

Committee	STRATEGIC PLANNING COMMITTEE	
Report Title	Blackheath Business Estate, Blackheath Hill, London, SE10 8BA	
Ward	Blackheath	
Contributors	Patrycja Ploch	
Class	PART 1	16 December 2020

<u>Reg. Nos.</u>	DC/20/117309
<u>Application dated</u>	29 June 2020
<u>Applicant</u>	DP9 on behalf of Vabel Blackheath Limited
<u>Proposal</u>	The construction of a part seven/part nine storey building on the site of Blackheath Business Estate, Blackheath Hill SE10 to provide 31, one bed 24, two bed and 8, three bedroom self-contained flats and a four storey building to provide 2288 sqm ² commercial space, together with disabled parking, cycle parking, play space, refuse storage and plant.
<u>Background Papers</u>	(1) Case File LE/144/78B/TP (2) National Planning Policy Framework (3) The London Plan (4) Local Development Framework Documents
<u>Designation</u>	(1) Area of Archaeological Priority (2) Air Quality Area (3) PTAL 2 and 3
<u>Screening</u>	N/A

1 SUMMARY

1 This report sets out the officer's recommendation concerning the above proposal. The report has been brought before members for a decision as

- There are 5 or more valid planning objections;
- There is 1 or more objection from a recognised residents' association or community/amenity group within their area; and
- Application relates to a site of strategic importance in policy terms.

2 SITE AND CONTEXT

2.1 Site description and current use

2 The application site, which is 0.32ha in area, is located on the south side of Blackheath Hill (A2). The site is an L-shaped parcel of land comprising a single storey commercial building currently occupied by small B Use Class businesses. The building on site provides approximately 1,080sqm of commercial floorspace. The entire site is designated as a Local Employment Location in the Core Strategy.

3 The application site is outlined in red in the Photograph 1 below.

Photograph 1: Aerial photograph of site



2.2 Character of area

- 4 The character of the area is predominantly residential, aside from the Blackheath Brain Injury Rehabilitation Centre and Neurological Care Centre and Neurodisability Service.
- 5 Surrounding the site to the west and south-west are Phase 4 and 6 respectively of Heathside and Lethbridge regeneration project. Phase 4 is completed and occupied and Phase 6 is currently under construction.
- 6 To the south-east there is an area of green space designated as the Loats Pit Site of Importance for Nature Conservation (SINC). To the east is Blackheath Brain Injury Rehabilitation Centre and Neurological Care Centre and Neurodisability Service.
- 7 To the north-west of the side of the opposite site of Blackheath Hill, there are retail and other commercial uses at ground floor with residential uses above.

2.3 Surrounding area and facilities

- 8 The application site is located approximately 0.4miles (that is 7/8-minute walk) from Blackheath, 0.3mile (that is 7-minute walk) from Greenwich Park.

2.4 Heritage/archaeology

- 9 The application site is located in an Area of Archaeological Priority.
- 10 The Site does not fall within a Conservation Area However, nor is it subject to an Article 4 Direction. Furthermore, there are no statutorily or locally listed building on or within close proximity to the site.

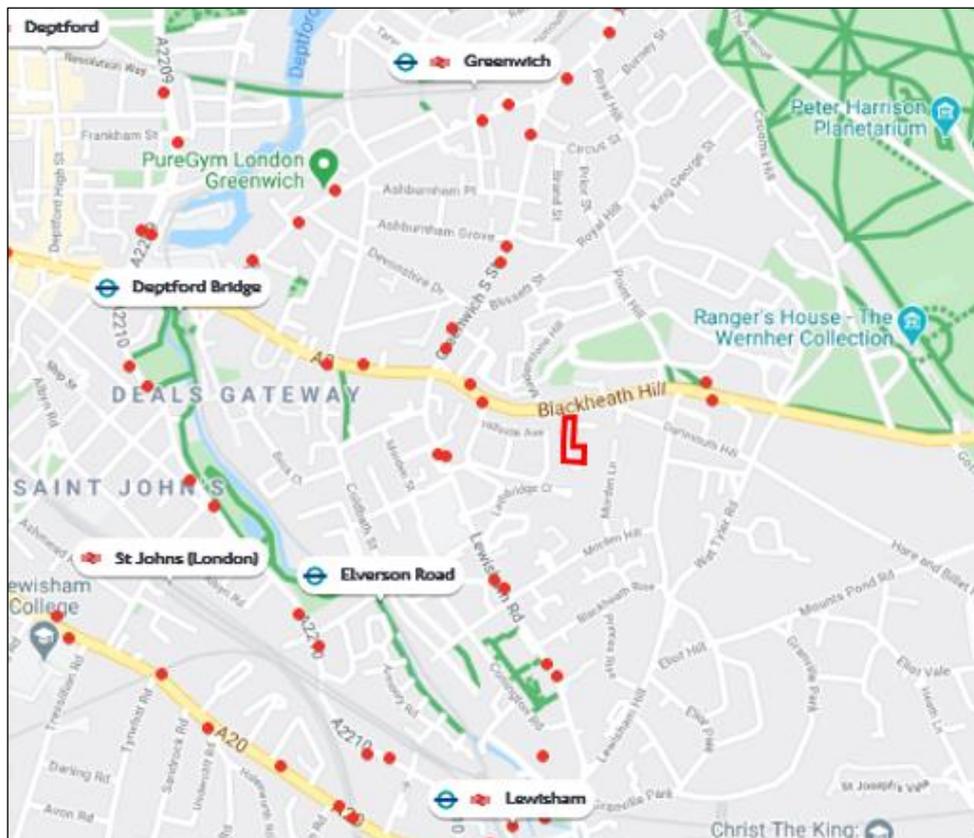
2.5 Local environment

- 11 The application site is also located in Air Quality Area.

2.6 Transport

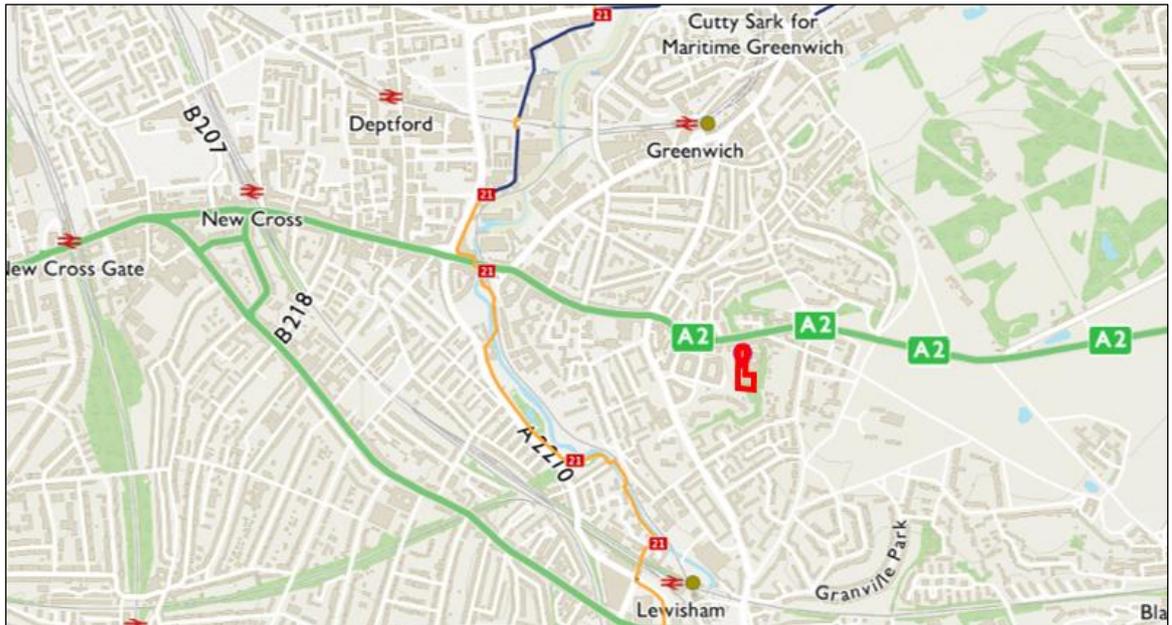
- 12 The application site has a Public Transport Accessibility Level (PTAL) rating between 2 and 3 which is considered to be low. PTAL rating are assessed from scale of 1-6b, 1 is lowest and 6b is highest.
- 13 Local footway offers access to key public transport facilities, with bus stops staggered along Blackheath Hill. The closest bus stops to the site are located approximately 230m-280m (that is approximately 3-4 minute walk) to the west of the site. Both bus stops are equipped with a bus shelter and bus times/information. The buses that serve these bus stops are Route No. 53, 177, 180, 199, 386 and 453, and provide services into Central London and Canada Water.
- 14 The closest station is Greenwich Rail/DLR located approximately 1km (17 minutes' walk). The closest DLR station to the site Deptford Bridge, being approximately 1.2km away that takes about 17 minutes to walk. These stations offer DLR services to Bank/Stratford and rail services to London Cannon Street, Luton, and Kent.

Map 1: Public transport in the local area



- 15 Peckham, Lewisham, Charlton, Shooters Hill and Catford are all located within 5km of the site (that is about 20 minute cycle). The site is also located near a number of cycle routes, which offer access across London. The beginning of a Quietway cycle route which operated north towards the University of Greenwich is located approximately 1.2km (that is 4 minute cycle) east of the site on Blackheath Avenue. This route also provides a link to Waterloo and Southbank.

Map 2: Cycle routes in the surrounding area



16 The application site falls within Controlled Parking Zone (CPZ) 'BHA' which is operational between Monday and Saturday at 09:00-19:00. Blackheath Hill forms part of the Transport for London Road Network (TLRN) and prevents stopping at any time, other local roads include single and double yellow lines, which restrict loading/waiting for up to 40 minutes.

3 RELEVANT PLANNING HISTORY

17 There is no recent or relevant planning history to the application site and proposed development.

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSAL

18 The proposed development would result in a construction of two buildings within the red line area.

4.2 Built from

19 The first building would be four storeys and provide 2288 sqm² of flexible commercial floor space (Use Class B1a; B1b; B1c). The second building would be part seven/part nine storey and it would comprise residential self-contained flats. The proposed site layout is outlines in Plan 1 below.

4.2.4 Amenity space and landscaping

26 The application proposes soft and hard landscaping to improve the existing public realm and to create useable outdoor space

4.2.5 Revision

27 Following the consultation, publicity of the application and in response to issues raised by consultees arising from this the applicant submitted amended plans together with a number of updated and additional supporting documents.

5 CONSULTATION

5.1 PRE-APPLICATION ENGAGEMENT

5.1.1 Lewisham planning pre-application advice

28 The applicant carried out a number of pre-application meetings with the Council's Planning Service in September 2019, February, April and June 2020.

29 The application site is allocated as a Local Employment Location (LEL), in the existing Core Strategy. At first pre-application meeting, the applicant proposed 1,100sqm of commercial floorspace (an uplift of 20sqm) and provision of 75 residential flats. Following discussions, the applicant has increased the employment offer at the site providing 2,220sqm of commercial floorspace (an uplift of 110%). The proposed commercial floor space have been designed in collaboration with the local business to allow the applicant team to understand local need and requirements.

30 The height and mass of the residential block was a concern. The applicant originally submitted a scheme with a residential tower that would be 14 storeys high. However, following a number of meetings, the height of the proposal was reduced and the applicant has demonstrated that the proposed building would not have an unacceptable impact on the local area.

31 Sense of arrival and pedestrian safety was one of key considerations for officers during the pre-application process. The applicant originally did not introduce a separate pavement on the east boundary leading to the residential tower. However, following concerns raised in relation pedestrian safety and options the applicant introduce pavement area.

5.1.2 Grater London Authority (GLA) planning pre-application advice

32 In additional to the pre-application carried with the local planning authority, the applicant has submitted a pre-application request to the Grater London Authority (GLA).

33 The written response was issued on 26 March 2020. The advice confirmed that the principle of mix-use redevelopment of the site that re-provides and increases the site's industrial capacity could be supported providing all comments relation to industrial land, housing, affordable housing , urban design, heritage, inclusive design, inclusive access, environment and transport are satisfactory addresses as part of any planning application. The GLA has confirmed in writing that the proposal complies with the criteria and qualified to go through the Fast track Route for delivery of affordable housing with Early Stage Viability Review.

5.1.3 Public engagement prior to submission

34 The applicant has undertaken a pre-application consultation prior to submission of the planning application with residents, local community and stakeholders. They have appointed Newington as their consultants to assist in this. The full details of the public engagement is included in the submitted Statement of Community Involvement, prepared by Newington, dated June 2020.

