2009. Thus, the changes are appropriately dealt with by way of a s. 73 application. The changes are considered in further detail below.

- 9.3 As noted above, by virtue of the fact that an application under s.73 seeks to amend an approved scheme, the development itself will have been judged to be acceptable in principle at an earlier date. Consideration of the current application therefore is not about the principle of the development, but rather the proposed amendments and assessed in the light of current policy. Whilst the changes may give rise to new or materially different effects on the environment from those assessed as part of the original application, these have been assessed and reported in the ES Addendum and FEI in accordance with the EIA Regulations.

- 9.4 The original application for Lewisham Gateway was considered by the Council's Strategic Planning Committee in October 2007. Planning permission was granted subject to conditions and s.106 agreement on 8 May 2009. The Development Plan at the time of determination of that application comprised the London Plan (February 2004 and Alterations December 2006) and associated Supplementary Planning Guidance, and Lewisham UDP (Adopted July 2004). Since determination of the original application the London Plan has been amended and the development plan now comprises the London Plan (2016), and the Lewisham Core Strategy (2011), Site Allocations Local Plan (2013), Development Management Local Plan (2014) and Lewisham Town Centre Local Plan (2014). In addition the Government has published NPPF and NPPG.

9.5 NPPG notes that where an application under s.73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. If the original permission was subject to a planning obligation then this may need to be the subject of a Deed of Variation. The matter of conditions and planning obligations are considered in further detail below.

9.6 The documents submitted in support of the original and current application include an Illustrative scheme that identifies the likely location of uses across the site and massing of the development. However these are not matters for determination at this stage.

### Considerations

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

- a) Quantum and mix of uses
- b) Layout scale and massing including impacts on adjoining properties and the local area
- c) Impact on the setting of heritage assets
- d) Transport, access and movement
- e) Other considerations
- f) Delivery including viability
- g) Planning obligations

9.8 In accordance with Government guidance, the determination of this current application focuses on any significant changes to national or local policies or other material considerations since the original grant of permission as well as the changes sought themselves, but not the principle of the development as a whole. Accordingly, the overall quantum of floorspace that can be delivered within Phase 2, and combined with Phase 1, is not a matter for determination in this current application unless:

- (a) the proposals are considered to be contrary to the development plan or
- (b) the development as amended would give rise to unacceptable environmental effects that could not be satisfactorily mitigated.

### Mix of Uses

9.9 The current application proposes the following:

- increasing the maximum residential (C3) floorspace from 57,000m<sup>2</sup> to 79,475m<sup>2</sup>
- increasing the maximum hotel (C1) floorspace from 3,000m<sup>2</sup> to 5,850m<sup>2</sup>
- increasing the maximum non-residential institution (D1) floorspace from 500m<sup>2</sup> to 825m<sup>2</sup>
- reducing the maximum retail (A1/A2/A3/A4) floorspace from 16,000m<sup>2</sup> to 8,250m<sup>2</sup>
- reducing the maximum leisure (D2) floorspace space from 5,000m<sup>2</sup> to 4,800m<sup>2</sup>

- reallocating the 17,500m2 of office (B1) and education/health (D1) floorspace to other uses

- 9.10 The original planning permission for development of the Gateway site was in outline and approved an overall quantum of development and mix of uses based on a series of parameter plans. The permission did not fix the location of the approved uses on the site, which was to be resolved through reserved matters applications.

#### Residential Floorspace

- 9.11 In terms of residential floorspace whilst the final number of dwellings will be dependent on the unit size mix, the ES Addendum estimates that the proposed increase in residential floorspace would deliver a total of around 950 dwellings on the site. This compares with up to 800 dwellings envisaged in Strategic Site Allocation 6 in the Core Strategy. This current application therefore proposes around a 20% increase in residential accommodation on the site. Whilst this is an increase on the policy position for the site in terms of numbers, it is considered that the accommodation of this proposed increase is still subject to an acceptable site layout, scale and massing as set out in the policy. The scale and massing of the blocks are considered through this report and the details of the accommodation layout and specifications will be considered through the Reserved Matters stage.
- 9.12 Officers consider that an increase in unit numbers on site is reflective also of changes in planning policy. The provision of new housing and addressing general housing need is supported at national level, in policies in the London Plan (Policy 2.13 and 3.3) and Lewisham's Core Strategy. Objective 2 of the Core Strategy states that to meet local housing need and to accommodate the borough's share of London's housing needs provision from all sources will be made for the completion of an additional 18,165 net new dwellings between 2009/10 and 2025/26. It is relevant to note that since the Core Strategy was adopted in 2011 the London Plan's annual monitoring target for Lewisham has increased from 975 to 1,395, an increase of 43%. The Core Strategy notes that the majority of the borough's new housing (as well as retail and employment uses) will be focused within the Regeneration and Growth Areas, such as Lewisham Town Centre, and through the development of higher density housing as part of mixed-use schemes.
- 9.13 The Gateway site is a highly sustainable location, immediately adjacent to the main line and DLR station, well served by buses and close to shops and schools. In the circumstances, the principle of additional housing on the Gateway site is considered acceptable and in accordance with relevant planning policies.
- 9.14 In terms of the dwelling size mix, the following range was approved as part of the original planning application and it is proposed that the same mix would be applied to Phase 2.

Unit Type	Range
Studio Units	0% - 10%
1 Bedroom Units	30% - 65%
2 Bedroom Units	30% - 55%

3 Bedroom Units	0% - 5%
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- 9.15 Given its town centre location and as a site bounded by major roads and rail infrastructure this mix is considered appropriate and acceptable in this case. Although the site will provide limited, if any, family housing, it is considered that the provision of family accommodation will be made in more appropriate locations elsewhere in the borough.
- 9.16 Matters relating to the provision of affordable housing is considered under development viability in Section 10 below.
- 9.17 The increase in the number of dwellings on the application site without increasing the overall floorspace of the development is achieved through utilising floorspace previously allocated for other uses, principally office (B1) and education/health (D1) use. The current application therefore proposes the omission of the permitted 17,500m<sup>2</sup> of office and education/health floorspace and its reassignment for use for residential purposes.
- 9.18 The justification for this change is based on the changes in market demand and development context since the original masterplanning in 2004-6 and the grant of planning permission in 2009. In terms of the education floorspace, at the time of the original application there was the prospect that Lewisham College might take space within the development. For various reasons this did not occur and the College has been accommodated elsewhere. No alternative education user has since been identified or come forward and therefore it is proposed to utilise the floorspace allocated for this use for residential purposes.
- 9.19 In terms of the office floorspace, the borough is not a prime office location and there is limited demand for new (or refurbished) office space. Research submitted with the application also indicates that in the future town centres outside Central London and away from Crossrail are likely to face increasingly challenging office markets. In the circumstances, in the absence of a known occupier retaining the office floorspace as part of the development mix and expecting it to be developed on a speculative basis is considered unrealistic. At a minimum this would stall progress on the development, leading to significant delay in completing the Gateway development and could potentially jeopardise the delivery of the mixed-use town centre scheme that remains the shared objective of the Council and developer.
- 9.20 Officers have considered this amendment in light of the Strategic Site Allocation policy, which sought to provide up to 8,000m<sup>2</sup> of office (B1) floorspace. This is identified as a policy aspiration for the site redevelopment, however fundamentally the policy requires the comprehensive redevelopment of the site for mix-use purposes. Although the current application proposes that the office space is removed from the development it is considered that a mix of non-residential uses can still be secured for the site. This would deliver on the Council's aspiration for a nighttime economy within the town centre. The proposed level of D2 floorspace provision is considered to be suitable to secure an anchor leisure use, supported by a range of A Class uses to support the delivery of this space and the land use objectives for the site.
- 9.21 In addition to the issues outlined above regarding speculative office development, substituting the office/education/health space with residential floorspace would

generate additional value from the development. This increased value will in part offset increased infrastructure costs that have been incurred during the course of the development and also enable the scheme to support the delivery of other non-residential uses on the site. These include a cinema and hotel that contribute to the overall mix of uses appropriate for the town centre location. Development viability and delivery of the overall vision for the Gateway site is considered in Section 10 below.

