

Committee	STRATEGIC PLANNING COMMITTEE	
Report Title	Land on the corner of Briant and Besson Street, London, SE14	
Ward	Telegraph Hill	
Contributors	David Robinson	
Class	PART 1	30 JULY 2020

Reg. Nos. DC/19/114805

Application dated 3 December 2019

Applicant Montague Evans on behalf of Besson Street LLP

Proposal The comprehensive redevelopment of Land at the corner of Briant and Besson Street, SE14, including demolition of existing structures to deliver a mixed use development comprising 324 residential units (Use Class C3), flexible retail and commercial floorspace (Use Class A1/A3/B1), a Pharmacy (Use Class A1), a GP surgery (Use Class D1) and community space (Use Class D2) in buildings ranging from 3 to 12 storeys, provision of disabled car parking, cycle parking and servicing facilities, landscaping and other associated works.

Background Papers

- (1) Case File DE/22/C/TP
- (2) National Planning Policy Framework
- (3) The London Plan
- (4) Local Development Framework Documents

Designation

Area of Archaeological Priority  
Flood Risk Zones 2 and 3  
Hatcham Conservation Area  
Hatcham Conservation Area Article 4(2) Direction  
PTAL 6  
Strategic Site Allocation

Screening Issued 22 May 2019: EIA not required

## 1 SUMMARY

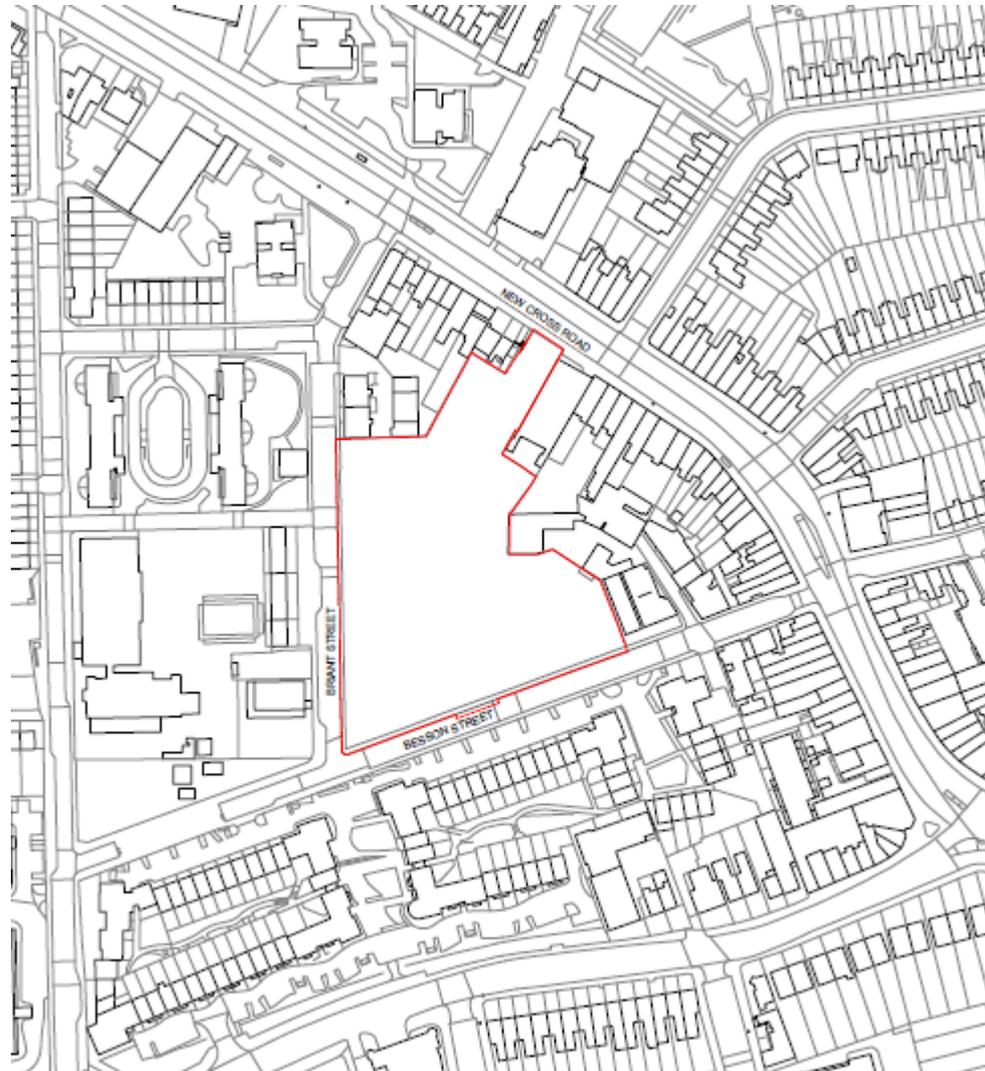
1 This report sets out officer's recommendation in regard to the above proposal. The report has been brought before members for a decision as permission is recommended for approval, and there are three or more (12 no.) valid planning objections and as the application pertains to a site of strategic importance.

## 2 SITE AND CONTEXT

2 The site, which is 1.05ha in area, is located within the area known as the 'Kender Triangle' to the north of Besson Street and to the east of Briant Street. The site has a frontage of approximately 235 metres to Besson Street and 245 metres to Briant Street. In addition, there is a short frontage of 28 metres onto New Cross Road where a builder's merchants was previously located.

- 3 The land mainly comprises the sites of a number of former Council residential blocks dating from 1950s onwards, which have now been demolished. The site also comprises land previously used as a builder's merchant, fronting New Cross Road and the Fox and Hounds Public House at the corner of Besson and Briant Streets which has also been demolished. The application site is outlined in Image 1 below:

**Image 1: Site Location Plan**



- 4 The part of the fronting New Cross Road (112-114 New Cross Road), lies within the Hatcham Conservation Area. This site forms the application site's only frontage to New Cross Road. The site does not contain any listed buildings, however five listed buildings are located in the wider vicinity of the site.
- 5 Besson and Briant Streets form the south and western boundaries of the site. Opposite on the south site of Besson Street are residential blocks between three and five storeys in height. On the opposite side of Briant Street is mainly three storey residential blocks. To the north west corner the site adjoins the flanks of 2 storey houses in Pankhurst Close. To the north and east, apart from the short length of frontage to New Cross Road, the site adjoins the rear and flanks of properties fronting New Cross Road and in Fishers Court. At New Cross Road the site abuts residential properties fronting New Cross Road (nos. 106-110 New Cross Road), which are three storey period properties in residential use set back from the road frontage. To the north east the site abuts the flank of a former library building (no. 116-118 New Cross Road) dating from 1911. This building, now known as the Music Room, is used as rehearsal rooms and is locally listed.

- 6 The properties to the south west at Fishers Court are generally low rise premises in a variety of commercial uses. The north east boundary of the site adjoins the Hatcham Conservation Area, the boundary of which runs along the rear of properties fronting New Cross Road and within Fishers Court.
- 7 The site as a whole lies within the New Cross and Deptford Creative Enterprise Zone, an Area of Archaeological Priority, an Air Quality Management Area, and is partly within the Hatcham Conservation Area – additionally, the Telegraph Hill Conservation Area lies to the south of the site. Further, it is immediately adjacent to a local shopping centre, and 300m from the New Cross District Shopping Centre. The site is also allocated for residential and employment uses within Lewisham Local Plan Site Allocations and lies within the New Cross Opportunity Area / New Cross/New Cross Gate Regeneration and Growth Area. The site is highly accessible and has a Public Transport Accessibility Level (PTAL) of 6a. The northern portion of the site is located in Flood Zone 3 as identified by the Environment Agency.
- 8 The area surrounding the site is mixed in character, with that to the north of New Cross Road generally characterised by Victorian residential development of between 2-4 storeys high. Along New Cross Road there are shops and other commercial uses at the ground floor. In the wider area there are elements of 1960s and 1970s housing development with a cluster of three 13 storey residential blocks located to the North West of the application site.

### **3 RELEVANT PLANNING HISTORY**

- 9 DC/08/068448 – The construction of one to ten storey blocks on the site bounded by Besson Street, Briant Street and New Cross Road, including 112-114 New Cross Road, 51-119 Briant Street, 1-21 Wynne House & 1-12 Bower House Besson Street and 58-60 Besson Street, SE14 comprising 173 residential units, 2,020 m<sup>2</sup> of Use Class D1 floorspace (including library, doctor's surgery and other community uses), 815 m<sup>2</sup> of Use Class D2 floorspace (gym), 361 m<sup>2</sup> of Use Classes A1/A2/A3/A4/D1 floorspace, 193 m<sup>2</sup> of Use Class A3 floorspace, a public square, up to 47 car parking spaces, cycle spaces and associated pedestrian and vehicular access, landscaping and associated works – Approved, 18 March 2009.

## **4 CURRENT PLANNING APPLICATION**

### **4.1 THE PROPOSALS**

- 10 The application proposes the comprehensive redevelopment of Land at the corner of Briant and Besson Street, SE14, including demolition of existing structures to deliver a mixed use development comprising 324 residential units (Use Class C3), flexible retail and commercial floorspace (Use Class A1/A3/B1), a Pharmacy (Use Class A1), a GP surgery (Use Class D1) and community space (Use Class D2) in buildings ranging from 3 to 12 storeys, provision of disabled car parking, cycle parking and servicing facilities, landscaping and other associated works.

#### **4.1.1 Built Form**

- 11 Development would be concentrated around the boundaries of the application site with a central courtyard of communal amenity space provided. Building heights would vary from 3 storeys at New Cross Road to a shoulder height of six stepping up to seven storeys, culminating in a twelve storey tower on the corner of Besson and Briant Street. The location of the different non-residential uses are outlined in Image 2 below:

**Image 2: Proposed Non-Residential Uses (Ground floor)**



#### **4.1.2 Residential**

12 The application proposes a total of 324 'Build To Rent' residential units. The proposed units comprise a mix of sizes and tenures with 35% by habitable room and units proposed as London Living Rent with the remaining proposed as private rent. The housing and tenure mix as proposed is fully outlined in the planning assessment below.

#### **4.1.3 Flexible Retail and Employment**

13 The Application proposes 107.8 sqm (GIA) of flexible retail/commercial floorspace (Use Class A1/A3/B1) which would be located on the ground floor of the concierge building fronting New Cross Road. The upper floors of the concierge building are proposed for resident amenity space including a resident gym and lounge in addition to flexible working space (for residents only).

#### **4.1.4 GP Surgery**

14 The Application proposes 774.3 sqm (GIA) of GP surgery floorspace (Use Class D1), which is to be located in a single storey block at the rear of the eastern block along Besson Street. The GP surgery planned around a central courtyard which provides a circulation

route through the surgery to link the waiting areas with consulting rooms, staff rooms and other facilities.

#### **4.1.5 Pharmacy**

15 The Application proposes 118.6 sqm (GIA) of pharmacy floorspace (Use Class A1) located on the ground floor of the Besson Street eastern block. The proposed pharmacy shares an entrance lobby with the proposed GP surgery and overlooks the health centre forecourt. The pharmacy is also provided with an entrance from the GP surgery lobby to ensure access for patients.

#### **4.1.6 Community Space**

16 The Application proposes 126.9 sqm (GIA) of community space (Use Class D1) for the New Cross Gate Trust to host activities such as community events, meetings and classes. The space is adaptable and can be divided for simultaneous activities through use of a partition. It is provided with a dedicated external landscaped area which is suitable as a spill-out space for activities as well as an outdoor resource for wider community events.

#### **4.1.7 Car and Cycle Parking**

17 The scheme proposes car free development, with the exception of 10 blue badge spaces for residents located within the servicing area accessed from Briant Street. Provision of additional blue badge spaces have been identified on-street along Briant Street and Besson Street subject to future demand.

18 The residential units would be provided with 568 long stay cycle parking spaces and 10 short stay spaces. The GP surgery and pharmacy would be provided with 8 long stay spaces and 8 short stay spaces. The community space would be provided with a total of 4 spaces in a secure shelter adjacent to the building entrance. Overall a total of 598 cycle parking spaces are proposed. All the proposed secured cycle stores have been designed to accommodate two tier cycle storage solutions and Sheffield stands.

#### **4.1.8 Access**

19 The pedestrian access points onto the Site will be from Besson Street and Briant Street with an additional link provided from New Cross Road. The Proposal has been designed to limit vehicular access to the Site other than for emergency services.

## **4.2 THE APPLICANT AND JOINT VENTURE**

### **4.2.1 Background**

20 In Lewisham the private rented sector (PRS) has doubled in size in the past ten years and around 25 per cent of Lewisham's population now rents privately. Over half of residents who live in the PRS in Lewisham are under the age of 34, whilst a further 35 per cent are aged 35 to 49. A third of PRS households in Lewisham are families with children whilst a quarter are occupied by single adults. Therefore, the supply and quality of homes in the PRS is an issue which is particularly pertinent to younger people in the borough and young families.

21 Most tenancies in the PRS are assured short hold tenancies with little security of tenure. The sector also has challenges in relation to the cost of access and lettings fees, whilst many renters often receive a poor service in terms of repairs and property management.

22 Homes for Lewisham, the Council's Housing Strategy for 2015 to 2020, committed to supporting the development of new models of private renting which offers a more stable, higher quality PRS offer by professional landlords, potentially including the Council itself.

In this way, the Council can contribute to creating a more sustainable private rented sector in the borough. The Council can also encourage design interventions to ensure that Council-led PRS schemes achieve the following aims:

- Provide high quality new homes;
- Create new places, including community facilities, open spaces and retail/leisure;
- Provide longer-term tenancies to give greater stability to renters;
- Provide a high quality property management and maintenance service;
- Cap rent increases in line with inflation to provide certainty for renters;
- Provide properties which are let at a Living Rent linked to local incomes;
- Attract institutional investment into the borough at a time of financial challenges; and
- Seek to structure projects so that they deliver best value to the Council depending on the scheme, including the potential to generate an ongoing income for the Council.

23 In December 2015 Lewisham's Mayor and Cabinet agreed that the most effective way for the Council to intervene in the PRS was to form a 50/50 Joint Venture vehicle with a partner who has proven experience of delivering good quality rented housing. The purpose of this JV would be to build bespoke new homes for renting – Build To Rent (BTR) homes – and would set a new standard for housing management and customer service in the PRS market. This standard will be more in keeping with the levels of rents that private renters pay, and in so-doing would start to shape renting as a consumer product rather than an insecure tenure of last resort.

24 Following a competitive procurement process Grainger plc was selected as the Council's preferred joint venture partner in December 2017 and in November 2018 the joint venture vehicle Lewisham Grainger Holdings Limited was created. The Site is being brought forward by a subsidiary of this JV, Besson Street LLP.

#### **4.2.2 The Joint Venture Model**

25 The JV is owned 50/50 by the Council and Grainger plc with equal risk, reward and decision making. The principle aim of the partnership is to own, deliver and operate a new BTR scheme at Besson Street.

26 The applicant has outlined that the JV is required to deliver the following:

- A truly 50/50 JV which will provide a balanced, effective and incentivised business model for all parties;
- A minimum 10 year hold period by the JV for the Besson Street development from stabilisation;
- All residential accommodation provided as part of the Besson Street development must be part of the Build to Rent development;
- 35% of the homes created must be affordable homes let at London Living Rent levels
- The affordable homes must be provided on a truly tenure blind basis within the scheme including, pepper potting of the units, equal access to all services provided for the residents of the affordable homes, and an equal distribution of London Living Rent units across the different unit sizes;
- The provision of a fitted-out GP Surgery, pharmacy and community space to be let at peppercorn rents to the New Cross Gate Trust;
- A model that demonstrably improves the standard of the private rented sector within the Borough, both in terms of quality and security.

## **5 CONSULTATION**

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

#### **5.1.1 Public**

27 The Applicant has undertaken a pre-application consultation prior to submission of the planning application and instructed communications company Four Communications to assist. This consultation and engagement commenced in January 2019 and the applicant's Statement of Community Involvement outlines the process included the following:

- Three public meetings: The public exhibitions were held in January 2019, May 2019 and September 2019. In total, they attracted over 205 attendees.
- 10,000 exhibition invitations: Three newsletters were each delivered to around 5,000 addresses by hand to advertise each of the exhibitions and to update the local community on the progress of the potential redevelopment.
- Door knocking: Members of the Four Communications team, on behalf of the Applicant, knocked on the doors of 236 local properties to speak to neighbours about the proposed development. They spoke to 70 people about the plans.
- One-to-one meetings: Four Communications undertook a comprehensive stakeholder audit of the community around the site. Over the course of the project the applicant has offered meetings to 16 local stakeholders including elected representatives, community and amenity groups, churches and businesses.
- Monthly workshop meetings with the New Cross Gate Trust to discuss the detailed design of the GP, pharmacy and community space
- Consultation website: A website has been available throughout the project (<http://www.bessonstreetmap.commonplace.is/>), advertised on public communications and materials, from which local residents can access further information about the plans, find details of consultation events, and download content on display at the public exhibitions for the Applicant's development proposals for the Besson Street site.
- Resident enquiries: Throughout the consultation process, a dedicated telephone number, e-mail and Freepost address were made available for residents and stakeholders with questions or comments about the project. This was managed by Four Communications, who provided further information to residents, businesses and stakeholder upon request.

#### **5.1.2 Planning Pre-application Advice**

28 The applicant entered into a Planning Performance Agreement (PPA) with the Planning Service on the 14 April 2019. The applicant subsequently met with the Planning Service over a programme of seven pre-application meetings. Additionally, the applicant held a pre-application meeting with the Greater London Authority (GLA) and Transport for London (TfL).

29 Further to the above, the proposed development was reviewed by the Lewisham Design Review Panel (LDRP) on two occasions. Further details of the feedback received are outlined below.

### **5.2 APPLICATION PUBLICITY**

30 Five site notices were displayed and a press notice was published on 11 December 2019

31 Letters were sent to residents and businesses in the surrounding area on 6 December 2019 and the relevant ward Councillors on 5 December 2019

32 15 responses received, comprising 12 objections and 3 representations in support (including one from the New Cross Gate Trust. One petition was received with 13 signatures.

### 5.2.1 Objections

33 The representations objecting to the proposed development, received as a result of the public consultation are summarised as follows:

<b>Material planning consideration</b>	<b>Para(s) where addressed</b>
<i>Design, Scale, Mass and Density</i>	
The proposed scale and mass is excessive and would overwhelm surrounding buildings	328-342
The amount of housing proposed, at 340 units per hectare, greatly exceeds the Local Plan development density guide for a site based on a 4-6 PTAL rating (70-260 units per hectare). It is telling that the scheme proposed in 2009 was for 174 units; the current scheme attempts to cram another 150 units in the same space	119-130
The New Cross Road building does not match surrounding buildings in height	371
The proposals do not match the architectural style of the surrounding area at all	328-352
The ground floor of the New Cross Road building extends forward of the historic building line	328-352
The New Cross Road entrance will seem dark and uninviting due to the scale of the building	297-352
The Design and access statement seeks to mitigate the placement of a 7 storey building adjacent 2-3 storey residential units with the justification that potential future development of these neighbouring properties may result in increased building heights statement) at which point the increased height will not be detrimental. This is a completely irresponsible and irrational justification to contextual development	328-352
The massing of the proposed development has increased significantly from the approved scheme in 2009. In this scheme the buildings to the NW corner were 3 storeys high, stepping up towards the Briant Street side	328-352
The proposals would have an adverse impact on the setting of the locally listed building at The Music Room and would obscure the mural	371-373
<i>Impact on Neighbouring Properties</i>	
The proposed development would result in a loss of light to properties to the north of the application site contrary to London Plan Policies 7.6 and 7.7. The gardens to 108 and 110 New Cross Road lose 100% of light and amenity space to Pankhurst Gardens would lose 97%	602-816

The height of the proposed buildings will overshadow neighbouring properties as referenced in the Daylight Sunlight Report	602-617
The overshadowing report states the Southern façade to 108-110 new Cross Road has a number of deciduous trees to the boundary which would cause significant overshadowing thereby reducing the existing level of light entering the property. This is incorrect. While there are two trees near the boundary, these are located in front of to 110 and therefore do not obstruct light from entering no 108	602-617
The North Western corner of the Besson Street site has historically been garden spaces or in more recent years the site of a builders merchant (post 1985) as evidenced in the historic maps provided in the Geotechnical Report. As such the properties to 108 and 110 new Cross Road have enjoyed unobstructed light and would have gained rights to light under the Prescription Act of 1832.	Right to light is not a material planning consideration
The proposal for the service yard on pg 145 of the Design and Access statement further proposes an additional tree be introduced to the boundary of the site. This sits directly south of 108 New Cross Gate and could further restrict the amount of light in both the amenity spaces and internal rooms of the property resulting in further detrimental impact.	703 (full details of soft landscaping would be reserved by condition)
Waste management plans show both residential and commercial waste storage in the northern corner adjacent to 106-110 New Cross Road, very close to the adjacent existing residential buildings. This is the proposed location for the delivery of packages to the concierge as well as the potential servicing zone for the new commercial space. This would result in several service vehicles using this route throughout the day, all of whom need to turn around in the small dead-end parking area. This would have a large impact on the residents who have bedrooms amenity spaces in the area	442-448
The location of the energy centre is also along the boundary to 106 and the residential apartments. Noise and exhaust fumes from plant equipment would negatively affect the residents in this area. What provision is being made to mitigate this increased pollution to avoid harming the adjacent residents?	719-725
The proposals would result in loss of light and overshadowing to The Music Room	602-617
<i>Impact on Parking</i>	
The available on-street parking in the area will further be reduced	418-436
Additional spaces will be lost to allow for the servicing of the proposed development. One of the locations identified for this servicing to occur is directly outside of the Kender Street Primary school. This development means an increasing number of large vehicles will be using a	455

previously quiet street. Besides the increase in air pollution, congestion and noise this will bring, what is being done to ensure the safety of the children using this road.	
<i>Consultation</i>	
The consultation appears to have been a box ticking exercise rather than listening to resident's concerns	27
<i>Other</i>	
The 'new' GP surgery is not new and rather relocated from a different site, albeit with 3 additional doctors. The additional 3 doctors would presumably be required for the additional 1,000 residents minimising or removing any benefits for existing residents. The community-based offer has significantly decreased from the originally approved scheme as proposed in 2009.	113-117
Employment figures in application list an increase in 41 new full-time positions however as both the GP surgery and New Cross Gate trust are relocated local businesses it is likely that these are not new positions, merely new to this site. No evidence is given in the documents to support how this figure has been achieved to evidence the creation of an additional 41 jobs in addition to those already provided by the relocated businesses.	271-279
The proposed new access road to the NW of the site passes directly over the root ball of a large established tree on the boundary to the Pankhurst Gardens site. Given the proximity of the tree to new vehicular traffic, including the allowance for 3,5 tonne truck to allow for the servicing of this area, what mitigating measures will be taken to protect this tree as this new traffic passes directly over the root protection area as shown in the Tree survey?	701
Concerns about air pollution with particular reference to children attending school in the area	719-725

34

In addition to the above, the Telegraph Hill Society submitted a representation objecting to the proposed development. This is summarised as follows:

<b>Material planning consideration</b>	<b>Para(s) where addressed</b>
The proposed New Cross Road building is objectionable as it is significantly higher than the surrounding buildings and interrupts the general roofline of the New Cross Road, does not reflect the architectural style of either of the buildings on either buildings and is proposed to be built in light red brick (and probably in stretcher bonding), where the general domestic style of building in the area requires yellow London stock and Flemish bonding.	364-390
Little or no attempt has been made to ensure that this element of the overall developments sits comfortably	297-352, 364-390

within the Victorian high street or the Conservation Area and as such is contrary to the Development Management Plan	
Strongly oppose the height of the tower. Typical building heights around the Besson Street Triangle are 2-3 stories with the modern existing estates to the north and south no more than 5 storeys.	297-352
The current development management plan references the Lewisham Tall Buildings Study (2010, update 2012) which, since it is yet to be superseded, remains a material planning consideration. This study does not identify the Besson Street triangle as suitable for tall buildings.	297-352
A specific survey of local residents in respect of this aspect of the application has not been carried out but we have a survey in process in respect of the Sainsbury's proposals at New Cross Gate. These show that 83% of respondents in the area did not believe that tower blocks of more than 10 storeys should be allowed in New Cross Gate; (27% were happy with between 7 and 10 storeys if set back from the roads, 56% believed that no more than 6 storeys was appropriate).	297-352
The illustrations provided in the Heritage Townscape and Visual Impact Assessment (from pages 42 onwards) show that the tower will have a significant detrimental impact on the appearance of the Hatcham Conservation Area especially from Casella Road, Hatcham Park Road and Billington Road. The design of the tower will be incongruous. The tower, if permitted, it will make a fundamental change to feel and appearance of the Conservation Areas and the New Cross Road	364-390
There will also be a lesser, but nonetheless real, impact on the Telegraph Hill Conservation Area. The justification that the tower will be obscured by the trees in summer and "filtered" by the trees in winter is unacceptable and, by virtue of the fact that such ameliorating justification needs to be given, suggests that the design and/or height is, of itself, inappropriate.	364-390
The proposed development would be contrary to DM Policy 36.	364-390
The height of each block is excessive and should not exceed the five storey height of the residential blocks between Besson Street and the Queen's Road. The design does not reflect any of the surrounding buildings	297-352
The proposed bricks are inappropriate and the frontages are plain with little decoration.	297-352
Balconies are not a feature in the surrounding area and the tower blocks rounded shape does not reflect any local building.	297-352
No disagreement with the assessment that the design of the proposed development (excluding the New Cross frontage) need not conform to the Victorian pattern of housing but the design should conform with DM30.	297-352

Parking policy generally is designed to move people away from vehicles which cause pollution, but the lack of adequate electric vehicle parking and charging points in the development does not support such a trend.	475-478, 480
The retail space without parking would be unattractive to businesses.	418-436
Council policy should be to encourage more home/office-working and less commuting: this both benefits employment in the borough and reduces the need for public transport; however car-free developments do not function to promote home/office working outside the major shopping centres.	418-436
There is not an adequate range of shops in the area to facilitate occupants not using a car.	418-436
The Transport Assessment seems to underestimate the number of trips generated by the proposed development.	418-436
Discussions with TfL have indicated that there is capacity on public transport to accommodate the proposed development but observations during rush hour services would not support this.	463-468

35

The Hatcham Conservation Society also submitted a representation objecting to the proposed development. This is summarised as follows:

<b>Material planning consideration</b>	<b>Para where addressed</b>
Lewisham's target is for 50% affordable homes on new developments and if that target cannot be reached for a council-led project then what signal does that give to other developers? Lewisham's target is for 50% affordable homes so why not take the lead for this development? We also note with disappointment that the 35% affordable homes for this development are for "London living rents" which is unaffordable to the vast majority of Londoners who are on the London living wage, zero hour contracts, part of the gig economy etc.	137-144, 153-158,164-165
The proposals go against Lewisham's Development and Management Policy 30 which relates to Urban Design and local character. DM Policy 30 requires new developments to be compatible with or complement the existing urban typologies. It is difficult to see how a modern tower block of 12 storeys in the proposed materials and with balconies (none of which are features of the local typology) complement the existing area. It is certainly not compatible with it DM Policy 30.1(b) requires the "height, scale and mass" to "relate to the urban typology of the area" but this development clearly fails to do this as there is no relation to its height and the surrounding conservation area where the tallest buildings are two to three storeys.	297-352, 364-390
The council must ensure this development does not hamper, in any way, the commercial interests of this very important asset to Hatcham and the wider New Cross community. To mitigate any future residents	218-256

complaining about late-night noise there should be no habitable spaces built near the Music Rooms. It would be extremely shortsighted to place new residents close to the practice rooms of the Music Rooms and Grainger and Lewisham Council will be the only two bodies to blame if the Music Room is forced to close down due to complaints from future residents.	
The GIA in the Daylight and Sunlight report have considered a "mid-teen" value as "acceptable level of VSC for an urban context". Their justification for this low VSC level has failed to consider alternative targets taken from similar new developments in the surrounding areas which makes GIA's methodology deeply flawed, they have arbitrarily come up with a "mid-teen" value. This sets a terrible precedent for any development. Concerns in relation to loss of light to Iris Court and Pankhurst Close	482-606

### 5.2.2 Support

36 The representations supporting the proposed development, received as a result of the public consultation are summarised as follows:

Material planning consideration	Para where addressed
<i>Uses</i>	
The area is in need of GP surgery and better retail options. Overall supportive.	No response required
<i>Affordable Housing</i>	
The mix of affordable housing isn't too bad	No response required

37 In addition to the above, the New Cross Gate Trust submitted a representation supporting the proposed development. This is summarised as follows:

Material planning consideration	Para where addressed
The Trust is the charitable successor body to the New Cross Gate NDC (New Deal for Communities) which formed in 2001. During the NDC's ten years of operation, its flagship capital project was the creation of a new 'Healthy Living Centre' on this site, incorporating many of the same facilities which form part of the current application. Sadly, the original project was never delivered, but significant sums of public money were invested in site assembly and preparation, and the need for these facilities has only intensified over time	No response required
The Trust has been working to promote development on the site which has culminated in the current proposal	No response required
In addition to the residential elements of the proposed new scheme, the development will provide for the delivery of a new GP surgery, a new pharmacy, and new community space. As the proposed leaseholder of these	No response required

elements of the development, the income derived from the GP surgery and pharmacy will enable the Trust not only to operate on a sustainable financial footing for the long-term, but also to deliver an expanded range of activities and services for New Cross residents, based in the new community space.	
The rental income received from the surgery and pharmacy will also contribute towards maintaining existing services which are currently dependent on grant based income (for example our ESOL provision and employment support service), thus building sustainability and ensuring that the New Cross Gate Trust is able to deliver valuable community services for many years to come.	No response required
The GP surgery's current premises in Queens Road are no longer fit for purpose as a modern medical facility. The building is badly designed and in poor condition, and a replacement is desperately needed. The new surgery offers a much higher quality, safer patient experience and it will enable the provision of a much wider range of patient services. Grainger and LB Lewisham have consulted both the Trust, existing GPs at the Queens Road Surgery, and Lewisham CCG throughout the development process to ensure that the new community facility and GP surgery are both fit for purpose.	No response required
Whilst the Trust would have preferred to see genuinely affordable new Council housing included in the scheme, we recognise the benefits of delivering high quality rental accommodation accessible to people earning the London Living Wage, and the financial pressures faced by the Council as a result of austerity and associated funding cuts. We also recognise that a scheme of this size and complexity will always have viability challenges, and under the circumstances believe that these plans not only deliver a valuable range of vital community facilities, but are the best achievable in the current circumstances.	137-144, 153-158,164-165
The applicant has responded to our aspirations around environmental best practice in the design of the wider scheme and have embedded green roofs, solar, air source heat pumps, high quality planting and landscaping and natural gym and activity equipment throughout the scheme	No response required

### 5.2.3 Local Meeting

- 38 Given the degree of response following the statutory consultation on the application, a Local Meeting was held in accordance with the Council's adopted Statement of Community Involvement, taking the form of a drop-in session.
- 39 All those who submitted representations on the application during the statutory consultation period were invited to attend the local meeting – due to lockdown restrictions this was held virtually. The meeting took place from 7pm to 8pm on 2 July 2020. The

session was attended by 9 to 10 local residents and business owners, as well as a Lewisham councillor.