35 The submitted Statement of Community Involvement outlines the consultation process that was undertaken stating that the applicant:

- Community workshop was organised on 3rd December 2019 at Parkside Community Centre. 3,000 invitation leaflets to residents and businesses in the local area. In addition, local councillors, Royal Borough of Greenwich (Greenwich West) councillors, key council members, planning committee members, and key local groups. Five (5) members of the public attended the meeting.
- Following the community workshop, the applicant held a Zoom public consultation meeting in April 2020. The meeting was virtual rather than in person, due to the Government guidelines on social distancing because of coronavirus pandemic. As mentioned in the statement of community involvement the event provided attendees with information about the site and the proposal including site plans, tailored visuals from specific neighbour vantages and representations of the visual impact of the proposed development from key locations. Four of the five sessions has not attendees. One session has five attendees, of these fours were residents and one was a commercial tenant at Blackheath Business Centre.
- Both events has feedback and response forms that could be completed by the attendees.

5.2 APPLICATION PUBLICITY

36 Site notices were displayed on 20 July 2020 and a press notice was published on the 22 July 2020.

37 418 letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 20 July 2020.

38 At the end of the statutory consultation period, 132 responses were received, comprising 132 objections. In addition, Robinson Escott Planning LLP have prepared a planning objection on behalf of the Blackheath Hill Residents Group including Chalkhill House and Cardinal House, Parkside on grounds of amenity, the character of the area and access.

5.2.1 Comments in objection

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

Material planning consideration	Para(s) where addressed
The area is too densely populated and it would have a negative impact on the environment	7.3.2
The commercial building would be much higher than the adjacent building and it will block the light	186
Loss of daylight, sunlight and overshadowing to the neighbouring properties	7.7.3

Scale and height of the proposed building would be intrusive, overpowering and out of scale with the surrounding area	180
Loss of privacy and overlooking	7.7.2
Noise impact associated with the use of the development	7.7.4
Lack of parking on site , nearby road are congested	7.6.4
Entrance to the application site is tight and it cannot accommodate the number of residential and commercial uses	7.6.1
Construction works and associated noise disturbance	7.7.5

Other matters raised
<p>Lack of public consultation on application.</p> <p>Response: It is a normal procedure for local planning authority (LPA) to write to any neighbor whose home or business share a boundary with the application site. In addition to this the application was publicized by posting site notices on or near the proposed development site.</p> <p>In terms of the publicity carried out by the applicant pre-planning submission. There is no legal requirement for them to carry out consultation exercise before the application is submitted. It is advisable however, that they consult and engage with the public early on the process. In this case officers are satisfied that the applicant has carried out meaningful and well thought public consultation.</p>
<p>There are no other light industrial units and existing tenant have nowhere to go</p> <p>Response: The applicant is offering relocation package.</p>

5.2.2 Local Meeting

40 Given the degree of responses following the statutory consultation on the application, a local meeting took place in accordance with the Council's adopted Statement of Community Involvement. Due to the current circumstances of the Covid-19 pandemic, the local meeting was organised as a virtual drop-in session.

41 All those who submitted representation on the application during the statutory consultation period were send invitations to attend the local meeting. The invitation included instructions on how the meeting can be attended.

42 The local meeting took place on 5 October 2020 between the hours 19:00pm and 20:05pm. In total 31 people attended the meeting, this included 25 local residents, 2 ward Councillors, 1 Lewisham Planning Officer and 3 members of applicants project team attended the session. The notes of this meeting are included at Appendix 1.

5.3 INTERNAL CONSULTATION

43 The following internal consultees were notified on 17 July 2020:

- **Ecological Regeneration Manager:** having reviewed the landscape proposal and the receiving clarifications from the applicant's Principal Ecologist, raised no objection to the application. The scheme as designed, will result in a 'net gain' in biodiversity.
- **Tree Officer:** considered that the proposal will be detrimental to landscape amenity and landscape character in this part of Blackheath adjacent to a wooded escarpment SINC site and where the site contributes to the setting to the Blackheath Conservation Area.
- **Highway:** raised no objection to the application, but sought the inclusion of a planning conditions and obligations.
- **Environmental Protection (Noise):** raised no objection to the application, but sought the inclusion of a planning condition requiring that recommendation given in the report be implemented.
- **Environmental Protection (Contamination):** raised no objection to the submitted Phase 1 report but sought that a Phase 2 intrusive investigation should be undertaken. An appropriately worded condition was suggested.
- **Environmental Protection (Air Quality):** raised no objection to the application, but sought the inclusion of a planning condition requiring that all measures detailed within appendix A6 Construction Mitigation should be fully adopted and a construction management plan designed.
- **Urban Design:** raised no to the application, but sought the inclusion of a planning condition on materials, soft landscaping and further detailing of the scheme.
- **Strategic Housing:** raised no objection to the proposed and the location of the affordable housing.

5.4 LOCAL GROUPS

44 The following local groups were notified on 17 July 2020:

- **Blackheath Hill Residents:** Objects to the proposed on the following grounds, inadequacies in the consultation process at the pre-application and public consultation stage by the developer. It is believed that the site should be retained for 100% business use and residential use should not be introduced here. The height and proximity of the proposed residential block in relation to the hospital and immediate surrounding residential building is not appropriate. The scale, mass and height of the development would have negative impact on wellbeing implication for patients being treated by the hospital. Moving on to the proposed commercial building. This building would have negative impact on Parkside Cardinal House and Chalkhill House (referred to as Block D in application documents), which is a social housing block, in terms of loss of daylight and sunlight. The mix of residential and commercial buildings can cause serious health and safety concerns. The loss of trees to the west of the site would affect biodiversity and the height of the residential tower would have negative impact on nearby SINC. The proposal also raised significant concerns with parking. There is already a lot of illegal parking and future residents and tenants would add to this problem. Lastly, the construction would result in intrusive works, the access of the site is too narrow and it would have negative impact on the local road network and traffic. The proposal is considered to see bad precedent for future development if the hospital site will ever become available for redevelopment.
- **Hollymount Close Residents Association:** Object to the development on the ground that the future occupiers and tenant of the commercial building would park their cars on Hollymount Close as there is no CPZ on the street. Careless parking leads to the potential damage to lamppost, the flower beds, electricity boxes, the garage structures and the wall of the houses. This imposes financial burden on the

local residents. It is also considered that the development would attract more traffic on the already saturated Blackheath Hill. The association would also like to raise concern about the impact that the proposed development will have on the residents of Parkside.

- **Blackheath Village Greenwich Residents:** no response received.
- **Blackheath Village Residents Group:** no response received.

5.5 EXTERNAL CONSULTATION

45 The following external consultees were notified on 17 July 2020

- **Ward Councillors:** no response received.
- **Thames Water:** raised no objection to the application, but sought the inclusion of condition on piling.
- **Met Police Design Out Crime:** raised no objection to the application, but sought the inclusion of condition on detailed for security measures and confirmation that door and window product meet the standard recommended by Secure by Design.
- **Fire Prevention Group:** at the time of the inspection, fire safety arrangements were found to be of a satisfactory standard.
- **Royal Borough of Greenwich:** no response received.
- **TfL:** raised no objection to the application, but sought that further assessment of the access arrangements demonstrating that the proposed arrangement are safe are needed. As the applicant is required to re-provide the car parking space for No 78 and 781 Blackheath Hill, this provides an opportunity to introduce active Electric Vehicle Charging Points. TfL request that all parking spaces have electric vehicle charging provision. The amended cycle strategy is considered acceptable.
- **Greater London Authority:** Officers confirmed having regards to policies on industrial land; housing; affordable housing design; inclusive design; heritage; sustainable infrastructure; green infrastructure; and transport that the application complies with some of these policies but not with others further information was required in on:
 - Segregated rooftop play space is not supported and the applicant should explore management arrangement to allow access for all residents to all of the play space
 - Information of how conflicts between pedestrians, cyclists and vehicles would be minimised
 - Submission of fire statement
 - Demonstrate that the access route through the site is fully inclusive allowing for safe use by people in a wheelchair, those with limited mobility and people with visual or aural impairments
 - Detailed strategy for heating, overheating, photovoltaic panel and carbon performance is needed
 - Evidence on how the proposed development secures a net biodiversity gain and demonstrate that adequate replacement tree planting would be provided
 - Further information on the pedestrian routes thought the site and further assessment is required on the vehicle access arrangements.
 - Amendments to the cycle parking provision is required

6 POLICY CONTEXT

6.1 LEGISLATION

46 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).

6.2 MATERIAL CONSIDERATIONS

47 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.

48 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.

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

6.3 NATIONAL POLICY & GUIDANCE

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

6.4 DEVELOPMENT PLAN

50 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

6.5 SUPPLEMENTARY PLANNING GUIDANCE

51 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Planning Obligations Supplementary Planning Document (February 2015)

52 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- Play and Informal Recreation (September 2012)
- Sustainable Design and Construction (April 2014)

- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Social Infrastructure (May 2015)
- Housing (March 2016)
- Homes for Londoners: Affordable Housing & Viability (August 2017)

6.6 OTHER MATERIAL DOCUMENTS

- Draft London Plan: The Mayor of London published a draft London Plan on 29 November 2017. The Examination in Public was held between 15th January and 22nd May 2019. The Inspector's report and recommendations were published on 8 October 2019. The Mayor issued to the Secretary of State (SoS) the Intend to Publish London Plan on 9th December 2019. The SoS issued a letter on 13 March 2020 directing modifications to the Local Plan, and the Mayor of London responded on 24 April 2020 indicating he will work with the SoS to achieve the necessary outcomes. Notwithstanding these requested modifications, this document now has weight as a material consideration when determining planning applications.

7 PLANNING CONSIDERATIONS

53 The main issues are:

- Principle of proposed development in terms of land use and conformity with site designation
- Employment
- Housing
- Urban Design
- Public realm, trees and landscaping
- Living conditions of neighbours and surrounding area
- Transport
- Sustainable Development
- Natural Environment
- Planning Obligations

7.1 PRINCIPLE OF PROPOSED DEVELOPMENT IN TERMS OF LAND USE AND CONFORMITY WITH SITE DESIGNATION

Policy

54 The National Planning Policy Framework (NPPF) sets out a number of key principles, including a focus on driving and supporting sustainable economic development to deliver homes, business, industrial units, infrastructure and thriving local place. Paragraph 118 states that planning decision should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.

55 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.

- 56 The site is designated through the Core Strategy as a Local Employment Location (LEL), which are allocated for their contribution to space for businesses that provide local goods and services and support the vitality and viability of nearby district and local centres. LEL's are often significant centres for employment space, the most outside of Strategic Industrial Locations. Core Strategy 3 states that the Council will protect LEL's for a range of B class uses and appropriate sui generis to support the functioning of the local economy. DMLP DM Policy 10 states that planning permissions for the change of use of a building/s from business use to residential use, or other uses will not be granted planning permission due to the effect the proposal would have on the continued commercial functioning of the area as a whole and their incapability with the uses on the LEL. The site also has an allocation in the Lewisham Council Site Allocations Local Plan (2013); reference SA45, for the retention of the existing industrial uses.
- 57 The Council is now preparing a Draft Lewisham Local Plan (Regulation 18 stage "Preferred Approach" document) to replace the 2011 Core Strategy, DMLP and other documents and states that the co-location of employment and other compatible uses will be supported on this site. The Local Plan was considered and approved by the Council on 25 November 2020. This allows the plan to go to public consultation in early 2021. At present there is no plan-led approach for the consolidation and intensification of the LSIS with residential uses. The Lewisham Local Plan is seen as material consideration, having been endorsed by Council. However, no weight in decision-making is afforded to the document as it is not been out for public consultation to date.
- 58 The Mayor's intend to publish London Plan Policy E6 states that boroughs should designate and define detailed boundaries and policies for a Locally Significant Industrial Site (LSIS) (which is a new term for local employment locations) and make clear the range of industrial and related uses that would be acceptable on LSIS. Policy E7 states that proposals for the mixed-use redevelopment of LSIS including residential units may be considered but should be part of a plan-led process consolidation and intensification or master-planning process, not as part of individual planning applications. Paragraph 6.7.2(ii) of the Mayor's Intend to publish London Plan states that masterplan should cover the whole of the LSID and should be informed by the operational requirements of existing and potential future businesses. The Industrial intensification and co-location through plan-led and masterplan approaches: Practice Note (November 2018) states that masterplan approaches can be carried out through in two ways: a comprehensive advance masterplan, produced before the planning application; and a comprehensive parallel masterplan produced alongside the planning application.
- 59 London Plan Policy 3.3 and the Mayor's intend to public London Plan Policy H1 aim to increase housing supply by setting borough targets for new housing, with boroughs encouraged to identify additional development capacity, particularly on brownfield land. The London Plan sets Lewisham a housing completion target of 13,827 units between 2015 and 2025. This result in annual target of 1,385 new homes. This is revised in the Mayor's intend to publish London Plan to 16,670 units between 2019/20 and 2028/29. This result in annual target of 1,667 new homes.