- 9.22 In terms of the implications of an increase in residential units, Policy LTC22 of the Lewisham Town Centre Local Plan sets out the approach to social infrastructure provision within the town centre, with applicants being required to contribute towards the cost of new facilities that the growth of the centre is expected to require. In this regard the Local Plan identifies that population growth across the town centre as a whole is expected to generate the need for the equivalent of three additional GP services as well three additional dentists. The Local Plan envisages GP services will be accommodated through the expansion of the five existing surgeries that border the town centre, and there is currently some surplus capacity within GP surgeries within 800m of the site where the increased demand could be accommodated. The Local Plan indicates that increased demand for dentist services will be accommodated within existing non-residential floorspace in the centre.
- 9.23 Based on 950 flats with an indicative mix of 49xStudio, 463x1B, 414x2B, 24x3B and using the methodology adopted in the original 2007 ES the resident population would be around 2,080 people. The ES Addendum submitted with the current s.73 application uses a different methodology to calculate the resident population. This is based on census data rather than a simple ratio applied in the 2007 ES and estimates a total population of 1,445. Irrespective of the methodology used to calculate the resident population, the additional 150 dwellings on the site would increase the number when compared with the approved scheme resulting in increased demand for healthcare services than in 2007.
- 9.24 The London Healthy Urban Development Unit (HUDU) recommended standard is 1 GP per 1,800 patients. Based on the estimate of residents on the Gateway site, demand for GP services arising from the development as a whole is estimated to be the equivalent of just over one GP. There are four GP surgeries within 800 metres of the Lewisham Gateway site with an average list size of around 1,470 patients per GP. This indicates that there is currently some capacity to accommodate the forecast population growth arising from this application. As the current application is CIL liable a contribution is due from the development and the Council's Regulation 123 List of the types of infrastructure that will or may be funded in whole or part by CIL includes public health care facilities. Accordingly, should the need arise, a proportion of the CIL contribution could be directed towards health care facilities.
- 9.25 In terms of demand for school places the ES Addendum estimates that based on the proposed number and dwelling size mix the total number of school age children that would live in the completed development would be 181, of which 108 would be primary school age and 73 would be secondary school age (the remainder would be under 5 or over 16). This estimate uses the same methodology as in the original 2007 ES, which calculated the child population based on 20% of the dwellings being affordable. On average, child population per dwelling is higher in affordable compared with market housing. For reasons set out elsewhere in this report

regarding scheme viability the development is unable to support the delivery of affordable housing however for consistency an 80:20 market affordable split has been applied. Whilst this has the effect of likely over-estimating the child population in the development it does allow for a direct comparison between the 2007 and 2016 ES, showing an increase in 16 Primary age children and 7 Secondary age children. There are currently surplus places in Primary schools within 1 mile of the Lewisham Gateway site and in Secondary schools within 3 miles of the site. This surplus is in excess of the likely demand for places arising from the additional dwellings on the Gateway site and therefore this growth can be accommodated within existing schools.

- 9.26 Overall it is considered that based on the currently proposed land use mix the increased demand for health and education services arising from the Gateway development will be able to utilise existing capacity within service providers in the area. The development will also contribute funding through CIL that can be directed towards social infrastructure and other projects.
- 9.27 The Strategic Site Allocation identifies the provision of 800 new dwellings on the site, subject to an acceptable site layout, scale and massing. The current s.73 application proposes to increase this to around 950 with a re-massing and increase in height of the buildings from that shown on the approved parameter plans. The increase in provision to 950 new dwellings would contribute to meeting the increase in the borough's annual monitoring target in a highly sustainable location and is considered acceptable in principle. It is considered that the Illustrative scheme included in the Design and Access Statement demonstrates that issues of site layout, scale and massing can be satisfactorily addressed.

#### Leisure Floorspace

- 9.28 The current proposals include a slight reduction in leisure (D2) floorspace space (from 5,000m<sup>2</sup> to 4,800m<sup>2</sup>). Policy LTC22 in the Lewisham Town Centre Local Plan notes that the Council is supportive of the provision of flexible community spaces along with a range of leisure and entertainment uses in Lewisham town centre. In particular, the Council will be supportive of proposals for a cinema in the town centre, and a site at the northern end of the centre, such as the Lewisham Gateway site, is considered to be an appropriate location.
- 9.29 Whilst the current application does not specify a cinema use on the site, the Illustrative scheme submitted with the Design and Access Statement shows how the amended layout of Building C could accommodate a 7-screen cinema. In addition the financial appraisal submitted in support of the current application includes costs and values associated with providing a cinema within the development. Incorporating a cinema (and gym) is supported by policy and the Illustrative scheme demonstrates that the proposed slight reduction in leisure floorspace would not prejudice delivery of a range of leisure and entertainment uses in the town centre including a cinema.
- 9.30 In terms of securing the delivery of a cinema, it is considered that whilst this will also be addressed through the Development Agreement, it is still a planning issue for consideration. The incorporation of a cinema use on the site has been an aspiration of the public and Council since 2004, with no alternative sites coming forward to offer a multiplex cinema. Therefore securing a cinema use on this site is still an important aspiration. Amendments to the massing are proposed to enable

the further delivery of the scheme that will provide a the mix of uses, specifically leisure destinations, for the town centre improvements, whilst also providing a deliverable scheme in terms of viability. Therefore it is considered that the benefits that arise from this scheme in terms of facilities on site enable the development to meet the policy objectives. To that end Officers recommend that a condition be added to link the massing proposals to the mix of uses sought on site. In addition, were the cinema use omitted at reserved matters stage an updated financial appraisal would need to be submitted and the Council would have an opportunity to further scrutinise the development proposals. Overall, the change in leisure floorspace is considered acceptable.

#### Hotel Floorspace

- 9.31 The development approved in 2009 included floorspace for a hotel and such a use would be in accordance with Strategic Site Allocation 6 and Development Management Local Plan Policy 12. The latter encourages 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. The proposed increase in hotel floorspace would allow for a hotel of around 160 rooms, which has been identified by the applicant as the scale needed to attract an operator.
- 9.32 Policy 12 also includes detailed requirements of such development including the need for the highest design quality and this is a matter that will be addressed at Reserved Matters stage rather than this current application. London Plan Policy 4.5 seeks to expand hotel accommodation across London located in town centres and opportunity areas where there is good public transport access to central London and international and national transport termini. Overall it is considered that the proposal to increase the floorspace for hotel use is in accordance with the development plan and will provide a range of both full and part time employment opportunities. This change is considered acceptable.

#### Retail Floorspace

- 9.33 The reduction in retail (A1/A2/A3/A4) floorspace (from 16,000m<sup>2</sup> to 8,250m<sup>2</sup>) is accounted for principally by a decision of the developer to have single level of retail units along the main route through the site rather than the original strategy for the retail space to be over two floors. Whilst this does result in a reduction in retail floorspace on the site, the main retail spine linking the existing town centre and the station is retained, ensuring that the development contributes to the overall retail mix in the wider town centre. This change is considered acceptable.

#### Conclusion on Amendments to Development Mix

- 9.34 It is considered that the revised mix and quantum of uses proposed in the current application will deliver a development appropriate for the town centre and this highly sustainable site. Strategic Site Allocation 6 in the Core Strategy identifies land use and floorspace priorities, rather than fixed or absolute requirements, and it is considered that the amended mix and quantum is in accordance with these priorities and policies set out in the London Plan and Town Centre Local Plan.