40 A note of the key issues raised by those attending the drop-in session and the applicant's responses to such is set out at Appendix 1.

### **5.3 INTERNAL CONSULTATION**

41 The following internal consultees were notified on 5 December 2019.

42 Economic Development: We would require a Local Labour and Business Scheme Strategy from the developer. It is usually really helpful to meet with the developer early on in the discussions to ensure that they are clear as to what it is we would be looking for

43 Environmental Protection (Air): no objection subject to contribution

44 Environmental Protection (Contaminated Land): no objection subject to condition

45 Environmental Protection (Noise): The report is very thorough and addresses all controls necessary. The only issue where further clarification is required is in relation to the control of thermal comfort from the facades groups D and E. Thermal comfort is not included in the Building Regulations requirements for ventilation.

46 It is understood that the cooling effect from summer bypass within the MVHR systems is limited and needs to be supplemented by cross-ventilation if there are excessive solar gains.

47 The proposal is to have a boost setting, however it isn't clear as to whether this will be sufficient to provide the necessary air change during heat build-up.

48 In order to avoid opening windows, some MVHR systems can be combined with active cooling. We would need some confirmation on the options for cooling.

49 Highways: No objections subject to planning conditions, Section 278 works to the highways and planning obligations. These are outlined in details in the transport section below

50 Lead Local Flood Risk Authority: require further details with regard to microdrainage

51 Strategic Housing:

#### *Housing need*

52 There is currently a housing crisis and it has become incumbent on Councils to re-engage with the direct delivery of Council homes. The homelessness Charity, Crisis, describe that 100,500 homes would need to be built, each year over the next 15 years in order to resolve the homelessness problem, and that a significant amount of Council resources is being spent on temporary accommodation, which if re-directed to home building, would be better placed to help people permanently.

53 In July 2012, the Council took the initiative to embark on an ambitious programme to build new Council homes in response to the series of on-going housing policy and delivery challenges, most notably an enduring under-supply of new affordable homes available to the Council to meet housing demand. Running concurrently with the delivery of the 500 homes, the current Mayor of Lewisham has pledged to create additional Council homes within his 4 year term by 2022. A further tranche of planning applications will therefore follow in the coming months and years in order to deliver the Mayor's bold, but absolutely necessary ambitions.

- 54 Notwithstanding the above, it is still necessary for private developers to continue to contribute to tackling the housing crisis, through the provision of genuinely affordable, social rent, intermediate and private housing. Maintaining a good supply and choice of housing types ensures that the Borough's residents can afford to stay in the borough. To that regard, the Strategic Housing team welcome early discussion with applicants in order to maximise the level of genuinely affordable housing deliverable in schemes.
- 55 Lewisham's CSP1 (3) looks to achieve 50% affordable homes on sites of more than 10 dwellings. We note that this scheme does not achieve this and provides 35% of homes as affordable London Living Rent (LLR). The Lewisham Planning Obligations SPD describes that this target can be negotiated 'on a site by site basis; on identified evidence of local need; and, taking into consideration the financial viability of the development.'
- 56 In addition to the residential elements the proposals look to provide community facilities in the form of a GP surgery, pharmacy and community space let to the 'New Cross Trust' on a 'peppercorn rent' in line with the site allocation (SA7) in the Site Allocations Local Plan (SALP 2013) to have community uses at ground floor. We acknowledge that provision of such facilities decreases the viability of providing policy compliant numbers of affordable homes on this site. The 'Financial Viability Assessment' provided as part of the application reviews whether a higher proportion of affordable housing would be viable given these other commitments on the site, and concludes that this would not be viable (p. 40).
- 57 We also note that the proposal looks to provide a Build to Rent model with securer tenancy types than typical in the private rented sector, through longer tenancy terms with automatic rights to renew, flexible contracts, inflation linked rent increases fixed at time of sign-up and direct communication with landlord for repairs and maintenance (as described on p.11 of Planning Statement). This is in line with the Councils Housing Strategy for 2015-2020, which supports schemes that develop alternate models of PRS, such as through securer tenancy types. PRS evictions remain a substantial driver for homelessness in the borough and while there has been a noticeable decrease in PRS evictions during the current eviction ban, we are currently projecting an increase afterwards as the economic shock hits.
- 58 Further to this we acknowledge that Lewisham Council is in the process of delivering high numbers of affordable and social rented homes across the borough in their current programme, and that capital receipts from this scheme will contribute towards delivery of further social housing in the borough.

*Mix of Tenure CSP1 (5/10)*

- 59 We note that the scheme proposes that 100% of affordable homes to be LLR. This is not compliant with Core Policy 1 (5) which targets 70% of affordable units to be social. However we take into account the above points listed and also note that Core Policy 1 (10) allows for higher levels of intermediate or other forms of affordable housing when a site is located in an area of high existing concentrations of social housing.
- 60 Reviewing census data, the LSOA (Local Super Output Area) immediately surrounding Besson Street has over 27.8% of homes rented from the council, with an additional 23.5%+ rented from other social housing providers (at a range of affordable rents). Private rent in the LSOA stands at between 17.6% and 22.2% of homes, noticeably lower to the LSOA's to the east along New Cross High Street. Therefore we do believe that this area qualifies as an area of high existing concentrations of social housing as described in Core Policy 1 (10) and so alternate forms of affordable housing are potentially acceptable.
- 61 We also note that the London Plan draft policy H13 allows for solely Discounted Market Rent when the proposal meets the relevant criteria. The applicant provides a table on p.23/24 of their 'Planning Statement' to show that the scheme meets the relevant criteria.

62 Given the above listed considerations, such as the provision of community uses on peppercorn rents, the provision of securer, long term tenancies through both the LLR and the PRS units, and the sites location within an area of existing high levels of social rent, along with the use of capital receipts from this scheme to help fund future social housing provision across the borough, we believe that the proposed mix is acceptable.

63 Sustainability Manager: No objection subject to conditions

#### 5.4 STATUTORY CONSULTATION

64 The following Statutory Consultees were notified on 5 December 2019:

65 Designing Out Crime Officer: no objections subject to Secured by Design condition

66 Environment Agency: raised no objections subject to conditions

67 Fire Prevention Group: With reference to your letter dated 5th December 2020, your application (reference: DC/19/114805) in respect of the above-mentioned premises have been examined and are satisfied with the proposals in relation to the fire precautionary arrangements assuming that the requirements of section B5 of Approved Document B are complied with.

68 Greater London Authority:

69 *Principle of development:* Build-to-rent residential-led mixed use development which delivers an increase in social infrastructure is strongly supported in principle.

70 *Housing:* 35% affordable housing by habitable room all of which would be Discount Market Rent at London Living Rent levels. This does not accord with the 50% threshold for the Fast Track Route for developments on public land and therefore must follow the viability tested route. Review mechanisms and a 15-year covenant on the build to rent product must be robustly secured in the S106.

71 *Urban design:* The proposal represents a high-quality design that effectively responds to the surrounding context. Further design and mitigation measures must be explored in relation to agent of change issues raised regarding the adjoining Music Room London.

72 *Heritage:* The proposal would result in less than substantial harm to the significance of the Hatcham Conservation Area, which is considered to be outweighed by the significant public benefits of the proposal, including affordable housing, a GP surgery and a community centre. The proposal is not considered to cause harm to the significance of Telegraph Hill Conservation Area or to nearby listed buildings

73 *Strategic views:* The applicant should provide a revised view with a wireframe for the proposed development in panorama view 2A.1 from the summit of Parliament Hill to St. Paul's Cathedral.

74 *Inclusive design:* The applicant should provide more detailed drawings that clarify that the corridor in Block A01 would be fully accessible to wheelchair users. The applicant should clarify how residents living in ground floor units only accessible by steps who require wheelchair access during their tenancy could be supported. The Council should secure M4(2) and M4(3) requirements by condition as part of any permission.

75 The GLA provided revised comments in relation to inclusive design as follows:

76 On review of the Access Statement, it is noted that the corridor widths are 1.2 metres, which would be sufficient for wheelchair users. Furthermore, it is noted that residents in the ground floor units would have access to their units through the main core lift that

provides two-way access between the ground floor and the raised ground floor units. Ambulatory stairs are also provided. This is welcomed and demonstrates that the units at ground floor would be accessible to wheelchair users. As such, it is not necessary for the applicant to demonstrate how the need for wheelchair access during a tenancy can be addressed.

- 77 *Environment:* The Energy Hierarchy has broadly been followed but applicant should provide further information on overheating, district heating connection and the heat pumps. Submission of current infiltration testing results and Lead Local Flood Authority approval of the detailed drainage design prior to commencement should be conditioned. The extensive area of urban greening is strongly supported. The applicant should provide the UGF for the development with the aim of meeting the target of 0.4 for commercial developments as set out in the Mayor's intend to publish London Plan Policy G5.
- 78 *Transport:* Cycle parking should be designed to meet the London Cycle Design Standards. Servicing demand estimation and servicing arrangements are not robust and should be reconsidered. Funding should be secured to consult on and, if approved, implement a controlled parking zone. The Council must also engage with Transport for London, GLA officers and the applicant to determine a significant contribution to mitigate impact on buses.
- 79 The GLA stage 1 response initially raised a number of points that required response from the applicant. These points are discussed individually below and the Stage 1 response is available to view online. Following discussions with the Planning Service and the applicant, the GLA advised that they had no objections to the proposed development.
- 80 Historic England (Listed Buildings): raised objections with regard to impact on the Hatcham Conservation Area as outlined below
- 81 Historic England (Archaeology): confirmed no objection
- 82 Lewisham Care Commissioning Group: Lewisham Clinical Commissioning Group (CCG) have been working closely with Queens Road Partnership Practice and Lewisham Council to develop a 21st century fit for purpose surgery for the local population and patients of the practice.
- 83 Lewisham CCG therefore strongly supports the proposed development with the inclusion of D1 space (GP surgery).
- 84 London City Airport: confirmed no objection
- 85 London Underground: no response
- 86 London Borough of Southwark: confirmed no objections
- 87 Network Rail: confirmed no objections
- 88 Southern Gas Network: no response
- 89 Thames Water: no objection subject to condition and informative
- 90 Transport for London: Responded initially requesting improvements to the walking environment, objections in relation to the proposals not meeting London Cycle Design Standards, request for a delivery and servicing plan conditions, request for more EVCPs, bus service contribution sought and a construction traffic management plan.
- 91 The applicant has entered discussions with Transport for London and Lewisham Highways to address these concerns. The details of the responses and outcome are outlined below

## 5.5 LEWISHAM DESIGN REVIEW PANEL (LDRP)

92 The proposed development was presented to LBL's Design Review Panel (DRP) in May 2019 and September 2019.

93 The panel's comments following the initial DRP in May 2019 are summarised as follows:

- The masterplan layout is clearly public realm driven and offers good potential to generate a series of important public and communal spaces. The vision behind these spaces needs further development and definition.
- The tallest element in the south would in the Panel's view, be detrimental to the public and communal spaces in terms of overshadowing.
- The two "community" spaces flanking the taller building on Besson and Briant streets, lack definition and clarity of purpose. They appear relatively large when compared with the central court so further work needs to be done on their purpose, scale, geometry and landscape design in order to convince.
- Not using the roofscape more positively was a wasted opportunity to generate useful communal space and contributions via PV panels etc. to develop the sustainability profile of the project.
- The Panel were not overly concerned by the proposed scale and height (impact on spaces as commented on above notwithstanding) in principle, but felt that the applicant team had not yet convinced that the site could successfully accommodate this level of development, at least as currently designed.
- The Panel felt that moving accommodation into a singular tower worked contextually but raises concerns over the quality of public spaces that it will overshadow given its location at the southern apex of the site.
- The Panel were not persuaded that the current massing and layout would be successful and would expect such input to cause some reconsideration of the massing and deployment of the blocks.
- The applicant team will also have to demonstrate that the adjoining properties will not be detrimentally impacted upon in terms of outlook and shadowing.
- The emerging architectural expression has, much to commend with the balconies and the splayed indents on plan giving a subtle and pleasing architectural integration, and the overall elevational control was good.
- The high number of single aspect/north facing units indicates that there may be too much massing on the wrong side of the site connected by corridors that are too long with too few cores.
- The long corridors within the blocks are generally not acceptable as they generate a large number of single aspect often north facing units.

94 Following the DRP's comments, the design team met with the Planning Service and amended the scheme to address the issues raised by the DRP, as well as those raised by the Planning Service.

95 The Panel's comments following the second DRP in September 2019 are summarised as follows:

- In the Panel's view the sophisticated three dimensional modelling to the form and the facades of the tower and the modulation of the balconies, do much to slim its appearance, resulting in a generally elegant architectural composition.
- The Panel felt that further work should be undertaken to the top of the tower to create a more elegant profile, which could also be used to hide the lift overruns, smoke extract and other plant paraphernalia.

- The ground floor plan at the base of the tower needs to be re-designed as there is a large proportion of frontage given over to the bin and bike stores. The ground floor should be animated by positive uses and the service spaces should be placed away from the street/garden elevations and wrapped by apartments, entrance lobbies and the community uses to ensure that the architectural interface with the public realm is a positive one.
- The Panel commented that whilst the reduction in the number of single aspect north facing apartments was welcomed but failed to see in such a large development why any single aspect north facing apartments are being proposed at all.
- The Panel debated the architectural form and positioning of the “concierge” building which appeared unconvincing which abuts the semi-detached villa to the west along New Cross Road and marks the northern entrance to the development along with the former library now the Music Room. The Panel felt that the building should be recessed and not extend further than the plane of the adjacent villa to the west, and could well be recessed further. More studies need to be done to test the optimum positioning, along with a clearer intention and greater design emphasis on the public space on New Cross Road.
- The Panel expressed significant concern with regard to the east elevation of the taller building on Besson Street adjacent the surgery. It is acknowledged that the adjacent site may come forward for development limiting the options for glazing. It is also possible that the adjacent site may not be developed. Given that this elevation, as viewed looking south-west along the street offers a large area of unbroken brickwork which contributes little architectural quality to the public realm, more work needs to be undertaken to increase its quality and bring it up to the standard of the rest of the development.
- The architectural treatment to the service yard with the colonnaded screen ties this difficult space successfully into the street scene.
- The Panel felt that greater clarity was needed to establish the principles for the deployment of the differing colours and textures of brickwork across the project. The Panel also commented that whilst the London wide (and elsewhere) references for brickwork precedent were all persuasive, more work to establish contextual links to the architecture and materiality of the immediate context would strengthen the appeal of the project.

96 The applicant subsequently amended the application in response to the comments from the panel’s second review. The responses are discussed in detail in the applicant’s Design and Access Statement and the planning assessment below.

## **6 POLICY CONTEXT**

### **6.1 LEGISLATION**

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

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

### **99 MATERIAL CONSIDERATIONS**

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

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

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

## **6.2 NATIONAL POLICY & GUIDANCE**

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance

## **6.3 DEVELOPMENT PLAN**

103 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
- Draft London Plan 'Intend to Publish' (December 2019): The London Plan has been reviewed and a new draft London Plan produced (DLP). This has been subject to public examination and an 'Intend to Publish' version subsequently issued by the Mayor of London in December 2019. This has now been reviewed by the Secretary of State and a response outlining amendments has been issued. The DLP is now with the Mayor of London to informally agree amended text with the MHCLG and Secretary of State. Although not yet part of the adopted development plan, given its advanced stage the draft New London Plan carries some weight as a material consideration in planning decisions. The relevant draft policies are discussed within the report (DLPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013)

## **6.4 SUPPLEMENTARY PLANNING GUIDANCE**

104 Lewisham SPG/SPD:

- Hatcham Conservation Area Supplementary Planning Document (2006)

105 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- London View Management Framework (March 2012)
- All London Green Grid (March 2012)
- Play and Informal Recreation (September 2012)
- Sustainable Design and Construction (April 2014)
- Character and Context (June 2014)
- Town Centres (July 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)

- Social Infrastructure (May 2015)
- Housing (March 2016)
- Homes for Londoners: Affordable Housing & Viability (August 2017)
- Culture & Night Time Economy (November 2017)
- Energy Assessment Guidance (October 2018)

## **7 PLANNING CONSIDERATIONS**

106 The main issues are:

- Principle of Development
- Housing
- Provision of GP Surgery, Pharmacy and Community Space
- Urban Design
- Impact on Adjoining Properties
- Agent of Change
- Transport
- Sustainable Development
- Natural Environment
- Planning Obligations

## 7.1 PRINCIPLE OF DEVELOPMENT

### *General Policy*

- 107 The National Planning Policy Framework (NPPF) at Paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.
- 108 Lewisham is defined as an Inner London borough in the London Plan. LPP 2.9 sets out the Mayor of London's vision for Inner London. This includes among other things sustaining and enhancing its recent economic and demographic growth; supporting and sustaining existing and new communities; addressing its unique concentrations of deprivation; ensuring the availability of appropriate workspaces for the area's changing economy; and improving quality of life and health.

### *Policy*

- 109 LPP 2.13 Opportunity Areas and Intensification Areas states that seek to optimise residential and non-residential output and densities, provide necessary social and other infrastructure to sustain growth, and, where appropriate, contain a mix of uses.
- 110 The application site is subject to a Strategic Site Allocation (SA7) as identified by the Site Allocations Local Plan. The strategic allocation allocates the site for community uses at ground floor (including a doctors' surgery, library, gym, community hall, café, crèche and public square) with residential above. The site allocation states that "the allocation provides a focal point for the New Cross Gate community and an architecturally striking landmark building. It will create new, high quality housing, new open space, provide pedestrian links and active frontages to Briant and Besson Streets and, serve as a catalyst for regeneration in the area, which is characterised by a high level of physical and social deprivation.
- 111 A central aspect of the NPPF is the promotion of healthy communities. Paragraph 92 stipulates that planning decisions should plan for local services that enhance the sustainability of communities and residential environments. The London Plan sets out the Mayor's strategy for social infrastructure provision. Policy 3.16 identifies that additional social infrastructure provision is required to meet the needs of London's growing population.
- 112 Policy 4.7 of the London Plan supports proposals that bring forward capacity for retail and commercial development in town centres. At the local level, Core Strategy Policy 6 sets out the Council's town centre policy approach. New Cross and New Cross Gate is classified as a District Centre in the retail hierarchy, where the Council will prioritise retail and related town centre uses to be located.

### *Discussion*

- 113 The application site is located within the New Cross Opportunity Area and is subject to a strategic site allocation as outlined above. The application proposes a new residential led development which would provide 324 new homes and 774.3 sqm (GIA) of GP surgery floorspace, 109.8 sqm (GIA) of pharmacy floorspace, 689.5 sqm (GIA) of community space and 107.8 sqm (GIA) of flexible retail/commercial floorspace.
- 114 The proposed GP surgery will replace an existing, poor quality surgery in the New Cross Area. The Lewisham Infrastructure Delivery Plan, as referenced by the Core Strategy, has identified a need for an additional 27 GPs in Deptford and New Cross. The existing surgery is understood to employ 15 GPs whereas the proposed GP surgery would employ 18 GP jobs. This would result in a net increase in GP employment, so would make a valuable contribution, to which officers attach considerable weight.

- 115 The site proposes a flexible A1/A3/B1 floorspace to the ground floor of the concierge building and a pharmacy (A1) in connection with the GP surgery proposed on Besson Street. These uses are considered acceptable given the location of the site within New Cross and are considered to contribute positively to the retail offer of the area generally.
- 116 The proposed development is considered to be in accordance with the aims and objectives of the London Plan with regard to Opportunity Areas and provides an appropriate mix of uses as defined by the Strategic Site Allocation.
- 117 Given proposed development is in accordance with the Strategic Site Allocation and development plan, it is considered acceptable in principle.

## 7.2 HOUSING

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

### 7.2.1 Density

#### *Policy*

119 National and regional policy promotes the most efficient use of land.

120 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF sets out the need to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

121 The NPPF encourages the efficient use of land subject to several criteria set out in para 122. Para 123 applies where there is an existing or anticipated shortage of land for meeting identified housing needs and strongly encourages the optimal use of the potential of each site.

122 London Plan Policies seek to increase housing supply and optimise housing output within the density ranges set out in the sustainable residential quality matrix (Policy 3.4).

123 Emerging DLPPs H1, H2 and D6 support the most efficient use of land and development at the optimum density. Defining optimum is particular to each site and is the result of the design-led approach. Consideration should be given to: (i) the site context; (ii) its connectivity and accessibility by walking and cycling and existing and planned public transport (including PTAL); and (iii) the capacity of surrounding infrastructure.

124 The London Plan is clear that it is not appropriate to apply the matrix mechanically and that this should be used as a starting point and a guide rather than an absolute rule. DM32 reflects this approach. The draft London Plan removes the density matrix and focuses on a design-led approach in accordance with Draft London Plan Policy D2.

#### *Discussion*

125 The site has an area of 1.05 hectares and is in a PTAL of 6a in an urban location. The density matrix in the London Plan sets an indicative range of 300-650 habitable rooms per hectare and at a proposed 2.72 habitable rooms per unit, sets a range of 100-240 units per hectare

126 The residential density of the proposed scheme is 312 units per hectare and 850 habitable rooms per hectare, which is above the recommended density for an "urban" location.

127 However, the emerging policy in the draft London Plan (2017) signals a shift towards greater flexibility around housing density and a less mechanistic / numerical approach. Draft Policy D6 (Optimising housing potential) does not include the London Plan (2016) SRQ density matrix. Instead, a design-led approach to optimising density is being taken forward.

128 The London Plan is clear that the density matrix should not be applied mechanically and the draft London Plan is moving away from a density matrix approach. It is considered that the development proposals would optimise an existing brownfield site that form part of a Strategic Site Allocation and is located in a Regeneration and Growth and Opportunity Area.

- 129 The New Cross Area will be subject to substantial growth and regeneration in light of current and draft policy objectives with other major strategic sites due to come forward and the planned Bakerloo Line Expansion. It could be argued that the site will move away from an “urban” location to a more “central” location as defined by the current London Plan density matrix, which in turn would permit higher densities than that currently proposed. Additionally, the GLA have raised no objection to the density as currently proposed.
- 130 Given the thrust of current and draft policy, the location of the site and the excellent public transport accessibility rating, the proposed density is considered to be acceptable.

## **7.2.2 Contribution to Housing Supply**

### *Policy*

- 131 National and regional policy avoids specifying prescriptive dwelling size mixes for market and intermediate homes.
- 132 NPPF para 61 expects planning policies to reflect the need for housing size, type and tenure (including affordable housing) for different groups in the community.
- 133 LPP 3.8 states Londoners should have a genuine choice of homes, including differing sizes and types. Emerging DLPP H12 sets out that an appropriate mix of unit sizes should be informed by several criteria set out in the policy.
- 134 The current London Plan sets an annual target of 1,385 new homes until 2025. The emerging draft London Plan, if unchanged, would increase this to 1,667. The DLP (table 2.1) also indicates that the New Cross / Lewisham / Catford Opportunity Area has the potential to deliver an indicative 13,500 new homes.
- 135 London Plan Policy 3.8 (Housing Choice) and Draft London Plan Policy H13 (Build to Rent) recognise that the PRS sector is set to play an increasingly important role in meeting Londoners’ diverse housing requirements and that the planning system must take a more positive approach in enabling this sector to contribute to achievement of housing targets.
- 136 CSP 1 echoes the above with several other criteria however expects the provision of family housing (3+ bedrooms) in major developments.

### *Discussion*

- 137 The current adopted London Plan sets an annual target of 1,385 new homes for Lewisham until 2025. The emerging Draft London Plan (if unchanged through EIP) would increase this annual target to 1,667.
- 138 The development proposal of 324 net new homes (including affordable housing) and commercial floorspace. This attributes to 23% of the annual output for the adopted London Plan target or 19% of the annual output for the Draft London Plan. This would represent a significant contribution to the current annual target for Lewisham which officers attach considerable weight.
- 139 The proposals would deliver a substantial number of new homes, totalling 324 as part of a wider strategic site allocation in a sympathetic and innovative manner. The proposals would provide a mix of tenure types and housing types, offering both affordable housing and family housing.
- 140 The Mayor’s SPG states that the private rented sector (PRS) is the only housing tenure in London to have seen growth in recent years. It is now home to 28 per cent of all households in London, nearly double the 15 per cent it housed in 2004. The sector is essential in supporting labour market mobility, with four in five of those coming to London finding their first home in the private rented sector.

141 The proposed Build to Rent nature of the scheme is in accordance with the London Plan and Mayor's Affordable Housing and Viability SPG and is considered to provide a valuable contribution to housing supply in London and the London Borough of Lewisham. The London Plan recognises that a PRS development facilitates a significantly faster rate of delivery, compared to open market sale, which will mean that such developments can advance the contribution to addressing London's chronic housing shortage

142 The Mayor's Affordable Housing and Viability SPG outlines a 'pathway' under which Build to Rent schemes should be assessed, as follows:

- 1) *Definition*: a clear definition of Build to Rent with guidance on how and when a covenant through planning should apply to a Build to Rent scheme.
- 2) *Affordable housing tenure*: the pathway recognises the need for all homes on the Build to Rent development to stay under single management and as such will encourage affordable homes on the development to be delivered as discounted market rent (preferably at London Living Rent levels), managed by the Build to Rent provider (or possibly via another designated manager).
- 3) *Design*: how the flexibility set out in Policy 3.5d of the London Plan could be applied to Build to Rent.
- 4) *Viability*: the 'threshold approach' for affordable housing, set out in Part two of the SPG for 'build for sale' developments, would not be applied to Build to Rent developments. Instead viability information would be required and assessed under a specific Build to Rent viability approach that recognises the distinct economics of the tenure.
- 5) *Management standards*: Build to Rent developments should showcase the best management practice in the rented sector.

143 These criteria are addressed in turn below:

- 1) *Definition*: The development meets the definition and qualifying criteria for Build to Rent development the following reasons:
  - The proposal is in excess of 50 units
  - The applicant has agreed that the buildings are secured as Build to Rent under a covenant for at least 15 years
  - The applicant has agreed to a 'clawback' mechanism to be secured by S106
  - All units are self-contained and let separately
  - There is unified ownership of the scheme
  - The scheme offers rent and service charge certainty for the period of the tenancy, the basis of which should be made clear to the tenant before a tenancy agreement is signed
  - There is on-site management (which Grainger will be responsible for)
  - Grainger have agreed to put a complaints procedure in place and is a member of the Property Redress Scheme
  - Tenants will not be charged up front fees other than deposits and rent in advance
- 2) *Affordable Housing Tenure*: This is assessed in the affordable housing section below. Overall, the tenure provided by the scheme is acceptable.
- 3) *Design*: The proposed design quality and space standards for future occupants is acceptable. The design and space standards are assessed in detail below.
- 4) *Viability*: The scheme has been viability tested by an external consultant; this is outlined below.

5) *Management Standards*: The applicant has demonstrated and committed to a high standard of management that includes:

- Availability of tenancies of at least three years
- Rent increases would be formula based and made clear to the tenant before signing
- On-site Management
- Complaints procedure to be put in place
- No up-front fees other than deposits and rent in advance

144 The proposed development would make a valuable contribution to housing supply and has demonstrated compliance with the Mayor of London’s criteria for Build to Rent developments. It is therefore considered that the proposed contribution housing supply is acceptable.

### **Housing Mix**

#### *Policy*

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

146 NPPF para 61 expects planning policies to reflect the need for housing size, type and tenure (including affordable housing) for different groups in the community.

147 LPP 3.8 states Londoners should have a genuine choice of homes, including differing sizes and types. Emerging DLPP H12 sets out that an appropriate mix of unit sizes should be informed by several criteria set out in the policy.

148 CSP 1 echoes the above with several other criteria however expects the provision of family housing (3+ bedrooms) in major developments. the Council will seek a mix of 42% as family dwellings (3+ bedrooms), having regard to criteria specified in the Policy relating to the physical character of the site, access to private gardens or communal areas, impact on car parking, the surrounding housing mix and the location of schools and other services

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

#### *Discussion*

150 The proposed housing mix across the development and both the private and affordable tenures is outlined in Table 1 below. The overall mix is set out in Table 2.