Discussion

- 60 In the current Lewisham Local Plan, the application site is designated as LEL/ LSIS and the established use of the site is employment. The proposed development would demolish the existing building and re-redevelop the site to provide a new mixed-use development with residential and employment uses. The application would re-provide the site's industrial floorspace capacity with an uplift of 110% in net increase together with providing 63 new residential units.

61 As referred above, the existing Lewisham development plan (DMLP 10) is clear that the Council will protect the LSIS for a range of uses within the B Use Class, and appropriate sui generis uses, to support the functioning of the local economy. The proposal would therefore be a departure from the current Lewisham Local Plan. However, as the proposal would result in a significant uplift in employment it is considered that the proposed development would comply with the intention of the adopted planning policy as well as bring wider public benefit by providing residential development that includes provision of affordable housing. This approach is supported in the Intend to publish London Plan, which is at a more advances stage.

62 Officers at Lewisham and GLA have worked closely with the applicant during the pre-application process to ensure that the site does not lose its industrial capacity and that there is no conflict with the proposed residential use. In order to do this the applicant was asked to develop a masterplan for the application site and the adjoining land. The plan covers the entire LEL/ LSIS and examines how the proposed employment and residential uses could satisfactorily co-exist and how they would affect adjoining sites and uses. The masterplan also considers the implications for Agent of Change, access and servicing and place making, and different options for industrial and residential co-location on the site. Officers are satisfied that, in this particular instance, the applicant has demonstrated that the land uses are acceptable.

Summary

63 In light of the above, the proposed redevelopment of this site is consistent with the direction of the NPPF, policies in the adopted and draft London Plan and the various documents in the Lewisham development plan. Furthermore, the GLA in their Stage 1 Response were supportive of the scheme and the principle of developing the site with industrial intensification and residential use is supported in this location.

7.2 EMPLOYMENT

7.2.1 Proposed use

Policy

64 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”

65 LPP 4.1 sets out the Mayor of London’s approach to the continued growth and economic development of all parts of London.

66 Core Strategy Spatial Policy 2 of the Local Plan supports development of offices on sites within Regeneration and Growth Areas.

Discussion

67 At present, the application site comprises single storey commercial buildings, constructed of brick and corrugated metal roofs. See Photograph 1 below. The units have low floor to ceiling height, are poorly insulated and constructed of materials that are showing signs of wear. The units within the building provide 1,080sqm of commercial accommodation comprising of commercial office, storage space and business use, 16 different tenants currently occupy the site.

68 Existing tenants have been consulted by the applicant and will be given the opportunity to become tenants in the new development as a priority, should they wish. The relocation of the existing tenants and right to return will be secured by an s106 agreement.

Photograph 2: Existing building on site



- 69 The proposed development would provide 2,288sqm of light industrial floorspace in a building that is over four (4) storeys. This is an uplift of 110% compared to the existing industrial floorspace.
- 70 To assist in the design of the building, the applicant commissioned Studio Raw, which is a local multi-disciplinary design studio. Studio Raw prepared a report that explored the need of potential tenants, allowing the architects to design the building that responds to those needs, be flexible, and intensify the employment use on site.
- 71 The building would be arranged over four (4) floors with proposed units ranging between 15sqm to 216sqm. This design allows for a range of small to medium flexible space in between these sizes on the upper floors. The floor to ceiling heights would be between 3.5m and 5m that would be suitable for the proposed industrial uses.
- 72 The applicant has reviewed the industrial intensification and co-location study: design and delivery testing prepared by We Made That. The study was commissioned by the GLA to explore the potential for intensifying use of London's industrial land, in response to new policies in the draft London Plan. The information contained within this document influenced the design of the service yard. Having reviewed the documents and assessed the proposal, officers are satisfied that the yard space provided would comply with the requirements sets for proposed uses at the site.

7.2.2 Local Labour

- 73 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.
- 74 With regard to the financial contribution, in accordance with the SPD a contribution of £25,440 would be required, to be secured through s106 legal agreement.

7.2.3 Employment conclusion

75 The proposed building would be considered to be of very high quality and offer maximum opportunities for local businesses and increase employment offer in this location. The nature of the proposed development 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 objective on the NPPF and the Development Plan. Officers would secure relocation strategy for the existing tenants, through a suitably worded obligation within an s106 agreement.

7.3 HOUSING

7.3.1 Contribution to housing supply

Policy

76 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.

77 The current London Plan sets an annual target of 1,385 new homes until 2025. The emerging Draft London Plan (if unchanged through the Intention to Publish) would increase this annual target to 1,667.

Discussion

78 The application proposes 63 new homes (including affordable housing). This attributes to 4.5% of the annual output for the adopted London Plan target or 3.7% of the annual output for the Draft London Plan.

79 Proposed scheme represents 100% housing net gain at the site. This is a welcomed contribution to the current annual target for Lewisham which officers attach considerable weight.

7.3.2 Density

Policy

80 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.

81 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.

82 The London Plan Policy 3.4 (Optimising housing potential) seeks to optimise housing density, with reference to public transport accessibility, local context and character and design principles. The London plan provides at table 3.2 (Sustainable residential quality density matrix) for different locations based on character and PTAL.

83 Further to this the Mayor of London Housing SPG advises that density should be calculated based on net site area (the red line boundary) and that in mixed-use buildings, the proposed non-residential floors pace should be taken into account reduction the net site area proportionately.

- 84 Local Development Management Plan supports the density matrix set in the London Plan.
- 85 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.

Discussion

- 86 The application site has an area of 0.32ha and is in PTAL 2/3 in an urban location. The density matrix in the London Plan sets an indicative range of 200-450 habitable rooms per hectare. At a proposed 2.7-3.0 habitable rooms per unit, the sets range is 70-170 units per hectare.
- 87 The residential density of the proposed scheme is 197 units per hectare ($63 \text{ units} / 0.32 = 196.875$) and 519 habitable rooms per hectare ($166 \text{ proposed rooms} / 0.32 = 518.75$). The proposal would comply with the unit number but would be above the recommended density for habitable room per hectare for an "urban" location.
- 88 Although the proposed development would go over the density matrix for habitable rooms per hectare, it would be compliant in units definition. Officers are of the view that the development would optimise the use of the site and bring it to use creating positive addition for the local area, through bring a vacant site forward with housing and employment space. Given the thrust of current and draft policy, the location of the site and the good public transport accessibility rating, the proposed density is considered to be acceptable and make optimum use of the land.

7.3.3 Housing mix

Policy

- 89 National and regional policy avoids specifying prescriptive dwelling size mixes for market and intermediate homes. The NPPF at paragraph 61 expects planning policies to reflect the need for housing size, type and tenure (including affordable housing) for different groups in the community.
- 90 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.
- 91 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. 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.
- 92 The intend to publish London Plan Policy H10 states that the scheme should generally consist of a range of unit sizes. To determine the appropriate mix of unit sized in relation to the number of bedrooms for a scheme, applicants and decision makers should have regard to a range of matters including the range of housing need and demand identified in the London SHMA, the mix of uses in the scheme, the nature and location of the site, the role of one and two bedroom units in freeing up family housing.

93 Development Management DM Policy 32 sets out how to achieve high quality design and internal layout of new development. Specifically, part 4 (e) states that, “single person dwelling will not be supported other than in exceptional circumstances. Development will be required to have an exceptional design quality and be in highly accessible locations”.

Discussion

94 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

	Private Housing		Affordable Housing				Total Units/ (Hab. room)
	Unit	Habitable room	Social Rent (LAR)		Intermediate – Shared ownership		
			Unit	Habitable room	Unit	Habitable room	
1B2P	25	50	4	8	2	4	62
2B3P	9	27	3	9	-	-	36
2B4P	9	27	1	3	2	6	36
3B5P	-	-	6	24	2	8	32
TOTAL	43	104	14	44	6	18	166

Table 2: Overall Dwelling Size

Unit	No. of units	%	Habitable room	%
1B2P	31	49%	62	37%
2B3P	12	19%	36	22%
2B4P	12	19%	36	22%
3B5P	8	13%	32	19%
TOTAL	63	100%	166	100%

95 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 PTAL of the application site.

96 The proposal would provide eight, 3-bedroom units, that is 13% of all housing units and 19% of all habitable rooms.

97 The mix is however, considered acceptable in this instance given the urban location of the development. 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.

7.3.4 Affordable housing

Policy

- 98 CSP1 requires sites capable of providing 10 or more dwellings to provide contribution of affordable housing with a strategic target of 50% affordable housing from all sources. This contribution (50% affordable housing) is the starting point for negotiations and it is subject to financial viability assessment. The affordable housing component is to be proposed at 70% social rented and 30% intermediate housing.
- 99 LLP 3.10 defines affordable housing by reference to Social Rented, Affordable rented and intermediate housing to eligible households whose needs are not met by the market. LPP 3.12 states the maximum reasonable amount of affordable housing should be sought, having regard to several criteria in the policy.
- 100 The draft Lewisham Local Plan (Regulation 18 stage “Preferred Approach”) was considered and approved by the Council on 25 November 2020. This allows the plan to go to public consultation in early 2021. The draft Policy HO3 addresses viability directly, stating that Lewisham would apply a threshold approach to viability on major development. Where development is not on public sector land, this threshold level is set a minimum of 35% or 50% for SIL and LSIS sites where development would result in a net loss of industrial capacity. The policy has no weight at present.
- 101 The Mayor’s intend of publish London Plan Policy H5 states that the threshold level of affordable housing is set at 50% for LSIS sites where the scheme would result in a net loss of industrial capacity (Policy H5, B, 3). To follow the Fast Track Route of the threshold approach application must meet all the following criteria that includes meet or exceed the relevant threshold level of affordable housing on site without public subsidy; be consistent with the relevant tenure split (Policy H7 Affordable housing tenure); meeting other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor were relevant; demonstrate that they have taken account of the strategic 50% target in Policy H5 Delivery affordable housing and have sought grant where required to increase the level of affordable housing beyond the agreed percentage (Policy H5, C). Any scheme confirmed as FastTrack is not required to submit viability information and is not subject to a Late Stage Review (Policy H5, E). However, to ensure that the applicant intends to build out the permission, the requirement for and Early Stage viability review will be triggered if an agreed level of progress on implementation is not made within two years of the permission being granted (or a period agreed by the borough).

Discussion

- 102 The level of affordable housing proposed falls short of the 50% target in the CSP 1. The application would deliver 20 affordable housing units, which equates to 37% of the scheme by habitable room (31.7% by unit).
- 103 The intended to publish London Plan Policy H5 as described above is at a very advanced stage and carried significant weight in decision making. The draft Lewisham Local Plan has no weight, as it has not yet been subject to consultation, but is a material consideration having been endorsed by the Council.
- 104 Officers considered that the proposed scheme with new industrial floorspace at 65% of the existing site area which would not result in a net loss of industrial capacity the site qualifies for the fast track route set out under intend to publish London Plan Policy H5. This has been confirmed in writing by the GLA at pre-app and Stage 1 response.
- 105 The tenure split would be compliant with Policy H6, which requires a minimum of 30% for low cost rented, 30% at intermediate tenure and the remaining 40% at the choice of

boroughs based on identified need (allocated to LAR in this instance). Officers are satisfied that the proposal meets all other relevant policy requirements. The proposed affordable housing provision across the development is outlined in Table 3 below.

Table 3: Affordable housing provision

Unit	Social Rent (LAR)		Intermediate – Shared ownership	
	Units	Habitable room	Units	Habitable room
1B2P	4	8	2	4
2B3P	3	9	-	-
2b/4P	1	3	2	6
3B5P	6	24	2	8
TOTAL	14	44	6	18

Table 4: London Affordable Rent levels

	LAR
1 bed	£ 159.32
2 bed	£ 168.67
3 bed	£ 178.05
4 bed	£ 187.42
5 bed	£ 196.78
6 bed	£ 206.15

7.3.5 Location of Affordable Housing

Policy

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

107 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

108 The affordable homes would be located in Block A. The entrance to the affordable units would be situated on the primary visual axis into site. This entrance would take priority over the entrance to the private block that is located nearby on the same façade. The

entrance to the affordable block would be indistinguishable from the entrance to the private core.