#### Layout, Scale and Massing

- 9.35 The original masterplan and development framework for Lewisham Gateway, prepared over 10 years ago, responded to the opportunities and constraints of the site as well as the development context at that time. The fundamental principles that underpinned the original masterplan, including improving accessibility between the town centre, station and connections to the wider area, remain valid. Similarly, the principle of reorganising and rationalising the road layout to provide a legible and efficient development site capable of incorporating public spaces and a mix of uses remains valid.
- 9.36 However, since the masterplan was first produced there have been a number of significant developments in the surrounding area that have changed the physical and land use context within which Phase 2 of the Gateway development is being progressed. In addition, due to changes in market demand the original land use assumptions on which the masterplan was developed have evolved and the scheme needs to respond to this new context to ensure its relevance and resilience in the future. This application therefore seeks to refresh the masterplan to respond to the current context and needs of the local area. Underlying this review has also been a need to ensure the viability and deliverability of the development as a whole. The deliverability of Strategic Sites is a material consideration, with the Core Strategic site allocation policies recognising that a number of factors influence deliverability of large-scale, complex site redevelopment.
- 9.37 The principal changes to the layout, scale and massing of the site are shown on Parameter Plans 2, 4, 5 and 8. Of the other Parameter Plans, Parameter Plan 1 is the Existing Layout (as at 2009) and does not change; Parameter Plan 3 is the Proposed Basement Level (no change); 6 is Open Space (Roof level) which does not change other than to reflect the changes footprint of the buildings; and 7 is the Vehicular Circulation/Public Transport Plan which does not change other than to reflect the approved/as implemented road layout and incorporate the new building footprints.
- 9.38 The s.73 ES Addendum (September 2016) and Further Environmental Information (December 2016) has considered the impacts of the proposed changes to the layout, scale and massing of the development. Given the site-specific and wider development impacts in terms of townscape and visual effects and micro-climate (wind environment and daylight and sunlight) these are considered separately in this section below. In addition consideration is given to the impact of the proposed amendments on heritage assets.
1. Changes to the maximum building height as well as the massing and orientation of buildings in Block C.
- 9.39 The changes comprise an increase in the maximum building height from 34m to 41m above ground level in Block C1 (at the northern end of this Block adjacent to Confluence Place). The increase in height of Block C1 could accommodate around 2 extra floors from that approved in 2009. Instead of a stepped form specified by the approved parameter plans with a lower element adjacent to Confluence Place), the amended building height parameter would permit Block C1 to rise from street level to a maximum of around 12 floors above the ground level. The northern edge of the block has however been pulled away from Confluence Place when compared with the approved parameters and its form 'cranked' to provide a more generous entrance to the site from the east. No change to the maximum height of Block C2 (at the southern end) is proposed but the parameters do not now show the building

to be stepped down in height towards Block E to the south. The footprint of C2 also adopts a similar cranked form to C1. The maximum height of the building between these two Blocks remains unchanged although the minimum height is reduced.

- 9.40 The changes to the building parameters are considered to deliver a layout and massing that provides scope for variety in the final built form as shown in the Illustrative scheme in the Design and Access Statement. The changes create a more clearly defined relationship of the buildings with the open spaces to the north and south of Block C and enlarge the areas of open space at either end of the route. The inflection of the block at its northern and southern end also shortens the central route between the buildings whilst maintaining the retail street within the site, all of which are considered positive moves. Given the scale of adjoining buildings the increased height of Block C1 is not considered to give rise to significant impacts in terms of the local townscape from that approved in 2009 and, as shown in the Illustrative scheme, can deliver an acceptable built form.

## 2. Changes to the maximum building height and massing of buildings in Block D1.

- 9.41 The changes comprise an increase in the maximum building height from 47m to 62m above ground level. This increase could accommodate around 5 additional floors of residential accommodation. The height parameters for the lower zone adjacent to street level (accommodating non-residential uses) have been varied to allow greater flexibility in the final building form. If built to the maximum height defined on the Parameter Plan 8, at 62m Block D1 would be lower Block A1 in Phase 1 (closest to the station) at 77m.
- 9.42 In the illustrative scheme shown in the Design and Access Statement, Block D1 comprises 4 linked buildings rising from 48m (approximately 13 floors of residential above ground and first floor space) to 57m (approximately 16 floors of residential above ground and first floor space). The lower height building is similar to the Phase 1 brick building (A2) immediately to the north.
- 9.43 Whilst the submitted Parameters Plans propose a regular maximum height for Block D1 of 62m above ground level, the stepped approach shown on the Illustrative scheme introduces important variety to the built form and reduces the potentially monolithic appearance of a single building of consistent height along this section of Molesworth Street. This variety is accentuated in the proposed building orientation shown on the parameter Plans and reflected in the Illustrative scheme, introducing an inflection/deflection of the building along its length as shown in Parameter Plan 8. Parameter Plan 8 also proposes a 5m horizontal 'limit of deviation' that would allow the building line to move within this zone and produce a different form of building. Whilst this application is concerned only with the development parameters rather than the precise form or detailing of the proposed buildings, as with the stepped approach to building height the form of the building shown on Parameter Plan 8 is considered important to address the issues of height and mass that is now proposed.
- 9.44 At ground level Block D1 has been set back further from Molesworth Street allowing for a more generous area between the new bus stops and the building. This is welcomed and would improve conditions for pedestrians waiting for buses as well as passing through this area to/from the station.

9.45 Subject to the final form of the building reflecting the footprint shown on parameter Plan 8 (and stepped in the form illustrated in the Design and Access Statement) it is considered that the amendments to the height and massing of Block D1 is acceptable.

### 3. Changes to the maximum building height and massing of Block D2.

9.46 The principal changes comprise an increase in the maximum building height from 77m to 104m above ground level and an increase in the massing of the Block. The increase in height could accommodate around 9 additional floors of residential accommodation. Parameter Plan 8 also proposes a 5m horizontal 'limit of deviation' that would allow the building line to move within this zone although this is constrained by the proximity of adjacent buildings and the site boundary. If built to the maximum height defined on the Parameter Plan 8, Block D2 would be the tallest building in Lewisham town centre.

9.47 Whilst the submitted Parameters Plans propose a single maximum height for Block D2 of 104m above ground level, the Illustrative scheme shown in the Design and Access Statement has Block D2 broken down into 4 elements and with a stepped roof profile between 91m and 101m high. This approach reduces the potentially monolithic appearance of a building of this height and provides a distinctive built form.

9.48 As noted above this application is concerned only with the development parameters, rather than the precise form or detailing of the proposed buildings however it is considered fundamental to an acceptable design coming forward at reserved matters stage that the principles set out in the Design and Access Statement regarding the form of the building are referenced and secured under this current application. A conclusion on the acceptability of the proposed changes to Block D2 are considered further in this section in the context of relevant policy in respect of tall buildings, townscape considerations and impacts on heritage assets.

### 4. Changes to the maximum building height and footprint of Block E.

9.49 The principal changes comprise an enlargement of the building footprint towards the north (Block C) and a reduction in its footprint to the east (Lewisham High Street). Under Parameter Plan 8 this will result in the area of open space between Blocks E and C (referred to as 'St. Stephen's Place') being reduced in width. However Parameter Plan 5 maintains the distance between the faces of Blocks E and C. This reflects the intended design approach for this space shown in the Illustrative scheme in the Design and Access Statement. This proposes steps leading up from the square to the first floor of Block E. Maintaining the minimum building-to-building distance acknowledges the intention of the original masterplan that the dimensions of the space matched those of the listed St Stephen's Church on the other side of Lewisham High Street. This approach is supported in principle and the proposed changes to Block E are considered acceptable.

### 5. Omission of Block F

9.50 Building F is located on the east side of Lewisham High Street at the northern end of the River Quaggy where it turns west under the road. Detailed planning permission was granted for a three storey building, to be used as a café, as part of the wider Gateway development however the building has not been built. The Applicant has indicated that due to underground obstructions and the alignment of

service runs it is not feasible to build Block F. This building is therefore omitted from the application with the floorspace being accommodated on the main development site.

- 9.51 The omission of this building is acceptable in principle and would allow landscaping in its place, to be delivered by LGDL, to be delivered by the developer and secured through a planning condition.