**Table 1: Dwelling Size by Tenure**

<b>Type</b>	<b>Private Housing</b>		<b>London Living Rent</b>		<b>Total Units (Hab. room)</b>
	<b>Unit</b>	<b>Habitable Room</b>	<b>Unit</b>	<b>Habitable Room</b>	
<b>1B2P</b>	105	210	57	114	162 (324)
<b>2B3P</b>	12	36	4	12	16 (48)
<b>2B4P</b>	69	207	40	120	109 (327)
<b>3B4P</b>	6	30	0	0	6 (30)

<b>3B5P</b>	18	90	13	65	31 (155)
<b>Total</b>	210 (65%)	573 (65%)	114 (35%)	311 (35%)	324 (884)

**Table 2: Overall Dwelling Size**

<b>Unit Size</b>	<b>No. of Units</b>	<b>%</b>	<b>No. of Habitable Rooms</b>	<b>%</b>
<b>1B</b>	162	50	324	36.7
<b>2B</b>	125	38.6	375	42.4
<b>3B</b>	37	11.4	185	20.9
<b>Total</b>	324	100	884	100

151 The proposed development provides a mix of dwelling sizes across both tenures as required by the development plan. The mix is considered appropriate for the urban location and given the high PTAL of the application site.

152 The proposed quantum of 3+ bedroom affordable housing is 11% of the total affordable provision which is lower than that recommended by CSP1. The mix is however considered acceptable in this instance given the urban location of the development and the build to rent nature of the development proposed. Whilst lower than the quantum sought by the Core Strategy, the scheme would overall provide an appropriate mix of dwellings and a valuable contribution to the provision of family housing in the borough.

### **7.2.3 Affordable Housing**

#### ***Affordable Housing Tenure***

##### *Policy*

153 The NPPF expects LPAs to specify the type of affordable housing required (para 62).

154 The Mayor of London's Affordable Housing and Viability SPG states that Where a developer is proposing a Build to Rent development which meets the definition set out above, the affordable housing offer can be entirely discounted market rent (DMR), managed by the Build to Rent provider. The Mayor outlines that the preferred form of DMR is London Living Rent (LRR).

155 LLR levels of rent and rules regarding eligibility are set by the GLA. To be eligible for a London Living Rent home, you must:

- be renting in London
- have a maximum household income of £60,000
- be unable to currently buy a home (including through shared ownership) in your local area.

156 The GLA publishes maximum monthly rents by number of bedrooms for new LLR homes (inclusive of service charges) in every ward in London, and updates these figures each year. The latest update was in 2019, for London Living Rent homes let in financial year 2020/21 (the previous figures are also provided below for reference). Providers are welcome to set rents below these levels if they wish.

157 The rent levels are derived from average local incomes and ward-level house prices. Broadly, the rent for a 2-bedroom property is based on one-third of the local median household income, and across London as a whole comes to around £1,030 a month, or

two thirds of the median monthly market rent in London of £1,500 reported by the Valuation Office Agency for 2018/19.

- 158 Rents for LLR homes vary according to their number of bedrooms. Using the two-bedroom rents for each ward as a benchmark, the rent for a 1-bedroom home is 10% lower, for a 3-bedroom home 10% higher and for a 4-bedroom home 20% higher. As a final affordability safeguard, the rent for any individual unit must be at least 20% below its assessed market rent.

*Discussion*

- 159 The application proposes that the affordable element of the residential scheme would be provided and London Living Rent. This is in accordance with the Mayor's preferred form of affordable tenure for Build to Rent schemes and as such is policy compliant and acceptable.
- 160 The London Living Rent product would be suitable for low to medium wage workers including key workers who otherwise often cannot be not prioritised for social housing due to the length of waiting lists and needs based banding.

***Affordable Housing Percentage***

*Policy*

- 161 LPP 3.10 defines affordable housing. LPP 3.12 states the maximum reasonable amount of affordable housing should be sought, having regard to several criteria in the policy.
- 162 CSP1 and DMP7 reflect the above, with an expectation of 50% affordable housing, subject to viability.
- 163 The Mayor of London's Affordable Housing and Viability SPG states that the Mayor has an expectation that residential proposals on public land should deliver at least 50 per cent affordable housing to benefit from the Fast Track Route, and thus not be subject to viability review.

*Discussion*

- 164 The scheme proposes the delivery of 114 affordable homes which equates to 35% of the total residential provision by unit and 35% by habitable room. The application proposes the affordable 35% to be provided as London Living Rent. This is below the 50% threshold for the 'Fast Track Route' as outlined by the Mayor's SPG – as such, the proposed scheme and Financial Viability Assessment (FVA) provided with such has been interrogated by an independent consultant on behalf of the Planning Service.
- 165 The Planning Service instructed GL Hearn to undertake a review of the applicant's FVA. Following review, and discussion with the applicant team in relation to build costs, GL Hearn concluded that the proposed scheme did not present a surplus profit, which could be transposed into, and additional affordable housing offer. As such the proposed affordable housing offer at 35% London Living Rent is considered acceptable. Additionally, it is recommended that early and late stage reviews (discussed further below) are secured through legal agreement meaning that if a surplus is identified at either of these stages, the affordable housing offer would be reviewed.
- 166 The GLA have also confirmed in writing that they are satisfied that the affordable housing offer is acceptable.

***Location of Affordable Housing***

*Policy*

- 167 The MHCLG National Design Guide (October 2019) places an emphasis on social inclusivity in reference to the delivery of a mix of housing tenures.
- 168 The guidance states that where different tenures are provided, that these should be well-integrated and designed to the same high quality to create tenure neutral homes and spaces, where no tenure is disadvantaged.
- 169 The guidance goes on to define “Tenure Neutral” as “Housing where no group of residents is disadvantaged as a result of the tenure of their homes. There is no segregation or difference in quality between tenures by siting, accessibility, environmental conditions, external facade or materials. Homes of all tenures are represented in equally attractive and beneficial locations, and there is no differentiation in the positions of entrances. Shared open or play spaces are accessible to all residents around them, regardless of tenure.”

#### *Discussion*

- 170 The applicant has indicated that the proposed development would be ‘tenure blind’ affordable units proposed would be ‘pepper-potted’ throughout the proposed buildings.
- 171 It is considered that the proposed development would be “Tenure Neutral” as defined by the National Design Guide in that there is no segregation or difference in quality between tenures by siting, accessibility, environmental conditions, external facade or material. Furthermore, there would be no differentiation in the positions of entrances and shared spaces will be available to all.
- 172 Given the above, the location of the proposed affordable housing is considered acceptable.

#### ***Review mechanisms***

- 173 Taking account of guidance in the Mayor of London’s Affordable Housing and Viability SPG, officers recommend that s106 obligations require the proposed level of affordable housing is subject to review.
- 174 The reviews will follow the templates and structure as set out by the GLA and will secure an early stage review (upon substantial implementation if the planning permission has not been implemented within two years) and a late stage review (when 75% of homes are sold or occupied and where developer returns meet or exceed an agreed level).
- 175 Such a review would include mechanisms to secure further on-site affordable housing provision or off-site payments in lieu where improvements in viability occur.

#### ***Summary of Affordable housing***

- 176 The proposed housing tenure of London Living Rent is in accordance with that required by the London Plan for a Build to Rent scheme and as such is acceptable. The proposed London Living Rent dwellings would provide a product suitable for people such as key workers who earn above the threshold to qualify for London Affordable Rent but cannot afford local market rents.
- 177 The amount of affordable housing has been reviewed by the Planning Service’s independent viability consultant and it has been concluded that 35% (by unit and habitable room) is the maximum possible quantum that the site can deliver. The viability assessment is attached as Appendix 2.

- 178 The affordable housing will be pepper-potted throughout the proposed development and would be tenure blind / tenure neutral meaning there would be no differentiation in quality between private and affordable units.
- 179 Given the above, the proposed development is policy compliant with regard to affordable housing provision, a planning benefit to which officers attach significant weight.

#### **7.2.4 Residential Quality**

##### *General Policy*

- 180 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP 3.5), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).
- 181 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight; (v) noise and disturbance; (vi) accessibility and inclusivity; and (vii) children's play space.

##### ***Internal and Private Amenity Space Standards***

##### *Policy*

- 182 Nationally Described Space Standards (NDSS) were released by the Department of Communities and Local Government in March 2015 to replace the existing different space standards used by local authorities. It is not a building regulation requirement, and remains solely within the planning system as a new form of technical planning standard. The national housing standards are roughly in compliance with the space standards of the London Plan and its Housing Supplementary Planning Guidance (2016).
- 183 In addition to this, DM Policy 32 seeks to ensure that new residential development provides a satisfactory level of privacy, outlook, direct sunlight and daylight. It also states that new housing should be provided with a readily accessible, secure, private and usable external space and includes space suitable for children's play.
- 184 With regard to private amenity space, Standard 4.10.1 of the Mayor's Housing SPG states that 'a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant'.
- 185 Standard 31 of the London Plan Housing SPG states that "A minimum ceiling height of 2.5 metres for at least 75% of the gross internal area is strongly encouraged".
- 186 London Plan Policies require 10% of residential units to be designed to Building Regulation standard M4(3) 'wheelchair user dwellings' i.e. being designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users, with the remaining 90% being designed to M4(2) 'accessible and adaptable'.

##### *Discussion*

- 187 All units have been designed to meet or exceed the National Technical Standards in terms of overall unit sizes and the internal space standards of individual rooms and storage space as set out in Policy 3.4 of the London Plan (2016) and DM Policy DM 32. All residential units would have a minimum ceiling height of 2.5 metres.
- 188 The scheme proposes 62% dual aspect vs 38% single aspect units. Through the pre-application process, the applicant has worked to reduce the number of single aspect north

facing units proposed across the development. This has been reduced to 6 units of the 324 total proposed. The single aspect units generally are located where they overlook green spaces or have longer more open views to compensate. Additionally, the single aspect north facing units are 14% larger than the minimum prescribed floorspace improving the quality of internal accommodation.

- 189 It is regrettable that any proposed units are single aspect north facing, however, it is common on a scheme of this scale for a small number to be proposed. It is noted that these units would have direct access from communal corridors to rooftop amenity spaces. As such, the proposed units are considered acceptable with regard to aspect.
- 190 The applicant has proposed a unified balcony size across the 1 and 2 bedroom units of 6sqm and across the 3 bedroom units of 8sqm. This is as a result of a desire to provide a consistent bay balcony elevational approach in order to deliver a coherent and more successful approach to elevational design.
- 191 As a result the one bedroom unit balconies would be oversized by 1sqm (5 sqm requirement vs 6 sqm proposed) and the two bedroom unit balconies would be undersized by 1sqm (7 sqm requirement vs 6sqm proposed). The 3 bedroom units would be policy compliant with 8sqm provided.
- 192 The proposed development would otherwise provide excellent amenities for residents in the form of a resident's gym, residents lounge, communal roof terrace and communal outdoor amenity space. Additionally, the pentagonal arrangement of the balconies provides a more functional space allowing a table and set of chairs to be comfortably accommodated.
- 193 Given this, and the oversized 1 bedroom and policy compliant 3 bedroom balconies, the undersized 2 bedroom balconies (by 1sqm) are considered acceptable in this instance. Additionally, the proposed residential units meet Standard 27 of the Housing SPG (2016), with private balconies exceeding the 1500mm minimum width and depth.
- 194 The development has been designed to accommodate 10% wheelchair user dwellings (M4(3)) with the remaining 90% achieving accessible and adaptable standard (M4(2)) An appropriate obligation is recommended to secure the details.

### ***Outlook & Privacy***

#### *Policy*

- 195 Standard 28 of the Housing SPG requires that design proposals demonstrate how habitable rooms within each dwelling are provided with an adequate level of privacy in relation to neighbouring property, the street and other public spaces.
- 196 DM Policy 32 requires new residential development provides a satisfactory level of privacy, outlook and natural lighting both for its future residents and its neighbours.

#### *Discussion*

- 197 The proposed scheme presents a good level of outlook and privacy for all proposed residential units. The layout and floorplan has been designed in such a way so as to reduce overlooking between proposed units. Where tight adjacencies exist between the proposed blocks, habitable rooms and windows have been orientated away from adjacent blocks so as to minimise overlook and to maximise outlook. This is assisted by the low degree of proposed single aspect north facing units.

### ***Overheating***

#### *Policy*

198 The Building Regulations Part F: Ventilation control the construction of buildings in England. Policy 5.9: Overheating and cooling of the London Plan provides the policy basis for considering development proposals, with a focus on energy efficient design, elevational design, passive ventilation, mechanical ventilation (where essential) and other measures. DM Policy 32 outlines a presumption against single aspect units to, amongst other factors, help prevent overheating.

*Discussion*

199 The application has been submitted with an overheating analysis in accordance with TM59 requirements. This analysis has outlined that the apartments would not overheat but outlined that additional measures may need to be put in place to ensure all apartments could be adequately “comfort cooled”.

200 The GLA and the Council’s Sustainability Manager requested that the applicant provide details of these measures. The applicant has responded and outlined that in lieu of upward operating blinds the developer will provide solid opaque shutters to low level fixed windows to apartments at risk of failing to comply with the CIBSE TM59 assessment methodology, shutters will not be installed where their presence is not required to demonstrate compliance with TM59.

201 The applicant has also agreed to commit to providing guidance to the occupants on methods to reduce of the dwellings overheating.

202 The GLA and the Council’s Sustainability Manager have indicated that they are satisfied with the responses and mitigation provided. Given the above, the proposed development is acceptable with regard to overheating.

***Daylight and Sunlight (Proposed Units)***

*Policy*

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

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

*Discussion*

205 The application has been submitted with an “Internal Daylight, Sunlight and Overshadowing Report” prepared by GIA. Daylight, Sunlight and Overshadowing of the proposed units and external spaces are discussed in turn below.

*Daylight*

206 The results of the technical assessments show very good levels of daylight and sunlight in the scheme with 88% (745 out of the total 849) of all proposed habitable rooms meeting or exceeding the recommended levels of ADF and 85% with a very good sky visibility. The majority of living spaces (72%) also see good levels of APSH and 71% of them experience good sunlight levels in the winter period. A further 24 living/kitchen/dining rooms achieve the recommendation of 1.5% ADF for living areas. As this level of daylight is considered acceptable for living spaces, it would be concluded that 769 out of the 849 (91%) of all habitable rooms assessed will offer future occupants good levels of daylight.

207 Where some units fall below the recommended standards, this is as a result of the provision of projecting balconies which inevitably reduce daylight but are a necessary design requirement.

208 Only 17 of the total 143 main living spaces assessed fall short of the BRE recommendation for ADF. However, 5 of them fall just marginally short of the recommendation and see between 1.3-14 % ADF where 1.5% ADF is suggested, and another 3 see good levels of sky visibility. Therefore, the daylight perception within these rooms are still considered good.

### Sunlight

209 The results show that 72% of the tested living areas are well sunlit throughout the year, exceeding the BRE recommendations for Annual Probable Sunlight Hours and 76% of the assessed living areas exceed the recommended sunlight hours in the winter time.

210 The occurrence of low sunlight availability in some of the tested rooms is due to the provision of balconies that obstruct the direct access to sunlight, and to some of the rooms location on the lowest floors.

211 However, direct sunlight is likely to reach the majority of balconies and good levels of sunlight throughout the year can be experienced by future occupants through the use of their private amenity space.

212 Overall, the applicant team has designed a balanced scheme, providing future occupants with good levels of daylight and sunlight whilst all units still have access to balconies. As such it is considered that the daylight and sunlight performance of the proposed building to be acceptable.

### Overshadowing

213 All areas of communal amenity within the scheme have been assessed for overshadowing. BRE guidance recommends that, in order for an area to appear well sunlit, at least half to see at least two hours of sunlight on 21st March as per the BRE recommendations

214 A total of five areas have been assessed, these are:

- The Garden Square
- Open space on the corner of Briant Street and Besson Street
- Entrance of the GP premises
- Open space between Blocks A1 and B1
- Roof Terrace within Block D

215 All but one of the tested areas see excellent levels of sunlight throughout the year. The Garden Square see levels of sunlight on the 21st of March marginally lower than the BRE requirements. However, further assessments by GIA demonstrate that 50% of this area will comply with the BRE criteria on the 4th April, shortly after the 21st March recommendation.

216 In addition to this, the sun exposure assessments show that very good sunlight levels will be experienced during the summer period and the vast majority of this space sees at least four hours of sunlight.

217 Overall it is considered that the proposed development would deliver a high quality of communal amenity space for a scheme located in an urban location.

### **Noise and Disturbance**

### *Policy*

- 218 With regard to internal noise levels of the residential units, Part E of the Building Regulations controls noise transmission between the same uses and is usually outside the scope of Planning.
- 219 Planning controls the effect of noise from external sources on residential uses and noise transmission between different uses. The relevant standard is BS: 8233:2014. This states the internal noise levels within living rooms must not exceed 35dB(A) during the daytime (0700-2300) and 30 dB(A) in bedrooms during the night –time (2300-0700).
- 220 With respect to external areas, BS 8233:2014 recommends that external noise level does not exceed 50dB LAeq,T with an upper guideline of value of 55dB LAeq,T.

### *Discussion*

- 221 The application has been submitted with a Noise Assessment (reference 16/0562 ref 4) dated 6 November 2019 prepared by Cole Jarman, which assesses external noise levels at the site and to determines the mitigation that would need to be incorporated into the proposed scheme to achieve levels inside the development that meet national and local planning requirements.
- 222 In terms of noise generation, the most significant land uses in close proximity to the site are:
- Taylor Pearce, a stonework restoration business at Fishers Court
  - The New Cross Christian Centre at 15 Besson Street
  - The Music Room rehearsal studios at 116-118 New Cross Road
  - Kender Primary School to the east of the development site
- 223 A noise survey was undertaken in 2019 and is included as part of the Noise Assessment. The noise survey was also supplemented with historic data (2017) to quantify noise from adjacent music practice studios (The Music Room) – it is understood that this was at The Music Rooms request. The survey results were then used to assess levels of noise intrusion to rooms of the dwellings and GP surgery, as well as external amenity areas.
- 224 The assessment found that the majority of the site was subject to moderate levels of road traffic noise, aircraft noise and, at certain times of day, playground noise. Specific areas of the site were affected by industrial noise and music noise. The magnitudes of noise levels from these sources were not considered high, but they have been assessed in detail due to the greater potential for disturbance caused by such noise.
- 225 The assessment shows that noise from all sources affecting the site can be sufficiently controlled through use of appropriately specified glazing and alternative means of background ventilation to remove the need to open windows. Mechanical Heat Ventilation Recovery (MVHR) units are proposed in the residential flats and a mechanical ventilation system would be required to serve the GP surgery.
- 226 The assessment recommended that the MVHR units serving flats most exposed to these sources are selected to have a 'boost' setting to enable users to increase ventilation rates, thereby minimising the need to open windows during the most significant periods of noise. The assessment highlighted that windows could be opened over night without significant impact from said commercial uses as well as long periods of the day when these activities do not occur (or are conducted at low noise levels).
- 227 The Council's Environmental Protection Officer (EPO) has reviewed the submitted Noise Assessment and agreed with the assumptions and recommendations but required further clarification with regard to ventilation (discussed below). The EPO noted that the main

aspect of consideration is in relation to noise escape from The Music Room and the potential impact of this upon residents.

- 228 The EPO noted that of particular importance for mitigation from The Music Room is the ventilation specified for the most affected facades (those facing The Music Room, labelled as D and E in the Noise Assessment). As above, the assessment proposes that the MVHR units serving these dwellings have a 'boost' setting that can be operated by the user to increase ventilation rates to provide Mechanical Ventilative Cooling to these rooms while minimising the need to open windows during the most significant periods of studio, industrial and church noise.
- 229 The EPO noted that the proposed mitigation is to have a boost setting, however it isn't clear as to whether this will be sufficient to provide the necessary air change during heat build-up. The EPO noted that they would need confirmation on options for cooling as well as an indication of whether the addition of a boost setting, is sufficient insofar as that those residents that may need to keep windows shut closed during periods of noise would be able to do so.
- 230 The applicant has responded to state that the overheating assessment submitted as part of the Energy Assessment prepared by Silcock Dawson and Partners demonstrates that the proposed units would be compliant with regard to policy relation to overheating (as assessed above in this report). The Council's Sustainability Manager has confirmed that adequate mechanical cooling would be available for future occupants.
- 231 Further to the above, and in response to the GLA Stage 1 comments the applicant has agreed to modify the balconies of the 10 units closest to The Music Room to have solid balustrades to further mitigate any potential noise pollution. The details of the solid balustrades would be secured by condition. The applicant had also considered the use of winter gardens in this location but were discounted as the Noise Assessment indicated that they were not required to mitigate noise generated by The Music Room or other noise generating uses.
- 232 The Greater London Authority and the Council's Environmental Protection Officer have stated that they are satisfied with regard to the measures to protect future occupants against noise pollution.
- 233 A late objection (dated 14<sup>th</sup> July) has been received from The Music Room in relation to how noise from their operation may result in objections from future residents of the proposed development. The objection is summarised as follows:
- Concerns that the noise survey undertaken in 2019 were during a quiet period and not representative of the usual noise generated by The Music Room.
  - Concerns that the 2017 survey may not have fully assessed noise generated by the beer garden and all studios within The Music Room.
  - The 2017 survey was likely not to have taken account of noise escape from the western elevation and roof of The Music Room.
  - The noise assessment submitted with this application found that music noise level of 57 dB LAeq,T could occur at the proposed residential balconies and that this would be audible on the closest balconies and inside the apartments with windows open.
  - There would be reliance on opening windows in warm weather resulting in noise within proposed residential units.
- 234 In response to the above it is noted that the 2019 survey was undertaken over a period of almost a week. It is understood that the most significant levels of noise produced corresponded to a rock band rehearsing. Following discussions with The Music Room it is understood that it was agreed to also incorporate the results of a 2017 survey

commissioned by The Music Room into the noise assessment for submission with the planning application.

- 235 The substantial glazing specified to control music noise ingress to the most exposed new flats would also mitigate noise from The Music Room's rear external ancillary space. Noise levels generated by a raised voice in this area at the nearest building façades are predicted to be lower than those associated with the worst case music event on which the assessment is based and at frequencies that are more readily attenuated by windows to the flats.
- 236 With regard to noise levels on the balconies the BS 8233:2014 guidance states that:
- 237 *"For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments."*
- 238 *"Other locations, such as balconies, roof gardens and terraces, are also important in residential buildings where normal external amenity space might be limited or not available, i.e. in flats, apartment blocks, etc. In these locations, specification of noise limits is not necessarily appropriate."*
- 239 Whilst the guidance of 50 to 55 LAeq,T does not specifically apply to balconies, it is understood that the design team has sought to achieve this target. Only a few instances of 57 LAeq,T were predicted on balconies closest to The Music Room using sound levels measured from the loudest rehearsal recorded by the noise assessments. Significantly, it is noted that these levels were predicted prior to the design being amended to include solid balustrades which would further reduce the noise levels experienced on these balconies. The applicant has confirmed that with the solid balustrades in place, that all balconies would comply with the 55 LAeq,T guidance level at seated level.
- 240 As outlined above, future occupants would have sufficient mechanical ventilation to enable future occupants, should they wish, to achieve adequate cooling of their apartments without the need to open their windows or openings to balconies – these details would be secured by condition.
- 241 Notwithstanding the above, in light of late representations received and to be certain that the worst case scenario noise levels have been captured and accounted for in the mitigation, Planning Officers and the Council's Environmental Protection Officer recommend that an independent third party assessment is secured by legal agreement. This assessment would be commissioned by the Council, at the applicant's expense and any additional mitigation identified within the report would be required to be implemented prior to occupation of the proposed residential units. If no additional mitigation is required, then the existing mitigation through glazing, ventilation systems and balcony design are still captured.
- 242 Additionally, the applicant has offered to agree a Deed of Easement across the entire development site which would protect the operators of The Music Room from complaints from future residents should they arise. This is discussed in detail in the Agent of Change section of this report below.

### ***Agent of Change***

#### ***Policy***

- 243 Policy D13 'Agent of Change' of the Intend to Publish London Plan (2019) places the responsibility for mitigating impacts from existing noise generating activities or uses on the proposed new noise-sensitive development. Policy D13 goes on to state that Boroughs

should ensure that planning decisions reflect the Agent of Change principle and take account of existing noise generating uses in a sensitive manner when new development is proposed nearby.

*Discussion*

- 244 As above, in terms of noise generation, the most significant land uses in close proximity to the site are:
- Taylor Pearce, a stonework restoration business at Fishers Court
  - The New Cross Christian Centre at 15 Besson Street
  - The Music Room rehearsal studios at 116-118 New Cross Road
  - Kender Primary School to the east of the development site
- 245 DLPP 13 'Agent of Change' states that The Agent of Change principle places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. Boroughs should ensure that Development Plans and planning decisions reflect the Agent of Change principle and take account of existing noise and other nuisance-generating uses in a sensitive manner when new development is proposed nearby. Development should be designed to ensure that established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them.
- 246 DLPP 13 goes on to state that development proposals should manage noise and other potential nuisances by:
1. ensuring good design mitigates and minimises existing and potential nuisances generated by existing uses and activities located in the area
  2. exploring mitigation measures early in the design stage, with necessary and appropriate provisions including ongoing and future management of mitigation measures secured through planning obligations
  3. separating new noise-sensitive development where possible from existing noise-generating businesses and uses through distance, screening, internal layout, sound-proofing, insulation and other acoustic design measures.
- 247 With regard to the Agent of Change principle, the most significant source of noise is The Music Room given its close proximity to the application site, directly adjacent to building proposed at the north of the site at New Cross Road.
- 248 As above, the planning application is accompanied by a comprehensive Noise Assessment. This assessment has had particular regard to the above policy context and has recommended mitigation measures to provide a suitable internal noise environment for future occupiers to minimise noise impacts from existing noise generating receptors, including those referred to above. The assessment demonstrates this could be achieved through use of high specification glazing and mechanical ventilation. The application would be conditioned to ensure that glazing and ventilation was installed as per the recommendations of the assessment.
- 249 As outlined above, the operators of The Music Room have expressed concerns about perceived risks of noise complaints from future residents that could impact its business. The applicant has confirmed that they have modelled noise data provided by Music Room London within the submitted Noise Assessment. This is discussed in detail above.
- 250 Notwithstanding this, the applicant has offered to provide additional mitigation in the form of solid balustrades for the 10 units within Block A1 that are closest to Music Room London. The application would be conditioned to secure the installation of these solid balustrades. The GLA has confirmed in writing that they are satisfied with this approach.

- 251 The proposed development has been subject to an iterative and evolving design approach that has sought to minimise the number of residential units in close proximity to existing noise generating uses in the vicinity of the site. The outcome of this has been to locate commercial and shared amenity spaces in proximity to existing noise generating businesses and uses in order to avoid any likely conflict between residents and existing businesses.
- 252 On the above basis, the proposed development satisfies the Agent of Change principle as per Policy D13 of the Intend to Publish London Plan and is compliant with the Development Plan and the NPPF on this matter. It should be noted that responding appropriately to the Agent of Change also needs to be considered against other policy objectives of the Development Plan and NPPF, in particular the need to effectively re-use brownfield sites. The application site has been vacant since circa 2007 and its redevelopment would make a material contribution to the Council's housing supply, as well as providing a GP surgery, pharmacy and community facilities amongst other planning merits.
- 253 In addition to the above, the applicant has outlined that they are prepared to enter into a deed of easement in favour of The Music Room London. This is a legal document that would be conditional upon implementation of planning permission for the proposed development, and would grant The Music Room defined rights over the whole of the application site by allowing it to produce noise up to specified levels during its permitted hours of operation. The relevant hours and the related noise levels would be a matter of detail to be picked up in the deed of easement itself. The Council would not be a party to this deed: it would be a bi-lateral agreement between The Music Room and the applicant.
- 254 Such an easement would provide an additional layer of protection to the Music Room in that easement would not just cover the 10 units closest to the music rehearsal venue but would extend to all units across the scheme and be conditional upon implementation of the planning permission. In effect, this would preclude all future occupants from objecting to any potential noise nuisance generated by Music Room London, so long as it operates within the noise limits and hours of operation to be specified in the deed. The terms of an easement are subject to ongoing discussion between the parties. It is recommended that new residents would receive a joining pack making them aware of the deed of easement and what it means for them as residents. This would be secured by condition.
- 255 Further to the above, it is recommended that an independent third party assessment is secured by legal agreement. This assessment would be commissioned by the Council, at the applicant's expense and any additional mitigation identified within the report would be required to be implemented prior to occupation of the proposed residential units.
- 256 Given the above, the proposed development satisfies the agent of change principle as outlined in Draft London Plan Policy D13.

### ***Accessibility and Inclusivity***

#### *Policy*

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

#### *Discussion*

- 258 The development has been designed to accommodate accessibility and inclusivity. An appropriate condition is recommended to secure the details.

259 There is level access from all Ground Floor entrance locations as well as to all communal areas. 33no. Wheelchair (WCH) units are provided (10%) meeting M4(3), all remaining units (90%) would be adaptable M4(2).

260 In accordance with Standard 4 of the Housing SPG (2016) the communal space is accessible to disabled people including people who require level access and wheelchair users. In accordance with Standard 16, every wheelchair dwelling is served by more than one lift.

**Children’s play space**

*Policy*

261 LPP 3.6 states housing proposals should make provision for play and informal recreation

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

263 The child occupancy and play space requirement for the proposed dwelling and tenure has been calculated using the Mayor’s Play Space Calculator Tool, as below.