- 109 The core's communal stair and lobby will be served by natural light and there will be natural ventilation opportunities on all floors. The affordable block would have access to a rooftop garden. The residents would have no access to the rooftop garden in Block B, which is a private block. The applicant has liaised with the Design Out Crime Officer regarding the access of the rooftop spaces, who has confirmed that if all residents were given open authorisation for access into either cores, this would result in decrease in secure lines that protect residents from crime and anti-social behaviour (ASB). This is because those who intend on crime or ASB are more likely to do it in communal area of the other block to avoid detection and recognition. Officers note that both gardens offer similar amount of space for the number of residents living there. The rooftops have been designed to be indistinguishable in terms of materials used, amount of playspace for under 12s beyond that assigned at ground level. Therefore, officers consider that the proposal to have rooftop only assessable by those who live there is supportable and there is no good reason from safety and crime control point of view to share the facilities between both blocks. All residents would have equal access to the ground floor gardens.
- 110 Primary building elements such as windows, glazing and lifts will be the same across all tenures. With regards to pepper potting of affordable units, the applicant submitted a note from their financial viability and affordable housing consultant DS2, which provides clear evidence of the response received from Registered Providers (RPs) to the scheme's existing affordable unit layout and the potential of pepper potted units.
- 111 The Applicant has approached a number of Registered Providers to test the sector's appetite for the proposed affordable homes at the Blackheath Business Centre. This includes the following RPs:
- Phoenix Community Housing
 - Clarion
 - Hexagon
 - Notting Hill Genesis
 - Optivo
 - Legal & General Affordable Homes
 - PA Housing
 - Southern
- 112 A large proportion of those RP's contacted confirmed that they would not consider acquiring the affordable homes. There is a range of reasons for this feedback; in the current market circumstances many RPs are re-considering their acquisition strategies, whilst many are having to funnel resources to address cladding requirements following the Grenfell disaster. A number of RP's cited the number of affordable homes within the scheme (e.g. many of the larger RPs now have minimum unit thresholds over 50 units) as well physical configuration of the affordable tenures within the same core as a reason for not pursuing this opportunity further. RP's require separation of affordable tenures for management reasons, principally so the level of service charges to the rented units can be controlled, therefore protecting the long term affordability of these homes.
- 113 The Council's Strategic Housing Team, has reviewed this information advising that pepper potting the affordable housing units would make it difficult for RPs to manage separate tenures, and with this in mind there is no objection to the principle of accessing the affordable homes via separate cores.

7.3.6 Internal space standards

Policy

- 114 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.
- 115 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).
- 116 LPP 3.5 required housing development to be of the highest quality internally, externally and in relation to their context and to the wider environment. They should enhance the quality of local places, incorporate requirements for accessibility and adaptability, and meet minimum space standards.
- 117 DMP 32 seeks that new housing is provided with a readily accessible, secure, private and usable external space and includes space suitable for children's play.
- 118 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".

Discussion

- 119 Table 5 below shows the range of unit sized as compared to the SPD standards.

Table 5: Dwelling size

Unit size (bedroom/person)	Minimum unit area (sqm)	Proposed unit range (sqm)
1B2P	50sqm	50sqm
2B3P	61sqm	66sqm
2b/4P	70sqm	72- 81sqm
3B5P	86sqm	86-99sqm

- 120 All of the proposed units would comply with the National Technical Standards in terms of overall unit sizes. Floor to ceiling heights range between 2.5m and 2.6m in all habitable rooms.

7.3.7 External space standards

Policy

- 121 The Mayor's Housing SPG Standard 4.10.1 that 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'. All of the residential units have been designed to these standards and generally exceed them that is supported.

Discussion

- 122 Each flat has been provided with a policy compliant provision of private outdoor space, in line with Standard 26 of the Housing SPG (2016). The ground floor units would have access to large and well-proportions private gardens which would be landscaped. All the other proposed units would have balconies that meet or exceed the required standard. All balconies will have threshold access.
- 123 In addition to the private outdoor space, the future residents would have access to amenity space located on seventh (7th) floor for Block A and on the ninth (9th) floor for Block B. This space would include children's play area and informal communal space for adults. As mentioned and explained at paragraph 106, access to the rooftops would be restricted to residents who live in the core. The Design Out Crime Officer confirmed that opening up the rooftops to all residents would decrease secure lines that protect them from crime and anti-social behaviour (ASB).

7.3.8 Accessibility

Policy

- 124 London Plan Policy 3.8 and DLPP D5 require 10% of new build dwellings to be wheelchair accessible as per Building Regulation requirement M4(3) Wheelchair user dwelling.
- 125 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'. The development has been designed to accommodate this and an appropriate condition is recommended to secure the details.

Discussion

- 126 The submitted layout plans demonstrates that out of proposed 63 units 6 would be wheelchair adaptable under Part M4(3) (10%) and all other units will meet M4(2) standards.
- 127 The wheelchair units will be located across private and affordable blocks and range in size. Four M4(3) units would be located in the affordable building core on ground, first, second and third floors. Two M4(3) units would be located in the private building core, both will be on ground floor. The ground floor units benefit from access to large garden and amenity space and all units have suitable access from the communal and external parts. The upper floors will be served by two lifts in case of lift failure or maintenance.
- 128 This has enabled a good mix and choice of wheelchair dwellings and does not cause segregation of wheelchair residents. Car parking spaces would be provided and only be available for wheelchair units. The disabled car parking has been located at an acceptable distance from the core entrances. This is considered acceptable and in line with the above policy.

7.3.9 Inclusivity

- 129 With regard to inclusivity for residents of all tenures and access to broadband, this is now handled within Building Regulations under Approved Document R which came into force in 2017. This introduced a new requirement for in-building physical infrastructure, which enables copper or fibre-optic cables or wireless devices capable of delivering broadband speeds greater than 30mbps to be installed. It is recommended that an informative is added to a decision notice drawings the applicants attention to this.

7.3.10 Aspects, outlook and overheating

Policy

- 130 The Mayor's Housing SPG Standard 29, states that developments should minimise the number of single aspect dwellings. Dual aspects dwellings with opening windows on at least two sides have many inherent benefits. These include better daylight, a greater chance of direct sunlight for longer periods, natural cross ventilation and a greater capacity to address overheating, mitigate pollution, and offer a choice of views, greater flexibility in the use of the rooms, and more potential for future adaptability by altering the use of the room.
- 131 DM Policy 32 requires that new residential development provide a satisfactory level of outlook both for its future residents and for its neighbours.

Discussion

- 132 There is a predominance of dual aspects units in the scheme. Where units are single aspect they are 1-bedroom, face east or south, and have a good outlook across the surrounding landscape. All units would have accepted outlook.
- 133 Overheating Analysis prepared by Integration Consultancy Limited and Sustainability Statement Rev D prepared by KLH Sustainability have been submitted with the application.
- 134 The assessments includes a full 3D dynamic thermal model. The residential units passed the CIBSE TM59 overheating test. The scheme uses exposed thermal mass and a dual aspect design for the main living areas. This creates crossflow ventilation opportunities for effective day and night cooling. Single aspect south facing units make the use of horizontal shading from above balconies to prevent overheating.

7.3.11 Internal daylight

Policy

- 135 DMLP 32 requires that new residential development provide a satisfactory level of privacy both for its future residents and for its neighbours.

Discussion

- 136 A Daylight & Sunlight Assessment, prepared by Tuffin Ferraby Taylor (TFT), dated 16 June 2020 with additional information being submitted on 9 October 2020 has been submitted.
- 137 The report assessed the daylight levels to the proposed habitable units. The assessments have been undertaken in accordance with the methodology outlined in the Building Establishment Report "Site Layout for Daylight and Sunlight 2011" (BRE 209). This is not formal planning guidance and it should be applied according to context, as outlined in Paragraph 123 of the NPPF.
- 138 Paragraph 123 of the NPPF states that when considering application for housing, authorities should take a flexible approach in applying policies and guidance relating to daylight and sunlight where they would otherwise inhibit making efficient use of a land, provided that the resulting scheme would provide acceptable living standards.
- 139 The assessment of daylight is based on the calculation of the vertical sky component (VCS) to an affected window in both the existing and proposed conditions. The VSC is the amount of light received at the centre of a window. There is a further assessment

that assesses the distribution of daylight within a room. This is called average daylight factor (ADF). Whereas VSC assessments are influenced by the size of obstruction, ADF is more influenced by the room area, reflectance of surfaces and transmittance of the glazing. The extent, to which the effect of a proposal on surrounding properties is considered significant, is dependent on the size of the room to which the windows related. The significant of ant impact of proposal on non-habitable or less well-uses rooms such as bedroom is therefore reduced.

- 140 The internal self-test assessment indicates that with the exception of a few isolated areas located under balconies, the new habitable rooms within the proposed development generally exceed the BRE recommendations indicating that that scheme will provide well-lit accommodation to its inhabitants. The majority of the rooms that fall below the suggested BRE target values are bedrooms located directly under balconies. Bedrooms are generally considered to have a lesser expectation for good levels of daylight as they are predominately occupied at night-time. There is always a compromise when considering the relationship between providing private amenity areas and good levels of daylight, it is often unavoidable for there to be a few isolated areas under balconies that will be compromised, if private amenity areas are to be provided.

There is a mature belt of trees located in the nearby SINC. Deciduous trees lose all their leaved in autumn/winter while evergreen trees have leaved all year road. Two calculations have been carried out by a sunlight/daylight specialist in regard to the sunlight amenity provided to the proposed flats located in the residential tower. Trees in Full Leaf – drawing number 191131/DA/410-414

- 141 The first calculation takes into account the impact of the trees when the deciduous trees are in leaf. The report demonstrated that out of the 166 rooms considered for assessment, 148 (89%) will fully comply with the BRE target values. Of the 18 rooms that fall below the suggested BRE recommendations, 12 are bedrooms and 6 are main living areas. All of which are located under balconies.

Trees in Bare Branch – drawing number 191131/DA/415-419

- 142 The second calculation takes into account the impact of the trees when the deciduous trees drop leaves and have bare branches. Of the 166 rooms considered for assessment, 156 (94%) fully comply with the BRE target values. Of the 10 rooms that fall below the suggested BRE benchmark, 6 are bedrooms and the remaining 4 rooms are living areas with all but 1 achieving an ADF of between 1.14% and 1.32%.

- 143 All 10 rooms that fall below the BRE recommendations are situated under balconies, which hinder a rooms ability to receive daylight. There is always a compromise when considering the relationship between providing private amenity areas and good levels of daylight, it is often unavoidable for there to be a few isolated areas under balconies that will be compromised.

- 144 Given the urban nature of the site these minor transgressions are considered acceptable and would not warrant a reason for refusal, given their good outlook and general floor to ceiling heights. The proposed development would therefore provide a good standard of accommodation for all potential residential occupants.

Privacy and overbearing

Policy

- 145 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 of 21 metres between directly facing

habitable room windows on main elevations. This separation should be maintained as a rule but will be applied flexibly dependent on the context of the development.

146 The Mayor's Housing SPG Standard 28 requires that design proposal demonstrated how habitable rooms within each dwelling are provided with an adequate level of privacy in relation to neighbouring property, street and other public spaces.

147 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

148 The site is set in a clearly urban area, typified by flats arranged within residential blocks. The residential tower would be set 19.4m away from rear elevations of the development at Heathside and Lethbridge Phase 4 and approximately 20m to Phase 6. In term of privacy, the relationship of the building to neighbouring building means that there would be limited scope for any conflicts in this regards. This is considered to be acceptable in a dense and established urban location.

149 Within the building privacy would be maintained through the use of deep window reveals and brick piers and solid/textured balcony panels to the sides of adjacent balconies.

Noise & Disturbance

Policy

150 LPP 7.15 and DMP 26 aim to protect sensitive uses from excessive noise or vibration.

151 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.

152 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).

153 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

154 Noise Exposure Assessment reference 15838-NEA-01 Rev A, prepared by Clement Acoustics, dated 15 June 2020 was submitted in support of this application. The report assesses the results of environmental noise and vibration surveys undertaken in order to measure prevailing background level and recommend necessary mitigation measures.

155 Officers understand that the assessment was carried out during the height of Lockdown due to COVID-19 pandemic. The applicant consultant have looked at noise surveys undertaken at Heathside and Lethbridge and on comparison found that noise levels differed which could have been affected by ongoing travel restrictions. Council's Environmental Protection Officer reviewed this information advising that in terms of noise provided that recommendations given in the report are put into place, in terms of glazing and wall construction they are satisfied the with the Noise Assessment and its recommendation. An appropriated condition will be added ensuring of this.

Children's play space

Policy

156 LPP 3.6 states housing proposals should make provision for play and informal recreation based on the expected child population generated by the scheme and as assessment of future needs.