#### Impacts on Micro-climate and Townscape

- 9.52 The change to the layout, scale and massing of buildings on the site have been modelled and assessed in the ES based on the maximum parameters. Of particular relevance are the effects on micro-climate (wind and daylight and sunlight) as well as the townscape and visual impacts.
- 9.53 The assessment of the increase in building heights identifies the likely need for mitigation measures to ameliorate potentially adverse wind conditions in the area surrounding Block D2, and in particular the route between Blocks D1 and D2. This is most acute at building entrances. Potentially adverse impacts also arise at the southern end of the route between Blocks C and D1 and the area between C2 and D2 and to a lesser extent between C2 and E. It should be noted that the wind tunnel tests are based on the maximum parameters and on 'buildings' with a solid mass and no articulation or design features. It thus represents very much a worse case scenario that will be modified and refined as the detailed design including the location of building entrances is developed. This process will need to address the impacts identified in the ES and introduce appropriate measures to mitigate these impacts. This may be in the building architecture and/or in landscaping within the open spaces. It is considered that the adverse impacts can be addressed through the detailed design however it is appropriate that the design is re-tested at Reserved Matters stage to demonstrate that an acceptable pedestrian environment will be achieved. A condition requiring this information was imposed as part of the original 2009 planning permission and remains relevant to the current application.
- 9.54 The EIA has also assessed the impact of the amended building heights on overshadowing within the development as well as of adjoining sites and also daylight and sunlight received by adjoining properties. In approving the Lewisham Gateway application in 2009 it was acknowledged and accepted by the Council that the development would give rise to impacts beyond the site boundary as well as within the site. In the case of impacts within the site, based on the maximum parameters defined on the Parameter Plans the overshadowing of Confluence Place is greater than as approved in 2009 and would not meet the BRE's guidance in respect of the maximum area and hours of sunlight in this space. This is as a result of the reduced spacing between Blocks A2 (as built) and D1, and the increased height of C1 (at proposed maximum building height). Reducing the height of buildings C1 and D1 as shown on the Illustrative scheme would improve the condition although is unlikely to achieve full compliance with BRE guidance. Confluence Place will nonetheless receive a large amount of sunlight, particularly in the early afternoon, and it is considered that the overall quality of this large area of open space will be acceptable. Daylight and sunlight to certain buildings constructed or under construction in Phase 1 of the Gateway site will be affected by the proposed changes in building heights (based on the maximum parameters). This is particularly the case of B1 and B2 to the north of Confluence Place where lower floors of the buildings will be affected. Reducing the height of Blocks D1 and

C1 (as shown in the Illustrative scheme) will improve this condition although the standards set out in BRE guidance will not be fully met. The magnitude of adverse impact is considered low and given the urban context and high density nature of the development approved in 2009 the conditions are considered acceptable.

- 9.55 Daylight to buildings within and adjoining the site are not materially affected by the proposed changes when compared with the impacts arising from the development granted planning permission in 2009. Sunlight to specific properties in Cressingham Park and Granville Park would be affected by the proposed increases in building heights if implemented at the maximum shown on Parameter Plan 8. These impacts arise from Blocks D1 and D2 rather than the changes to Block C. Stepping the height of Block D1 (as shown on the Illustrative scheme) would improve conditions within the affected properties reducing the number of rooms failing to comply with BRE guidance from seven to two rooms, with a single apartment in Granville Park on the first floor not achieving sunlight hours in accordance with the BRE guidance. This apartment does however meet the standards in terms of visible sky component and is considered to be well day lit. In the circumstances additional mitigation in terms of reducing building heights beyond those shown on the Illustrative scheme are not considered necessary.
- 9.56 The townscape and visual impact assessment in the ES is based on a simple massing model i.e. the development is represented by a series of blocks extending to the maximum dimensions proposed, without any design or other refinement to the elevations. Given that the site already has planning permission for the massing and building heights shown in the approved parameter plans, this forms part of the baseline for the current assessment. The baseline also includes changes to the townscape and visual baseline conditions since 2006 such as the developments along Loampit Vale. This has significantly changed the townscape context but also introduced new receptors.
- 9.57 The impact of the revised development parameters has been assessed based on the viewpoints agreed for the original application in 2007. This includes both long and short distance views. The most noticeable effects are the increased height of Building D2, and to a lesser extent D1, particularly in views from the south and west. As noted above these changes need to be considered in the context of the current baseline. This now includes the buildings approved on the Gateway site and on Loampit Vale.

#### Impact on Heritage Assets

- 9.58 Designated heritage assets in the vicinity of or potentially affected by the development include St Stephen's Conservation Area, the Grade II listed Church as well Belmont Conservation Area and the extensive Blackheath Conservation Area and Maritime Greenwich World Heritage Site and its buffer zone further afield. Non-designated heritage assets in the vicinity include the locally listed Victorian houses to the east of the site.
- 9.59 The NPPF states that preserving and enhancing the historic environment is one of the core principles of sustainable development. London Plan Policy 7.8 (Heritage assets and archaeology) states that developments that could affect the setting of heritage assets should be developed with a scale and design sympathetic to the heritage assets. Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment and Development Management Local Plan Policy 36 (New

development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens) and 37 (Non-designated heritage assets including locally listed buildings, areas of special local character and assets of archaeological interest) both require designated and non-designated heritage assets and Conservation areas and their settings to be protected, preserved and/or enhanced through new development and changes of use.

- 9.60 The NPPF makes clear that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) and take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 9.61 The NPPF gives guidance on the approach when considering the impact of proposals on heritage assets. Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given the asset's conservation. The more important the asset, the greater the weight should be. Paragraph 134 advises that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Paragraph 135 of the NPPF requires that 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.
- 9.62 The World Heritage Site being a heritage asset of the highest significance. The Grade II listed St Stephen's Church is of lesser (statutory) significance but is nonetheless an important local heritage asset and is located within the St Stephen's Conservation Area. The Victorian properties that front Lewisham High Street and the roads to the east whilst not listed, remain undesignated heritage assets.
- 9.63 Section 66 Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on local planning authorities when considering whether to grant planning permission for development which affects a listed building or its setting. In such cases, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses 'preserving' in the context of the statutory duty means doing no harm. There is, in effect, a strong statutory presumption against granting planning permission for development which would cause harm to the settings of listed buildings. In addition, although not located within a conservation area the site adjoins one. Accordingly whilst the duty under s.72 of the same Act (to pay special attention to the preservation or enhancement of the character or appearance of the surrounding conservation area) does not directly apply in this case (the duty applies to applications for development within conservation areas), the adjacent conservation area is a designated heritage asset and it is material to consider the impact of the development on its setting.

- 9.64 Views of or from an asset will play an important part in assessing the extent and importance of setting of the heritage asset however the way in which an asset is experienced in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. St Stephen's Church and the St Stephen's Conservation Area lie to the east of Lewisham High Street, separated from the Gateway site by a busy road system and. In respect of the experience of the conservation area, of relevance is the proximity of the busy road network and town centre. The conservation area is partially screened by trees along the eastern boundary of the River Quaggy however existing buildings such as the Police Station, Citibank and the Lewisham Centre are visible from within it. Views are therefore already of large scale, modern buildings and of a generally poor architectural quality. The approved Gateway development forms part of the new baseline for assessing the impact of the proposed changes on the heritage assets. The residential streets to the east of the Gateway site are generally perpendicular to it and as a result tend to look into the conservation area rather than away from it. In respect of St Stephen's Church it forms part of the street scene along the eastern side of Lewisham High Street with its setting provided by a terrace of houses to the north that face towards it and the flank wall of the terrace of properties fronting onto the Quaggy/Lewisham High Street as well as the Police Station to the south.
- 9.65 In short distance views from the east such as Lockmead Road the built form approved in 2009 terminates views west. In this view the proposed changes to building height and massing, including the removal of a low zone between the northern and southern edges of Blocks C1 and C2 respectively, will be evident and will result in a slight narrowing of the public realm between Blocks C and E. The proposed increase in the maximum height of Block C1 from 34m to 41m would be viewed against the backdrop of the Phase 1 buildings to the north (47m-77m in height) and the proposed increase in height of D1 is partially screened by Block C. Whilst the additional height proposed to Block D2 (from 77m to a maximum 104m) would be clearly noticeable in views from the east, the overall composition of the view would remain unchanged, with new buildings providing a backdrop to St Stephen's Church in views from the conservation area. One of the features of the church is its gable end that faces onto the Gateway site. Views of the church or its setting from the west would not be affected by the proposed development, with the siting of a square within the Gateway development improving views of and appreciation of the church. Accordingly it is considered that the setting of the conservation area and listed church will be preserved.
- 9.66 In the close distance view from the listed Clock Tower to the south the change from the approved scheme is marginal given intervening buildings and the location of the buildings on the Gateway site where greater height is proposed. In medium distance views from the north east such as from Lewisham Hill (north of junction with Eliot Hill) as well as longer distance views from Blackheath (junction of A2 and Prince of Wales Road) the current baseline, including buildings in Phase 1, already breaks the tree line. In this context the proposed increase in height of Blocks D1 and C1 are less evident however Block D2 will be clearly visible. Whilst the significance of the heritage asset (World Heritage Site Buffer Zone) is relatively high, it is somewhat distant and the proposed changes do not materially impinge on the appreciation of or experience of the World Heritage Site itself which is focussed to the north, with panoramic views across Greenwich and London experienced from the Woolf Monument. The buildings will be more visible in views from Blackheath

Conservation Area however the impact on the heritage asset is considered to be limited and not harmful to it.