**Table 2: Children’s Playspace Requirements and Provision**

	<b>No. of Children</b>	<b>Playspace Requirement (sqm)</b>	<b>Proposal (sqm)</b>
Under 5s	29.5	295	360
5-11 years	19.3	193	205
12+ years	6.6	66	110
Total	55.4	554	675

264 Table 4.7 of the Mayor’s Play and Informal Recreation SPG states that for new developments with a child yield of 10-29, on-site playable space is required as ‘doorstep play’. For 5-11s it is permissible for facilities to be provided off-site, providing they are within 400m of the Site. For 12+years, facilities can be provided off-site, providing they are within 800m of the Site. The application proposes in excess of the London Plan requirements for all age groups (including 12+ years) to be provided on-site. In addition to the playspace to be provided on site, the following open spaces are located within walking distance from the application site:

**Table 3: Open space within walking distance**

<b>Open Space</b>	<b>Walking Distance from nearest part of the Site</b>
Besson Street Community Gardens	20m (>1 min walk)
Eckington Gardens	130m (2 min walk)
Hatcham Gardens	260m (3 min walk)
Somerville Youth and Play Provision	270m (3 min walk)
Brimmington Park	750m (9 min walk)

Telegraph Hill Lower Park	750m (9 min walk)
Fordham Park	950m (12 min)
Hard play surface at Brayards Estate	1km (12 min walk)
Bridgehouse Meadows	1.1km (13 min walk)
Cossall Park	1.1km (13 min walk)
Folkestone Gardens	1.2km (14 min walk)

### *Discussion*

265 The applicant has outlined that the key objectives for play are to;

- Integrate play opportunities across the landscape;
- Promote health and well-being for all ages;
- Activate the site while maintaining passive surveillance;
- Provide a safe playful journey between the school/nursery and New Cross Road;
- Support local community groups and activities;
- Use natural play economy;
- Provide a range of physical challenges for play; and
- Provide educational opportunities through play.

266 The landscaping has been designed to be inherently playful in nature. A series of playable routes and elements have been integrated into the landscaping within soft landscaping and a variety of multifunctional spaces including a petanque area. Overall, the quality of the play space provided is considered to be excellent with opportunities for children of all ages. The location of the playspace also allows for natural surveillance from the residential properties which surround the central courtyard or “garden square”

267 In terms of the London Plan requirements, the proposed development would provide in excess of the prescribed space requirements across all age groups.

### **7.2.5 Housing conclusion**

268 It has been demonstrated that the proposed development would provide a substantial uplift in housing over that which existed previously and the previously approved scheme which was not implemented, at an appropriate density for a site that is located in a Strategic Site Allocation, Regeneration and Growth and Opportunity Area.

269 The proposals would utilise this brownfield site, providing an appropriate dwelling mix and tenure split with a high-quality standard of residential accommodation provided for all potential future occupiers providing a substantial number of high-quality new homes within the Borough. This material public benefit is afforded substantial weight by officers.

270 The applicant has robustly evidenced that the proposed quantum of affordable housing is the maximum and reasonable amount at this time, in accordance with Core Strategy Policy 1, the London Plan and the NPPF. This has been confirmed by the Council’s independent viability consultants. Early and late stage viability reviews, secured as part of a Section 106 Agreement will ensure that any uplift is captured and further onsite or financial contributions towards housing provision are secured for the residents of Lewisham.

## 7.3 EMPLOYMENT

### 7.3.1 Proposed Employment

#### *Policy*

- 271 Para 80 of the NPPF states “Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”
- 272 LPP 4.1 sets out the Mayor of London’s approach to the continued growth and economic development of all parts of London.
- 273 Core Strategy Spatial Policy 2 of the Local Plan supports development of offices on sites within Regeneration and Growth Areas.

#### *Discussion*

- 274 The application proposes a range of employment generating uses, including the potential for some flexible office space. The employment offer is summarised in Table 4 below.

**Table 4: Proposed Employment Offer**

<b>Use Class</b>	<b>Area / FTE (sqm)</b>	<b>Proposed Floorspace (NIA)</b>	<b>Total Jobs</b>
A1/A3/B1 flexible unit	13.3	86.24	6.5
A1 pharmacy	17.5	94.88	5.5
Total		181.12	11

- 275 The figures above have been derived from the Homes & Community Agency (HCA) Employment Density Guide. The area to Full Time Equivalent (FTE) member of staff for the flexible unit has been taken as a blended figure across the A1, A3 and B1 uses; the area for the A1 pharmacy has been taken as the midpoint of the 15-20sqm recommendation within the guidance. The NIA or Net Internal Area has been calculated as 80% of the proposed GIA or Gross Internal Area.
- 276 Table 3 indicates that the proposed development would create 11 full time jobs across the flexible use unit located within the concierge building at the New Cross Road end of the site, and the A1 pharmacy located adjacent to the GP surgery on Besson Street. In addition to this, the New Cross Gate Trust (NXGT) who will operate the GP Surgery and Community Space, have identified that the GP surgery would provide employment for 18 staff and 6 new jobs (likely part time) for the operation of the community centre. This amounts to an estimated 35 jobs across the application site. Furthermore, the proposed development would generate further employment in the form of management staff associated with the Build to Rent residential use – the applicant estimates that this would amount to 1 general manager, 4 part time staff and further additional part time roles in cleaners and handypersons.

### 7.3.2 Local Labour

- 277 The Council’s Planning Obligations SPD states that the Council will require both financial and non-financial obligations with regard to Local Labour. The applicant has agreed to a Local Labour Business Strategy as required by the SPD – the details of the Local Labour

Business Scheme would be subject to agreement with Lewisham's Economic Development Team but the applicant has outlined that they would be willing to target 50% of construction workers being from Lewisham, as well as where possible employing Lewisham residents for the operational employment opportunities.

278 With regard to the financial contribution, in accordance with the SPD a contribution of £177,562 would be required. In this instance, the viability assessment submitted by the applicant and interrogated by the Council indicates that there is no surplus generated by the scheme with provision of 35% affordable housing, a GP surgery and new community space. As such, for the applicant to be in a position to provide a financial contribution for Local Labour, the affordable housing offer would have to be reviewed. As this is not desirable and the applicant has committed to a Local Labour Business Scheme, it is considered acceptable in this instance that if a surplus is identified by either the early or late stage viability reviews, this could then be transposed into a financial contribution subject to the Council's priorities or requirements at the time. Subject to this, the application is acceptable with regard to contributions towards local labour.

### **7.3.3 Employment conclusion**

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

## **7.4 SOCIAL INFRASTRUCTURE**

### **7.4.1 Healthcare facilities**

#### *Policy*

280 CSP 19 states that the Council will work with its partners to ensure a range of health, education, policing, community, leisure, arts, cultural, entertainment, sports and recreational facilities and services are provided, protected and enhanced across the borough.

281 CSP 20 also promotes healthcare provision and healthy lifestyles.

282 The Lewisham Infrastructure Delivery Plan (IDP), as referenced by the Core Strategy, has identified a need for an additional 27 GPs in Deptford and New Cross.

283 The application site is subject to a Strategic Site Allocation (SA7) as identified by the Site Allocations Local Plan. The strategic allocation allocates the site to include a GP surgery, amongst other uses.

#### *Discussion*

284 The existing surgery is understood to employ 15 GPs whereas the proposed GP surgery would provide 18 GP jobs.

285 There is a need, as identified by the Core Strategy and IDP for an additional 27 GPs in Deptford and New Cross. The proposed development would result in a net increase in GP employment (3 no.) and thus would make a valuable contribution, to which officers attach considerable weight. Additionally, the proposed GP provision is in accordance with the Strategic Site Allocation (SA7). This is a planning merit to which officers attach significant weight.

## **7.4.2 Community facilities**

### *Policy*

286 As outlined above CSP 19 seeks to ensure community uses (amongst others) are provided, protected and enhanced across the borough.

### *Discussion*

287 The application proposes a total of 126.9 sqm (GIA) of community space (Use Class D1) for the NXGT to host activities such as community events, meetings and classes. The layout of the space is adaptable and can be divided for simultaneous activities through use of a partition. It is provided with a dedicated external landscaped area which is suitable as a spill-out space for activities as well as an outdoor resource for wider community events.

288 The provision of this space is in accordance with the aspirations of the Development Plan. The community space would provide a valuable asset for existing and future residents of the area and is a planning merit to which officers attach significant weight.

## 7.5 URBAN DESIGN

### *General Policy*

- 289 The NPPF at para 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 290 Urban design is a key consideration in the planning process. The NPPF makes it clear that Government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Paragraph 124 of the NPPF states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 291 London Plan Policy 7.6 Architecture requires development to positively contribute to its immediate environs in a coherent manner, using the highest quality materials and design.
- 292 Policy 7.7 of the London Plan (2016) sets out the requirements for tall building development.
- 293 DM Policy 33 seek to protect and enhance the Borough's character and street frontages through appropriate and high-quality design.
- 294 Core Strategy Policy 15 High quality design for Lewisham repeats the necessity to achieve high quality design but also confirms a requirement for new developments to minimise crime and the fear of crime.
- 295 CS Policy 18 provides parameters associated with the location and design of tall buildings. It identifies that the location of tall buildings should be informed by the Lewisham Tall Buildings Study (2012). It sets out a clear rationale for tall buildings in design terms, outlining where tall buildings might be considered as being inappropriate.
- 296 DMLP Policy 30, Urban design and local character states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. The London Plan, Lewisham Core Strategy and Lewisham DMLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.

### 7.5.1 Appearance and Character

#### *Policy*

- 297 Planning should promote local character. The successful integration of all forms of new development with their surrounding context is an important design objective (NPPG).
- 298 In terms of architectural style, the NPPF encourages development that is sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (para 127). At para 131, the NPPF states great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area.
- 299 LPP 7.4 expects development to have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. LPP

7.6 states architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape.

#### *Discussion*

- 300 The neighbouring context is characterised by a mixture of building types, in terms of scale, function and age. This has resulted in a varied and fragmented urban fabric surrounding the application site.
- 301 The development along New Cross Road consists of buildings of varied architectural styles and roof scape, comprising retail and leisure uses at ground floor, with residential or office accommodation above. Gerrard House and Hatfield Close signal an area of increased height in New Cross Road, to the north west of the site. The road itself remains a busy thoroughfare, forming a primary route through New Cross, between central London and the south-east.
- 302 The built environment between New Cross Road and Queen's Road to the west and south of the site is primarily made up of post-war and contemporary residential development with some light industrial uses to the west.
- 303 The Hatcham Conservation Area to the north has a more consistent Victorian character with two storey residential terraces that have a largely homogenous appearance, constructed of yellow brick with single storey canted bay details. Tree lined streets with continuous terraces contribute to the overall domestic appearance of the area.
- 304 The area to the south of Queens Road extending up to Telegraph Hill Upper Park, part of the Telegraph Hill Conservation Area, is similarly consistent, with a Victorian character and predominantly low rise residential yellow stock brick terraces.
- 305 The iteration of the proposals submitted as part of this planning application has been subject to rigorous and comprehensive pre-application review through a Planning Performance Agreement with the Planning Service.
- 306 A number of studies were carried out to assess the specific height and building line location in relation to the immediately adjacent buildings and the more characteristic street alignment further south along the road. The typological reference of the mansion block has informed the approach to the private residential amenity, which is proposed in the form of bay balconies.
- 307 The bay balconies expression as a vertical element indented into the building form establishes the rhythm of the façade composition. To enhance the repetition of this element, a strategy was studied to enable a recurring size of balcony as much as possible.
- 308 The facade studies are centred on exploring one main composition element of this typology, the bay balconies, characterful way of defining the buildings' language and establishing identity to the development. The bay element is also a frequent and familiar feature in the local residential context, and notably in the two conservation areas close to the site.
- 309 From mansion block typology the design team extracted a language of overall consistency that adapts within repetition, easily accommodating slight variations which seemed suited to the extent of development being considered. Frequent reflections of the mansion court composition are the articulation through the use of feature stone work, stepped plans and framing elements.
- 310 These themes were explored through a series of iteration studies. Various combinations of brick, reconstituted stone and steel were explored to define the enclosure of the bays

and the structural approach to its construction, considering different materials and technical solutions for this purpose. These are discussed further below

- 311 With regard to the New Cross Road building, the ground floor single storey element is designed to reflect the commercial extensions to the Victorian terraces to the east of the site along New Cross Road, aligning with the railings of the Music Room to the east. The two upper floors are set back from this plane, relating instead with the alignment of the residential buildings to the west. The proposed height matches the average datum of the neighbouring properties to the east.
- 312 The building massing proposes an identifiable presence of the development along New Cross Road, configuring a site entrance that is revealing of the mural of the adjacent locally listed Music Room rehearsal studios.
- 313 Overall, the scheme is considered to be sympathetic to the prevalent local character, expressing this in a modern and respectful fashion. The appearance and character of the proposed development are considered an appropriate response to the existing built environment.

### ***Layout***

#### *Policy*

- 314 LPP 7.1(d) states the design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood.

#### *Discussion*

- 315 The proposed layouts reflect the ambition of creating an integrated mixed use development that provides easy access to residents and the wider community. The layout is largely similar to that of the previously approved scheme, with buildings focused towards the periphery of the site, a communal space to the centre of the site, and a moment of height on the Besson Street and Briant Street junction.
- 316 The non-residential uses are located fronting the surrounding streets at ground floor level, offering good visibility and access from the public realm, and the primary communal residential entrances are evenly distributed around the buildings facing these streets. This strategy helps establish active street frontages balancing the streetscape and avoiding large extents of inactive frontages.
- 317 The central communal amenity space has a more sheltered character, surrounded exclusively by residential accommodation including at ground floor level to which the soft landscaped areas provide visual and accessible communal amenity, even if open to the public as a route through.
- 318 The footprint layouts and massing studies were driven by the main design principle of providing a generous and varied communal external amenity, to be used by new residents as well as being publicly accessible to the wider community.
- 319 This is reflected in the way the buildings are organized around one big central space, that is easily accessed from all the surrounding streets through the spaces between the buildings and extends to the north until it meets New Cross Road connecting both ends of the site. The buildings' chamfered form adjusts to and signals the proposed routes through. The proposed buildings are considered to repair and reinstate the streetscene along Besson and Briant Streets, as well as on New Cross Road.

- 320 This proposed garden square is consistently defined by the seven storey 'shoulder height' to three of its sides opening up towards its southern end, where the gap between buildings widens to suggest its main access route. The taller building sits slightly to the side, contributing to the definition of the central space.
- 321 This external space has a particular character given by the geometry of the faceted bay balconies which imprints a strong rhythm and activity to the facades.
- 322 The scale of the space was continuously assessed through the design development process and careful consideration given to its environmental qualities. The studies developed for the landscape proposal adopted an integrated approach to complementary uses with playable elements and opportunities for exercise fully integrated in the design rather than zoned in defined areas. Entrances to the buildings are typically located at the base of the bay balconies, formalised by columns enclosing the covered area as a portico.
- 323 The massing and orientation of the buildings as well as the use distribution studies have been informed by the ambition of providing several aspects to the residential accommodation and minimising single aspect north facing apartments.
- 324 The blocks around the central space are positioned and configured in order to provide good levels of privacy to all residential units, and maximising generous internal courtyard dimensions of 26m x 55m from facade to facade (which is broadly equivalent to the size of 5.5 tennis courts). An image of the proposed central or 'garden square' is indicated in Image 3 below:

**Image 3: CGI of the proposed garden square**



- 325 The architects have outlined that the breaks between the blocks along Briant Street were studied and kept intentionally narrow in order to create a massing which feels urban and helps define the entrances to the open courtyard, acting as transition spaces in the public

realm. Overlooking across the narrower gaps has been considered and addressed both in the internal layout of the apartments and in the proposed fenestration.

326 The homes in these conditions have been arranged so that single aspect bedrooms are given their principal aspect facing the away from kitchen/living/dining areas on opposite flats insofar as possible. In addition, the facades in these conditions are designed with staggered windows in opposite walls

327 Overall, through exploration of many alternative layout studies, the design team have demonstrated that the layout now proposed is optimum for the site, providing a high quality of residential accommodation, attractive central communal space and non-residential uses located at the edges of the site adjacent to existing public realm.

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

#### *Policy*

328 LPP 7.7 states that tall and large buildings should be part of a plan-led approach to changing or developing an area by the identification of appropriate, sensitive and inappropriate locations. Several criteria for tall buildings are listed in LPP 7.7.

329 DLPP E8 recognises the role tall buildings have to play in helping accommodate growth as well as supporting legibility. The policy sets out an extended criteria for design rational and assessment and also states that publically accessible areas should be incorporated into tall buildings where appropriate, particularly more prominent tall buildings.

330 CSP 18 relates to tall buildings: these need to be of the highest design quality and appropriately located. Regard will be had to flight path safety and microclimate effects.

#### *Discussion*

331 Building heights, scale and massing vary across the surrounding context. Existing buildings in the area are generally low rise. However, there are exceptions to this, notably the three residential point blocks at Gerrard House and Hatfield Close to the northwest of the site along New Cross Road, which are 12 storeys high, forming a prominent visual focal point along the road.

332 The historic grain of the wider Conservation Areas to the north and south consists of two to three storey terraces, but closer to the busy roads there are larger scale residential, commercial and civic buildings up to five and six storeys.

333 Closer to the application site there is less consistency and higher contrast, with the surrounding building heights ranging from two storeys above shops along New Cross Road to the north east of the site; three to five storey long blocks which follow along street edges to the south and west, contrasting with the 12 storey towers setback from the street and set amongst trees to the northwest of the site in New Cross Road.

334 The scale of the proposal has evolved through careful and thorough testing of the massing and composition of the various building elements through meetings with the Design Review Panel and 7 PPA meetings with the Planning Service. The resultant massing strategy proposes seven storey perimeter blocks to front the surrounding street edges, a taller element to the south west corner and permeable routes through the site across a central open space towards its northern end, where the height is reduced to six and further to three storeys when meeting New Cross Road already within the Hatcham Conservation Area.

335 The proposal defines a seven storey 'shoulder height' along Besson Street from the south east corner of the site, in the form of an interrupted perimeter block parallel to Besson

Street and to the central garden square, defining a strong street edge along this street frontage and the proposed garden square, leading into it. The single storey GP surgery volume spans the gap between these two residential blocks around a central landscaped external space. It makes efficient use of the space at the back of the two blocks that due to its aspect is not suitable for residential outdoor amenity space.

336 The seven storey shoulder height is continued with a linear block along Briant Street, which runs along the greater length of the site providing lateral definition to this street. The breaks between the buildings along Briant Street add variety to the streetscape and provide passers-by with views into the verdant inner garden square.

337 A taller, 12 storey building is proposed at the corner of Besson Street and Briant Street. This location to the south west of the site sought to reduce its visual impact, in particular in views from the residential area of the Hatcham Conservation Area located to the north, but also being mindful of the Telegraph Hill Conservation Area to the south. The massing of the building has is sculpted and multi-faceted to assist in reducing its perceived bulk, whilst the symmetrical form allows the building to appear considered from all angles. The vertical extruded form of the building is complemented by projecting bay balconies that help to provide a vertical emphasis to the building as a whole. An image of the proposed tower is shown in Image 4 below:

**Image 4: CGI of the proposed tower**



- 338 Consideration has been given to the configuration of the taller building so as to respect the setting of the nearby conservation areas and listed buildings whilst achieving a balanced scale and proportion.
- 339 The form was derived from the alignment of the two streets it addresses as well as from the intention of defining the southern edge of the central open space. As the tall building will be visible from all angles within the local area, but also from further afield, the symmetrical form is well suited to avoid a 'front and back' treatment.
- 340 Recessing the corners and faceting of the footprint improved the proportion of the block. The indents created by the vertical alignments of the bay balconies also proposed in this taller element assist in reducing the perceived mass of the block conveying lightness by framing views of the sky.
- 341 Further sculpting of the extrusion improved the slenderness ratio of the volume whilst allowing more light into the depth of the plan, giving all apartments a second aspect and resulting in no single aspect units being proposed in this building.
- 342 Whilst the scale of the proposed development is generally larger and more dense than that of the existing built context. The design team have sought to reduce the buildings impact on the surrounding area by through careful articulation of the massing, combined with a very high quality of detail and materiality as outlined below. Overall, the proposals are considered to sit comfortably within the existing built context and would make a positive contribution to the character and appearance of the surrounding area whilst optimising the quantum of development on site.

### ***Detailing and Materials***

#### *Policy*

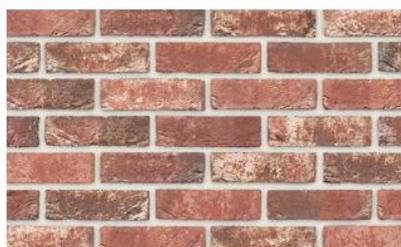
- 343 Attention to detail is a necessary component for high quality design. Careful consideration should be given to items such as doors, windows, porches, lighting, flues and ventilation, gutters, pipes and other rain water details, ironmongery and decorative features. Materials should be practical, durable, affordable and attractive. The colour, texture, grain and reflectivity of materials can all support harmony (NPPG).
- 344 LPP 7.6 expects the highest quality materials and design appropriate to context.

#### *Discussion*

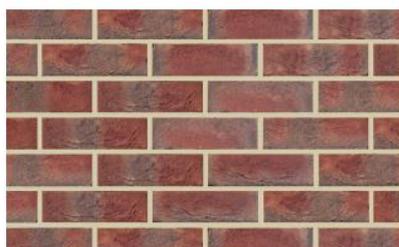
- 345 The buildings are proposed to be constructed mainly of brick - a robust material, which is the prevalent material in New Cross. The use of the same brick types across all the buildings will provide continuity and coherence to the differently configured building form.
- 346 A range of red brick has been proposed, informed by the brick colours of buildings in the area and also as a reference to the mansion block typology which informs the overall language of the scheme. The rigorous order and articulated brick facades provide a high quality and durable architecture with simple, crisp detailing ensuring the building will age well.
- 347 The main brick palette consists of a range of rich red tones in a mix of textures with a subtle colour variation that accentuates the articulation of the facades. A darker, smooth red brick is proposed for the base of the buildings, coming up to include the residential porticos, to contrast in texture against the more rough and lighter red primary brick. In the taller building this base is higher and the top articulation of the building is expressed in a projecting stack bond of the main brick with a darker mortar

- 348 The brickwork proposed at the back of bay balconies is a lighter smooth/reflective brick, in an approximate tone to that of the steelwork of the balconies structure and railings. It creates a subtle contrast with the outer facade and brings brightness into the balcony space.
- 349 The ground floor retail/commercial frontage is proposed with a dark red glazed brick that relates to some of the public buildings along New Cross Road. Further articulation to the east facade facing Fishers Court has been proposed by mixing the darker brick with the main brick.
- 350 Indicative images outlining the brick choices are outlined below in image 5:

**Image 5: Proposed brick palette**



Brick Type 01 - main facade



Brick Type 02 - base of buildings



Brick Type 03 - balconies wall



Brick Type 04 - top of taller building



Brick Type 05 - New Cross Road frontage



Brick Type 06 - GP surgery courtyard

- 351 For the bay balconies, the design team has proposed using a steel construction. This is considered to be a robust choice of material which would successfully complement and contrast with the brick buildings.
- 352 Overall, the design team has demonstrated a high quality of materiality and detailing. Exact specifications of all materials would be captured by condition to ensure that this design quality is carried through to construction of the proposals.

***London View Management Framework***

- 353 The Site is located beyond the Wider Setting Consultation Area of view 2A.1 from Parliament Hill in the London View Management Framework (2012). Notwithstanding, the Site falls along the same alignment as the protected viewing corridor if it were to be extended over a distance of 12km. A verified view has therefore been provided to demonstrate the potential visual impact of the Proposed Development.
- 354 In relation to the background, the visual management guidance of the LVMF states:
- 355 The form and materials of development in the background of St Paul's cathedral should preserve or enhance the clarity with which the silhouette of the cathedral can be distinguished from its background.
- 356 The verified view demonstrates that the Proposed Development is largely occluded by Fielden House in Southwark, which appears in the backdrop of the Western Towers to St Paul's Cathedral. Fielden House is consented and under construction; notwithstanding,

for clarity it is highlighted as an orange wire line in the cumulative context to enable the reader to clearly define its silhouette. The Fielden House scheme occludes most of the Proposed Development, whilst the remaining parts are occluded by the Western Towers themselves and the adjacent St Guy's Hospital tower.

357 The verified view indicates that the whole of the Proposed Development is occluded from view. The Proposed Development therefore has nil impact on the view and would not impact the ability of the observer to recognize and appreciate the skyline silhouette of St Paul's Cathedral.

## **7.5.2 Impact on Heritage Assets**

### *Policy*

358 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

359 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

360 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset's conservation, when considering the impact of a proposed development on the significance of a designated heritage asset. Further, Paragraph 196 that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.

361 LPP 7.8 states that development should among other things conserve and incorporate heritage assets where appropriate. Where it would affect heritage assets, development should be sympathetic to their form, scale, materials and architectural details. DLPP HC1 reflects adopted policy.

362 CSP 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.

363 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.

### *Discussion*

364 The northern part of the site is within the Hatcham Conservation Area. The Hatcham Conservation Area is characterised by the high degree of control over design and development which resulted in highly consistent streetscapes of low rise modest housing.

365 The site also lies adjacent to, and to the north of, the Telegraph Hill Conservation Area. This Conservation Area is on higher ground and has several roads oriented north-south, from which views down to the lower ground at New Cross Road can be had as well as longer views over the townscape to the north generally.

366 The application site falls within an area of varied townscape, with Hatcham Conservation Area to the north and Telegraph Hill Conservation Area to the south providing the most consistent and high quality townscape. The site itself does not contribute in any valuable way to the existing townscape.

- 367 There are a number of listed buildings which surround the application site as follows:
- Grade II listed White Hart Public House (184 New Cross Road)
  - Grade II listed WC ventilation pipe
  - Grade II listed 96 New Cross Road
  - Grade II listed 32 and 34 New Cross Road
  - Grade II listed terrace at 7-35 New Cross Road
  - Grade II listed terrace at 207-229 New Cross Road
  - Grade II listed 371-372 New Cross Road
  - Grade II listed Five Bells Public House
- 368 With regard to archaeology, Historic England have confirmed that there are no objections or planning conditions required in this regard.
- 369 The proposal creates a new access route from New Cross Road into the site creating a through pedestrian route linking with Besson Street. On the west side is no. 110, one of a pair of remaining Italianate villas, and on the east is the former Library building, both considered Non Designated Heritage Assets.
- 370 The former Library building, now the Music Room, is included on Lewisham's Local List. It dates to 1911 and its significance lies in both its high quality classically inspired architecture and sculptural detailing, and in its historic interest as being the former central Library in the borough of Deptford, and one of the many Andrew Carnegie public libraries funded by the industrialist Andrew Carnegie in the late 18th-early 20th centuries. It sits well in the streetscape, its front boundary railings continuing the building line of the shops to the east, and whilst it is a more ostentatious and imposing structure than the earlier terrace to the east or the villas to the west it relates sensitively to its context in terms of height and scale. The front elevation is of the highest significance – the western flank elevation and the rear are plain brick and were not designed to contribute to any significant degree to the townscape.
- 371 The proposed building to the street frontage at New Cross Road would reinstate built form where it has been lost, and its three storey height, form and building line would moderate well between the different building typologies on either side, as well as 'mending' this currently vacant part of the street edge. It is considered that this new building will enhance the character and appearance of the Hatcham Conservation Area in this respect.
- 372 The proposed new route along the side of the building into the site would allow views of the historic brick boundary wall and the upper levels and roof of the two storey brick structure at the rear of its plot. These aspects would retain part of the former Library building's historic setting.
- 373 A modern abstract mural has been painted on the brickwork of its flank wall which is visible from the west. Whilst the proposed development would partially block views of this in longer views along New Cross Road, it would remain visible from closer views and also along the proposed new route into the site. As this elevation was not designed as a principal elevation and was historically less visible due to the presence of a semi-detached house on the site of no.s 112-114, it is not considered that the proposals would harm its significance.
- 374 From street level outside the Music Room the taller elements of the proposed development further to the south would be visible terminating and flanking the view along the new route from New Cross Road into the site.
- 375 Its bulk and height would be higher and would contrast with the scale of buildings on the frontage. The new route and layout will change the pattern of development here from a traditional primary frontage/subordinate backland relationship, to a new arrangement of

frontage buildings facing onto a new route through the site. This new route justifies higher development than would previously have been considered acceptable as backland development.

- 376 The proposed height of the buildings to the south would change the setting of the Non-Designated Heritage Assets on the New Cross Road frontage. It is considered that this would cause some harm to their setting, but that this harm is likely to be in the realm of low (less than substantial) harm to the settings of no.s 116-118, and 108-110.
- 377 With regard to impact on the Hatcham Conservation Area, the proposal creates a new access route between 110 and 118 New Cross Road and a new building which will sit comfortably next to the two remaining Italianate villas on the west side, and the 1911 former Library building on the east (included on Lewisham's local list). It will reinstate appropriately scaled development on the site of a former pair of houses, to the benefit of the streetscape and the Hatcham Conservation Area.
- 378 The application has been submitted with a Heritage Townscape Visual Impact Assessment (HTVIA), which provides an assessment of the impact of the Proposed Development on heritage, townscape and visual receptors.
- 379 The HTVIA shows that the proposals would be visible to an extent from the Hatcham Conservation Area, from within the residential streets looking towards New Cross Road. In view 1 from Casella Road and view 3 from Hatcham Park Road the tall building is seen terminating the view at the end of the road, with the top floors rising above the prevailing horizontal roof line. Additionally, in view 2 from Billington Road, the proposed 12 storey building will be seen above the uniform parapet roofline of the two storey terraced houses.
- 380 An additional impact on the Hatcham Conservation Area is indicated by View 4, which looks westwards towards the focal point of the junction of Queen's Road and New Cross Road.
- 381 There is a good collection of buildings forming an attractive and architecturally pleasing townscape group including designated and non-designated heritage assets. In the centre is the grade II listed White Hart Public House (184 New Cross Road), with the listed WC ventilation pipe on the pavement in front of it.
- 382 Adjoining to its left hand side is the high quality bow fronted numbers 399-401, which pick up on many features of the Listed Public house
- 383 On the right hand side of the Public House is no. 180 New Cross Road, which relates similarly well to the listed building by virtue of height, proportions and window detailing. These buildings are all identified as making a positive contribution to the character and appearance of Hatcham Conservation Area. The 12 storey building would be visible above and beyond this group, contrasting in its form, and impacting upon the visual appearance of the roofline. The HTVIA notes that the proposed development would 'reduce the primacy of the listed building, which has historically formed a prominent feature of this important corner'.
- 384 The impact of the development on the setting of the Listed White Hart PH specifically (and ventilation pipe to a lesser degree) would be to reduce the integrity of its historic setting, most particularly the diminution of its stature at this historic junction. This would be due to the proposed taller building rising up above the building line and being visible to the rear of the Public House.
- 385 With regard to impact on Telegraph Hill Conservation Area, view 6 down Waller Road would be changed by the presence of the tall building towards the end. Due to the view point being on higher ground however, the height of the development has less impact than the bulk and form, which will read as significantly broader than existing surrounding

development. Whilst the proposals would be visible it is considered that this impact will cause negligible harm to the setting of the Telegraph Hill Conservation Area.