157 The intended to publish London Plan Policy S4 seeks to ensure that development proposals include suitable provision for plan and recreation, and incorporate good-quality, accessible play provision for all ages, of at least 10sqm per chld that is not segregated by tenure.

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

Discussion

159 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 6: Children’s Playspace Requirement and Provision

	No of children	Required Playspace	Proposed Playspace
Under 5s (sqm)	10.4	104sqm	95sqm ground dedicated + 25 sqm roof incidental = <u>120sqm</u>
5-11 years (sqm)	7.9	79sqm	= <u>100 sqm</u> Roof gardens informal and incidental
12+ years (sqm)	5.2	52sqm	= <u>60 sqm</u> Roof gardens informal & incidental
Total Onside Play (sqm)	23.5	235sqm	280sqm

160 The proposed development would generate an estimated child yield of approximately 24 children and the associated playspace requirement would therefore be 235sqm.

161 The proposed development would provide 280sqm of playable space for children ages 0-12+. The play space would be located at the ground level and roof top areas.

162 At the ground floor, the development would provide 95sqm of communal play space which is accessible to all residents. This space is aimed at the younger age group (under 5s) and it will be designed with quality-crafted apparatus, areas for swinging, sliding and climbing offer children a secure plan space within a natural setting.

163 At the roof level, one block has a rooftop play space of 195sqm (that is on top of the affordable block) and the other has a rooftop play space of 262sqm (that is on top of the private block). Both roofs have various chill out spaces, walkways, planted and seating areas that can suit a variety of play actives such as scooting, chase, small social gatherings, training activities, nature leaning/growing for example. These spaces are classed as multifunctional play spaces and are designed informally to be appropriated by the residents and are not segregated for specific age ranges.

164 In addition to the playspace provided on the application site. The nearby areas provide the following play spaces for older children, the provision is detailed in Table 5.

Table 7: Sports pitches and other

	Brookmill Park	Heathside and Lethbridge	The Point	Greenwich Park
Football pitches	No	No	No	No
Outdoor gym	No	No	No	No
Tennis courts	Yes	No	No	Yes
MUGA	No	Yes	No	No
Play area	Yes	Yes	No	Yes
Skate Park	No	No	No	No

165 Brookmill Park is approximately 0.6m (that is 13-minute walk), The Point is 0.6m (that is 13-minute walk), Greenwich Park is 0.3mile (that is 7-minute walk) 1.1mile (that is 22 minute walk) and Heathside and Lethbridge is 0.2m (that is 3-minute walk) from the application site. The tables below shows the sport pitches and other activities that can be undertaken at each of the parks that are nearby.

7.3.12 Housing conclusion

166 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.

167 The applicant has provided appropriate level of affordable housing, which qualifies for the Fast Track route outlined in the DLLP. Early 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.

7.4 URBAN DESIGN

General Policy

168 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.

169 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.

- 170 LPP 7.6 Architecture requires development to positively contribute to its immediate environs in a coherent manner, using the highest quality materials and design.
- 171 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.
- 172 DMLP DM30, 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. DM Policy 33 seek to protect and enhance the Borough's character and street frontages through appropriate and high-quality design.

Discussion

Layout

- 173 The application site has an L-shaped footprint. Following discussion at pre-application, the scheme has been suitably altered to avoid inclusion of residential units attached to the commercial building. This change allow for division between residential and non-residential floorspace and avoided any conflict of uses.
- 174 Whilst the adjacent Blackheath Brain Injury Rehabilitation Centre and Neurological Care Centre is outside of the ownership of the applicant and it does not form part of the proposed development. The applicant has demonstrated, through the masterplan process, that the proposal would not preclude the hospital site from coming forward for redevelopment in the future. Officers, including the GLA are satisfied that the proposed masterplan is comprehensive and well considered.

The development includes two building at the site. The commercial building would be four storey and it will be located to the west of the site. The residential tower would range from 7 to 9 storeys and it will be located to the southern end of the site. The image below demonstrated the proposed site layout.

Drawing 2: Proposed site layout



- 175 During the pre-application discussions, officers advised the applicant to provide two separate routes for pedestrians within the site. In response to this comment, the applicant amended the proposal and provided two separate routes for pedestrians. The pavement on the east side would range from 1.7m-2m in width, which is acceptable. The boundary wall aligned with the hospital would have vertical planting on a marine wire trellis system implemented with Virginia creepers providing seasonal change and interest as well as biodiversity enhancement. The pavement on the west side would measure 1.6m in width. Opportunities for planting areas to be incorporated into SUD system will be explored further in this location. As most areas of the footways are wide enough for two wheelchairs to pass each other. Furthermore, the boundary wall on the east side would be improved. The wall will include areas of soft landscaping and street lighting to make it feel safe for those walking along this site of the site.
- 176 The applicant has also included some element of soft landscaping to the layout of the site. This will be discussed in detail later on in the report.

Form and Scale

- 177 A key characteristic of the wider area is the variation in building footprint and plot scale. Typically, the wider area to the east and north of the site comprises small private individual plots that are 2-3 storey in height. There are also elements of post war re-development to the south that comprise of building with larger footprint and multiple storeys set between communal gardens.
- 178 The application site forms part of the former chalk quarry on the western side of the Blackheath Hill rise. Blackheath rises from west to east with the site set approximately 20m lower than Dartmouth Road to the west and 5m higher than the Heathside and Lethbridge block to the west.
- 179 The residential block would consist of two parts, a 7-storey building (measuring 26m in height) and a 9-storey building (measuring 32m in height). There would be a clear hierarchy of scale between the two elements.
- 180 The scale and height of the building was tested from various viewpoints to assess the impact that this development would have on the wider area. The proposed development due to the scale, position of the building and the topography of the wider area would not be readily visible.
- 181 A Heritage, Townscape & View Statement prepared by Jon Lowe Heritage submitted with the application tested the impact of the proposed building from various vantage points including strategic and non-strategic views. The site does not include listed building. However it is within a Blackheath conservation area and there is a locally listed building in close proximity.
- 182 In the wider London context, the submitted views demonstrate that the development would not be visible in the London View Management Framework (LVMF) from protected view from Blackheath Point to Central London (viewpoint 6A.1)
- 183 More locally, the views submitted from various viewpoint around the immediate area, included:
- Junction between Phase 5 and 6 of Heathside and Lethbridge development;
 - Gap between Block Ic and Id of the Phase 6 of Heathside and Lethbridge development;
 - A number of views taken from Morden Lane;

- A view from Morden Hill Gardens.

184 These views demonstrate that, because of the ground level and the being shielded by existing trees in the SINC the proposed building in the site would not be visible in the immediate area.

185 Officers consider that the height and massing of the proposed development is well considered in that it responds well to the surrounding built environment. The applicant has positively responded to Officers advice received at the pre-application, The agreed changes ensure that the proposed development would sit comfortably against the scale of buildings in the wider context, and suitably accord with surrounding built environment, given the range of buildings in the area.

Detailing and Materials

186 The massing of the proposed residential tower has been successfully broken up with setback between the two blocks on the front elevation. The residential blocks would reflect the design of the industrial building by introducing windows arches and arches in the building crowns. The two residential entrances are located next to each other and they would be tenure blind.

187 The materials used for the construction of the residential building include mainly brick, concrete and steel. These are considered to be high quality and robust materials. A range of different bricks would be used on the building. The brick palette would consist of light tone mix of water struck brickwork to base of the building with mid-tone mix of water struck brickwork on the upper floors. In between the floors there would be banding of pigments cast concrete and recesses to create a façade that is attractive and provides architectural interest.

Drawing 3: CGI view of proposed residential building



188 The commercial block would be constructed in timber and steel. The building would be fitted with charred, black stained timber Accoya cladding which has a lifespan of +60 years given how it is treated. The timber cladding would be framed within textured metal portals.

Drawing 4: CGI view of proposed residential building



189 The architectural design and treatment for both of the buildings would contribute positively to the mix of building type in the local area. The architects have developed the buildings to be unique, yet complement each other with common themes running through them.

190 Officers consider that there is sufficient information to establish that the design and architecture is high quality and be of a positive impact for the site and wider locality. This is subject to conditions requiring the exact specification of all external materials is submitted to ensure that the design quality is carried through the construction of the proposal.

7.4.1 Secure by design

Policy

191 The development has carefully considered designing out crime in accordance with DM Policy 32, London Plan Policy 7.3 and Core Strategy 15 and fear of crime also identified within paragraph 91 of the NPPF (2018). The entrance of the buildings will be safe as they are clearly defined and visible from the street through the use of materiality contrast and lighting in accordance with DM Policy 27.

Discussion

192 The scheme has been designed in accordance with the principles of Secure by Design and has been subject to discussions The Metropolitan Policy Officer that the proposal has considered opportunity for natural surveillance and that it incorporated excellent lines of site as well as active areas.

193 As mentioned in paragraph 106, the Design Out Crime Officer advised the applicant that opening both cores to all residents would result in additional security risk in terms of crime and ASB. As the proposed rooftops would be similar in their design and layout, officers are satisfied that the proposal is acceptable.

194 A condition would be recommended requiring the proposed development to achieve secure by design certificate. This would help to ensure that safety and security objectives in the above mentioned policies would be met.

7.4.2 Urban design conclusion

195 The proposed development would intensify the use of the site. The layout of the development would integrate will with the surrounding townscape. The residential tower would be located on the southern portion of the site and given the existing topography in the surrounding area, the proposal would not be readily visible from most public vantage points. It is also noted that the scale of the development would not exceed that of surrounding and recently redevelopment adjacent site at Heathside and Lethbridge. The architectural form for both buildings proposed is considered of high quality and would provide a development that is of very high quality. In addition, there would be a significant increase in areas of public realm and biodiversity. This would mitigate for the loss of the street along the western boundary. Accordingly, the proposed development is considered to be of an acceptable design.

7.5 Public realm, trees and landscaping

Policy

196 NPPF places great emphases on the creation of high quality building and places. Paragraph 127 states that planning decision should ensure that development include effective landscaping as well as establishing a strong sense of place.

197 LPP 2.9 states that enhancements to London's green infrastructure should be sought from development. Development proposals should incorporate appropriate elements of green infrastructure that are integrated into the wider network. The intend to publish London Plan Policy G7 states that development proposed should ensure that whenever possible existing trees of quality are retained.

198 LPP 7.5 states that development should make the public realm comprehensible at a human scale, using gateways, focal points and landmarks as appropriate to help people find their way around.

199 DMLP Policy 25 aims to ensure applicants consider landscaping as integral part of the application and development process.

Discussion

200 A Tree Survey, Arboricultural Implication Assessment and Method Statement, prepared by Indigo Surveys (ref: 20207/A2/AIA/AMS), has been submitted with the application. This considers the impact of the proposal on existing trees within and around the proposed development site.

201 The report identified that there are currently 42 trees within and around the site. These have been categorised and there is 41 category C (low quality) trees, and 1 U category (not suitable for retention) trees. Of these there would be 38 removed due to poor health and proximity to neighbouring boundary. Most of trees proposed to be removed are located on the west boundary.

202 The proposed development includes the planting of 50 new semi-mature and established trees across the site, giving a positive net gain of 12 new trees. The applicant undertaken a dedicated CAVAT assessment to calculate the value of the existing tree stock proposed to be removed compared with the proposed new tree planting. The assessment show that the vast majority of the trees proposed to be removed are of low quality as mentioned above and that the proposed planting would

serve to replicate and in some instances enhance the canopy cover resulting in biodiversity gain.

203 In addition to the proposed tree planting, the applicant is also proposing to improve public realm through soft landscaping on the ground and roof level. The image below provides an overview of the proposed landscape at the ground floor and roof level.

Drawing 5: Proposed landscaping at ground and roof level



204 There is limited space at the entrance of the site. As such, the applicant is proposing to use vertical planting along the west side on the boundary with the hospital site. A marine wire trellis systems would be implemented with Virginia creepers providing seasonal change and interest. Where the paved area widens narrow canopy trees will be planted within the hardscape taking up minimal floorspace but creating visual interest. On the eastern side, only trees that have branched that point up.

205 The principle area of public realm within the site would be to the front of the residential tower. This has an area where there are more trees with larger canopies and 90sqm of children's playspace. The playspace is aimed at under 12s, offering them an opportunity to explore the natural world.

206 In addition, to the ground floor public realm there is also a roof terraces. The commercial building would have brown roofs and it would include a range of native plant mixes wildflowers and logs. Officers have also discussed with the applicant the possibility of included climbers on section of the rear elevation of the commercial block to soften the rear faces of the building for neighbouring residential block at Heathside and Lethbridge. The roof on the residential blocks were designed with a rich layering of woodland inspired planting, complimenting the textural backdrop of the adjacent SINC and supporting the biodiversity of the area. This will be secured by a planning condition.