- 9.67 In views from the south such as Hither Green (opposite Ryecroft Road) and Ladywell (along the railway line) the impact is similar however given the greater distance the impact is limited. When viewed from the west from Brookbank Road (junction with Embleton Road) as well as closer views such as Cornmill Gardens and longer distance views such as Hilly Fields the current baseline includes both the approved 2009 Gateway development as well as the other developments around the town centre notably the buildings along Loampit Vale. In this context whilst the increased height of Block D1 and in particular D2 is evident, given the existing baseline condition including the 2009 planning permission for the Gateway development the impact on heritage impacts is considered not to be significant and their setting will be preserved.
- 9.68 In relation to local planning policy Development Management Policy 36 addresses development adjacent to designated heritage assets and DM Policy 37 non-designated heritage assets including locally listed buildings. Policy DM36 states that special regard will be had to the desirability of preserving the setting of listed buildings in considering any application their vicinity. Whilst the Gateway site is in the vicinity of St Stephens Church it is not immediately adjacent to it. Given the buffer of the river Quaggy and Lewisham High Street as well as the context of the development already approved on the Gateway site the impact of the proposed amendments is considered to be limited. The height of Block E remains as approved but positioned slightly further away from the eastern boundary edge. In the case of Block C the maximum height (47m) remains as approved however the stepped form (to 20m) has been removed. Given the distance between Block C and the church of approximately 45m, with the road and river between it is considered that the amended height parameter will not harm the setting of the church. Whilst Blocks D1 and D2 are increasing in height, given their positioning on the site and distance from the listed building it is not considered that they will have a harmful impact on the setting of the church.
- 9.69 Similar consideration has been given to the desirability of preserving or enhancing the character or appearance local conservation areas. Whilst the development itself is not in a conservation area, it is adjacent to the St Stephen's Conservation Area and will be visible from a number of other conservation areas. In the light of the development already approved on the Gateway site, and taking account of the location and special characteristics of those conservation areas, it is considered that their character will be preserved should the amendments proposed under the current application be approved. In the case of the Belmont Hill Conservation Area and Blackheath Conservation Area, Officers consider that whilst the views out of these conservation area will change, given the distances from the site it is considered that the amendments would not be harmful to or impact negatively on the significance or special characteristics of the designated areas.
- 9.70 In respect of policy DM37 and undesignated heritage assets, the terrace of Victorian houses on the eastern side of the Quaggy are locally listed. These are separated from the Gateway site by the river and road and are also partially screened by a row of trees. The amendments proposed to Block C under the current application will result in a slight change to the outlook from these buildings however their setting and the context in which they are viewed will be maintained.

- 9.71 Overall, having considered the proposed amendments against the Development Management Plan policies Officers are satisfied that subject to a condition regarding the limitations of the proposed parameters to the illustrative scheme that the amendments are not contrary to the adopted policy or harmful to the setting of the designated or undesignated heritage assets.

### Tall Buildings

- 9.72 Core Strategy Policy 18 relates to the location and design of tall buildings and identifies Lewisham Town Centre as an appropriate location for tall buildings. The policy also states that tall buildings will be considered inappropriate where they would cause harm to the identified qualities of the local character, heritage assets, landscape and open space features of amongst other designations the World Heritage Site of Maritime Greenwich including its setting and Buffer Zone, the setting of the World Heritage Site, and the World Heritage Site Buffer Zone; conservation areas and their settings, and local views and landmarks. Tall buildings will need to be of the highest design quality. Policy LTC19 (Tall buildings) in the Local Plan notes that Applicants will need to comply with Core Strategy Policy 18 and then satisfy the specific requirements of Policy LTC19. The policy states that tall buildings in the town centre must be in the most sustainable town centre locations with access to transport, shops and services; increase the amount of local amenity space and improve its quality in order to accommodate tall buildings; add positively to the existing and emerging overall Lewisham town centre skyline through sensitive and high quality design providing positive landmarks from all angles of view; be part of a varied size, scale and height of development; and be sensitive to the surrounding environment.
- 9.73 Lewisham's Tall Buildings Study (2012 Update) notes that tall buildings located within the Town Centre could potentially compromise the setting of conservation areas, particularly to the east of the Gateway site, and must be located and designed sensitively, respecting the setting of the listed building and not harm the Conservation Area. Development of tall buildings in the town centre would need to take into account the quality and management of the public realm for pedestrian and vehicular movement alike. The Study also notes buildings such as St Stephen's Church and the Lewisham Clock Tower provide a sense of place and history. Other landmarks in Lewisham are important as a method of way-finding such as the Citibank building, and add a sense of place to the centre. All are important to consider when deciding where to locate tall buildings. The Study does not however provide guidance on maximum building heights (storeys or height Above Ordnance Datum).
- 9.74 In terms of the location of tall buildings the Study notes that tall and bulky buildings forms including Citibank Tower already exist in Lewisham and therefore new tall building developments will not be an unfamiliar urban form in the local context. In terms of the sensitivity of the town centre for tall buildings the Study identifies the eastern part of the Gateway site as 'sensitive' (given its adjacency with the Conservation Area and listed Church) with the western and southern side of the site (adjacent to Molesworth Street) as being 'appropriate'. Given the existing baseline and the lower sensitivity of the western edge of the site, the principle of increasing the height of Block D2, and to a lesser extent D1, is considered acceptable subject to further design development to ensure the highest design quality is achieved.

- 9.75 The impact of the development as proposed in this current application has been assessed based on the maximum parameters and simple massing blocks i.e. without mitigation by way of refinement to the height and form of the buildings or through architectural treatment. The Design and Access Statement includes an illustrative scheme that introduces variety to the massing blocks including changes in the height of the buildings making up each of the Blocks. In addition, articulation of the building forms and indicative architectural treatments are included that demonstrates the final form of the buildings can be of the highest design quality.
- 9.76 Whilst the final design and appearance of the blocks is not a matter for consideration in the current application as the detailed design of the buildings will form part of the mitigation of the overall impacts. Officers, having given due to consideration to proposed amendments to the height and massing of the phase 2 blocks, from both a design and environmental perspective do not consider that building to the proposed maximum parameters would present an acceptable built form. It is therefore recommended that a condition be attached to the permission to secure the variation in heights, massing and articulation as demonstrated in the illustrative scheme within the Design and Access Statement. It is considered that these can be achieved at Reserved Matters stage and it is appropriate that reference is made to the design principles set out in the design and Access Statement as a point of reference for the detailed design. This would be secured by condition.
- 9.77 Transport, Access and Movement
- 9.78 The current application does not amend any of the highway layout outside the development site created by Lewisham High Street, Rennell Street and Molesworth Street, which was approved in detail in 2009 and amended in April 2014 (application reference DC/13/86028). Amendments to the building footprints proposed as part of the current application would alter the position of the buildings relative to the public realm/pavements on the southern and western part of the site. The most significant change is along Molesworth Street where the new bus stops are located. The changes now proposed position Block D1 further from the back edge of the pavement along Molesworth Street allowing a more generous space along this busy edge of the site. This change also allows for a more generous space for the entrances to the residential units within this block as well as the opportunity for additional landscaping. Within the site, the changes to the footprints of Blocks C and D1, with 'chamfered' ends to the central pedestrian route provide a more generous space at either end as well as reducing the length of the route between the buildings.
- 9.79 Analysis of pedestrian movement through and around the site shows that all assessed locations are within acceptable levels of the TFL's Pedestrian Comfort levels (PCL). The amended scheme provides pedestrian comfort levels equivalent to the approved scheme, with all locations achieving levels above A- (on a scale from A+ to E) with A+ being the highest and A+ to C+ being TFL's recommended minimum comfort level for transport interchange areas). Potential pinch points such as along Molesworth Street have been eased by setting Block D1 further east. This change is supported.
- 9.80 The approved and partially completed Phase 1 section of the development is car free, with no on site car parking. Phase 2 also seeks to be car free, with the current application proposing the omission of the approved basement level of the

development, originally proposed for car parking. As a consequence there would be no private car parking on the site, which is welcomed by TfL. All flats are provided with cycle parking in accordance with TfL standards or a foldaway bike. The London Plan states that all developments in areas of good public transport accessibility should aim for significantly less than 1 parking space per unit and given the high PTAL rating of the site with direct pedestrian access from the site to a number of modes of public transport, shops and community services in close proximity the provision of a car free development is considered acceptable in principle. The London Plan and GLA Supplementary Planning Guidance 'Accessible London' also states that adequate parking spaces for disabled people must be provided preferably on-site. Accordingly, parking for disabled residents who are Blue Badge holders needs to be provided. Phase 1 of the Gateway development is car-free. Temporary parking arrangements are to be provided on site should there be demand however to date none of the residents has requested a parking space on this basis. Nonetheless, the development needs to make provision should demand arise in Phase 2 and therefore whilst there is no in principle objection to the omission of the basement level of the development, alternative provision for Blue Badge holders needs to be provided. It is considered that this is a matter that can be addressed through condition so that the details are embedded within the design at Reserved Matters stage.