386 It is noted that Historic England, have raised concerns about the overall scale of the development on site which appears at odds with the prevailing three to four-storey building heights in this part of New Cross and the contrast in scale in relation to the Hatcham Conservation Area.

387 Furthermore, the Greater London Authority have stated that the proposed development would result in less than substantial harm to the significance of the Hatcham Conservation Area, which is considered to be outweighed by the significant public benefits of the proposal, including affordable housing, a GP surgery and a community centre and that the proposal is not considered to cause harm to the significance of Telegraph Hill

388 In light of the above, officers consider that the current proposal would lead to less than substantial harm to the Hatcham Conservation Area and Grade II Listed White Hart Public House

389 However, the applicant has provided substantive evidence of the wider public benefits of the proposal including the provision of 324 new homes with 35% at London Living Rent suitable for key workers, the provision of a new GP surgery (net gain of GP's), a new community centre and a new area of publicly accessible landscaping.

390 As such, officers conclude the public benefits outweigh the less than substantial harm identified above.

### **7.5.3 Public Realm**

#### *Policy*

391 Streets are both transport routes and important local public spaces. Development should promote accessibility and safe local routes. Attractive and permeable streets encourage more people to walk and cycle.

392 LPP 7.5 relates to public realm and expects public spaces to among other things be secure, accessible, inclusive, connected, incorporate the highest quality design and landscaping.

#### *Discussion*

393 The proposed development would provide an area of publicly accessible public realm to the centre of the application site with access being available from New Cross Road, Besson Street and two points on Besson Street; as well as access from residential cores and direct access from some residential units.

394 The proposed strategy for the activation is to place the active uses in the satellite spaces near New Cross Road, the proposed GP Surgery and New Cross Gate Community Centre. These spaces are designed with activity in mind, offering places to meet neighbours and for people to socialise.

395 The surrounding streets are punctuated by mature trees that act as way-finding markers in the area. The proposed strategy for the site is to:

- Mark key entrances to the site on all 3 street frontages with feature trees;
- Use feature trees as a means of way-finding through the site and increasing legibility throughout the scheme;
- Link with existing feature trees beyond the site boundary and identify a green route in the neighbourhood;

- Enhance views to and from the site; and,
- Select species with 'way-finding' characteristics - colour, height and size.

396 The Garden Square is the principal public space at the heart of the development. The design team have outlined that the space is conceived as a retreat from the surrounding urban context. The approach promotes a relaxing, enjoyable and playable space that is ecologically and environmentally sustainable.

397 Two marker trees sit at each end of the garden, to aid cross site navigation and enhance legibility. A variety of low level, naturally focused play items provide a range of physical challenges and play opportunities. The resident balconies benefit from views over the gardens to maintain passive surveillance.

398 Linking to the Garden Square, a 'pocket park' would be created to the north of the application site near the concierge building which would form a piece of public realm with the spill out area from the café use within the concierge building. The applicant has suggested the installation of informal fitness equipment here alongside the provision of a petanque court.

399 The proposed public realm overall is considered to be a high quality, multifunctional accessible and inclusive space, connecting existing public space and providing increased permeability to the area. Full details of all hard and soft landscaping would be secured by condition.

#### **7.5.4 Urban Design Conclusion**

400 The overall design approach would result in a form of development which would not detract or appear at odds with the wider character and appearance of the immediate locality or heritage assets.

401 The proposals achieve a high quality design in both the proposed building and public realm, and the scheme overall presents significant planning benefits as outlined in detail above. In accordance with Paragraph 196 of the National Planning policy Framework the harm to heritage assets has been weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

402 Whilst less than substantial harm to heritage assets has been recognised above, the public benefits presented by the proposed development are considered to outweigh this harm.

403 As such, it is considered that on balance that the proposal is acceptable with regard to urban design and impact upon heritage assets, and accords with the Development Plan.

## 7.6 TRANSPORT IMPACT

### *General policy*

- 404 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para 102. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.
- 405 Para 109 states “Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 406 Regionally, the Mayor’s Transport Strategy (‘the MTS’, GLA, March 2018) sets out the vision for London to become a city where walking, cycling and green public transport become the most appealing and practical choices. The MTS recognises links between car dependency and public health concerns.
- 407 The Core Strategy, at Objective 9 and CSP14, reflects the national and regional priorities.

### 7.6.1 Access

#### *Policy*

- 408 The NPPF requires safe and suitable access for all users. Paragraph 108 states that in assessing applications for development it should be ensured that appropriate opportunities to promote sustainable transport modes can – or have been taken up and that amongst other things safe and suitable access to the site can be achieved for all users.
- 409 CSP 14, amongst other things, states that the access and safety of pedestrians and cyclists will be promoted and prioritised; that a restrained approach to parking provision will adopted; and that car-free status for new development can only be assured where on-street parking is managed so as to prevent parking demand being displaced from the development onto the street.
- 410 DMP 29 identifies that car limited major residential will be supported in areas with a PTAL of 4 or above and that amongst other factors development should not have a detrimental impact on on-street parking provision in the vicinity. It outlines that measures such as car-clubs and cycle storage will be expected to ensure that sustainable transport modes are encouraged.

#### *Discussion*

- 411 Pedestrian access to the residential cores would be gained from seven separate access points, with two on Briant Street, two on Besson Street and three from within the public realm on the application site. The access points are level, clear and identifiable.
- 412 Pedestrian access to the commercial space at New Cross Road would be gained from the existing public realm in this location. Pedestrian access for the GP surgery, pharmacy and community space would all be gained from Besson Street. These access points too, would be clear, level and identifiable.

- 413 Cycle access would be gained both from the proposed public realm within the site and from the existing public realm surrounding the site. Cycle storage is discussed in further detail below.
- 414 Vehicular access would be gained solely from a singular access point from Briant Street.
- 415 To facilitate emergency vehicle access to the Site, it is proposed that two vehicle crossovers would be formed on Briant and Besson Street which would permit emergency vehicles to drive through the central courtyard of the Site. Detailed swept path analysis, has been undertaken to illustrate this proposed arrangement. Appropriate double yellow markings with loading restrictions are proposed on both Briant Street and Besson Street at the two access points to safeguard the emergency access route. Removable bollards would be in place to prevent access by general vehicles.
- 416 The proposals for access have been reviewed by officers, including the Council's Highways Officer and Transport for London and are considered to be safe and appropriate for the proposed development.

## **7.6.2 Local Transport Network**

### *Policy*

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

### *Discussion*

- 418 The site is located in a the district centre of new cross and is highly accessible in terms of public transport with a Public Transport Accessibility Level of 6a (on a scale of 1-6b,with 6b being the highest).
- 419 The nearest bus stops (Stop D and F) are located approximately 100m from the Site on New Cross Road and are served by buses 21, 53, 172, 453 and N21. They are both sheltered and provide seating. Bus stops A, B and QA are located towards the south of the Site on A202 Queens Road and are served by buses 36, 136, 171, 177, 436, N89, N136, N171 and P13.
- 420 New Cross Gate Railway Station is located approximately 600m east from the Site whilst Queens Road Peckham Railway Station is located 600m west of the Site. They are both located within TfL's acceptable walking distance of 960m to Underground, Overground or rail services, which is equivalent to a walking time of 12 minutes.
- 421 New Cross Gate Station has step-free access to all platforms. The station does not provide any car parking facilities nor cycle storage and/or parking facilities. Queens Road Peckham Station also has step-free access to all platforms and a ramp for train access. Similar to New Cross Gate, the station does not provide car parking facilities, however it does provide 26 cycle parking spaces in front of the station.
- 422 Both railway stations provide access to Southern Rail and London Overground services towards Clapham Junction, Dalston Junction, London Bridge, Victoria, Caterham, Highbury and Islington, Crystal Palace, West Croydon and Coulsdon Town. Queens Road Peckham and New Cross Gate stations are managed by Southern and London Overground respectively
- 423 The proposed development seeks to maximise public transport use for journeys which cannot be made by foot or bicycle. Enhancing the pedestrian permeability of the Site will improve opportunities to access public transport facilities, in particular the bus stops on Queens Road and Queens Road Peckham Station.

- 424 With regard to private vehicular use, the scheme is designed to be car-limited with the primary vehicular access point to the development being from a dropped kerb vehicle crossover on Briant Street which would provide access to the ten residential disabled parking bays and concierge parcel / flexible commercial space loading area proposed to be provided on-Site. It is proposed that a sliding vehicular access barrier and pedestrian gate would be in place at the access with Briant Street to control access to the Site.
- 425 Due to the car free nature of the development and the Site's location not being located within a CPZ, a parking beat survey of the surrounding streets was undertaken to ascertain the likely impact.
- 426 The surveys have been undertaken in accordance with the industry standard Lambeth Council Parking Survey Guidance and the methodology agreed with both Transport for London (TfL) as the strategic highway authority and London Borough of Lewisham as the local highway authority.
- 427 In accordance with the Lambeth methodology a survey area representing a 250m radius the Site was selected and agreed with both highway authorities.
- 428 Assuming the implementation of all of the on-street residential disabled bays, the above proposals reduce the parking capacity on Besson Street and Briant Street by 21 spaces. This would reduce the overall parking capacity in the study area from a minimum of 279 spaces in the existing situation to a minimum of 258 spaces in the Proposed Development scenario and would therefore displace vehicles on Besson Street and Briant Street to the surrounding streets. However, despite the reduced capacity, there would be a range of 26 to 86 available parking spaces, during the various survey periods, in the study area which implies that there is generally sufficient capacity in the study area to accommodate the Proposed Development.
- 429 It has been agreed by the applicant to provide a financial contribution of £30,000 toward the consultation exploring the implementation of a Controlled Parking Zone (CPZ). The applicant has agreed that any resident of the proposed development would be exempt from applying for a parking permit, save for those who qualify for blue disabled parking badges should a CPZ be adopted. This would see the proposed development being truly car-free. This would be secured via legal agreement.
- 430 A Draft Residential Travel Plan and Framework Workplace Travel Plan have been prepared as standalone documents to accompany the planning submission. At this stage, the occupier(s) of the commercial use of the development are not known. Furthermore, the development has been designed as flexible commercial space, able to accommodate multiple occupiers or a single occupier.
- 431 The Travel Plans include further details of existing travel behaviour and sets out a range of measures and initiatives to encourage a reduction in car use. They also include details of the management and implementation of the Travel Plans as well as initial targets, monitoring and review programme.
- 432 A range of measures are proposed in the Travel Plan to seek to encourage the use of sustainable and active modes of travel for trips associated with the employment element of this development, including:
- Measures to promote the Travel Plan and actively engage staff in the process.
  - Measures and events to promote the benefits of active travel.
  - Measures to encourage cycling, including ensuring secure cycle parking, plus shower and locker facilities, and promotion of the Cycle to Work scheme.
- 433 An initial target has been set of seeking to increase active travel by 5% within five years of initial occupation. This target will need to be reviewed following the initial baseline

surveys. These Travel Plans set out the intended approach to monitoring and updating the Travel Plans, including travel surveys, plus Travel Plan reviews/refreshes at one, three and five years after occupation.

434 A full Residential Travel Plan and Workplace Travel Plan be secured to help promote sustainable and active travel and discourage car-use. This will help further mitigate against increased on-street demand for parking.

435 Additionally, a Construction Traffic Management Plan would be conditioned requiring approval of the Local Planning Authority in consultation with Transport for London.

436 Subject to the above, the proposed development is acceptable with regard to impacts on the Local Transport Network.

### **7.6.3 Servicing and refuse**

#### *Policy*

437 The NPPF states development should allow for the efficient delivery of goods and access by service and emergency vehicles.

438 DLPP Policy T6(G) and T7(B)(3) state that rapid electric vehicle charging points should be provided for servicing vehicles.

439 LPP 6.13 requires schemes to provide for the needs of businesses and residents for delivery and servicing and LPP 6.14 states that development proposals should promote the uptake of Delivery and Service Plans.

440 DMP 17 requires applications for A3 uses to provide acceptable arrangements for the collection, storage and disposal of bulk refuse.

441 Storage facilities for waste and recycling containers should meet at least BS5906:2005 Code of Practice for waste management in Buildings in accordance with London Plan Housing Supplementary Planning Guidance (2016) standard 23.

#### *Discussion*

442 The aim of the servicing strategy is to accommodate the servicing needs of the development while separating pedestrian and vehicular areas as far as practicable in order to create dedicated spaces on site for walking.

443 In the development of the servicing strategy, a number of options were considered and discussed with TfL and Lewisham Council at a pre-application stage. The resultant strategy consists of the following principles:

- Restricted on-Site servicing access will be provided from Briant Street to the rear of the concierge / flexible commercial space building
- On-street loading bays, each on Briant Street and Besson Street, to accommodate servicing activity for the residential, community, pharmacy and GP Surgery uses
- Residual HGV servicing activity for the flexible commercial space uses would be accommodated within the existing loading bay on New Cross Road; and
- Servicing activity would be managed to ensure efficient operation and minimise arrivals and departures during busy periods

444 With regard to refuse, there are seven bin stores within the Site of which five would be located within a 10m proximity of either Besson Street or Briant Street in accordance with the maximum threshold requirements set out in the TfL Kerbside Loading Guidance.

445 Collection of refuse would either take place directly on-street or within the dedicated on-street loading bays provided. Single yellow marking will be implemented south of the servicing access road on Briant Street, west of the loading bay and east of the car club bay on Besson Street to permit refuse collection.

446 Transport for London and the Council's Highways Officer have reviewed the application and requested that a Delivery and Servicing Plan be secured by legal agreement which should include:

1. A monitoring strategy in relation to servicing activities at the site;
2. A communication strategy to inform future occupiers of the concierge facilities at the site;
3. And include an obligation to meet the cost of increased provision of on- street loading space on Briant and Besson Streets (if demand is greater than predicted)

447 A detailed refuse management plan would also be secured by condition.

448 Subject to securing a Delivery and Servicing Plan and a refuse management condition, the proposed development is acceptable in this regard,

#### **7.6.4 Transport modes**

##### ***Walking and cycling***

###### *Policy*

449 DLPP T5 cycling states that Development Plans and development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. Cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards.<sup>186</sup> Development proposals should demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people.

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

###### *Discussion*

451 The Proposed Development would seek to maximise the integration of the Site with the surrounding streets, opening walking access points on all street frontages. The proposals include the provision of a high quality, attractive and lit active travel route through the Site from the a gateway on New Cross Road facilitating, a 'green route' providing permeable north-south walking movements between New Cross Road, Briant Street and Besson Street.

452 Residential access for people who walk will primarily be from Briant Street and Besson Street and as well as within the development whilst access to the community space, GP and pharmacy will be from Besson Street only. The entrance to the flexible commercial space is located on New Cross Road providing access for people who walk.

453 It is also considered that the incorporation of active frontage and on-street activity on Besson Street and Briant Street will provide a more active pedestrian environment and street scene, which can act as a traffic calming feature which could further enhance conditions for people of all abilities walking in this area.

- 454 The proposals would provide direct access to the Site from New Cross Road. Further cycle access to the development will be achieved from Briant Street and Besson Street. People who cycle will also benefit from the increased permeability the internal routes provide. People who cycle share the same building access as those who walk with an additional entrance to cycle parking from within the development.
- 455 In terms of improving the local pedestrian and cycling network, the Council's Highways Officer and Transport for London have requested the following improvements to be secured by legal agreement:
- Provision of one loading bay on Besson Street and one loading bay on Briant Street with associated restrictions
  - Two on-street disabled parking bays on Besson Street and a car club bay with associated electric vehicle charging points
  - An uncontrolled pedestrian crossing facility in the form of a dropped kerb with appropriate tactile paving to the west of the loading bay on Besson Street (following the observations made in the Stage 1 Road Safety Audit) .
  - Improved crossing facilities at the Fisher Court Junction with Besson Street (dropped kerbs with appropriate tactile paving).
  - The amendment of waiting / loading restrictions and associated Traffic Regulation Order, to facilitate refuse collection
  - Reinstatement / improvement works to the footways adjacent to the site, on Briant Street and Besson Street, and the provision of dropped kerbs/tactile paving
  - Improvements to the existing crossing facilities on Briant Street between the site and Kender school
  - Improvement works to the Besson Street/New Cross Road/Hatcham Park Road junction, creating a straight-across crossing for cyclists, to enable cycles to travel through the junction between Besson Street and Hatcham Park Road, the works will include kerb works, amendments to the signal arrangement, and a cyclist exemption to the existing restrictions
- 456 With regard to cycle parking, the applicant has had detailed discussions with Transport for London and the Council's Highways Officer regarding cycle parking provision.
- 457 Following amendments, the application proposes a total of 568 cycle parking spaces across the development within secure cycle stores. This would include 5% (26 no.) accessible cycle spaces in accordance with the London Cycle Design Standards.
- 458 The application is policy compliant with regard to cycle provision in terms of both quantity and meeting the requirements of the London Cycle Design Standards.
- 459 The Council's Highways Officer and Transport for London have requested that a Cycle Parking Management Plan should be secured by legal agreement
- 460 The Plan would be secured for the lifetime of the development, and would include periodic surveys of the cycle parking demand / use at the site. The Plan should include mechanisms to amend the cycle stand mix, to meet the varying demands through the lifetime of the development. The plan should also include details of CCTV provision in relation to the cycle parking specifically. Details of the Plan should be submitted for approval prior to occupation of the development.
- 461 Furthermore that developer covenants to manage, maintain and allow public access through the site except for a limited period in certain circumstances (fire, flood, carrying of essential maintenance etc.) and shall close the route (with prior notification to members of the public) for up to one day per year so as to prevent public rights of way being obtained.

462 Subject to the above, the proposed development is acceptable with regard to walking and cycling.

### ***Public transport***

#### *Discussion*

463 To assist with the additional impact on the local and London bus network, Transport for London have requested that a contribution is made towards the provision of additional bus services on the Old Kent Road and New Cross Road corridor.

464 Transport for London originally requested a contribution of £2700 per unit which equates to a total contribution of £874,800. This contribution is based upon a calculation agreed with the London Borough of Southwark in relation to development on the Old Kent Road.

465 Whilst it is acknowledged that some contribution towards bus services could be justified, it is not reasonable to propose a figure based upon a calculation within another London borough. Additionally, the analysis contained in the applicant's Transport Assessment identifies that the relative impacts on local public transport services (with particular reference on buses) would not warrant such a contribution. Residential development on the Old Kent Road would generally not benefit from the excellent public transport links at the Besson Street site offered by Overground and Train services at New Cross.

466 It is considered that the proposed S106 contribution does not meet the legal tests as per Regulation 122 and 123 of the CIL Regulations 2010 (as amended).

467 Following further discussions with Transport for London, the contribution was reviewed to come to £236,273, which was based upon the anticipated increased use of buses as a result of the proposed development. This is considered reasonable and proportionate.

468 TfL also requested that Lewisham Highways seek to provide a two-bus stand somewhere in the New Cross area. It is not reasonable to secure this as part of the proposed application as the obligation would not meet the tests of the CIL Regulations as outlined above. Nonetheless, Lewisham Highways would consider future bus stand provision as part of separate discussions.

### ***Car clubs***

#### *Discussion*

469 To further discourage car ownership and promote more sustainable modes of transport, Transport for London have requested that the applicant provide further details of the Car Club Strategy for the site. The strategy should include details of car club membership for all residents for 3 years and include a review of the existing car club infrastructure in the vicinity of the site to determine that there is sufficient car club vehicle provision / capacity to accommodate the demand generated by the development.

470 The applicant has agreed to the Car Club Strategy which would be secured by planning obligation.

### ***Private Cars (including disabled and electric charging points)***

#### *Policy*

471 LPP 6.13 seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use and through the use of well-considered travel, plans aim to reduce reliance on private means of transport.

- 472 DLPP T6 states that 20% of parking spaces should be provided with Electric Vehicle Charging points with the remaining spaces providing passive provision
- 473 CSP 14 states that the Council will take a restrained approach to parking provision. DMP 29 requires wheelchair parking to be provided in accordance with best practice standards and London Plan Standard 18 requires designated wheelchair accessible dwellings to have a designated disabled car parking space.

#### *Discussion*

- 474 In accordance with the Draft London Plan (2019), the Proposed Development is to be car free with the exception of disabled parking provision. It is proposed that disabled parking will be provided for 3% of the residential units within the boundary of the development from the outset, which equates to a requirement for ten accessible spaces. A 3% provision is considered to be appropriate given the high PTAL rating of the Site and the permeable nature of the Site providing access for disabled people to nearby bus services on New Cross Road.
- 475 The ten disabled parking bays would be located in the north of the Site and accessed from Briant Street. To comply with the Draft London Plan (July 2019), bays have been designed in accordance with BSO8300:1 and have been located to minimise walking routes. A footway is included within this car park to allow connectivity for disabled people to access the two building entrances proposed. Active electric vehicle charging provision would be provided for two of these bays whilst passive electric vehicle charging provision would be provided for the remaining eight bays.
- 476 Should there be a future demand identified, it is proposed that the remaining 7% disabled parking provision (23 accessible bays) required by the Draft London Plan would be provided on-street along the Site frontage on Besson Street and Briant Street. Regular usage monitoring of the proposed on-Site disabled bays would be undertaken through the Car Parking Management Plan to determine whether future discussions with LBL regarding the potential provision of these spaces is required.
- 477 In addition to the residential provision, two on-street disabled bays are proposed on Besson Street adjacent to the GP for the non-residential land uses proposed on Site. Furthermore, there are existing parking bays available on New Cross Road adjacent to the Site which also permit disabled parking between 10am and 4pm Mondays – Saturdays for a maximum of 3 hours which could permit access to the flexible commercial space.
- 478 With regard to Electric Vehicle Charging Points (EVCP) the applicant has confirmed that 20% of the off-street parking spaces would be provided with EVCPs and the remaining spaces would be provided with passive provision. Full details of EVCPs would be secured by condition.
- 479 Should additional disabled user spaces be required on-street, EVCPs for these spaces would be secured through the Car Parking Management Plan as outlined above.

#### **7.6.5 Transport Impact Conclusion**

- 480 The proposal would not result in unreasonable harm to the local highway network or pedestrian or highway safety subject to the imposition of conditions and financial contributions. The planning obligations sought are summarised as follows:

- Bus improvement contribution - £236,273
- Legible London wayfinding contribution - £8,000
- CPZ consultation and implementation - £30,000
- Future residents not to be eligible to obtain parking permits

- Car club strategy to include membership for all residents for 3 years and review of provision in the area
- Residential and non-residential travel plans
- Pedestrian and cycle access to be maintained through the application site in order to prevent future gating
- Section 278 public realm improvements and highway works to include:
  - Provision of one loading bay on Besson Street and one loading bay on Briant Street with associated restrictions
  - Two on-street disabled parking bays on Besson Street and a car club bay with associated electric vehicle charging points
  - An uncontrolled pedestrian crossing facility in the form of a dropped kerb with appropriate tactile paving to the west of the loading bay on Besson Street (following the observations made in the Stage 1 Road Safety Audit) .
  - Improved crossing facilities at the Fisher Court Junction with Besson Street (dropped kerbs with appropriate tactile paving).
  - The amendment of waiting / loading restrictions and associated Traffic Regulation Order, to facilitate refuse collection
  - Reinstatement / improvement works to the footways adjacent to the site, on Briant Street and Besson Street, and the provision of dropped kerbs/tactile paving
  - Improvements to the existing crossing facilities on Briant Street between the site and Kender school
  - Improvement works to the Besson Street/New Cross Road/Hatcham Park Road junction, creating a straight-across crossing for cyclists, to enable cycles to travel through the junction between Besson Street and Hatcham Park Road, the works will include kerb works, amendments to the signal arrangement, and a cyclist exemption to the existing restrictions
- Cycle Parking Management Plan to secure the following:
  - Should be secured for the lifetime of the development
  - To include periodic surveys of the cycle parking demand / use at the site
  - To include mechanisms to amend the cycle stand mix, to meet the varying demands through the lifetime of the development,
  - To include details of security and CCTV provision in the cycle parking areas.
  - The Plan should be submitted for approval prior to occupation of the development.
- Delivery and Servicing Plan to secure the following:
  - A monitoring strategy in relation to servicing activities at the site
  - A communication strategy to inform future occupiers of the concierge facilities at the site,
  - Include further details of how the concierge service will be operated
  - Include an obligation to meet the cost of increased provision of on-street loading space on Briant and Besson Streets (if demand is greater than predicted)
- Car Parking Management Plan to secure the following:
  - Further details of how the off- street spaces within the development will be allocated / managed,
  - Further details of how informal parking throughout the development (I.e. in the public realm) will be enforced
  - Further details of how access to the car park will be controlled / managed .
  - Further details of how the service area and turning head facility will be managed/ enforced.

- Further details of how the emergency vehicle route through the site from Besson Street and Briant Street would be controlled/ managed.
- The Plan should confirm the off- street parking spaces will be leased (not sold),
- Include a monitoring / review mechanism so fluctuating demand for disabled parking would be accommodated

481 Officers consider that this should be afforded considerable weight in light of the proposed public benefits of the development.

## 7.7 LIVING CONDITIONS OF NEIGHBOURS

### *General Policy*

- 482 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 180 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.
- 483 This is reflected in relevant policies of the London Plan (LP7.6), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).
- 484 LPP 7.6(b)(d) requires new development to avoid causing 'unacceptable harm' to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing.
- 485 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.
- 486 Further guidance is given in Housing SPD 2017, GLA; Residential Standards SPD 2012, LBL. The Council has published the Alterations and Extensions SPD (2019) which establishes generally acceptable standards relating to these matters (see below), although site context will mean these standards could be tightened or relaxed accordingly.
- 487 *Overview*
- 488 The relationship of the proposed development with surrounding buildings and residential uses is outlined in image 6 below:

### **Image 6: Relationship of the proposed development with surrounding built context**



### 7.7.1 Enclosure and Outlook

#### *Policy*

489 Overbearing impact arising from the scale and position of blocks is subject to local context. Outlook is quoted as a distance between habitable rooms and boundaries.

#### *Discussion*

490 The residential properties at Iris Court and Palmer House on Briant Street and properties from 11-81 Besson Street are located some 21m plus away from the nearest proposed residential units on the application site which is considered sufficient to mitigate any potential loss of outlook or creation of an increased sense of enclosure.

491 The gable ends of the residential properties at Pankhurst Court are located 13-14m away from the closest proposed residential units on the application site. Given that it is the gable end of the Pankhurst Court buildings that faces the proposed development and that no habitable room windows are located on these gable ends, there would be no unreasonable impact here. As the floorplan of the proposed building cranks to the north-east, the proposed development would become closer to the properties on Pankhurst Court at 10m at the closest point to 20m at the furthest point. Given the oblique nature of the relationship of the existing and proposed buildings here, this relationship is considered to be acceptable.

492 In relation to the semi-detached pair of residential dwellings at 108-110 New Cross Road, the proposed 6 storey building would be located some 15m from the rear elevations of

these properties. The proposed 3 storey building would run parallel to the properties at 108 and 110 New Cross Road, extending some 16m beyond the rear elevations of these properties, the relationship here would be screened to an extent by an existing tree on the boundary between the two sites. This relationship is not unusual in dense urban environment but has the potential to result in the creation of an increased sense of enclosure to the occupants of these properties.

493 The proposed development would be located in close proximity to The Music Room (116-118 New Cross Road), with the gable or side elevation of this building and buildings to the rear of such, being located 6-7m from the proposals at the closest point. There are amenity spaces located at first floor level of The Music Room which are believed to serve a first floor residential unit also at first floor level. The amenity space and first floor residential unit would be located adjacent to the proposed three storey building – whilst the relationship would be proximate, there is not considered to be an unreasonable impact by way of loss of outlook or increased sense of enclosure given that the proposed building would only reach 3 storeys adjacent to this flat and amenity space; and that the building would run parallel to the plot at The Music Room. Additionally, a degree of screening would be provided by existing boundary walls at The Music Room.

494 There are a number of other residential properties located at first floor level, above commercial premises on New Cross Road. These properties are not considered to be unreasonably impacted by the proposed development by way of loss of outlook or creation of an unreasonable sense of enclosure due to the distance between the proposed development (25-55m) as well as the arrangement of the proposed buildings, largely at oblique angles to these residential properties.

495 Residential properties at 1-5 Fishers Court, 1-5 Masonry House and 1-7 Stonemason House are located in excess of 30m from the proposed development and thus would not experience any unreasonable impact with regard to loss of outlook or creation of an unreasonable sense of enclosure.

## **7.7.2 Privacy**

### *Policy*

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

497 DMPP 32 states that adequate privacy is an essential element in ensuring a high level of residential amenity. Unless it can be demonstrated that privacy can be maintained through design, there should be a minimum separation of 21 metres between directly facing habitable room windows on main rear elevations. This separation will be maintained as a general rule but will be applied flexibly dependent on the context of the development.