207 Council's Ecological Regeneration Manager reviewed the landscape proposal and after receiving clarifications from the applicant's Principal Ecologist raised no objection to the application.

7.5.1 Public realm, trees and landscaping conclusion

208 The proposed development would result in the loss of some trees. However, there would be appropriate levels of trees planting across the site to mitigate the loss of existing trees. The proposed development would result in a net increase in canopy coverage as a result of the proposed planting. In addition to the tree proposals there are also

increases to soft planting throughout the site and proposal incorporated bio-diverse and green roofs to both buildings.

7.6 TRANSPORT IMPACT

General policy

- 209 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.
- 210 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”.
- 211 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.
- 212 The Core Strategy, at Objective 9 and CSP14, reflects the national and regional priorities.

7.6.1 Access

Policy

- 213 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.
- 214 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.
- 215 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

- 216 The application site has a single vehicular and pedestrian access point from Blackheath Hill. The vehicular access point for the site adjoins the vehicular access point for the adjoining site. The applicant is proposing to introduce a raised table pedestrian facility along the site’s access to Blackheath Hill to prioritise pedestrian movements while making vehicles entering and exiting the site aware of the presence of pedestrians and at the same time slowing vehicle speeds on approach. This has been shown on plan and

it would be secured through the Section 106 agreement. This would have benefit to all pedestrians using Blackheath Hill even when not entering the application site, as they would no longer have to step into the vehicle access.

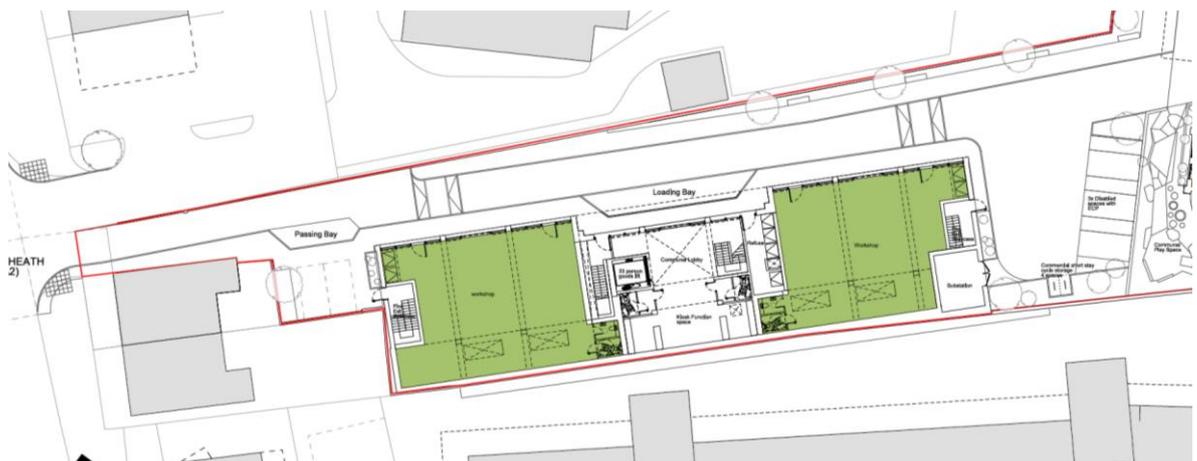
Drawing 6: Proposed raised table pedestrian facility



217 In terms of the pedestrian access, the scheme would create two separate routes for pedestrians within the site. The western footway would range between 1.2m to 1.75m in width. The eastern footway would measure approximately 1.8m in width. There would be two raised table crossing giving the residents and people visiting a choice in which side of the internal road to walk on.

218 The internal road within the site would be realigned and it would vary in width from 3m to 3.5m. To allow the cars to pass each other and not cause queues, there would be two passing locations in the form of a loading bay and inset space with turning head facility at the end of the internal road.

Drawing 7: Proposed pedestrian access and ground floor plan



219 The proposal for access is considered to be safe and appropriate.

7.6.2 Delivery and servicing

Policy

- 220 The NPPF states development should allow for the efficient delivery of goods and access by service and emergency vehicles.
- 221 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.
- 222 DLPP Policy T6(G) and T7(B)(3) state that rapid electric vehicle charging points should be provided for servicing vehicles.
- 223 DMP 17 requires applications for A3 uses to provide acceptable arrangements for the collection, storage and disposal of bulk refuse.
- 224 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

- 225 The proposed development would be serviced through a combination of on street (within the site) servicing and loading bays. The residential use would be serviced using turning head facility at the end of the internal access road to wait, load and unload. This location will also be utilised for waste collection vehicles to the residential block. The commercial block would be serviced through loading bays that are located along the internal access road near to the main entrance to the commercial building. The refuse collection would utilise the loading bays for collection.
- 226 The applicant have assessed servicing requirements by basing their trip generation figures. The forecast daily servicing and delivery vehicles suggests that the development would generate 25 arrivals and 25 departures every day. Out of the 50 deliveries, 32 would be associated with the commercial use and 18 would be associated with the residential use.
- 227 The Transport Assessment also indicates a reduction of 16 vehicle arrivals and 18 vehicle departures across the day as a result of the development (even when accounting for the minor uplift in deliveries. The chance for conflict at the entrance will reduce when compared to the existing situation. This combination of less vehicles and a new raised table is considered to offer an improved pedestrian environment.
- 228 The applicant has been demonstrated that turning manoeuvre can successfully be undertaken at the existing turning. To alleviate the concerns regarding pedestrian and cyclist safety, the Applicant commits to the provision of a raised table pedestrian facility which includes the site and adjoining access frontages. This offers a material improvement to the local pedestrian environment, particularly when considering the reduction in traffic entering and exiting the site in the future. Despite this additional information and the addition of a raised platform, a full delivery and servicing plan would be secure through condition in line with DLPP Policy T7.

7.6.3 Cycling

Policy

- 229 LPP 6.9 sets out to bring a significant increase in cycling to at least 5% of modal share by 2026, supported by the implementation of Cycle Superhighways and the central London cycle hire scheme and provision of facilities for cyclists including secure cycle parking and on-site changing and shower facilities for cyclists.

Discussion

230 Cycle parking will be provided within separate cycle store for both the commercial and residential use. The residential cycle store will be located at basement level and ground level. Access to the cycle store will be achieved via a stairwell and lift access. The commercial cycle store will be provided in the basement level and it will also include changing facilities for employees cycling to and from work.

231 The short-term cycle parking would be provided within the public realm and will be in the form of Sheffield stands.

Table 8: Development Parking Provision

Policy	Land use	Long-stay	Short-stay	Total
Intend to Publish London Plan	Residential	111	3	114
	Commercial	11	3	14
Proposed development	Residential	111	4	115
	Commercial	12	4	16

232 The table above demonstrates that the development would provide the required number of long stay cycle parking for residential and commercial use, in accordance with the Draft London Plan.

233 To ensure that facilities are available for cyclists of the commercial elements a condition should be imposed requiring details of welfare/ changing facilities.

7.6.4 Car parking

Policy

234 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.

235 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

236 The proposed development would retain two residential parking spaces serving No 78 and 78a Blackheath Hill. These properties are outside of the site boundary but they have existing facilities on-site, which the applicant is obligated to re-provide contractually.

237 The rest of the development would be car free with the exception of three (3) disabled parking spaces. The proposed car parking space are equivalent for 3% of dwellings having access to a disabled person parking space from the outset. This is in line with DLLP policy T6.1. All car parking spaces would be provided with active electric charging facilities.

- 238 TfL advised that a parking design and management plan (PDMP) should be secured thought condition detailing how a further 7% of residential dwelling could be provided with a disabled parking space, should demand arise.
- 239 All prospective residents and commercial occupiers would be prevented from obtaining on-street parking permit in order to avoid parking street in the surrounding area. To reduce the need to car ownership from that indicated by applicant date, a membership to a car-club should be provided to each potential residents. This would be secured thought appropriately worded section 106 obligation.
- 240 There have been a number of objections and comments received in relation to illegal parking on the nearby roads and the worry that the proposed development would exacerbate the situation. Appropriate measures would be adopted to prevent potential occupiers from obtaining parking permit. Prospective occupiers, would be aware of the restriction of parking prior r to occupation. It is also unlikely given the distance to surrounding streets that parking for this development would occur given the walking distances.

7.6.5 Travel Plan

- 241 Travel Plan Framework for residents and employees has been prepared. The framework sets a range of measures that will encourage future residents, employees and visitors to the site to make use of sustainable travel choices. The plan follows TfL guidance, establishing clear objectives, interventions and a monitoring framework to consider whether more sustainable travel has been achieved.
- 242 The approach to travel planning is acceptable and officers are content that the scheme comprises a range of interventions that will facilities more sustainable travel to and from the site. The submitted travel plans, these would be condition and monitored by officers.

7.6.6 Healthy Streets

- 243 The applicant has undertaken an Active Travel Zone (ATZ) assessment. Number of improvements to the local transport network to facilities an environment that encourages walking and cycling would be incorporated in the design. This includes improved pedestrian crossing facilities and improvising the quality of footways and crossings.
- 244 To improve accessibility, and encourage sustainable modes of travel to and from the site, the Council Highway Officer recommended following works as identified in the Healthy Streets Audit to be secured and completed in the S278 Agreement:
- Improvement works to the existing vehicular access point on Blackheath Hill and a raised table crossing;
 - The provision of improved pedestrian crossing facilities at the junction between Lewisham Road / Blackheath Hill. The junction lacks pedestrian 'green man' facilities.
 - £50,000 towards a sustainable and active travel improvements to enable the Council and TfL to undertake and carry out feasibility work and/or combine with other funding to deliver improvements on Blackheath Hill
- 245 The proposal will result in an increase in walking trips near the site. Therefore, the above-mentioned improvement works are considered necessary to make the proposed development acceptable, particularly as the development is a 'car free' scheme, and the majority of the trips to and from the site will be by sustainable modes of travel. These improvements will provide a more attractive pedestrian environment and will create conditions that encourage walking.

7.6.7 Construction Management Plan

246 An Outline Construction Logistics Plan, prepared by Ardent, dated May 2020, have been submitted in support of application. TfL commented on the documents advising that update Construction Management Plan including Logistic Plan should be secured through planning condition. This should detail the measures that will be implemented to minimise impact on the surrounding transport network and provide detail on how the construction will comply with Mayor's Vision Zero approach.

7.6.8 Transport impact conclusion

247 The proposed development would not result in harm to the local highway network or pedestrian or highway safety subject to the imposition of conditions and financial contributions. Officers consider this should be afforded considerable weight In light of the proposed public benefits of the development.

7.7 LIVING CONDITIONS OF NEIGHBOURS AND SURROUNDING AREA

General Policy

248 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.

249 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).

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

251 Further guidance is given in Housing SPD 2017, GLA.

7.7.1 Overbearing, Enclosure and Outlook

Policy

252 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.

253 LPP 3.5 focuses on standards in new development, with the Mayor of London's Housing SPG noting that former commonly used minimum separation distances between habitable rooms of 18 – 21 metres may be useful guides, but advocates a more flexible approach to managing privacy.

Discussion

254 Concerns have been raised by neighbouring residents that the proposed development would result in loss of a view, but these are not material planning consideration and cannot be taken into account within decision making.

255 At present, the application site comprises single storey commercial buildings. Surrounding the site, to the west there is a row of tall trees and shrubbery; to the south the land significantly drops; to the west there is SINC with raising land level; and to the north there is a hospital site, which is mainly single storey in height. The main development that would have some views across the site is the block of flats in Cardinal House and Chalkhill House (referred to as Block D in application documents) facing

Beechwood Place. However, due to the existing site conditions the outlook and views that are available would be constrained.

256 Flats located in Cardinal House and Chalkhill House (referred to as Block D in application documents) on Beechwood Place are most likely to experience impact on outlook, views and overbearing appearance. At ground floor, the building would be sited approximately 3.8m at the closest point and 7.2m at the widest point. This distance would increase to 7.3m and 11.6m respectively above the ground floor level.

257 Officers note that all flats in Cardinal House and Chalkhill House (referred to as Block D in application documents) are dual aspect and with the exception of flats on ground floor, all other flats are accessed via external walkways located to the rear of the building facing the application site. The existing outlook is considered to be impacted by the existing row of trees and shrubbery. The impact of the development would be mitigated by inclusion of climbers on the rear elevation of the commercial building to soft its appearance. Officers consider given the existing site conditions and the mitigations measures proposed that the proposal would not result in any unacceptable impact.