- 9.81 The 2009 planning permission allowed for up to 500 private car parking spaces and therefore the omission of the basement parking will reduce vehicle movements associated with the development and remove traffic from this busy section of the road network. This is estimated as a net decrease in vehicle generation during the AM and PM peak periods of 180 and 199 trips respectively. In terms of air quality, the 2016 ES Addendum identifies no change in Predicted Annual Mean NO<sub>2</sub> concentrations when compared with the 2009 approved scheme, although as in 2009 the national air quality standard of 40µg.m<sup>-3</sup> is exceeded at four receptor locations (to the east of the site) but by less than 0.5% of the standard. In terms of hourly exceedances, (200µg.m<sup>-3</sup> not to be exceeded more than 18 times a year), guidance is that if the annual mean is below 60µg.m<sup>-3</sup>, this standard should be met. All modelled annual mean NO<sub>2</sub> concentrations are well below this threshold at all receptor points and therefore it is anticipated that the hourly AQS would be achieved. Annual mean concentrations of PM<sub>10</sub> are predicted to be consistently well below the 40µg.m<sup>-3</sup> standard at all modelled receptors, in all scenarios. Daily exceedances are estimated at 8.5 days which is significantly below the 35 day limit set. There is no significant change in terms of air quality as a result of the S73 scheme when compared to the original ES and no new or different significant impacts are predicted.
- 9.82 Accordingly, subject to the considerations above regarding parking for disabled, the omission of the basement parking and removal of these vehicles from the road network is supported.
- 9.83 The amendments propose an increase in the number of residential units from 800 to around 950 and also remove on-site parking for residents. TfL welcome the reduction in traffic due to the omission of the car parking spaces and have raised no objection on public transport capacity grounds to the increase in dwelling numbers and residents on the site. Network Rail have been consulted and also raise no objection to the proposed changes. Although significant concern has been raised by residents regarding capacity the data from the applicant's capacity assessment and the Transport bodies consultation responses do not provide

Officers with the evidence to dispute the capacity data. However, the Council continue to work with Transport colleagues to discussed public transport improvements within Lewisham.

- 9.84 In addition to the topics referred to above, the ES has assessed the proposed amendments in terms of effects on Socio-Economics, Noise and Vibration, Water Resources and Flood Risk, and Ecology. It is concluded that the proposed amendments to the development will not give rise to new or significantly different effects from those assessed in 2007 and the scheme granted planning permission in 2009. Relevant conditions will retained.

## **10.0 Delivery and Viability**

- 10.1 When first envisaged in the early 2000s the Council's strategy for Lewisham Gateway, as set out in the adopted Planning Brief for the site, was "to bring forward a major high quality, high profile, mixed-use development incorporating retail, residential, commercial and leisure uses in Lewisham Town Centre. This new environment will integrate a transformed public transport interchange with the existing town centre". This overall vision remains valid however delivering the project has been complex and costly, with an extended programme to complete the development due to the logistical challenges of undertaking the development whilst keeping open a busy road network and access to the station and DLR as well as the need to accommodate additional infrastructure and services diversions works during the process. This has informed the delivery strategy for Phase 2.
- 10.2 Since planning permission was granted in 2009 there have also been changes to market conditions including demand for the office and education space approved in 2009. These changes mean that a revised mix of land uses is now proposed which supports the delivery of a range of appropriate town centre uses and the wider public realm improvements set out in the original development framework for the site.
- 10.3 In line with guidance set out in the Council's Planning Obligations SPD a financial appraisal has been submitted with the current application. This reflects the proposed changes and incorporates the outturn costs in respect of the infrastructure and highway works as well as current construction costs and values. In order to assess the overall viability of the proposed development and to assess the impact of the changes on the level of return to the developer the Council commissioned Urban Delivery to undertake a development appraisal of the current application proposals. The Urban Delivery report provides their opinion on the key appraisal inputs such as construction costs, residential sales values, and rents and yields for the commercial space. Land purchase costs are nil. Commentary is also provided on typical finance rates, marketing costs and other development costs as well as typical rates of return for the developer. A copy of Urban Delivery's report is attached to this report at Annex 2. The principal elements are summarised below.
- 10.4 In terms of development value, a review of sales achieved in Phase 1 and on other sites in the local area has identified a range for market housing from £6,135 to £7,210 per sq m (£570 to £670 per sq ft) with the values towards the higher end of this range having been achieved more recently, albeit within a smaller development scheme comprising mainly one bedroom homes. Based on the evidence available, average sale values for the units in Phase 2 of the Gateway development of £6,996 per sq m (£650 per sq ft) are considered to be achievable and has been adopted

for the purposes of the review. In respect of PRS housing, based on the average rental figures achieved in Phase 1 and on another local scheme, an average rental value in the order of £290 to £323 per sq m (£27 to £30 per sq ft) per annum has been adopted.

- 10.5 In terms of revenue from the commercial elements of the development (retail, gym and cinema) consideration has been given to rents and yields achieved in new developments in the vicinity of the Gateway site. Based on the evidence available for retail transactions, the proposed retail accommodation is considered likely to achieve rental values in the order of £269 per sq m (£25 per sq ft). Depending on the eventual occupiers and covenant the retail space is considered likely to achieve an investment yield of 6.25% to 6.75%. Comparable evidence for a cinema is limited however a new multi-screen cinema could achieve a rental value equivalent to £193 to £215 per sq m (£18 to £20 per sq ft) and an investment yield of between 5.75% and 6.50%. For the hotel the proposed development will be well situated for easy access into central London and on this basis the achievable rental value is likely to sit between the values achieved in more distant outer London locations and more central locations. Based on the available evidence for hotel transactions, rental values in the order of £7,250 to £7,500 per room and an investment yield of around 5.50% has been applied. For the gym, based on the evidence available rental values in the order of £129 to £162 per sq m (£12 to £15 per sq ft) and, depending on covenant, achieve an investment yield of between 6.25% to 6.75% have been adopted in the review. The appraisal also takes account of typical incentives such as rent-free periods. The appraisal also apportions an element of public funding received by the project to Phase 2
- 10.6 In respect of costs, these include construction of the Phase 2 buildings and phase specific infrastructure items as well as an apportionment of side wide infrastructure costs relevant to the delivery of the Gateway project as a whole. In order to check the construction cost assumptions Trident Building Consultancy have reviewed the Applicant's cost summary and analysed the broad inputs that make up the total construction costs. Trident recommend that for the purpose of this viability assessment the main construction cost should be in the order of £171,142,000 having allowed for cost contingencies and cost inflation up to the mid-point of the construction programme. This reflects an average build cost of circa £2,964 per sq m (£275 per sq ft). Whilst this exceeds BCIS estimates it is deemed to sit within an acceptable cost range based on other schemes in the Lewisham area. Trident's cost review concludes that compared with the Applicant's initial cost estimate, a saving of around £5m could be achieved and this has been applied to the review. Other costs identified by the Applicant such as contingencies, fees, marketing, and finance are generally considered to be reasonable. A CIL contribution of £838,204 has been applied to the appraisal based on the floorspace of the approved and amended mix of uses. Land purchase costs are nil.
- 10.7 The review concludes that whilst a combination of higher residential sales values and the additional residential floorspace now proposed results in an increase in the value of Phase 2 and the development as a whole, this is more than offset by a significant increase in infrastructure costs that the development has incurred, including costs not identified at the time of the original appraisal as well as unforeseen below ground services diversion works. As a consequence the overall return to the developer is marginally lower than at the time of original planning application. It is relevant to note that the updated appraisal is based on all residential units being for sale or private rented sector (PRS). Given the level of

return that is achieved on the development is less than the 15% that would trigger the provision of affordable housing in the scheme, Phase 2 is unable to support any affordable housing.