### *Discussion*

498 As above, the residential properties at Iris Court and Palmer House on Briant Street and properties at 11-81 Besson Street are located some 21m plus away from the nearest proposed residential units on the application site which is considered sufficient to mitigate any potential loss of privacy

499 The gable ends of the residential properties at Pankhurst Court are located 13-14m away from the closest proposed residential units on the application site. Given that it is the gable end of the Pankhurst Court buildings that faces the proposed development and that no habitable room windows are located on these gable ends, there would be no unreasonable impact here.

- 500 As the floorplan of the proposed building cranks to the north-east, the proposed development would become closer to the properties on Pankhurst Court at 10m at the closest point to 20m at the furthest point. There is potential for some overlooking between habitable rooms and the proposed balconies at this location, however this is mitigated given the oblique nature of the relationship of the existing and proposed buildings here.
- 501 In relation to the semi-detached pair of residential dwellings at 108-110 New Cross Road, the proposed 6 storey building would be located some 15m from the rear elevations of these properties. The proposed 3 storey building would run parallel to the properties at 108 and 110 New Cross Road, extending some 16m beyond the rear elevations of these properties, the relationship here would be screened to an extent by an existing tree on the boundary between the two sites. Given the proximity of the existing residential buildings and habitable room windows proposed on the application site, there would be a degree of loss of privacy in this location, however this would be largely screened by an existing tree on the boundary.
- 502 In relation to The Music Room (116-118 New Cross Road), the gable or side elevation of this building and buildings to the rear of such, being located 6-7m from the proposals at the closest point. There are amenity spaces located at first floor level of The Music Room which serve a first floor residential unit also at first floor level. The amenity space and first floor residential unit would be located adjacent to the proposed three storey building.
- 503 Whilst proximate, there would be minimal loss of privacy given that the upper floor uses of the 3 storey building are not proposed as residential units and that there is a degree of screening provided by an existing boundary wall at The Music Room. The proposed first floor of the 3 storey building would accommodate a flexible resident's workspace and the second floor would accommodate a resident's gym.
- 504 The proposed 6 storey residential building would be located further away from the first floor residential use and amenity space at The Music Room and the relationship here would be more oblique – whilst it is recognised that there may be some loss of privacy, this is not considered to be unreasonable for a dense urban location and would not warrant refusal of the application.
- 505 There are a number of other residential properties located at first floor level, above commercial premises on New Cross Road. These properties are not considered to be unreasonably impacted by the proposed development by way of loss privacy due to the distance between the proposed development (25-55m) as well as the arrangement of the proposed buildings, largely at oblique angles to these residential properties.
- 506 Residential properties at 1-5 Fishers Court, 1-5 Masonry House and 1-7 Stonemason House are located in excess of 30m from the proposed development and thus would not experience any unreasonable impact with regard to loss of privacy

### **7.7.3 Daylight and Sunlight**

#### *Policy*

- 507 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards however this is not formal planning guidance and should be applied flexibly according to context.
- 508 The NPPF does not express particular standards for daylight and sunlight. Para 123 (c) states that, where there is an existing or anticipated shortage of land for meeting identified housing need, LPAs should take a flexible approach to policies or guidance relating to daylight and sunlight when considering applications for housing, where they would otherwise inhibit making efficient use of a site.

509 The GLA states that 'An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.' (GLA, 2017, Housing SPG, para 1.3.45).

510 Alternatives may include 'drawing on broadly comparable residential typologies within the area and of a similar nature across London.' (ibid, para 1.3.46).

511 It is therefore clear that the BRE standards set out below are not a mandatory planning threshold.

512 In the first instance, if a proposed development falls beneath a 25 degree angle taken from a point two metres above ground level, then the BRE say that no further analysis is required as there will be adequate skylight (i.e. sky visibility) availability.

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

#### *Daylight Guidance*

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

515 The VSC is the amount of skylight received at the centre of a window from an overcast sky. The ADF assesses the distribution of daylight within a room. Whereas VSC assessments are influenced by the size of obstruction, the ADF is more influenced factors including the size of the window relative to the room area and the transmittance of the glazing, with the size of the proposed obstruction being a smaller influence. NSL is a further measure of daylight distribution within a room. This divides those areas that can see direct daylight from those which cannot and helps to indicate how good the distribution of daylight is in a room.

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

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

- 0-20% reduction – Negligible
- 21-30% reduction – Minor Significance
- 31-40% reduction – Moderate Significance
- Above 40% reduction – Substantial Significance

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

519 It is also noted that recent planning decisions (including appeal decisions made by the Planning Inspectorate) in London and Inner London have found retained VSC values in

the mid-teens to be acceptable. It is also noted that given the cleared brownfield nature of the application site, proposals are likely to result in some change to daylight and sunlight amenity.

#### *Sunlight Guidance*

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

521 The APSH relates to sunlight to windows. BRE guidance states that a window facing within 90 degrees due south (windows with other orientations do not need assessment) receives adequate sunlight if it receives 25% of APSH including at least 5% of annual probable hours during the winter months. If the reduction in APSH is greater than 4% and is less than 0.8 times its former value then the impact is likely to be noticeable for the occupants. The APS relates to sunlight to open space: the guidance states that gardens or amenity areas will appear adequately sunlit throughout the year provided at least half of the garden or amenity area receives at least two hours of sunlight on 21st March.

#### *Discussion*

522 The application has been submitted with a Daylight and Sunlight Assessment (dated 5 November 2019) prepared by GIA. This assessment has identified the following residential properties as relevant for Daylight and Sunlight Assessment:

- 11-15 Besson Street
- 39-41 Besson Street
- 43-63 (odd) Besson Street
- 65-69 Besson Street
- 77-81 Besson Street
- Iris Court
- 1-30 Palmer House
- 1-6 Pankhurst Close
- 7-12 Pankhurst Close
- 104-110 (even) New Cross Road
- 116-148 (even) New Cross Road
- 1-5 Masonry House
- 5 Fishers Court
- 1-7 Stonemason House

523 The Daylight and Sunlight Assessment has found the following properties to adhere to the numerical values set out within the BRE Guidelines and thus are compliant with regard to impact on daylight and sunlight:

- 77-81 Besson Street
- 120-122 (even) New Cross Road
- 126 New Cross Road
- 130 New Cross Road
- 132 New Cross Road
- 138-148 (even) New Cross Road
- 5 Fishers Court

#### *11-15 Besson Street*

524 With regard to 11-15 Besson Street, this property is located to the south east of the Proposed Development and is solely residential in use. Some floorplans have been assumed by the consultants. This property remains BRE compliant for the Sunlight criteria (APSH). There are some breaches against the Daylight criteria (VSC and NSL).

- 525 A total of 20 apertures are considered relevant for the VSC assessment. The technical analysis shows that 17 of the windows in question show full compliance to the BRE Guidelines in respect of VSC. The remaining three (believed to serve two living rooms and a kitchen) windows experience alterations of between 20.7% and 22.8% VSC, which is slightly above the 20% change which the BRE Guidelines consider to be noticeable. All three windows retain VSC values of between 23% and 26.7% VSC which is considered to be good for an urban environment.
- 526 Of the 16 rooms assessed for NSL, 12 (75%) experience no noticeable alteration in daylight distribution following implementation of the Proposed Development. The remaining four rooms are located on the ground and first floors. Two of the four rooms (believed to be kitchens or living rooms) experience a change in NSL, which is only marginally above the 20% threshold recommended by the BRE (20.8% and 21.4%). Both rooms will retain sky visibility of over 75% within the room, which GIA would consider to be very good given the urban context within which the property is located. The remaining two rooms experience more meaningful changes of 33.3% and 26.3% respectively. Both rooms retain an NSL value of at least 59%, which is considered to be a good level of daylight distribution in this context.
- 527 Overall, it is considered that the retained daylight values are satisfactory and no unreasonable harm would result as a consequence of the proposed development

39-41 Besson Street

- 528 39-41 Besson Street is located to the south of the Proposed Development and is solely residential in use. Some floorplans have been assumed by the consultants. A total of 29 windows have been considered relevant for the VSC assessment. 11 of the 29 (37.9%) windows assessed remain BRE compliant.
- 529 Of the remaining 18, four will experience percentage reductions beyond the recommendations of the BRE Guidelines. They will however retain VSC values of between 25.2-26.4% in the proposed scenario, are considered to be very good daylight values given that they are slightly below the 27% target value recommended by the BRE.
- 530 Of the remaining 14 windows, eight retain VSC values of between 20.9-23.9% which is considered reasonably good. Of the final six windows, five retain values of between 14-19.9% which echoes the flexible application of the BRE Guidelines by the Planning Inspectorate and the Greater London Authority who have previously deemed retained values in the mid-teens as "acceptable". From site observations the consultants have assumed that the window experiencing 14% VSC serves a room benefiting from a mitigating window, which serves the same room. This window forms part of a projection wing to which the receipt of Daylight is restricted.
- 531 Of the 19 rooms assessed for NSL, 12 (63.2%) experience no noticeable alteration in daylight distribution following implementation of the Proposed Development. On review of the architectural form of the property and position of the windows, The consultants have estimated that the seven windows are shared across four flats, from ground floor to third floor.
- 532 Of the seven rooms experiencing the changes outside of the recommendations, four retain visibility of the sky to over 50% within the room, which is considered to be good given the urban environment. The remaining three rooms will experience a more meaningful change, retaining daylight distribution of between 36.5-46.2% within the room. As discussed above, given that the Site is vacant, this property currently enjoys uncharacteristically high NSL values in the existing condition (all in excess of 93%), such that any meaningful development of the Site will result in unavoidable movements of the No Sky Line.

- 533 Five windows are relevant for the APSH assessment as that they are within 90 degrees of due south. The technical analysis illustrates that the windows will experience a reduction in APSH beyond the recommendations of the Guidelines (30-50% reduction). Figure 04 overleaf highlights the window location in red. The orientation of the windows in red are 70 degrees of due south. Consequently, lower
- 534 Sunlight levels are expected given the orientation of the windows and the sun path. No change will occur to Winter Sunlight.
- 535 Overall, it is considered that the retained sunlight and daylight values are satisfactory and no unreasonable harm would result as a consequence of the proposed development.

43 to 63 Besson Street

- 536 43-63 Besson Street is a terrace of three storey dwelling houses located to the immediate south of the Site. Some floorplans have been assumed by the consultants. Given the undeveloped nature of the Site, this property currently enjoys unobstructed light from the north. Consequently, proposals to develop the Site are likely to cause some alteration in Daylight and Sunlight amenity.
- 537 All 33 apertures which are considered relevant for the VSC assessment show changes outside of the BRE recommendations. Of the 33 windows assessed, 28 windows retain values of 20-24.9% which are been considered reasonably good. The remaining five windows all retain in excess of 16.9% VSC, which is considered to be reasonable for an urban environment.
- 538 Of the 33 rooms assessed for NSL, eight (24.2%) experience no noticeable alteration in daylight distribution following implementation of the Proposed Development. 12 of the remaining 25 rooms retain NSL values in excess of 70% which is considered to be very good retained values. A further 11 rooms retain visibility of the sky to over 50% of the room, which GIA consider to be good given the urban environment.
- 539 The remaining two rooms are located on the ground floor of 43 Besson Street and 45 Besson Street. They experience more meaningful changes in daylight distribution albeit have retained values of between 40.7-47.3%. As discussed above, given that the Site is vacant, this property currently enjoys uncharacteristically high NSL values in the existing condition (all in excess of 98%), such that any meaningful development of the Site will result in unavoidable movements of the No Sky Line.
- 540 Overall, it is considered that the retained sunlight and daylight values are satisfactory and no unreasonable harm would result as a consequence of the proposed development.

65-69 Besson Street

- 541 65-69 Besson Street is located to the south of the Proposed Development and is solely in residential use. Some floorplans have been assumed by the consultants. Given the undeveloped nature of the Site, this property currently enjoys unobstructed light from the north. Consequently, proposals to develop the Site are likely to cause some alteration in Daylight and Sunlight amenity.
- 542 A total of 27 windows have been considered relevant for the VSC assessment. 11 of the 27 (40.7%) windows assessed remain BRE compliant. Six of the remaining 16 windows experience percentage alterations beyond the BRE Guidelines but will retain VSC values of between 25.3-26.5%. These values are slightly below the 27% target value recommended by the BRE. Of the remaining 10 windows, a further six retain VSC values of between 20.3-24.4% which is considered reasonably good. The final four windows retain a VSC value of between 16.6-18.7% which is considered to be acceptable in an urban environment.

543 Of the 20 rooms assessed for NSL, 11 (55.0%) experience no noticeable alteration in daylight distribution following implementation of the Proposed Development. Of the remaining nine rooms, seven retain visibility of the sky to over 70% of the room, which is considered to be very good given the urban context within which the property is located. The final two retain an NSL value of 56.4% and 54.1%, which again are considered good given the urban environment. As discussed above, given that the Site is vacant, this property currently enjoys uncharacteristically high NSL values in the existing condition (all in excess of 90%), such that any meaningful development of the Site will result in unavoidable movements of the No Sky Line.

544 Overall, it is considered that the retained sunlight and daylight values are satisfactory and no unreasonable harm would result as a consequence of the proposed development.

#### Iris Court

545 Iris Court is located to the west of the Proposed Development and is in residential use. Some floorplans have been assumed by the consultants. Given the undeveloped nature of the Site, this property currently enjoys unobstructed light from the east. Consequently, proposals to develop the Site are likely to cause some alteration in Daylight and Sunlight amenity. Iris Court is not relevant for Sunlight assessment as the Site facing windows are not oriented within 90 degrees due south.

546 Of the 30 windows tested (all believed to serve living rooms or bedrooms) for VSC, all will experience changes outside of the BRE recommendations. Of the 30 windows assessed, 11 retain values of between 20.7-24.4% % which as previously outlined has been considered "reasonably good". Of the remaining 19 windows, nine retain in excess of 16% VSC, which again is considered to be acceptable for an urban environment.

547 The remaining 10 windows have retained values below 15%, however, each serve living rooms which are heavily impacted by overhanging balconies. Given that they are positioned beneath the overhanging balconies, Daylight will naturally be restricted. This is acknowledged by the BRE Guidelines which state "existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction opposite may result in a large relative impact on the VSC, and on the area receiving direct skylight."

548 The consultants have run a hypothetical analysis with the balconies removed. The results from this assessment indicate that were the balconies removed from the property, the living room windows would have retained values of between 17-20% VSC as opposed to proposed values of between 3.9-10.3% with the balcony in place. This demonstrates that an existing architectural feature of Iris Court is restricting the level of Daylight that can be achieved. A conflict therefore exists between the desire to have access to outdoor space against Daylight amenity.

549 Of the 30 rooms assessed for NSL, 13 (43.3%) experience no noticeable alteration in daylight distribution following implementation of the Proposed Development. Nine of the remaining 17 rooms retain values of 50% which is considered to be good given the urban context within which the property is located. The remaining eight rooms experience more meaningful changes with retained values of between 39.4% and 49.2%. However, given that the Site is vacant, this property currently enjoys uncharacteristically high NSL values in the existing condition (all in excess of 97%), such that any meaningful development of the Site will result in unavoidable movements of the No Sky Line.

550 Overall, it is considered that the retained sunlight and daylight values are satisfactory and no unreasonable harm would result as a consequence of the proposed development.

#### Palmer House

- 551 Palmer House is located to the west of the Proposed Development and is solely residential in use. Some floor plans have been assumed by the consultants. This property remains BRE compliant with the NSL criteria.
- 552 A total of 45 (all believed to serve living rooms or bedrooms) windows have been considered relevant for the VSC assessment. 29 of the 45 (64.4%) windows assessed will remain BRE compliant. Of the 16 windows which experience changes outside of the BRE recommendations, three retain values of 25.3% or above which is slightly below the 27% threshold recommended by the BRE. A further two retain values of 20% or above which as outlined above is considered to be reasonably good. Of the remaining 11 windows, six experience in excess of 15% VSC. As outlined above values in the mid-teens are considered acceptable in an urban environment.
- 553 The remaining five windows which have retained values below 15% are partially impacted by the overhanging balconies. As acknowledged by the BRE Guidelines, Daylight will naturally be restricted as a result. Again, the consultants have run a hypothetical analysis with the balconies removed. The results from this assessment indicate that were the balconies removed from the property, the living room windows would have retained values of between 17.8-22.7% VSC as opposed to proposed values of between 10.1-14.9% with the balcony in place. This demonstrates that an existing architectural feature of Palmer House is contributing to a restricted level of Daylight. With respect to Sunlight, some windows in Palmer House will experience alterations beyond the Guidelines.
- 554 10 windows are relevant for the APSH assessment in that they fall within 90 degrees of due south. The technical analysis shows that seven remain BRE compliant for APSH.
- 555 Of the remaining three windows, the consultants have assumed that each serves a dual aspect room which benefits from two mitigating windows which when considering APSH to the rooms is compliant with the BRE Guidelines. Furthermore, two of the windows retain 22% and 24% respectively, which are slightly below the 25% target threshold recommended by the BRE. The remaining window retains 18% APSH which is considered to be good considering the urban environment.
- 556 The expectation of Sunlight, particularly Winter Sunlight, should be considered in the context of the Site's location in an urban area and the relationship with the neighbouring buildings. In light of this, it would be challenging to be compliant with the winter Sunlight test given the character of the area and position of the sun in the sky during this period.
- 557 Overall, it is considered that the retained sunlight and daylight values are satisfactory and no unreasonable harm would result as a consequence of the proposed development.

#### 1-12 Pankhurst Close

- 558 1-12 Pankhurst Close are two properties located to the north of the Proposed Development. GIA have not been able to obtain accurate floor plans for this property; therefore, internal layouts have been. These properties are not relevant for Sunlight assessment as the Site facing windows are not oriented within 90 degrees due south.
- 559 A total of 61 windows have been considered relevant for the VSC assessment. 16 of the 61 (26%) windows assessed remain BRE compliant. Of the remaining 45 windows, 16 will have retained VSC values of between 20-25.4% which is considered reasonably good. Of the remaining 29, 12 will retain values of between 15-19.4% which is considered acceptable. The remaining 17 windows which have retained values below 15%. Eight of the windows are located beneath an overhanging room feature which restricts the level of Daylight to the windows.
- 560 The consultants have run a hypothetical analysis with the roof overhang removed. The results from this assessment indicate that if the overhang was removed, the windows

would have retained values of 27.2-33.4% VSC as opposed to a proposed value of between 7-10.7% with the overhang in place. This demonstrates that an existing architectural feature of Pankhurst Close is restricting the level of Daylight that can be received to the windows.

- 561 The remaining nine windows are located within 7-12 Pankhurst Close which is closest to the Site. Given the dimensions of two of these windows (W1/F00 and W1/F01 as per the report), the consultants have stated that it is unlikely that these windows serve habitable rooms. Of the remaining seven windows, one experiences a retained value of 14.8% which is marginally below the 15% (mid-teen) value. The remaining six windows retain between 10.1-13.7% VSC. However, given that the Site is vacant, 7-12 Pankhurst Close currently enjoys uncharacteristically high VSC values in the existing condition (all in excess of 33.4%), as a result any meaningful development of the Site will result in unavoidable changes in Daylight.
- 562 Of the 34 rooms assessed for NSL, 17 (50%) experience no noticeable alteration in daylight distribution following implementation of the Proposed Development. Of the 17 rooms experiencing the changes outside of the recommendations, seven retain visibility of the sky to over 50% within the room, which is considered to be good given the urban environment.
- 563 The remaining ten rooms will experience a more meaningful change, retaining daylight distribution of between 28.7-47.1% within the room. As discussed above, given that the Site is vacant, this property currently enjoys uncharacteristically high NSL values in the existing condition (between 83.4-99.6%), such that any meaningful development of the Site will result in unavoidable movements of the No Sky Line.
- 564 Overall, whilst there will be some reductions in terms of daylight and sunlight received, it is considered that the retained sunlight and daylight values are satisfactory and no unreasonable harm would result as a consequence of the proposed development.

#### 104-106 New Cross Road

- 565 104-106 (even) New Cross Road are located to the north of the Site, both properties have commercial uses at ground floor level with residential above. Some of the floor plans have been assumed by the consultants.
- 566 A total of 19 windows are considered relevant for the VSC assessment. The technical analysis shows that 15 (78.9%) of the windows in question comply with the VSC methodology. The remaining four windows would experience alterations of between 23.2-33.2%.
- 567 The two windows serving 106 New Cross Road retain levels of 21.2% and 21.6% which are considered to be reasonably good. Furthermore, both windows serve a dual aspect room such that VSC to the room is compliant.
- 568 The remaining two windows serve a ground floor room within 104 New Cross Road. These windows retain a VSC value of 17.7% and 14.4% respectively. As outlined above it has been accepted that retained VSC levels in the mid-teens as can be considered acceptable in an urban environment.
- 569 Of the 12 rooms assessed for NSL, 11 (91.7%) experience no noticeable alteration in daylight distribution following implementation of the Proposed Development. The remaining room is located on the ground floor of 104 New Cross Road and will retain an NSL value of 40.6%. Given that the Site is vacant, this property currently enjoys uncharacteristically high NSL values in the existing condition (the subject room has an existing NSL value of 91.8%), such that any meaningful development of the Site will result in unavoidable movements of the No Sky Line.

- 570 With respect to Sunlight, both properties meet the target for APSH outlined in the BRE Guidelines, however it is against the target for Winter Sunlight that a transgression against the BRE guidelines occurs.
- 571 Both properties have one window that fails to meet the target for Winter Sunlight; both are located on the ground floor of each property. Both windows retain 4% of Winter Sunlight which is not only just below the 5% target recommended by the BRE but also a good level of Winter Sunlight in an urban environment, given the position of the sun in the sky at that time of year. The two rooms which the windows serve benefit from other mitigating windows such that the room meets the Winter Sunlight target. Additionally, both windows experience excellent annual sunlight of 39% and 49%.
- 572 Overall, it is considered that the retained sunlight and daylight values are satisfactory and no unreasonable harm would result as a consequence of the proposed development.

108-110 New Cross Road

- 573 108-110 (even) New Cross Road are located to the north of the Proposed Development. Both properties are in residential use. The consultants have not been able to obtain accurate floor plans for 108 New Cross Road; therefore, internal layouts have been assumed. Partial internal layouts have been obtained for 110 New Cross Road which have been incorporated where available, otherwise internal layouts have been assumed. Generally it has reasonably been assumed that lower windows serve living kitchen or dining areas and upper rooms would serve bedrooms.
- 574 Of the 15 apertures considered relevant for the VSC assessment, one meets the recommendations within the Guidelines. Seven of the 14 windows experiencing the transgressions retain a VSC value of above 21% which is considered to be reasonably good. Of the remaining seven windows, a further six retain a VSC value in excess of 15%. As outlined above mid-teen values are considered acceptable.
- 575 The remaining two windows are located on the lower ground floors of both properties. Given their position below ground level, their location naturally inhibits the daylight which they would receive. Notwithstanding this, it is considered that the retained values of 14.6% VSC are good given their position at lower ground level.
- 576 The consultants have considered 14 rooms relevant for the NSL assessment, none of which meet the criteria within the BRE Guidelines. Of the 14 rooms assessed, 11 will have sky visibility to at least 54% of the room, which is considered to be reasonable given the urban context within which the property is located. The remaining three rooms (outlined as F01/R1, F01/R2 and F01/R1 in the report) experience more meaningful changes with retained values of between 30.9% and 40.1%. Given that the Site is vacant, this property currently enjoys uncharacteristically high NSL values in the existing condition (the subject room has an existing NSL value of 91.8%), such that any meaningful development of the Site will result in unavoidable movements of the No Sky Line.
- 577 In terms of Sunlight, both properties meet the target for APSH outlined in the BRE Guidelines, however it is against the target for Winter Sunlight that a transgression against the guidelines occurs.
- 578 The 11 windows which do not meet the target for Winter Sunlight, will have retained values of between 2-3%. While there is a meaningful change in Winter Sunlight, it is important to consider the expectation of Sunlight, particularly Winter Sunlight, in urban areas where the urban grain is denser. In light of this, it would be challenging to meet the targets for Winter Sunlight given the character of the area and position of the sun in the sky during this period. Additionally, the windows experience excellent APSH of between 25% and 57%.

579 Overall, whilst there would be some loss of light experienced by the occupants of this property, it is considered that the retained sunlight and daylight values are satisfactory given the existing context and the urban location of the property and no unreasonable harm would result as a consequence of the proposed development.

116-118 New Cross Road (The Music Room)

580 116-118 (even) New Cross Road is located to the north east of the Site. This property is mixed in use with a rehearsal space, known as the Music Room, located at ground floor. The consultants have outlined that they have not been able to obtain accurate floor plans for the building but have assumed that the remainder of the property is in residential use.

581 This property meets the NSL and APSH criteria for Daylight and Sunlight. It is against the VSC criteria that a transgression against the BRE guidelines occurs.

582 A total of 14 apertures have been considered relevant for the VSC assessment. The technical analysis shows that six (42.9%) of the windows fully comply with the criteria for VSC. Of the remaining eight windows, all will retain VSC values in excess of 20% which is considered to be reasonably good in an urban location.

583 Overall, it is considered that the retained sunlight and daylight values are satisfactory and no unreasonable harm would result as a consequence of the proposed development.

124, 128, 130A, 134 and 136 New Cross Road

584 124, 128, 130A, 134 and 136 New Cross Road are all located to the north east of the Proposed Development. 128, 130A and 134 New Cross Road are solely residential, whereas, 124 and 136 New Cross Road are mixed in use. The consultants have outlined that they have not been able to obtain accurate floor plans for these properties therefore; internal layouts have been assumed.

585 These properties meets the VSC and APSH criteria for Daylight and Sunlight. It is against the NSL criteria that a transgression against the guidelines occurs.

586 Of the 34 rooms assessed for NSL, 26 (76.4%) experience no noticeable alteration in daylight distribution following implementation of the Proposed Development. Of the eight rooms experiencing changes, five experience changes of between 21.6-29.1% which is considered to be a minor reduction. Furthermore, all five rooms with the exception of two retain visibility of the sky to over 60% of the room, which is considered to be very good.

587 Two of the remaining three rooms (outlined as B01/R1 and B01/R1 within) are located at lower ground / basement level within 124 New Cross Road and retain values in excess of 58% which is considered good for rooms at such a level. The remaining room is located at first floor within the same building and has will have a retained NSL value of 59.8% which is considered to be good given the urban environment.

588 Overall, it is considered that the retained sunlight and daylight values are satisfactory and no unreasonable harm would result as a consequence of the proposed development.

1-5 Masonry House

589 1-5 Masonry House is located to the east of the Site. GIA have obtained accurate floor plans for the property which have been incorporated into the 3D model.

590 The technical analysis demonstrates that 22 of the 23 (95.6%) windows assessed comply with to the VSC criteria. One window (outlined as W7/F01 within the report) experiences a reduction of 50%. The window serves a recessed balcony such that the receipt of Daylight to it is restricted.

591 The consultants have run a hypothetical analysis with the balconies removed. The results from this assessment indicate that if the recessed balcony did not exist, the LKD window would have a retained value of 26.3% VSC as opposed to a proposed value of 5.2% with the balcony in place. This demonstrates that an existing architectural feature of Masonry House is restricting the level of Daylight that can be achieved.

592 Of the 13 rooms assessed for NSL, nine (69.2%) experience no noticeable alteration in daylight distribution following implementation of the Proposed Development. Of the four rooms experiencing changes, all will retain visibility of the sky to over 58% of the room which is considered to be good.

593 Of the 17 windows relevant for the APSH assessment in that they are within 90 degrees of due south, two windows will experience a reduction in APSH beyond the recommendations of the guidelines. One window (outlined as W6/F00 within the report) is located at ground floor and retains a good APSH value of 22% given the urban location. No change occurs to winter sunlight. The second window (outlined as W7/F01 within the report) experiences a more meaningful change in APSH. If the recessed balcony did not exist, the window would have a retained value of 44% APSH as opposed to a proposed value of 11% with the balcony in place.

594 Overall, it is considered that the retained sunlight and daylight values are satisfactory and no unreasonable harm would result as a consequence of the proposed development.

595 1-7 Stonemason House

596 1-7 Stonemason House is located to the east of the development site.

597 This property meets the NSL criteria for Daylight. It is against the VSC and APSH criteria that a transgression occurs.

598 Of the three windows experiencing changes, all experience reductions of between 23.5-26.4% which is not considered to be significant. Each of the impacted windows are located either within a recessed or beneath an overhanging balcony.

599 The consultants have run a hypothetical analysis with the balconies removed. The results from this assessment indicate that if the recessed and overhanging balconies did not exist, the windows would have retained value of between 26.3-27.9% VSC as opposed to proposed values of 8.8-15.9% with the balcony in place. This demonstrates that an existing architectural feature of Stonemason House is restricting the level of Daylight that can be achieved.

600 Of the 23 windows relevant for the APSH assessment in that they are within 90 degrees of due south, one window will experience a reduction in APSH beyond the recommendations of the Guidelines. The window (outlined as W1/F01 within the report) is located at first floor and retains a good APSH value of 22% given the urban location. No change occurs to winter sunlight.. If the recessed balcony did not exist, the window would have a retained value of 29% APSH as opposed to a proposed value of 8% with the balcony in place.

601 Overall, it is considered that the retained sunlight and daylight values are satisfactory and no unreasonable harm would result as a consequence of the proposed development.

Daylight and Sunlight Conclusion

602 The submission has been accompanied by a comprehensive Daylight and Sunlight assessment in relation to the Proposed Development. The technical analysis has been undertaken in accordance with the BRE Guidelines.