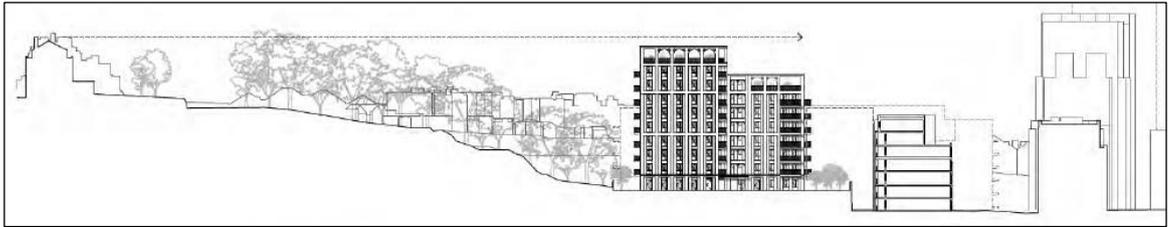
Drawing 7: Extract takes from Proposed Plans for Block F&D: (drawing number 13.011/RM104 Rev C) at Heathside and Lethbridge Phase 4 submitted for application reference DC/14/087333



Morden Lane and Dartmouth Row

258 Concerning the properties on Morden Lane and Dartmouth Row. The application site sits 20m lower than the street level on Dartmouth Row, therefore the proposed development would not have unacceptable impact on their outlook and sense of enclosure. Furthermore, there would be a sufficient distance and tree coverage between these properties and application site. This would prevent the development from having an overbearing or enclosing appearance on these properties.

Drawing 8: Proposed section showing proposed development and heights relative to context



Hospital site

- 259 The hospital building is mostly a single storey building. The current outlook from the room facing the application site is towards shared boundary / rear wall to the existing commercial building on site.
- 260 The proposed building which is taller than the existing would lead to improvement in outlook as they would be stepped back from the site and they would have some soft landscaping that would be seen from the hospital site.

Summary

- 261 The proposed development would not result in unacceptable impact in terms of overbearing, enclosure and outlook.

7.7.2 Privacy and overlooking

Policy

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

Discussion

- 263 Concerns have been raised by neighbouring residents that the proposed development would result in an unacceptable loss of privacy to neighbouring dwellings.
- 264 As mentioned before the commercial building would be positioned between 11.5m to 14.5m from the rear elevation of Cardinal House and Chalkhill House (referred to as Block D in application documents) facing Beechwood Place. This measurement is taken from above the ground floor from the development at Heathside and Lethbridge. The residential tower would be positioned between 16.6m to 18m when measured the same. The rear elevation would have communal lobby and corridors located in the rear elevation. Officers are satisfied that the commercial building has been designed to maintain the privacy and there would be no undue overlooking for the neighbouring occupiers.

7.7.3 Daylight, Sunlight and Overshadowing

Policy

- 265 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards. The BRE Guidelines recognise that they should not form a strict set of criteria to which a development must adhere, rather provide guidance to help inform design.
- 266 The NPPF does not express particular standards for daylight and sunlight. Paragraph 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.

The BRE Guidelines

- 267 The BRE Guidelines provides a technical reference for the assessment of amenity relating to daylight, sunlight and overshadowing. The guidance within it is not mandatory and the advice within the guide should not be seen as an instrument of planning policy.
- 268 In considering the impact on daylight, the test is based on Vertical Sky Component (VSC). This test considered the potential for daylight by calculating the angle of vertical sky at the centre of each of the windows serving residential building which look towards the application site. The target figure for VSC recommended by BRE is 27% which is considered to be a good level of daylight and the level recommended for habitable rooms with windows on principal elevations. The BRE have determined that the daylight (VSC) can be reduced by about 20% of the original value before the loss is noticeable. However, in urban location such as this one, it is established that the typical VSC values can be in the region of 15% (or mid-teens). The BRE Guidelines also recognise that existing architectural features on neighbouring building such as balconies and overhangs restrict the quantum of skyline to windows.
- 269 The VSC is supplemented by the No Sky Line (NSL) method which assesses the proportion of the room where the sky is visible, and plot the change in the NSL between the existing and proposed situation. It advised that if there is a reduction of 20% in the area of sky visibility, daylight may be affected.
- 270 In considering the impact upon sunlight, the test is based upon a calculation of Annual Probable Sunlight Hours (APSH). This test is done to all windows that face within 90 degree of due south. The BRE guidelines require that a window should receive a minimum of 25% of the APSH, of which 5% should be received in winter months. Window with other orientations than 90 degree due south do not need APSH assessment.
- 271 The Mayor of London 'Housing SPG' (March 2016) at para 1.3.45 advises that the BRE guidelines should be applied with an appropriate degree of flexibility and sensitivity to higher density housing development, especially in opportunity areas, town centres, large sites, and accessible locations. It suggests that account should be taken of local circumstances, the need to optimise capacity and scope for the character and form of an area to change over time.

Discussion

- 272 The impact of the proposed development on daylight and sunlight to neighbouring residents has been a significant concern of local residents. The applicant submitted a Daylight & Sunlight Assessment, prepared by Tuffin Ferraby Taylor (TFT), dated 16 June 2020. The conclusions of the submitted report states that the surrounding properties would not experience substantial adverse effects and are therefore acceptable within the BRE Guidelines. While there are some impacts on the existing buildings on the western boundary, this need to be weighed up against the material benefits of the proposed development.
- 273 The submitted assessment considers the impact of the proposed development on the following properties and blocks :
- 78 Blackheath Hill (No 1)
 - 78a Blackheath Hill (No 2)
 - Cardinal House and Chalkhill House (referred to as Block D in application documents), Beechwood Place (Heathside and Lethbridge) (No 3)
 - Black la Heathside and Lethbridge (No 4)

274

Block 1b Heathside and Lethbridge (No 5) As part of the Daylight, Sunlight and Overshadowing Addendum, the applicant consultants have undertaken an additional assessment of the hospital site (shaded light green).

The location of these properties in relation to the application site is shown in Figure below.

Drawing 9: May showing the location of the properties that were assessed



78 Blackheath Hill

275

This is a two-storey semi-detached residential property located directly to the north of the development site.

Daylight

276

The daylight result show that with the proposed development in place, all six (6) windows tested would maintain the VSC of at least 15.59%. This meet the BRE Guidelines baseline criteria or Alternative Target Criteria (ATC) for VSC (mid-teens of at least 15%).

Sunlight

277

The sunlight results show that with the proposed development in place, five (5) rooms considered for assessment two (2) will fully comply with the BRE target values. All other rooms will maintain NSL coverage of over 67% in the post-development condition and will remain within 25% of the existing conditions.

78a Blackheath Hill

278

This is another two-storey semi-detached residential property located directly to the north of the development site.

Daylight

279 There are six windows in the rear elevation of this property. The assessment confirmed that all windows in will maintain the VSC of at least 17.93% in the post the development conditions. This meet the BRE Guidelines baseline criteria or Alternative Target Criteria (ATC) for VSC (mid-teens of at least 15%).

Sunlight

280 The sunlight results show that with the proposed development in place, six (6) rooms considered for assessment will fully comply with the BRE target values.

Cardinal House and Chalkhill House (referred to as Block D in application documents), Beechwood Place (Heathside and Lethbridge)

281 This is a 7-storey residential block located directly adjacent to the site close to the western boundary of the site.

282 The proposed scheme mirrors the heights, distance from the boundary of Cardinal House and Chalkhill House (referred to as Block D in application documents), and is situated in a similar distance from the boundary above the ground floor level. It is noted that the original design of this block results in lower light levels. This is because several habitable rooms are located under recessed external walkways that hinder the windows/room ability to see visible sky and this is indicated by the poor light level currently experienced.

Daylight

283 Out of the 185 windows, only 65 currently benefit from a VSC of at least 15%, even though the windows in question currently face single storey buildings. This will reduce to 57 windows post development. The VSC results also show that currently the VSC result for the ground and fifth floors are generally between 3% and 5%, although there will be a significant reduction in the VSC level to these windows in the post-development conditions. The result indicate that these are already poorly lit spaces that are expected to use artificial lighting for a larger proportion of the time they are being uses because of the overhangs/walkways and their proximity to the bank.

Sunlight

284 None of the site-facing windows are orientated within 90 degree of due south and, therefore they have not been tested. The proposed development will therefore cause no effect on the existing sunlight levels.

Block Ia Heathside and Lethbridge

285 This is 8-storey residential block located to the south of the development site with north facing residential units directly overlooking the development site.

Daylight

286 Out of the 68 windows, 48 will maintain a VSC of at least 15% in the post-development conditions. The windows that do not maintain this level of VSC are located under the balconies and already experience lower level of VSC in the existing conditions.

Sunlight

287 A sunlight assessment is not required in respect of this property, as it does not face within 90 degree of due south.

Block Ib Heathside and Lethbridge

288 This is 8-storey residential block located to the south of the development site with north facing residential units directly overlooking the development site.

Daylight

289 Out of the 49 windows, 34 will maintain a VSC of at least 15% in the post-development conditions. The only windows that do not reach the alternative benchmark are secondary windows located under balconies.

Sunlight

290 A sunlight assessment is not required in respect of this property, as it does not face within 90 degree of due south.

Hospital site

291 The hospital is split access two blocks. The applicant's consultant obtained the floor plans for the patient recovery areas and these have been to carry out the assessment. The southern block is a single storey building with an internal courtyard and is primarily used for administration purposes. This block has been discounted from assessment as it contains administration and storage rooms. The northern block is where the patient recovery areas located in the three-storey northern block.

Daylight

292 The daylight results show that with the proposed development in place, 29 out of 49 windows would comply with the BRE recommendations. 27 of the tested windows comfortably exceeded the anticipated VSC levels for an urban location.

293 The southern elevation of the hospital building would experience daylight and sunlight impact. Although, the site would be affected the rooms within are inhabited on a temporary basis only and the sensitivity would be less than a dwelling. Consequently, the impact is considered acceptable.

Sunlight

294 The sunlight results show that with the proposed development, all windows will fully comply with BRE target values.

295 *Summary and overall impact*

296 The applicants consultants conclude that with the proposed development in place, the development would not have unacceptable effect on surrounding development to warrant a reason for refusal.

Overshadowing

Policy

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

Discussion

298 The applicant's consultant have carried out a sun-on-around overshadowing assessment in relation to the relevant external amenity areas on the 21st March and 21st June. The results indicate that the amenity areas within the hospital will generally exceed the BRE recommendations. The only exception is Amenity 3, which will have 49% of the area seeing 2 hours of direct sunlight on 21st March. Officers note that this is a very minor transgression of 1% and most of the area (94%) will benefit from at least 2 hours of direct sunlight on 21st June.

299 As such, the proposed development would not have a significant effect on overshadowing of the area.

Conclusion

300 The conclusion of the report stated that the majority of the surrounding properties do not experience substantial adverse effects and are therefore acceptable within the BRE Guidelines. In areas where the shortfall have been identified, it is considered that the design is supportable as any derogations would not be inconsistent with what is expected to line in urban locations like this one. While there are some impacts on the existing building in the area, this needs to be weights up against material benefits of the proposed development. Given the overall benefits of the scheme officers consider that development will bring a high quality development that offers significant uplifts in employment space and housing. On balance view, it is considered that the proposal would not result in a harm to neighbour amenity that would warrant a reason for refusal.

7.7.4 Noise and disturbance from the intended use of the development

Policy

301 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 noise pollution. Development should help to improve local environmental conditions. Para 180 states decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

302 The NPPG states LPAs should consider noise when new developments may create additional noise.

303 The objectives of the NPPF and NPPG are reflected in LPP 7.15, Draft LPP D1,D12 and D13, CS Objective 5 and DMP 26.

Discussion

304 The surrounding area is predominantly residential, and the proposed development would provide mix-use development. Once operational it is not considered that the proposal would have an unacceptable adverse impact on neighbouring amenity by way of noise and disturbance. The proposed commercial uses would be required to be adequately insulated against noise by a planning condition. On this basis is it considered that that the proposals would not result in a materially harmful increase in noise or disturbance.

305 Any noise or dust associated with construction would be controlled by the relevant environmental health and building control statutory protections. To ensure that construction is undertaken in a manner that does not affect the wider highway and utilises best practice a condition requiring the submission to the LPA for approval of a construction management plan should be imposed were the application to be approved.