- 10.8 The redevelopment of the Gateway site was promoted by the public sector land owners to secure a comprehensive scheme that provided significant improvements to the town centre. The policy aspiration was for significant changes to the infrastructure layout within the centre to enable land to be made available to bring forward a range of uses as part of a mixed-use development.
- 10.9 Given the substantial upfront infrastructure costs of the scheme the development has been partially supported by public funds in the form of loans. The funding agreement includes a provision for the loan to be re-paid should the developer's profit go beyond 15%. This agreement remains in place and cannot be amended by this current application. The loan funding has been crucial in enabling the development to commence, without which this key strategic site would not have been deliverable.
- 10.10 In the light of the advice to the Council on scheme viability, given the current level of return and the loan re-payment the provisions of affordable housing on site is not viable at this time, however should values increase this reevaluated. However should values increase during the delivery of Phase 2 to a level that secures a return beyond that required to re-pay the loans affordable housing provision would be triggered. In light of policy changes since the original 2009 planning permission Officers recommend that the s.106 is amended to require 50% affordable housing to maximise affordable housing provision in the event that values reach this trigger level.
- 10.11 The conclusion on scheme viability relates to costs and values at the current time. Given the development of Phase 2 is likely to take a minimum of 3 years it is appropriate that an additional financial review is undertaken towards the completion of the development to assess if the scheme viability improves to a level where affordable housing contributions can be provided to fund affordable housing to be delivered elsewhere in Lewisham.
- 10.12 Delivery of Phase 2 is summarised in the attached diagram, with the final element being constructed in an area that will serve as the main site compound during Phase 2.

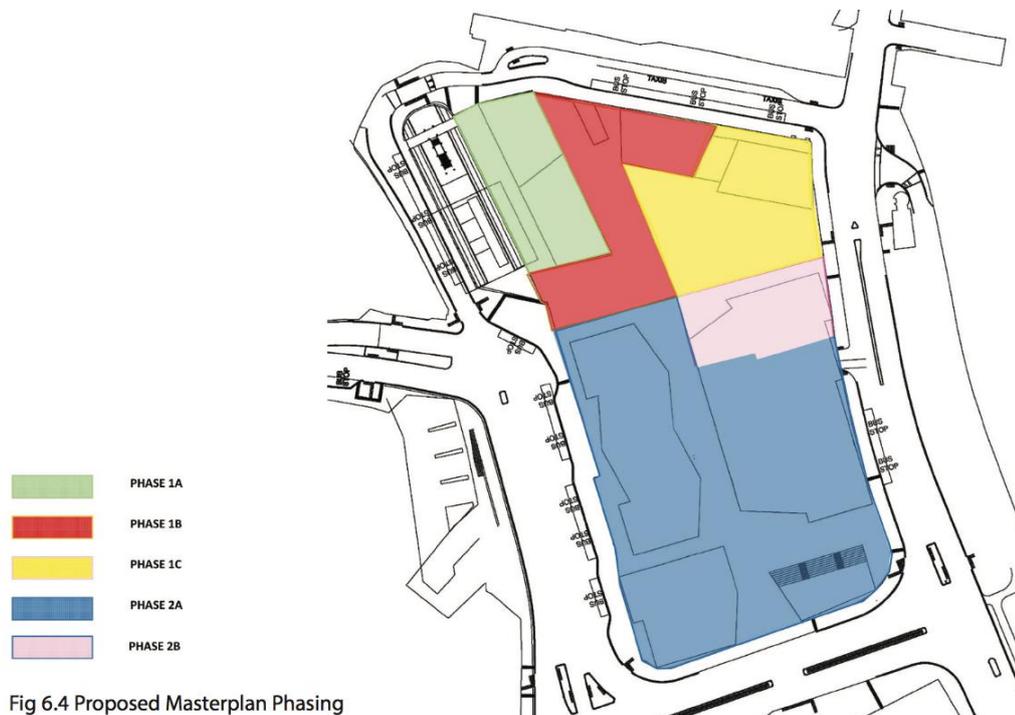


Fig 6.4 Proposed Masterplan Phasing

Phase	Phase Component	Year	Blocks	Anticipated Completion Date
Infrastructure	Site Wide Infrastructure Highways Works	1-2		Q4 2016
1A	Block A and Confluence Place	1-2	A1 & A2	Q2/Q3 2017
1B	Block B	3-4	B1	Q3 2017
1C	B2 & Confluence Place	3-4	B2	Q4 2018
2A	Block C	4-6	C,D1,D2 & E	Q4 2020 / Q1 2021
	Block D1	5-7		
	Block D2	7-8		
	Block E	4-5		
2B	Block C Completion	7-8	C	

10.13 Subject to agreeing details such as the timing of the opening of public routes through the site and delivery of the new open space it is considered that the proposed construction strategy is acceptable and will deliver the completed development in a reasonable timescale.

## 11.0 Other Considerations

### Consideration of Objections

11.1 The objections received cover a range of topics with the focus being on the increased height of buildings in Phase 2. Whilst other concerns have been raised these relate to the principle of development which was approved in 2009 with the grant of outline planning permission and which is not a material consideration in the determination of this current application. Concern regarding the design of the buildings is also not a matter for determination in respect of the current application and will be addressed at Reserved Matters stage.

### Overview of changes & Uses

- 11.2 Many of the objections outlined under this section are considered throughout the report, with details of what is a Minor Material amendment covered in section 2 and 9 and with consideration of the justification for the changes, changes to uses proposed and housing provision in section 9.
- 11.3 The current application has been submitted to the Council as a minor material amendment to the existing Outline planning permission for the Lewisham Gateway development.
- 11.4 As covered in para 2.9 of this report, there is no statutory definition of a minor-material amendment. However it is considered that it includes any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.
- 11.5 This report considers the different impacts of the proposed amendments against the existing planning permission to determine if these will be minor material.
- 11.6 Whilst the application documentation states that no affordable will be provided, this is subject to viability, which is covered in further detail in section 11 of the report and within the viability report in Appendix 6. The current approval seeks to provide up to 15% affordable (shared ownership tenure) housing (without grant) on site, however this was secured subject to viability reviews. The viability information at Reserved Matters stage for Phase 1 demonstrated it was not viable for affordable housing to be provided.
- 11.7 The current application proposes to retain the approved mechanism for securing affordable housing, however what the application has also provided is a viability report to demonstrate notwithstanding the amendments it is still not viable to include affordable housing. However Officers consider that, whilst the mechanism may not be changing given the change in policy it should not be set at 15%, but 50%. Although viability of the scheme is currently not favourable Officers consider that should this change the Council should seek to secure the maximum affordable provision. Officers recommend that triggers for reviewing the viability and affordable housing provision are secure through the s106 agreement in relation to the current application.
- 11.8 Alternatives were proposed by residents, with restriction of the heights, massing and uses sought. Officers must consider the application submitted, however, and having done so, consider the proposals to be acceptable in planning terms, subject to conditions relating to restricting the heights and massing along with securing specific non-residential floorspace are imposed.
- 11.9 With regards to local employment creation, the current s106 includes an obligation relating to construction employment, but also for the commercial units post construction. The obligations seeks to secure strategies to encourage and assist in local opportunities being maximised. The obligation will be retained.

#### Quality of consultation / application process

- 11.10 The comments regarding the timing, length and of applicants consultation is noted by Officers. The results of this pre-application consultation, as detailed in section 6, show that the comments received were overall negative towards the changes.

- 11.11 With regards to the Council's consultation of the application, although statutory consultation requirements were exceeded, it is acknowledged that there were a great deal of documents for residents to go through. However, it is considered that given that two local meetings were held and comments were accepted over several months that Officers endeavoured to open the consultation up to assist in the public reviewing the proposals.