- 603 Throughout the design process at a pre-application stage, the scheme has been subjected to extensive testing to minimise the Daylight and Sunlight impacts to the surrounding residential properties.
- 604 However, it is acknowledged that when constructing buildings in an urban environment particularly on vacant sites, alterations in Daylight and Sunlight to adjoining properties are often unavoidable. As outlined above, the numerical guidance given in the BRE document should be treated flexibly, especially in dense urban environments and particularly where neighbouring properties have existing architectural features (such as balconies) which restrict the availability of Daylight and Sunlight.
- 605 The submitted technical analysis shows that following the implementation of the proposals, some surrounding properties will experience changes outside of the BRE recommendations. Where breaches of guidance occur, in majority of cases it is a result of the surrounding and existing context (of a vacant site) and architectural features rather than being solely caused by the proposed development.
- 606 Overall, whilst some properties would experience a degree of loss of sunlight and daylight, based upon the existing context of the application site and the existing surrounding built environment, the proposed development would have impacts within a range that would be expected for a major development within designated Opportunity Area and, and an allocated site with a high accessibility rating. It is not considered that the proposed development would give rise to an unreasonable degree of loss of light or such that would warrant refusal of the proposed development, particularly when considered against the proposed planning merits of the scheme outlined in detail elsewhere in this report.

#### **7.7.4 Overshadowing**

##### *Policy*

- 607 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards however this is not formal planning guidance and should be applied flexibly according to context.
- 608 The BRE Guidelines suggest that Sun Hours on Ground assessments should be undertaken on the equinox (21st March or 21st September). It is recommended that at least half of a garden or amenity area should receive at least two hours of sunlight on 21st March, or that the area which receives two hours of direct sunlight should not be reduced to less than 0.8 times its former value (i.e. there should be no more than a 20% reduction).
- 609 Again, it must be acknowledged that in urban areas the availability of sunlight on the ground is a factor which is significantly controlled by the existing urban fabric around the site in question and so may have very little to do with the form of the development itself. Likewise there may be many other urban design, planning and site constraints which determine and run contrary to the best form, siting and location of a proposed development in terms of availability of sun on the ground.

##### *Discussion*

- 610 The submitted overshadowing assessment has identified and tested the following spaces in accordance with the BRE Sunlight Hours on Ground assessment
- Kender Primary School play space
  - Communal area of amenity at Palmer House
  - Communal area of amenity at Gerrard House
  - Private area of amenity at 94 New Cross Rd
  - Private area of amenity at 98 New Cross Rd
  - Private area of amenity at 100 New Cross Rd

- Private area of amenity at 100a New Cross Rd
- Private area of amenity at 102 New Cross Rd
- Private area of amenity at 104 New Cross Rd
- Private area of amenity at 106a New Cross Rd
- Private area of amenity at 108 and 110 New Cross Rd
- Private area of amenity at 118-118 New Cross Rd
- Private area of amenity at 120 New Cross Rd
- Private area of amenity at 122-124 New Cross Rd
- Private area of amenity at 128 New Cross Rd
- Private area of amenity at 130 New Cross Rd
- Private area of amenity at 130a New Cross Rd
- Private area of amenity at 132-134 New Cross Rd
- Private area of amenity at 136 New Cross Rd
- Private area of amenity at 138 New Cross Rd
- Communal area of amenity at 1-5 Masonry House
- Private area of amenity at 140 New Cross Rd
- Private area of amenity at 142 New Cross Rd
- Private area of amenity at 144 New Cross Rd
- Private area of amenity at 1-5 Masonry House
- Private area of amenity at New Cross Rd
- Private area of amenity at New Cross Rd
- Communal area of amenity at 7-12 Pankhurst Close

- 611 Overall, the results show that only two of the total 28 areas assessed would experience a reduction in excess of 20% sunlight availability on the 21st of March. These are the private area of amenity at 108 and 110 New Cross Rd and the communal area of amenity at 7-12 Pankhurst Close which are discussed in detail below.
- 612 All the other areas of amenity listed above, are compliant with regard to the BRE standards in relation to Sun Hours on Ground.
- 613 It is noted that representations received as a result of the consultation outlined that not all of the amenity area available to the residential unit above The Music Room. As a result of this, officers requested that this entire area was tested – subsequently it was found that this entire amenity area would continue to comply with the BRE guidelines if the proposed development were to be constructed.
- 614 Private area of amenity at 108 and 110 New Cross Rd and Communal area of amenity at 7-12 Pankhurst Close.
- 615 The assessment indicates that additional shadows are cast by the Proposed Development onto the private garden of properties 108 and 110 New Cross Road and the backyard communal open space at 7-12 Pankhurst Close. This means that the amenity area at 108-110 New Cross Road would experience a 100% loss of sun hours on ground on 21<sup>st</sup> March and the amenity area at 7-12 Pankhurst Close would experience a 97% loss of sun hours on ground on 21<sup>st</sup> March. However, the applicant has provided further evidence to indicate that these areas would retain at least 50% sunlight hours on ground from early May to mid August. This is significant in that these summer months, when the outdoor space would be most in use, the areas would meet the BRE guidelines with regard to sun hours on ground.
- 616 As with sunlight and daylight generally, overshadowing effects are expected given the underdeveloped nature of the existing scenario, which features an empty site. Additionally, both areas are located directly to the north of the boundary of the site and would likely be affected by any proposals on the strategic site allocation, which has been long vacant.

617 In addition to the above, it is noted that deciduous tall trees exist in the middle of both amenity areas. BRE guidelines suggest that these elements are not included in the assessment given the complexity in calculating sunlight penetrating leaves or branches. However, in practice these areas are likely to be mostly overshadowed by the existing trees (whether in leaf or not) on the 21st March.

618 Nonetheless, it is acknowledged that there would be a degree of harm experienced by the occupants of these properties, by way of a reduction of sunlight hours on ground to the amenity areas serving both.

#### **7.7.5 Noise and disturbance**

##### *Policy*

619 PPG states LPAs should consider noise when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment.

620 Construction and demolition activity can result in disturbance from among things noise, vibration, dust and odour. This can harm living conditions for the duration of construction. Since some disturbance is inevitable, such impacts are usually not considered to be material planning considerations. In certain circumstances, particularly large or complex works may require specific control by planning.

621 A range of other legislation provides environmental protection, principally the Control of Pollution Act. It is established planning practice to avoid duplicating the control given by other legislation.

622 Further guidance is given in the Mayor of London's The Control of Dust and Emissions during Construction and Demolition SPG (2014).

##### *Discussion*

623 Given the nature of the proposed development itself, being a residential led scheme in a largely residential area, it is unlikely that the proposals would result in unreasonable levels of noise pollution.

624 However, noise and the agent of change principle are discussed at length within the noise pollution and housing sections of this report.

#### **7.7.6 Impact on neighbours conclusion**

625 As above, it is acknowledged that when constructing buildings in an urban environment particularly on vacant sites, alterations in Daylight and Sunlight to adjoining properties are often unavoidable. As outlined above, the numerical guidance given in the BRE document should be treated flexibly, especially in dense urban environments and particularly where neighbouring properties have existing architectural features (such as balconies) which restrict the availability of Daylight and Sunlight.

626 The submitted technical analysis shows that following the implementation of the proposals, some surrounding properties will experience changes outside of the BRE recommendations. Where breaches of guidance occur, in majority of cases it is a result of the surrounding and existing context (of a vacant site) and architectural features rather than being solely caused by the proposed development.

627 Overall, whilst some properties would experience a degree of loss of sunlight and daylight, based upon the existing context of the application site and the existing surrounding built environment, the proposed development would have impacts within a range that would be

expected for a major development within designated Opportunity Area and, and an allocated site with a high accessibility rating. It is not considered that the proposed development would give rise to an unreasonable impact upon neighbours or such that would warrant refusal of the proposed development, particularly when considered against the proposed planning merits of the scheme outlined in detail elsewhere in this report and summarised in the conclusion

## 7.8 SUSTAINABLE DEVELOPMENT

### *General Policy*

- 628 NPPF para 148 sets an expectation that planning will support transition to a low carbon future.
- 629 This is reflected in relevant policies of the London Plan and the Local Plan.
- 630 CS Objective 5 sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DMP 22 support this.

### 7.8.1 Energy and Carbon Emissions Reduction

#### *Policy*

- 631 LPP 5.1 seeks an overall reduction in CO2 emissions whilst LPP 5.2 (Minimising Carbon Dioxide Emissions) states that major development proposals should make the fullest contribution to minimising CO2 in accordance with the following hierarchy: (1) be lean: use less energy; (2) be clean: supply energy efficiently; and (3) be green: use renewable energy.
- 632 In addition, LPP 5.2 sets targets for CO2 reduction in buildings, expressed as minimum improvements over the Target Emission Rate (TER) outlined in national building regulations. The target for residential buildings is zero carbon from 2016 and non-domestic buildings from 2019, prior to which the target is as per building regulations (35%).
- 633 LPP 5.7 presumes that all major development proposals will seek to reduce CO2 by at least 20 per cent through the use of on-site renewable energy generation wherever feasible.
- 634 CSP8 seeks to minimise the carbon dioxide (CO2) emissions of all new development and encourages sustainable design and construction to meet the highest feasible environmental standards.
- 635 DMP22 require all developments to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling using the published hierarchy.

#### *Discussion*

- 636 The application is accompanied by an Energy Assessment prepared by Silcock Dawson and Partners, which sets out the measures to be taken to reduce carbon emissions. These are outlined below.

#### ***Be Lean***

- 637 The domestic element of the proposed development is estimated to achieve a reduction of 50 tonnes per annum (15%) in regulated CO2 emissions compared to a 2013 Building Regulations compliant development. The non-domestic element of the proposed development is estimated to achieve a reduction of 3 tonnes per annum (21%) in regulated CO2 emissions compared to a 2013 Building Regulations compliant development.

#### ***Be Clean***

- 638 The applicant has provided a commitment to ensure that the development is designed to allow future connection to a district heating network. Drawings demonstrating how the site is to be future-proofed for a connection to a district heating network have been provided.

639 The applicant is proposing a site-wide heat network supplied by a centralised energy centre. It has been confirmed that all apartments and non-domestic building uses will be connected to the heat network. A drawing showing the route of the heat network linking all buildings on the site has been provided alongside a drawing indicating the floor area, internal layout and location of the energy centre.

640 Lewisham's Sustainability Manager has requested that full details of the proposed Combined Heat and Power system are provided to and approved by the Council in consultation with the Greater London Authority. Additionally, the Council's Sustainability Manager has requested full details of the proposed Heat Interface Units.

### ***Be Green***

641 The applicant is proposing to install 120 kWp of Photovoltaic (PV) panels equating to circa 91000 kWh of electricity generation. A detailed roof layout has been provided demonstrating that the roof's potential for a PV installation has been maximised. Full details would be required by condition.

642 The application proposes centralised heat pumps are being proposed in the form of a hybrid Air Source Heat Pump (ASHP) system. Further information on the heat pumps was requested in relation to expected energy costs. The applicant provide this detail and the Council's Sustainability Manager and the GLA have outlined that they are satisfied with the proposals in this regard.

### ***Carbon Offset***

643 In accordance with the Council's Planning Obligations SPD, the applicant is required to make a payment of £606,424 towards carbon offsetting. This has been calculated at £104 per tonne x 194.36 tonnes over 30 years.

### ***Summary***

644 The proposal would meet the carbon reduction targets and would contribute towards sustainable development, subject to a condition securing full details of the CHP unit and the Photovoltaic Panels as well as and an obligation securing the carbon offset payment. This is a planning merit to which significant weight is given.

## **7.8.2 Urban Greening**

### ***Policy***

645 LPP 5.10 requires development to contribute to urban greening, including tree planting, green roofs and walls and soft landscaping, recognising the benefits it can bring to mitigating the effects of climate change.

646 LPP 5.11 encourages major development to include planting and especially green roofs and walls where feasible, to deliver as many of the policy's seven objectives as possible.

647 DLPP G5 expects major development to incorporate measures such as high-quality landscaping (including trees), green roofs and green walls.

648 CSP 7 expects urban greening and living roofs as part of tackling and adapting to climate change. DMP 24 requires all new development to take full account of biodiversity and sets standards for living roofs.

### ***Urban Greening Factor***

649 The applicant has submitted details indicating that the proposed development would achieve an Urban Greening Factor of 0.43 where draft London Plan Policy G5 recommends an UGF of at least 0.4 for residential development. As such, the proposed development is acceptable in this regard.

### ***Living Roofs***

650 Policy 5.11 of the London Plan requires that major development proposals should be designed to include roof, wall and site planting, especially green roofs and walls where feasible.

651 The proposed development proposes intensive and extensive green roofs as follows;

**Table 5: Living Roof Provision**

<b>Type of Living Roof</b>	<b>Size of Living Roof (m2)</b>
Intensive Green Roof	62.75
Extensive Green Roof	3233.15
<b>Total</b>	<b>3,295.90</b>

652 The applicant has maximised the provision of living roof across the proposed development. Full details of the proposed intensive and extensive green roofs would be captured by condition.

### **7.8.3 Flood Risk**

#### *Policy*

653 NPPF para 155 expects inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Para 163 states development should only be allowed in areas at risk of flooding where mitigation measure can be included.

654 LPP 5.12 requires the mitigation of flooding, or in the case of managed flooding, the stability of buildings, the protection of essential utilities and the quick recovery from flooding.

655 LPP 7.13 expects development to contribute to safety, security and resilience to emergency, including flooding.

656 DLPP SI12 expects development proposals to ensure that flood risk is minimised and mitigated.

657 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.

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

#### *Discussion*

659 The proposed development has been submitted with a Flood Risk Assessment which has been reviewed by both the Lead Local Flood Risk Authority and the Environment Agency.

660 The Environment Agency have advised that the site lies partially within Flood Zone 2 and partially in Flood Zone 3 and is located within an area benefitting from flood defences. Whilst the site is protected by the River Thames tidal flood defences up to a 1 in 1000 (0.1%) chance in any year, our most recent flood modelling (December 2017) shows that the site is not at risk if there was to be a breach in the defences. Therefore, the EA consider that the development will be at low risk of flooding.

661 The EA have stated that the scheme is acceptable with regard to flood risk subject to conditions as follows:

1. A preliminary land contamination assessment
2. A land contamination verification report
3. A land contamination verification report
4. Details of Sustainable Urban Drainage
5. Details of piling design

662 Conditions 1 to 3 as outlined above are considered further below in the ground contamination section of this report. The Sustainable Urban Drainage condition is considered immediately below. The application would be condition to require details of piling design to be submitted to and approved by the Local Planning Authority.

663 The Lead Local Flood Risk Authority have raised no objection with regard to flood risk but have requested additional material in relation to Sustainable Urban Drainage as outlined below.

#### **7.8.4 Sustainable Urban Drainage**

##### *Policy*

664 The NPPF at para 165 expects major development to incorporate sustainable urban drainage systems (SUDS) unless there is clear evidence it is inappropriate.

665 LPP 5.13 requires SUDS unless there are practical reasons for not doing so. In addition, development should aim to achieve greenfield run-off rates and ensure surface water is managed in accordance with the policy's drainage hierarchy.

666 DLPP SI13 expects development to achieve greenfield run-off rates in accordance with the sustainable drainage hierarchy.

667 CSP 10 requires applicants demonstrate that the most sustainable urban drainage system that is reasonably practical is incorporated to reduce flood risk, improve water quality and achieve amenity and habitat benefits.

668 Further guidance is given in the London Plan's Sustainable Design and Construction SPG, the London Sustainable Drainage Action Plan, the Non-Statutory Technical Standards for Sustainable Drainage Systems and CIRIA C753 The SuDS Manual.

##### *Discussion*

669 The application is accompanied by a Surface and Foul Water Drainage Report, prepared by AECOM (28<sup>th</sup> November 2019). This sets out the measures to be taken to reduce flood risk and to promote Sustainable Urban Drainage.

670 The submission has been reviewed by the Lead Local Flood Risk Authority who have not objected to the proposed development but require further information with regard to SuDS. The stage 1 response from the GLA echoes this and recommends that further information with regard to microdrainage is captured by condition.

671 The applicant is advised that the following detail would be required by the detailed microdrainage condition:

1. A detailed drainage design plan and the attenuation volume that will be provided by each drainage feature. This should be based on the 100 year critical storm duration with climate change for the site and the allowable discharge rate. Flood Studies Report (FSR) rainfall data should be used for storm durations less than 1 hour and Flood Estimation Handbook (FEH) rainfall data should be used for storm durations greater than 1 hour when identifying the critical storm duration.
2. Demonstrate the infiltration rate on site if infiltration is part of the final drainage design.
3. Show a drainage map that includes a clear exceedance route for flood waters.
4. Provide the existing surface water run-off rates from the site (whole area of contributing runoff). Provide detailed calculations of the post development discharge rates and an explanation of methodology of the calculation. It is expected this should be at greenfield rate for existing greenfield sites and it is strongly encouraged that brownfield sites discharge at the original pre-development (greenfield) rate where possible.
5. Modelling of all the proposed SuDS system for the site (e.g. Microdrainage), showing the behaviour of the site for the main rainfall events (Qbar, 30 year, 100 year, 100 year + climate change).
6. Typical operation of the system for low rainfall and first-flush events, with indication of how treatment of surface water will be achieved
7. Demonstrate how runoff will be treated of pollutants and explore the risk to groundwater flooding if infiltration is to be utilised.
8. A site-specific Maintenance Plan is required from the applicant, which includes:
  - i. Description of maintenance schedule
  - ii. Please provide details of who will maintain the proposed drainage system together with the full list of Sustainable Urban Drainage System elements over the lifetime of the development, confirming any adoption arrangements.
  - iii. Confirm who will maintain the proposed drainage system with individual SuDS elements over the lifetime of the development, confirming any adoption arrangements.
  - iv. Provide evidence that access (e.g. easement or rights of way for access) will be physically possible for maintenance to be carried out as SuDS features should be located within public space.
  - v. Provide a plan for the safe and sustainable removal and disposal of waste periodically arising from the drainage system. A maintenance manual should also be produced to pass to the future maintainer. If other parties are responsible for different parts of a scheme, this should be clearly shown on the plan.
  - vi. Outline clearly the frequency of maintenance activities/timetables associated with each drainage system and SuDS elements, linking these into the site plan. Some of these information can be obtained through each proprietary product's manufacturer's instructions and specifications.

672 Subject to the above detail being captured by condition, the proposed application is considered acceptable with regard to Sustainable Urban Drainage.

### **7.8.5 Sustainable Infrastructure Conclusion**

- 673 Overall, the proposed development would achieve a 40% reduction in carbon emissions over the 2013 Building Regulations and subject to condition such is acceptable with regard to Energy and Carbon Emission reduction.
- 674 Subject to conditions as outlined above, the proposed development is acceptable with regard to Flood Risk and Sustainable Urban Drainage.

## **7.9 NATURAL ENVIRONMENT**

### *General Policy*

- 675 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.
- 676 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.
- 677 The NPPF at para 180 states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the sensitivity of the site or wider area to impacts that could arise from the development.
- 678 LPP 2.18 sets out the Mayor of London's vision for Green Infrastructure as a multifunctional network that brings a wide range of benefits including among other things biodiversity, adapting to climate change, water management and individual and community health and well-being.

### **7.9.1 Ecology and biodiversity**

#### *Policy*

- 679 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard to the purpose of conserving biodiversity.
- 680 NPPF para 170 states decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. NPPF para 175 sets out principles which LPAs should apply when determining applications in respect of biodiversity.
- 681 LPP 7.19 seeks wherever possible to ensure that development makes a positive contribution to the protection, enhancement, creation and management of biodiversity.
- 682 CSP 12 seeks to preserve or enhance local biodiversity.
- 683 DMP 24 require all new development to take full account of biodiversity in development design, ensuring the delivery of benefits and minimising of potential impacts on biodiversity.

#### *Discussion*

- 684 The application has been submitted with an Ecological Survey and Report. A survey was undertaken at the application site on 27th June 2019. The site was found to consist of hardstanding, ruderal vegetation, trees and shrubs and piles of rubble and soil.
- 685 The site is not subject to any statutory or non-statutory designations. The closest statutory site is Nunhead Cemetery Local Nature Reserve located approximately 1.5km to the south at its closest point and the survey area does not support any features that contribute to the designation of this site.
- 686 The report found that no further surveys are required but a precautionary approach to vegetation clearance in respect to breeding birds should be taken.
- 687 A range of ecological initiatives are proposed across the landscape scheme. These draw on the aims and intent of the Ecological Report, A Natural Renaissance for Lewisham and

Lewisham Biodiversity Action Plan (LBAP). Recommended by the LBAP, bird nesting and bat roosting provisions should be included in an effort to support and protect wildlife diversity.

688 Roosts and boxes located on the outside of walls, at roof level, and on/near trees could be utilised to encourage the presence of nesting and roosting species.

689 The key ecological initiatives proposed by the scheme include;

- Bat roosts for crevice dwelling Pipistrelles and Myotis species
- Colourful bird boxes for nesting species. Access holes to be 32mm minimum
- Beetle loggery at ground level
- Invertebrate hotel at ground level
- Nectar-rich flowering plants for butterflies and bees
- Areas of open mosaic habitat on the roofs including shallow water depressions

690 The site would also provide biodiverse roofs, an amenity roof terrace with self-grow beds as well as landscaping throughout ground level of the site – these features in themselves will provide an element of ecological enhancement and creation.

691 Full details of all ecological mitigation measures are proposed to be secured by condition.

692 Full details of landscaping and species selection is also recommended to be captured by condition to ensure native species are promoted and that species selection promotes biodiversity across the application site and wider area. Also relevant to promotion of biodiversity on site, it is recommended that a lighting strategy be captured by condition.

693 Subject to the above, the application is acceptable with regard to ecology and biodiversity.

## **7.9.2 Green Spaces and Trees**

### *Policy*

694 S.197 of the Town and Country Planning Act gives LPAs specific duties in respect of trees.

695 NPPF para 170 expects development to contribute to and enhance the natural and local environment.

696 LPP 7.21 protects trees of value and replacements should follow the principle of 'right place, right tree'. New development should include additional trees wherever appropriate, particularly large-canopied species. Additionally, LPP 7.22 encourages the innovative use of space for growing food.

697 DLPP G7 expects development proposals to ensure that, wherever possible, existing trees of value are retained. Where it is necessary to remove trees, adequate replacement is expected based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or other appropriate valuation system.

698 CSP 12 seeks to protect trees and prevent the loss of trees of amenity value, with replacements where loss does occur.

699 DMP 25 states that development schemes should not result in an unacceptable loss of trees, especially those that make a significant contribution to the character or appearance of an area, unless they are considered dangerous to the public by an approved Arboricultural Survey. Where trees are removed as part of new development, replacement planting will normally be required. New or replacement species should be selected to avoid the risk of decline or death arising from increases in non-native pests and diseases.

### *Discussion*

- 700 There are 5 individual trees and 1 group of self-seeded poplars, on and bordering the application site.
- 701 The application seeks removal of the low quality trees on which have established on site since it was cleared; as well as the retention of a mature Lime tree, located just off the application site at the rear of Pankhurst Court and a Cherry tree located to the rear of 108 and 110 New Cross Road.
- 702 It is recommended that a full Arboricultural Method Statement including a Tree Protection plan are secured by condition.
- 703 The application proposes a total of 9 larger canopy trees across the application site plus many smaller species (29 approximately), particularly within the central garden square. Full details of planting and species selection would be secured by a soft landscaping condition.
- 704 Subject to the above, the application is acceptable with regard to trees.

### **7.9.3 Ground pollution**

#### *Policy*

- 705 Failing to deal adequately with contamination could cause harm to human health, property and the wider environment (NPPG, 2014). The NPPF at para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil pollution. Development should help to improve local environmental conditions.
- 706 The NPPF states decisions should contribute to and enhance the natural and local environment by remediating and mitigating contaminated land, where appropriate (para 170). Further, the NPPF at para 178 and NPPG states decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination.
- 707 Contaminated land is statutorily defined under Part 2A of the Environmental Protection Act 1990 (EPA). The regime under Part 2A does not take into account future uses which need a specific grant of planning permission. To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for a new development is considered by the LPA.
- 708 The test is that after remediation, land should not be capable of being determined as "contaminated land" under Part 2A of the EPA.
- 709 If there is a reason to believe contamination could be an issue, developers should provide proportionate but sufficient site investigation information (a risk assessment) to determine the existence or otherwise of contamination, its nature and extent, the risks it may pose and to whom/what (the 'receptors') so that these risks can be assessed and satisfactorily reduced to an acceptable level. Defra has published a policy companion document considering the use of 'Category 4 Screening Levels' in providing a simple test for deciding when land is suitable for use and definitely not contaminated land. A risk assessment of land affected by contamination should inform an Environmental Impact Assessment if one is required.
- 710 The risk assessment should also identify the potential sources, pathways and receptors ('pollutant linkages') and evaluate the risks. This information will enable the local planning

authority to determine whether further more detailed investigation is required, or whether any proposed remediation is satisfactory.

711 At this stage, an applicant may be required to provide at least the report of a desk study and site walk-over. This may be sufficient to develop a conceptual model of the source of contamination, the pathways by which it might reach vulnerable receptors and options to show how the identified pollutant linkages can be broken.

712 Unless this initial assessment clearly demonstrates that the risk from contamination can be satisfactorily reduced to an acceptable level, further site investigations and risk assessment will be needed before the application can be determined. Further guidance can be found on the Environment Agency website.

#### *Discussion*

713 The application has been submitted with a 'Preliminary Geo-Environmental and Geotechnical Risk Assessment Report' (PRA) by AECOM (reference 60595628 Rev 2 dated 18/10/2019). The report has indicated the potential for historic ground contamination to be present and has recommended a comprehensive intrusive investigation to assess this.

714 The Environment Agency and the Council's Environmental Protection Officer have reviewed the PRA as submitted by the applicant and have no objections to the proposed development subject to a planning condition securing a full desktop study and site assessment, site investigation report and closure report including verification details have been submitted to and approved by the local planning authority.

715 Subject to the above, the proposed development is acceptable with regard to ground pollution.

#### **7.9.4 Air pollution**

##### *Policy*

716 NPPF para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality. Proposals should be designed and built to improve local air quality and reduce the extent to which the public are exposed to poor air quality. Poor air quality affects people's living conditions in terms of health and well-being. People such as children or older people are particularly vulnerable.

717 LPP 7.14 states new development amongst other requirements must endeavour to maintain the best ambient air quality (air quality neutral) and not cause new exceedances of legal air quality standards. DLPP SI1 echoes this.

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

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

##### *Discussion*

720 This development falls within an Air Quality Management Area (AQMA). An AQMA is declared where it appears that any air quality standards or objectives are not being achieved, or are unlikely to be achieved within the relevant period, the local authority has

to identify any parts of its area in which it appears that those standards or objectives are not likely to be achieved within the relevant period.

- 721 The application has been submitted with an Air Quality Assessment indicating that the proposed development would achieve the London Plan target of being 'Air Quality Neutral'.
- 722 There needs to therefore be a proportionate cost towards the management of air quality and where development increases the number of people being exposed to poor air quality and/or increases transport trips to and from the area then costs towards management is important.
- 723 The Council has an existing air quality monitoring network, which allows for verification and validation of air quality prediction models. This is important for assessing the affects and changes to transport schemes and other actions being introduced that are aimed to improve the air quality in the Borough and within the development area. It also is introducing air quality actions within the area, which need to be funded.
- 724 There are also construction management responsibilities that the Environmental Protection Team have, these consist of monitoring and on-site meetings with the Contractors in order to check compliance with the Council's 'Good Practice Guide – Control of pollution and noise from demolition and construction sites'.
- 725 The Council's Environmental Protection Officer has reviewed the proposed application and has stated to ensure the above can be carried out there would need to be £11,000 costs towards these expenses.
- 726 Subject to the above being secured by legal agreement, the proposed development would be acceptable with regard to air quality.

#### **7.9.5 Water quality**

##### *Policy*

- 727 The NPPF at para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution or. Development should, wherever possible, help to improve local environmental conditions such as water quality, taking into account relevant information such as river basin management plans

##### *Discussion*

- 728 Given the nature of the proposed development, a residential led mixed-use scheme, the proposals are not considered to give rise to potential unacceptable impacts on water quality.
- 729 Thames Water have been consulted on the proposed application and have raised no objections subject to the inclusion of an informative on any recommendation for approval.

#### **7.9.6 Wind and Microclimate**

##### *Policy*

- 730 LP7.7 states tall buildings should not affect their surroundings adversely in terms of among other things microclimate and wind turbulence.

##### *Discussion*

- 731 The application has been submitted with a Wind and Microclimate Assessment (dated 5 November 2019) prepared by AECOM.
- 732 The assessment shows that, following development, no significant wind issues as related to pedestrian comfort/distress are expected. Only a very small location at the base of the 12 storey tower identified with comfort category III (suitable for pedestrian walking). However, the assessment identified that no mitigation is currently required as no entrances or standing locations are planned for this regions.
- 733 No regions are identified as breaching the pedestrian distress criteria for “frail person or cyclist” and no regions are identified as breaching the pedestrian distress criteria for other users. The results also show a significant area of space in the centre of the development will likely be acceptable for long-term sitting, allowing the inclusion of benches, gardens and other outdoor-use spaces without the need for local mitigation.
- 734 Given the above, the proposed development is considered acceptable with regard to wind and microclimate.

### **7.9.7 Waste**

#### *Policy*

- 735 LPP 5.16 seeks to minimise waste and, among other things, exceed recycling and reuse levels in construction, excavation and demolition waste of 95% by 2020. The Mayor of London’s Sustainable Design and Construction SPG (2014) makes clear that developers should maximise the use of existing resources and materials and minimise waste through the implementation of the waste hierarchy.

#### *Discussion*

- 736 The application has provided a high level waste strategy but not been accompanied by a Site Waste Management Plan. It is recommended that this be secured by condition.

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

### *General Policy*

- 737 The NPPF and NPPG promote healthy communities. Decisions should take into account and support the health and well-being of all sections of the community. The NPPG recognises the built and natural environments are major determinants of health and wellbeing. Further links to planning and health are found throughout the whole of the NPPF. Key areas include the core planning principles (para 15) and the policies on transport (chapter 9), high quality homes (chapter 5), good design (chapter 12), climate change (chapter 14) and the natural environment (chapter 15).
- 738 The NPPG sets out a range of issues that could in respect of health and healthcare infrastructure, include how development proposals can support strong, vibrant and healthy communities. Development, where appropriate, should encourage active healthy lifestyles that are made easy through the pattern of development, good urban design, good access to local services and facilities; green open space and safe places for active play and food growing, and is accessible by walking and cycling and public transport. The creation of healthy living environments for people of all ages can support social interaction.
- 739 Para 127 Good design create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 740 LPP 3.2 seeks to ensure development is designed, constructed and managed in ways that improve health and promote healthy lifestyles to help reduce inequalities.
- 741 LPP 7.1 requires development to contribute to health, well-being and public safety.

### **7.10.1 Public Health and Well-being**

#### *Discussion*

- 742 The proposed application seeks to deliver a new GP surgery and pharmacy, which are considered to provide a direct benefit to public health and wellbeing.
- 743 The application has been designed with a 'garden square' at the heart of the development and a multifunctional public realm which provide opportunities for a range of activities from fitness, fruit and vegetable growing (for residents) to spaces for socialising which would be available for people of all age ranges.
- 744 The proposed development is considered to deliver a high quality of design, which is inclusive, promotes health and wellbeing as well as community cohesion.
- 745 The development presents good access to local services and facilities; green open space and safe places for active play and food growing, and is accessible by walking and cycling and public transport.
- 746 Given the above, the proposed scheme is considered acceptable with regard to public health and wellbeing.

### **7.10.2 Public safety**

#### *Policy*

- 747 Para 127 Good design create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future

users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

748 Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder

749 LPP 7.3 seeks to ensure that developments are designed to reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating. LPP 7.13 expects development to contribute to safety, security and resilience to emergency, including crime and terrorism and fire.

750 DLLP D10 states measures to design out crime should be integral to the proposals, taking into account the principles of the Secured by Design scheme. Development should maintain a safe and secure environment and reduce the fear of crime.

751 CSP 15 requires development to minimise crime and the fear of crime.

*Discussion*

752 The applicant team have met with the Metropolitan Police's Designing Out Crime Officer who has had input on the design of the proposals from an early stage in the process.

753 The current proposal has been assessed by the Metropolitan Police Designing Out Crime Officer who has stated that the design of the development has considered opportunity for natural surveillance, incorporates excellent lines of site and the development should 'activate' this area. These are all excellent crime prevention measures. The ground floor footprint has also been designed in such a way that there are no alcoves or secluded areas that are often crime and ASB generators. This is considered extremely positive in relation to crime prevention.

754 The Officer noted no objections to the proposed development but would seek to have a planning condition attached where this development should incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design.

755 As such, it is recommended that a Secured by Design condition be secured.

## **8 LOCAL FINANCE CONSIDERATIONS**

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

- a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

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

758 The CIL is therefore a material consideration.

759 £1,444,395 Lewisham CIL and £908,479 MCIL (including affordable relief) is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

## 9 EQUALITIES CONSIDERATIONS

- 760 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 761 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - advance equality of opportunity between people who share a protected characteristic and those who do not;
  - foster good relations between people who share a protected characteristic and persons who do not share it.
- 762 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 763 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 764 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- The essential guide to the public sector equality duty
  - Meeting the equality duty in policy and decision-making
  - Engagement and the equality duty
  - Equality objectives and the equality duty
  - Equality information and the equality duty
- 765 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 766 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

## 10 HUMAN RIGHTS IMPLICATIONS

767 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Article 8: Respect for your private and family life, home and correspondence
- Article 9: Freedom of thought, belief and religion
- Protocol 1, Article 1: Right to peaceful enjoyment of your property
- Protocol 1, Article 2: Right to education

768 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

769 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

770 This application has the legitimate aim of providing a new building with employment and residential uses. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

## 11 LEGAL AGREEMENT

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

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

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

773 It is recommended that the following items are secured by legal agreement:

### *Housing*

- 35% affordable housing (by unit and habitable room)
- Dwelling mix: 114 London Living Rent residential units. The mix of such units to be as follows:

<b>Affordable Housing Mix</b>	
<b>Unit Type</b>	<b>London Living Rent</b>
1B2P	57
2B3P	4
2B4P	40
3B5P	13
Total	114

- Wheelchair accessible homes to meet M4(3): \*unit numbers to be inserted\* and remaining units to meet M4(2)
- Timing of delivery – 100% of affordable units shall be practicably completed and ready for occupation before occupation of more than 75% of the Market / Private dwellings.
- Review mechanism – Early stage review (Upon substantial implementation - completion of basement works - if the planning permission has not been implemented within two years) and a late stage review (when 75% of homes are sold or occupied should they be rented and where developer returns meet or exceed an agreed level in accordance with the London Plan Affordable Housing and Viability SPG).

- Management standards – The management of the proposed development shall adhere to the following standards:
  - Availability of tenancies of at least three years
  - Rent increases would be formula based and made clear to the tenant before signing
  - On-site management
  - Complaints procedure to be put in place
  - No up-front fees other than deposits and rent in advance

### *Transport and Public Realm*

- Bus improvement contribution - £236,273
- Legible London wayfinding contribution - £8,000
- CPZ consultation and implementation - £30,000
- Future residents not to be eligible to obtain parking permits
- Car club strategy to include membership for all residents for 3 years and review of provision in the area
- Residential and non-residential travel plans
- Pedestrian and cycle access to be maintained through the application site in order to prevent future gating
- Section 278 public realm improvements and highway works to include:
  - Provision of one loading bay on Besson Street and one loading bay on Briant Street with associated restrictions
  - Two on-street disabled parking bays on Besson Street and a car club bay with associated electric vehicle charging points
  - An uncontrolled pedestrian crossing facility in the form of a dropped kerb with appropriate tactile paving to the west of the loading bay on Besson Street (following the observations made in the Stage 1 Road Safety Audit) .
  - Improved crossing facilities at the Fisher Court Junction with Besson Street (dropped kerbs with appropriate tactile paving).
  - The amendment of waiting / loading restrictions and associated Traffic Regulation Order, to facilitate refuse collection
  - Reinstatement / improvement works to the footways adjacent to the site, on Briant Street and Besson Street, and the provision of dropped kerbs/tactile paving
  - Improvements to the existing crossing facilities on Briant Street between the site and Kender school
  - Improvement works to the Besson Street/New Cross Road/Hatcham Park Road junction, creating a straight-across crossing for cyclists, to enable cycles to travel through the junction between Besson Street and Hatcham Park Road, the works will include kerb works, amendments to the signal arrangement, and a cyclist exemption to the existing restrictions
- Cycle Parking Management Plan to secure the following:
  - Should be secured for the lifetime of the development
  - To include periodic surveys of the cycle parking demand / use at the site
  - To include mechanisms to amend the cycle stand mix, to meet the varying demands through the lifetime of the development,
  - To include details of security and CCTV provision in the cycle parking areas.
  - The Plan should be submitted for approval prior to occupation of the development.
- Delivery and Servicing Plan to secure the following:

- A monitoring strategy in relation to servicing activities at the site
  - A communication strategy to inform future occupiers of the concierge facilities at the site,
  - Include further details of how the concierge service will be operated
  - Include an obligation to meet the cost of increased provision of on-street loading space on Briant and Besson Streets (if demand is greater than predicted)
- Car Parking Management Plan to secure the following:
    - Further details of how the off- street spaces within the development will be allocated / managed,
    - Further details of how informal parking throughout the development (I.e. in the public realm) will be enforced
    - Further details of how access to the car park will be controlled / managed
    - Further details of how the service area and turning head facility will be managed/ enforced.
    - Further details of how the emergency vehicle route through the site from Besson Street and Briant Street would be controlled/ managed.
    - The Plan should confirm the off- street parking spaces will be leased (not sold),
    - Include a monitoring / review mechanism so fluctuating demand for disabled parking would be accommodated

#### *Employment & Training*

- Local labour and business contribution to be considered at Early and Late Stage Review should a surplus be identified
- Local Labour and Business Strategy

#### *Carbon Offset Payment*

- Financial contribution of £606,424

#### *Commercial Units*

- Developer to undertake initial fit-out of the commercial unit prior to any occupation of the residential unit to include:
  - Service connections for gas, electricity, water and foul drainage;
  - Provision for telecommunication services and broadband services;
  - Wall and ceiling finishes;
  - Wheelchair accessible entrances;
  - Screed floors;
  - Glazing solution.

#### *Air Quality*

- Air Quality neutral contribution - £11,000

#### *Monitoring and Costs*

- Meeting the Council's reasonable costs in preparing and monitoring the legal obligations

#### *Noise and Deed of Easement*

- The applicant shall enter into a Deed of Easement with the operators of The Music Room in relation to all residential units across the development site
- The applicant shall fund an independent third party noise assessment in relation to noise generated by The Music Room and any additional mitigation identified within this report shall be implemented prior to occupation of the residential units

774 Officers consider that the obligations outlined above are appropriate and necessary in order to mitigate the impacts of the development and make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

## 12 CONCLUSION

- 775 The application has been assessed against the adopted Development Plan, as required by Section 38(6) of the Planning and Compulsory Purchase Act.
- 776 The proposals have been developed in the context of extensive pre-application consultation with Council Officers, the Greater London Authority and following two presentations to Lewisham's Design Review Panel. The applicant has also held three public exhibitions to which local residents and stakeholders were invited.
- 777 The proposals represent an opportunity to regenerate this underutilised part of New Cross, to provide a high quality development on a sustainably located brownfield Site which benefits from excellent public transport accessibility and a site allocation within the Local Plan for redevelopment.
- 778 The Proposal will provide a substantial quantum of residential units to help meet the Borough's housing needs. In particular, the PRS tenure of the scheme will accelerate the rate of housing delivery compared to conventional open market housing. This is a significant benefit to be weighed in the planning balance as the proposal will assist in addressing its housing need which is set to increase substantially under the draft London Plan housing targets.
- 779 The residential units will be tenure blind and pepper potted across the scheme and so would deliver a socially inclusive development. In addition, each unit will be fitted out with the same specification so that the quality of accommodation will be consistent across the scheme regardless of the tenure of units.
- 780 Additionally, the scheme will deliver high quality retail/commercial, health and community floorspace. The mixed-use nature of the proposals will also provide significant socio-economic and health benefits for the local community, The scheme will deliver 35% affordable housing on a habitable room and unit basis, including affordable family housing which would be provided at a level suitable for key workers.
- 781 The applicant's Financial Viability Assessment demonstrates that the scheme delivers the maximum affordable housing offer when considered in the light of the provision of a GP practice, pharmacy and community centre which would be provided to the New Cross Gate Trust at peppercorn rent. Given the significant public benefits arising from the provision of these community uses, the level of affordable housing is considered to be acceptable as well as the maximum amount viable
- 782 The proposals reflect the principles of the highest quality design, ensuring an exemplary built environment for visitors and residents. The size and highly accessible location of the application site supports a high density scheme including provision of a tall building. The impacts upon heritage assets in the vicinity of the application site have been fully considered and it is concluded that less than substantial harm will be caused. The officer assessment has also identified some impacts upon occupants of neighbouring residential properties in relation to loss of light and overshadowing. However, on balance the benefits and planning merits of the scheme are considered to substantially outweigh any harm identified.
- 783 The proposed development would also result in the delivery of significant public realm enhancements, specifically through the delivery of the communal amenity space which will be publically accessible and will benefit the local community. Improvements to the existing highways network would also be secured by legal agreement.
- 784 In conclusion, the proposed development is considered to be in accordance with the relevant national planning policy guidance and development plan policies. The proposals are wholly sustainable development in accordance with the NPPF and will make an

important contribution to the town centre, in respect of housing supply and importantly the local community. The proposals are therefore considered to be both appropriate and beneficial. Therefore, on balance, any harm arising from the proposed development is considered to be significantly outweighed by the benefits listed above.

## 13 RECOMMENDATION

- 1 That the Committee resolve to **GRANT** planning permission subject to a S106 Legal Agreement and to the following conditions and informatives:

### 13.1 CONDITIONS

1. Full Planning Permission Time Limit

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

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

2. Drawing Numbers

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

MLUK-603-A-P-XX-0100; MLUK-603-A-P-XX-0110; MLUK-603-A-P-XX-0130; MLUK-603-A-P-XX-0140; MLUK-603-A-P-XX-1000; MLUK-603-A-P-XX-1010; MLUK-603-A-P-XX-1020; MLUK-603-A-P-XX-1100; MLUK-603-A-P-XX-1101 Level 01; MLUK-603-A-P-XX-1102 Level 02; MLUK-603-A-P-XX-1103 Level 03; MLUK-603-A-P-XX-1104 Level 04; MLUK-603-A-P-XX-1105 Level 05; MLUK-603-A-P-XX-1106 Level 06; MLUK-603-A-P-XX-1107 Level 07; MLUK-603-A-P-XX-1108; MLUK-603-A-P-XX-1109 Level 09; MLUK-603-A-P-XX-1110 Level 10; MLUK-603-A-P-XX-1111 Level 11; MLUK-603-A-P-XX-1112 Level 12; Block Plan; MLUK-603-A-P-XX-1200 Level 00; MLUK-603-A-P-XX-1201 Level 01; MLUK-603-A-P-XX-1202 Level 02; MLUK-603-A-P-XX-1203 Level 03; MLUK-603-A-P-XX-1204 Level 04; MLUK-603-A-P-XX-1205 Level 05; MLUK-603-A-P-XX-1206 Level 06; MLUK-603-A-P-XX-1207 Level 07; MLUK-603-A-P-XX-1208 Level 08; MLUK-603-A-P-XX-1209 Level 09; MLUK-603-A-P-XX-1210 Level 10; MLUK-603-A-P-XX-1211 Level 11; MLUK-603-A-P-XX-1212; MLUK-603-A-P-XX-2100; MLUK-603-A-P-XX-2101; MLUK-603-A-P-XX-2102; MLUK-603-A-P-XX-2103; MLUK-603-A-P-XX-3100; MLUK-603-A-P-XX-3101; MLUK-603-A-P-XX-3102; MLUK-603-A-P-XX-3103; MLUK-603-A-P-XX-3104; MLUK-603-A-P-X-3105; MLUK-603-A-P-XX-3106; MLUK-603-A-P-XX-3200; MLUK-603-A-P-XX-3201; MLUK-603-A-P-XX-3202; MLUK-603-A-P-XX-3203; MLUK-603-A-P-XX-3204; MLUK-603-A-P-XX-3250; MLUK-603-A-P-XX-325; MLUK-603-A-P-XX-3252; MLUK-603-A-P-XX-3253; MLUK-603-A-P-XX-3254; MLUK-603-A-P-XX-4010; MLUK-603-A-P-XX-4020; MLUK-603-A-P-XX-5000 1B2P; MLUK-603-A-P-XX-5001 1B2P; MLUK-603-A-P-XX-5020 2B4P; MLUK-603-A-P-XX-5021 2B4P; MLUK-603-A-P-XX-5022 2B4P; MLUK-603-A-P-XX-5040 3B5P; MLUK-603-A-P-XX-5110 1B2P; MLUK-603-A-P-XX-5113 2B3P; MLUK-603-A-P-XX-5115 3B4P; ExA\_1911\_101; ExA\_1911\_301; 80025 M 100; 180025 M S 100; 180025 SKETCH 15; SK001F; SK001; SK002; SK003; SK004; SK005; SK007; SK008; SK009; SK010; SK011; SK012.

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

3. Materials

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

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

4. Soft Landscaping

- a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to development above first floor level.
- b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

5. Hard Landscaping (excluding Section 278 works)

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

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

6. Construction Logistics Plan

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

- a) Rationalise travel and traffic routes to and from the site.
- b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.
- c) Measures to deal with safe pedestrian movement.

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

**Reason:** In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2016).

7. Construction Environmental Management Plan

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

- a) risk assessment and appropriate mitigation measures to minimise dust and emissions based on the Mayor's Best Practice Guidance (The Control of Dust and Emissions from Construction and Demolition) of the London Plan 'Control of emissions from construction and demolition' SPG
- b) An inventory and timetable of dust generating activities
- c) Dust mitigation measures
- d) Emission control measures
- e) Air Quality Monitoring
- f) The location and operation of plant and wheel washing facilities
- g) Details of best practical measures to be employed to mitigate noise, vibration and air quality arising out of the construction process
- h) Details of the training of site operatives to follow the Construction and Environmental Management Plan requirements
- i) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
  - (i) Rationalise travel and traffic routes to and from the site.
  - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
  - (iii) Measures to deal with safe pedestrian movement.

The works shall only be carried out in accordance with the approved plan agreed under Parts (a – i) of this condition.

**Reason:** In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2016), Policy 9 Improving local air quality of the Lewisham Core Strategy (June 2011) and DM Policy 23 Air Quality of the Development Management Local Plan (November 2014).

8.. Site Contamination

- a) No development or phase of development (including demolition of existing buildings and structures, except where prior agreement with the Council for site investigation enabling works has been received) shall commence until :-
- i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
  - ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted, (including subsequent correspondences as being necessary or desirable for the remediation of the site) to and approved in writing by the Council.
- b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.
- c) The development or phase of development shall not be occupied until a closure report for the development or phase has been submitted to and approved in writing by the Council.

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

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

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

#### 9. Thames Water Condition

No properties shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows to serve the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

**Reason:** The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

10. Secured by Design

Prior to the commencement of above ground development, details of the measures to be incorporated into the development demonstrating how the principles and practices of the 'Secured by Design' scheme have been included shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers. Once approved, the development shall be carried out in accordance with the agreed details.

**Reason:** In order to ensure that the development is safe, secure and appropriately accessible in accordance with London Plan Policy 7.3

11. Fire Statement

No above ground development shall commence (except demolition) until a Fire Statement for the relevant uses has been submitted to and approved in writing by the Local Planning Authority. The Fire Statement shall be produced by an independent third party suitably qualified assessor which shall detail the building's construction, methods, products and materials used; the means of escape for all building users including those who are disabled or require level access together with the associated management plan; access for fire service personnel and equipment; ongoing maintenance and monitoring and how provision will be made within the site to enable fire appliances to gain access to the building. The relevant uses of the development shall be carried out in accordance with the approved details.

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

12. PV Panels

Prior to development above first floor level, the applicant shall provide full details of the proposed photovoltaic array to be approved by the Local Planning Authority

The proposed development shall be installed as per the approved details and retained in perpetuity

**Reason:** To promote sustainable forms of energy and to minimise carbon emissions in accordance with Policies 5.1 and 5.7 of the London Plan and Core Strategy Policy 8.

### 13. Living Roof Details

- a) The development shall be constructed with a biodiversity living roof laid out in accordance with the plans hereby approved and maintained thereafter.
- b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

**Reason:** To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2015), Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

### 14. Piling Design

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

**Reason:** To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants, in line with the National Planning Policy Framework (NPPF) (Paragraph 170).

### 15. Lighting Strategy

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

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

### 16. Ecological Enhancements

Full details of the ecological enhancements to be provided as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority

prior to commencement of above ground works and shall be installed before occupation of the building and maintained in perpetuity.

**Reason:** To comply with Policy 7.19 Biodiversity and access to nature conservation in the London Plan (2015), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

17. Tree Protection

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

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

18. Refuse Management Plan

- a) Details for the on-site storage, disposal and collection of refuse and recycling facilities shall be submitted to and approved in writing by the local planning authority prior the completion of above ground works of development hereby approved.
- b) The approved details shall be carried out in full prior to occupation of each phase of development and retained thereafter.

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

19. Electric Vehicle Charging Points

- a) Details of the number and/or location of electric vehicle charging points to be provided on and off street, and a programme for their installation and maintenance shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- b) The electric vehicle charging points as approved shall be installed prior to occupation of the Development and shall thereafter be retained and maintained in accordance with the details approved under (a).

**Reason:** To reduce pollution emissions in an Area Quality Management Area in accordance with Policy 7.14 Improving air quality in the London Plan (July 2011), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

20. Solid Balustrade Details

The proposed development shall not be occupied until details of the proposed solid balustrade to the 10 units in block A1 located closest to The Music Room have been submitted to and approved by the Local Planning Authority. The balustrades shall be retained in perpetuity in accordance with the approved details.

**Reason:** To protect the amenity of future residents and to comply with the principles of agent of change as laid out in Draft London Plan Policy D12 and DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

21. Fire Statement

No above ground development shall commence (except demolition) until a Fire Statement for the relevant uses has been submitted to and approved in writing by the Local Planning Authority. The Fire Statement shall be produced by an independent third party suitably qualified assessor which shall detail the building's construction, methods, products and materials used; the means of escape for all building users including those who are disabled or require level access together with the associated management plan; access for fire service personnel and equipment; ongoing maintenance and monitoring and how provision will be made within the site to enable fire appliances to gain access to the building. The relevant uses of the development shall be carried out in accordance with the approved details.

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

22. Heat Interchange Unit Specification

- a) Prior to development above first floor level the applicant shall provide details of a selected make and model of Heat Interface Unit (HIU) that has passed all the elements of the BESA UK HIU test have been submitted to and approved in writing by the local planning authority.
- b) The details shall include the commissioning of the HIU in accordance with CIBSE guidance CP1 and the published BESA UK HIU test results for the HIU make and model selected.
- c) The HIU shall be provided and installed in accordance with the approved details and maintained thereafter.

**Reason:** To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.5 Decentralised energy networks and 5.7 Renewable energy in the London Plan (2016) and Core Strategy Policy 7 Climate change and adapting to the effects and Core Strategy Policy 8 Sustainable design and construction and energy efficiency

23. District Heat Network

Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be used or occupied until evidence has been submitted to the council confirming that the developer has provided appropriate data and information pertaining to the sites Combined Heat and Power (CHP) system to the Greater London Authority (GLA, [environment@london.gov.uk](mailto:environment@london.gov.uk)) to allow the site to be uploaded to the London Heat Map (<https://www.london.gov.uk/what-wedo/environment/energy/london-heat-map>).

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

24. Noise Assessment

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

**Reason:** To safeguard the amenity of future occupants and to meet the principles of Draft London Plan Policy D12 Agent of Change.

25. Mechanical Ventilation System

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

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

26. Details of Shutters

Prior to completion of the building shell full details of the proposed shutters required in compliance with the TM59 overheating assessment shall be submitted to the local planning authority for their approval, to include detailed drawings of venting locations on the elevations.

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

27. Fixed Plant Noise Control

- d) The rating level of the noise emitted from fixed plant on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:2014.
- e) Development shall not commence until details of a scheme complying with paragraph (a) of this condition have been submitted to and approved in writing by the local planning authority.
- f) The development shall not be occupied until the scheme approved pursuant to paragraph (b) of this condition has been implemented in its entirety. Thereafter the scheme shall be maintained in perpetuity.

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

28. BREEAM (Commercial Units)

- a) The non-residential units hereby approved shall achieve a minimum BREEAM Rating of 'Excellent'
- b) Prior to the completion of the super structure a Design Stage Certificate for each building (prepared by a Building Research Establishment qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- c) Within 6 months of occupation of any of the buildings, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with part (a) for that specific building.

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

29. No External Plumbing or Pipes

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

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

30. Satellite Dishes and Antenna

Notwithstanding the Provisions of Article 4 (1) and part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, no satellite antenna shall be erected or installed on the building hereby approved. The proposed development shall have a central dish or aerial system (for each relevant block) for receiving all broadcasts for the residential units created: details of such a scheme shall be submitted to and approved by the local planning authority prior to first occupation of any block, and the approved scheme shall be implemented and permanently retained thereafter.

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

31. Retention of Amenity Spaces

The whole of the amenity space (including communal garden, roof terraces and balconies) shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

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

32. Restriction of Non-Residential Uses

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the non-residential spaces indicated on hereby approved plan MLUK-603-A-P-XX-1100 shall be used for uses falling within use class A1 in relation to the pharmacy, use class D1 in relation to the GP surgery, use class D2 in relation to the Community Space and use classes A1/A3/B1 in relation to the flexible use space at New Cross Road and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

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

33. Details of Drainage

Above ground development shall not commence until full details of a detailed drainage and microdrainage plan (including site-specific maintenance plan) have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details and retained in perpetuity.

**Reason:** In order to ensure that the development incorporates sustainable urban drainage systems in accordance with paragraph 165 of the NPPF, London Plan Policy 5.13 and Core Strategy Policy 10

34. Resident's Information Pack

Details of a resident's information pack outlining the terms of the Deed of Easement (should this be agreed) and the relationship with the music rehearsal space at 116-118 New Cross Road (so long as this use shall continue), shall be submitted to and approved by the local planning authority prior to first occupation of any residential unit. The approved information pack shall be supplied to all prospective and new tenants.

**Reason: Reason:** To safeguard the amenity of future occupants and to meet the principles of Draft London Plan Policy D12 Agent of Change.

**13.2 INFORMATIVES**

A.	<p><u>Positive and Proactive Statement</u></p> <p>The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.</p>
B.	<p><u>Community Infrastructure Levy</u></p> <p>As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An 'assumption of liability form' must be completed and before development commences you must submit a 'CIL Commencement Notice form' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <a href="http://www.lewisham.gov.uk/myserVICES/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx">http://www.lewisham.gov.uk/myserVICES/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx</a></p>
C.	<p><u>Construction – Pollution and Noise</u></p> <p>You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.</p>
D.	<p><u>Thames Water</u></p> <p>There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.</p> <p><a href="https://urldefense.proofpoint.com/v2/url?u=https-3A__developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Planning-2Dyour-2Ddevelopment_Working-2Dnear-2Dor-2Ddiverting-2Dour-2Dpipes&amp;d=DwIFaQ&amp;c=OMjwGp47Ad5otWI0__IpOg&amp;r=A6bK4sK7myXptjA_uaaZPj7OE6BO0ng5QMuh6ha_RdQ&amp;m=EI6EE1MpOgiSZbdXmETHkfSjSmnsj_UTB_vZiQ3F6qg&amp;s=CFwijBpWwX3mMjN86QsJ7FaJSwIhGz6mNyt5n9WHaZ4&amp;e=">https://urldefense.proofpoint.com/v2/url?u=https-3A__developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Planning-2Dyour-2Ddevelopment_Working-2Dnear-2Dor-2Ddiverting-2Dour-2Dpipes&amp;d=DwIFaQ&amp;c=OMjwGp47Ad5otWI0__IpOg&amp;r=A6bK4sK7myXptjA_uaaZPj7OE6BO0ng5QMuh6ha_RdQ&amp;m=EI6EE1MpOgiSZbdXmETHkfSjSmnsj_UTB_vZiQ3F6qg&amp;s=CFwijBpWwX3mMjN86QsJ7FaJSwIhGz6mNyt5n9WHaZ4&amp;e=</a></p>

	<p>The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.</p> <p><a href="https://urldefense.proofpoint.com/v2/url?u=https-3A__developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Planning-2Dyour-2Ddevelopment_Working-2Dnear-2Dor-2Ddiverting-2Dour-2Dpipes&amp;d=DwIFaQ&amp;c=OMjwGp47Ad5otWI0__lpOg&amp;r=A6bK4sK7myXptjA_uaaZPj7OE6BO0ng5QMu6ha_RdQ&amp;m=El6EE1MpOgiSZbdXmETHkfSjSmnsj_UTB_vZiQ3F6qg&amp;s=CFwijBpWwX3mMjN86QSJ7FaJSwIhGz6mNyt5n9WHaZ4&amp;e=">https://urldefense.proofpoint.com/v2/url?u=https-3A__developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Planning-2Dyour-2Ddevelopment_Working-2Dnear-2Dor-2Ddiverting-2Dour-2Dpipes&amp;d=DwIFaQ&amp;c=OMjwGp47Ad5otWI0__lpOg&amp;r=A6bK4sK7myXptjA_uaaZPj7OE6BO0ng5QMu6ha_RdQ&amp;m=El6EE1MpOgiSZbdXmETHkfSjSmnsj_UTB_vZiQ3F6qg&amp;s=CFwijBpWwX3mMjN86QSJ7FaJSwIhGz6mNyt5n9WHaZ4&amp;e=</a></p> <p>Should you require further information please contact Thames Water. Email: <a href="mailto:developer.services@thameswater.co.uk">developer.services@thameswater.co.uk</a></p>
E.	<p><u>Piling</u></p> <p>Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Accordingly, it should be demonstrated that any proposed piling will not result in contamination of groundwater. If piling is proposed, a piling risk assessment must be submitted, written in accordance with the Environment Agency's guidance 'Piling and penetrative ground improvement methods on land affected by contamination: guidance on pollution prevention' (National Groundwater &amp; Contaminated Land Centre report NC/99/73).</p>
F.	<p><u>S106 Agreement</u></p> <p>You are advised that the approved development is subject to a Section 106 agreement. Please ensure that the obligations under the Section 106 agreement are addressed in accordance with the details and timeframes set out in the agreement. If you have any questions regarding the agreement or how to make a payment or submission required under the agreement, please contact the S106/CIL team on <a href="mailto:CIL@lewisham.gov.uk">CIL@lewisham.gov.uk</a>.</p>
G.	<p><u>Prior to Commencement Conditions</u></p> <p>The applicant is advised that conditions 6, 7, 8 and 17 require details to be submitted prior to the commencement of works due to the importance to minimise disruption on the local highway network during construction, to ensure protection of existing trees and to ensure potential site contamination is appropriately managed.</p>