#### Environmental

- 11.12 The impact of the scheme amendments from an Environmental perspective is considered within section 9 of the report.
- 11.13 With regards to the submitted assessment on wind impact of the amendments, it is acknowledged that this assessment is the worst case, as the buildings modelled do not have the articulation that will reduce these impacts. The currently application includes a condition relating to microclimate, which is to be retained and upon submission of the Reserved Matters applications these impacts will be considered again to ensure they are satisfactory and the design has mitigated against the impacts.
- 11.14 Flood risk is noted as a concern and the application has been considered by the Environment Agency. As discussed in section 8 of the report following correspondence and a meeting with the EA it is recommended that a condition be attached to ensure the scheme is designed with flood risk measures included.
- 11.15 With regards to site ecology, the existing permission included a condition regarding green and brown roofs, which is to be retained.

#### Infrastructure

- 11.16 There was a very high level of objection to the proposed amendments, specifically the increase in residential numbers and loss of parking to the impact on infrastructure locally and within the Borough.
- 11.17 With regards to impacts on education and healthcare, the acceptability of these impacts arising from the additional 150 units proposed, as assessed through the ES Addendum is discussed in section 9. However further to this Officers, would note that unlike the previous application, this application will be accompanied by a CIL payment, which will go towards the Council's infrastructure delivery.
- 11.18 Parking
- 11.19 Concern has been raised about the loss of the approved parking on site and the impact this would have on surrounding roads. Officers note that the although existing consent allows for up to 500 car parking spaces the s106 agreement included mechanisms to reduce this level as it was considered the site was highly accessible from public transport.
- 11.20 The site, being of a PTAL 6b level, offers the highest standard of public transport accessibility and therefore it is considered appropriate that it is car free. Core Strategy Policy 14 (Sustainable movement and transport) notes that car free developments can only be assured where on-street parking is managed so as to prevent parking demand being displaced from the development onto the street. A controlled parking zone (CPZ) may be implemented where appropriate. Whilst there

are existing CPZs in the vicinity Officers recommend that a planning obligation be secured to fund the consultation on extending the existing CPZs adjacent to the site so that the hours extend beyond the those currently in place so as to provide further protection to existing resident and to control local parking levels.

- 11.21 A number of objections also request confirmation regarding parking permits in local CPZs. As with the existing permission and s106 agreement, residents moving into the Gateway development will not be entitled to a residents parking permit.

#### Design / massing

- 11.22 The height and massing increases are the subject of the majority, if not all objections to the development. Fundamentally residents have questioned the justification for the increases and also are concerned about the impact on the local environment and appearance of the town centre.
- 11.23 The proposed blocks are increasing in size and following questions regarding cubic volume the applicants design team have confirmed that the proposed parameter plan (maximum allowance) scheme is 19.5% larger in cubic volume than the 2009 approved maximum massing and the volume of the illustrative scheme massing would be approximately 5.8% larger than the approved maximum. (Approved maximum volume: 329,000m<sup>3</sup>; S73 maximum volume: 393,000m<sup>3</sup>; Proposed illustrative scheme: 348,000m<sup>3</sup>)
- 11.24 Matters relating to heritage are in address in section 9 of the report.
- 11.25 The application proposes amendments to the Outline parameters and therefore no judgement is made on the final design. Although Officers consider that the illustrative scheme outlined in the Design and Access statement provides the articulation and height restrictions across Phase 2 to deliver a high quality scheme.
- 11.26 As concluded in section 9 of the report, it would not be acceptable from a Design and Environmental perspective for the Blocks as a whole to be constructed to the maximum parameters proposed and a condition is therefore proposed which will limit the proposed heights and massing in line with the illustrative scheme.

#### Details of the proposal

- 11.27 The full details of the Phase 2 blocks, including internal layout and public realm, will be provide through the submission of Reserved Matters. However it should be noted that the design of Confluence Place has been agreed as part of Phase 1 and is not proposed to be reduced through this current application.

#### Objections to Phase 1 / highways works

- 11.28 The current proposal does not include any amendments to Phase 1, including Confluence Park or to the approved and implemented highway network.
- 11.29 Concerns about the current highway network have been passed to TfL and access through the site will continue to be addressed through the Reserved Matters stage.

#### Conditions

- 11.30 Case law has established that conditions cannot be imposed on a s.73 permission that fundamentally alter the development proposed under the original consent, any more than they can be imposed on the original consent, and this has informed the review and wording of appropriate conditions, which are set out in Appendix 1.

#### Planning obligations and Community Infrastructure Levy

- 11.31 The original 2009 outline planning permission was the subject of a s.106 agreement which has been the subject of minor change through subsequent Deeds of Variation. The s.106 includes obligations in respect of the following items

- Affordable housing, including a review mechanism
- Lifetime Homes and wheelchair housing (including parking)
- Construction management
- Highway works
- Bus layover
- Open space works
- River alteration works
- Local employment
- Public access and triggers for access
- Open space maintenance
- Mechanism for delivery of a mixed use scheme
- Public art CCTV
- Travel Plan
- Design and Access Panel
- Renewable energy
- Site servicing and management
- Contribution to s.106 monitoring costs
- CPZ Consultation contribution
- Financial contribution to town centre projects (works to the River Quaggy; a Waterlink Way fund; air quality monitoring; training for employment, Town Centre Manager)

- 11.32 Officers consider that the overall scope of the obligations in the original s.106 remain relevant and meet the legal tests as set out in Regulation 122 of the Community Infrastructure Levy Regulations (April 2010). That is to say that they are considered to be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development) and should be carried forward to the new planning permission by way of a further s.106 Agreement.

- 11.33 Officers have reviewed detailed wording of the original s.106 and given the policy changes since 2009 it is appropriate that obligations in respect of affordable housing are updated to reflect current policy targets. Other minor changes to the agreement to reflect the current proposals are also required.

## **12.0 Local Finance Considerations**

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

- 12.2 (a) 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

- 12.3 (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).
- 12.4 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 12.5 As an application under s.73 of the Town and Country Planning Act 1990 given the change to the land use mix and increase in the number of residential units as a consequence of the changes the Mayor of London's CIL and Lewisham Borough's CIL are payable in this case.

### **13.0 Equalities Considerations**

- 13.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 13.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 13.3 The duty is a "have regard duty" and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.

Officers have had regard to the Equality Act and conclude that there would be no impact upon equality as a result of the proposed development.

### **14.0 Conclusion**

- 14.1 For the reasons set out in this report the proposed amendments are considered to be minor material. Specifically whilst the layout, massing of buildings and building heights within Phase 2 of the development would be amended there is no proposed increase in the overall floorspace of the development granted planning permission, only a change in the quantum of floorspace associated to each land use and the height of buildings.
- 14.2 The proposed amendments have been subject to consultation, in accordance with the EIA Regulations and Lewisham's approach to consultation including two Local Meetings. The application has been the subject of further environmental assessment and considered in the light of policies set out in the development plan and other material considerations.
- 14.3 On balance Officers consider that with mitigation the impact of the proposed changes on adjoining properties and those within the development are acceptable. Objections raised to the proposed changes have been considered in the report. They are not considered to give grounds for not approving the proposed changes. Accordingly the proposals are considered acceptable and are recommended for approval.

## **15.0 RECOMMENDATIONS**

15.1 The recommendations to the Committee are set out below.

### **RECOMMENDATION (A)**

15.2 Subject to no direction being received from the Secretary of State, authorise officers to enter into a further agreement under s.106 of the 1990 Act to ensure the obligations in the existing agreement (as summarised in para. 11.30 above) together with such additions or amendments as are considered appropriate by the Head of Planning are applied to the new permission.

### **RECOMMENDATION (B)**

15.3 If planning permission is not granted within 12 months from the date of a resolution to grant permission by this Committee, instruct the Head of Planning to report back on progress so that it can give further consideration to issues relating to the deliverability of the proposed development.

### **RECOMMENDATION (C)**

15.4 Subject to completion of a satisfactory legal agreement, authorise the Head of Planning to GRANT PERMISSION subject to conditions including those set out in Appendix 1 below and such amendments as considered appropriate to ensure the acceptable implementation of the development.

15.5 Upon the completion of a satisfactory Section 106, by the **[13 week or 1 month time frame]**, in relation to the matters set out above, authorise the Head of Planning to Grant Permission subject to the following conditions:-