7.7.5 Noise and disturbance from demolition and construction impacts

- 306 Concern and comments have been received from neighbouring residents regarding demolition and construction impacts, including noise and disturbance, impact on air quality and construction traffic.
- 307 Officers recognise that during implementation of the development there would be a significant amount of noise, disturbance, impact on air quality from construction related activity including vehicular traffic. Traffic has been discussed in the transport section of this report and the impact has been deemed to be acceptable.
- 308 A draft consultation management plan (CMP) has been submitted with the application, which sets out how it is intended that the demolition and construction process would be implemented and managed. It is not uncommon for construction projects to be taken place next to sensitive uses. Officers consider that on balance subject to control of the CMP via condition it is not considered appropriate or reasonable to raise an objection to the proposal on the grounds of harm to neighbouring amenity from construction related activity.

7.7.6 Impact on neighbours conclusion

- 309 The proposed development would be constructed on a vacant site. As such, the impact on the adjoining properties is unavoidable to a degree, and should be mitigated through design to an acceptable impact taking account local existing and emerging context. Officers are of view, given the technical analysis provided in the Daylight and Sunlight report Officers are satisfied that the proposal would not have significant adverse daylight, sunlight and overshadowing effects to neighbouring properties.

7.8 SUSTAINABLE DEVELOPMENT

General Policy

- 310 NPPF para 148 sets an expectation that planning will support transition to a low carbon future. This is reflected in relevant policies of the London Plan and the Local Plan.

7.8.1 Energy and carbon emissions reduction

Policy

- 311 London Plan covers the mitigation of and adaptation to climate change and the management of natural resources.
- 312 LPP 5.2 of the London Plan requires major developments to provide an assessment of their energy demands and to demonstrate that they have taken steps to apply the Mayor's energy hierarchy - (1) be lean: use less energy; (2) be clean: supply energy efficiently; and (3) be green: use renewable energy..
- 313 LPP 5.5 and 5.6 require consideration of decentralised energy networks and LPP 5.7 requires the use of on-site renewable technologies, where feasible, to reduce CO2 by at least 20 per cent. Of note is that residential buildings must now be carbon zero, and non-domestic buildings must comply with the Building Regulations in terms of their carbon dioxide emissions.
- 314 The London Plan approach is reflected in CSPs 7 and 8 (which also requires BREEAM 'Excellent' for non-residential development) and DMP 22.

315 Further guidance is given in The Mayor's Sustainable Design and Construction SPG (April 2014), which sets out targets and provides guidance as to how to achieve those targets as efficiently as possible.

Discussion

316 An Sustainability Assessment based on the Mayor's hierarchy have been submitted. These report sets out the measures that would be taken to reduce carbon emissions in compliance with the energy hierarchy.

Be Lean (use less energy)

317 The statement details that the proposed development would in most cases, exceed the fabric performance limit specified in Building Regulations Part L. The tables below summarised the target performance values for the residential and commercial units. A range of passive and active energy efficiency measures are to be employed within the development including:

- Heating provided to the residential units by means of an underfloor heating system in the screen above the insulation
- Space heating controls with time and temperature zone controls
- All lighting to be low energy lighting
- All windows in the residential block and the majority of windows in the commercial block would be openable to promote passive ventilation
- Local mechanical ventilation with heat recover (MVHR) for individual units supplement passive ventilation in the residential block
- No air-conditioning provided to residential units
- Thermal bridging reduced through use of accredited construction details
- BMS would be set up with intelligent and zoned control strategy, and allow for sub-metering and logging of incoming water and electricity consumption

318 The Council's Sustainability Manager reviewed the information advising that more information is required on the following:

- Glazing specification as the proposed g value of 0.6 is will not provide mitigation of excess solar gain. More detail on how the glazing strategy will address overheating.
- Residential lighting specification
- Proposed heat metering arrangement for the residential units
- An overheating analysis, TM59, is carried out and submitted. We require more information on how the applicant will mitigate excessive heat gain through passive design. For example the use of deep reveals, balconies, solar shading, planting, thermal mass and night purging

319 On 18 September 2020, the applicant's consultant provided comments in response to the issues and concerns that were raised. The submitted information was reviewed and it was confirmed by the Council's Sustainability Manager that the development looks to be targeting best practice energy efficiency standards throughout. Additional reference testing has been undertaken using the 2020 version of the more extreme design weather years DSY2 and DSY3. In terms of practical overheating reduction the scheme uses cross ventilation and dual aspect flat layouts, exposes thermal mass such as floor, night cooling strategy, external shading from balcony overhangs and reveals and high performance glazing with 0.4g value. For the commercial units, higher occupancy and heat gains during the day from equipment will limit the potential of passive cooling and in these cases active cooling will be available from high efficiency equipment.

Be Clean (supply energy efficiently)

- 320 The proposed development is not located near existing or potential heat network, and connection to a third party network is therefore not feasible for the development.
- 321 The heat source for the communal network will be ASHP and GSHP. Each residential block would have its own its source heat pump in the plant room. Block A will have the pump at level 9 and Block B would have it on level 7. The commercial building would have a ground source hear pump providing space heating and cooling as shown on drawing number 589.INT.151020.SK.01.
- 322 Local heat pumps are the lowest carbon method of reliable/practical heat provision in the UK for the lifetime of the building given the current UK grid carbon factors and the predicted long-term decreases. A separate system approach reduce network loses, pumping energy, improves controllability and allow more manageable flow and return temperature. This is key for heat pumps. The residential block will be supplied by ASHP and the commercial block will be supplied by a ground source heat pump with local bore holes.
- 323 The applicant advised that the HIU manufacturer will be determined through the procurement process however it would be a specification requirement that the unit complies with BESA testing requirements.
- 324 All pipework will be thermally insulated in accordance with BS5422.
- 325 The system will be configured for lower flow / return temperatures in order to maximise efficiency of the heat pumps, reduce heat loss and minimise overheating.

Be Green (low or carbon zero energy)

- 326 To reduce the renewable energy target of 20% CO2 reduction the residential building would have Air Source Heat Pumps (ASHP) that operate by extracting heat energy from the surrounding air and transferring that energy in the form of higher-grade heat into a building using underfloor heating or radiator system or through an all air system.
- 327 In relation to the commercial building, the ASHP would also be operational. In addition solar photovoltaic modules would be use.

Carbon Offset

- 328 Energy Statement identifies that to achieve 'zero carbon' status the remaining regulated CO2 emissions following the application of the energy hierarchy set up above must be offset through a payment contribution. A carbon off-set financial contribution of £111,910 will therefore be required to achieve compliance with Policy 5.2 of the London Plan. This would be secured by Section 106 Agreement with a mechanism that if carbon savings are increased with a revised energy strategy that this payment would be reduced.

7.8.2 Overheating

Policy

- 329 LLP 5.9 states that proposals should reduce potential overheating beyond Part L 2013 of the Building Regulations reduce and reliance on air conditioning systems and demonstrate this in accordance with the Mayor's cooling hierarchy. Draft LPP S114 echoes this.
- 330 DMP 22 reflects regional policy. DM Policy 32 outlines a presumption against single aspect units to, amongst other factors, help prevent overheating.

331 Further guidance is given in the Sustainable Design and Construction SPG (GLA) and Chapter 5 of the London Climate Change Adaptation Strategy.

332 The Building Regulations Part F: Ventilation control the construction of buildings in England.

Discussion

333 The Overheating Analysis prepared by Integration Consultancy Limited has been submitted to support the application.

334 The potentially worse case apartments have been modelled, those are the south and west facades on the typical floor plan, which extends from first to eighth floor. The applicant consultants have states that exposed thermal mass and a dual aspect design for the main living area will create cross-floor ventilation opportunities, which will enable effective day and night cooling. The scheme also makes use of horizontal shading on south facing single aspect units.

335 For the commercial building, the development benefits from very limited glazing on the south and west facades, large openable windows on the east façade, an atrium and exposes thermal mass.

336 The assessment that was undertakes demonstrated that the residential area pass the CIBSE TM59 overheating test and the commercial building passes the CIBSE TM52 overheating test. Therefore, based on the assumptions contained within the report associated with heat load, building operation, construction thermal properties and windows opening, the proposed development is consider to have low overheating risk.

7.8.3 Sustainable Urban Drainage

Policy

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

338 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. The supporting text to the policy recognises the contribution 'green' roofs can make to SUDS. The hierarchy within LPP 5 establishes that development proposals should include 'green' roofs and that Boroughs may wish to develop their own green roof policies. To this end, CSP 7 specifies a preference for Living Roofs (which includes bio-diverse roofs) which in effect, comprise deeper substrates and a more diverse range of planting than plug-planted sedum roofs, providing greater opportunity for bio-diversity.

339 Further guidance is given in the London Plan's Sustainable Design and Construction Supplementary Planning Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems.

Discussion

340 The application site covered by existing building and hard landscaping. The proposed development would result in a significant reduction in the impermeable area of the application site since the layout included areas of soft landscaped, trees and planted areas. Furthermore, the applicant proposes to include green roofs to all proposed building. The storage provision within the green roof would help manage surface water. This is considered appropriate.

7.8.4 Ecology

Policy

341 LPP 7.19 required development proposal to make a positive contribution to the protection, enhancement, creation and management of biodiversity wherever possible.

342 SCP 12 seeks to protect the natural environment and to help mitigated against climate change through conserving nature, green the public realm and provide opportunities for sport, recreation, leisure and well-being.

Discussion

343 The proposed development provides good opportunities for ecological enhancement and green infrastructure. Council's Ecological Regeneration Manager reviewed the application documents and advised that submitted documents together with additional clarifications from applicant Principal Ecologist were sufficient. The detail included in the landscape proposal would be secured by a way of a planning condition.

7.8.5 Sustainable Infrastructure conclusion

344 The proposed development on balance contributes to sustainable development, providing an improvement beyond the present performance of the site. Future occupiers would not be exposed to unacceptable risk associated with flooding.

7.9 NATURAL ENVIRONMENT

General Policy

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

346 The NPPF (chapter 15) and NPPG promote the conservation and enhancement of the natural environment and set out several principles to support those objectives. The NPPF at para 180 states that 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.

347 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 Ground pollution

Policy

348 LPP 5.21 advises that appropriate measures should be taken to ensure that development on previously contaminated land does not activate or spread contamination.

Discussion

349 Phase 1, Desk Study Report, prepared by Card Geotechnics Limited, have been submitted in supports of this application. The report finds that the site has not had a potentially contaminative history and that the site presents low risk of significant contamination.

350 Council's Environmental Protection Office (Contamination) have reviewed the submitted information advising that they agree with the findings and recommendation of Phase 1 report. One of the recommendation is that a Phase 2 intrusive investigation should be undertaken to allow the risks associated with any potentially contaminated soils that may be present on the site to be determined. The ground investigation should also confirm the ground conditions and to provide parameters for pile design. Subject to condition requesting that ground investigation along with remediation works and verification is undertaken prior to development starting at the site there is no objection to the proposed development on the ground of contamination.

7.9.2 Air pollution

Policy

351 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 air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality.

352 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.

353 LP7.14 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. Draft LP S11 echoes this.

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

355 Core Strategy Policy 7: Climate change and adapting to the effects, Core Strategy Policy 9 and DM Policy 23 provide the local plan policy basis for assessing development proposals.

356 The Council's Air Quality Management Plan identifies AQMA3 Deptford to be an area where exceedances of vehicle emissions PM10 particles and NO2 have been modelled to be present. Air quality is actively monitored in the area as a whole.

Discussion

357 Air Quality Assessment, prepared by Air Quality Consultants and dated June 2020, have been submitted in support of the application.

358 The site lies within an Air Quality Management Area. This means the air quality is poor, with high levels of pollutants including particulate matter (PM10) and nitrogen dioxide (NO2).

359 Council's Environmental Protection Office (Air Quality) reviewed the submitted information and advised that the proposed development will not include any combustion plant. It would instead rely upon ground source heat pumps supported by electricity and photovoltaic panels for heat and hot water. There will therefore, be no building emissions, and it can be concluded that the proposed development will be better than air quality neutral in terms of building emissions.

360 The air quality assessment has also demonstrated that the changes in traffic flows brought about by the proposed development will be below published screening thresholds, and thus the impact on local roadside air quality will be insignificant. Overall, the construction and operational air quality effects of the proposed development are judged 'not significant'. The proposed development has also been shown to meet both

the current, and intend to Publish, London Plan's requirement that new developments are at least 'air quality neutral'.

361 The air quality assessment is generally acceptable. The site has been identified as a Medium Risk, as set out in Table 8 The GLA's SPG on The Control of Dust and Emissions During Construction and Demolition (GLA, 2014b) describes measures that should be employed, as appropriate, to reduce the impacts, along with guidance on what monitoring should be undertaken during the construction phase.

362 All measures detailed within appendix A6 Construction Mitigation should be fully adopted and a construction management plan designed.

7.9.3 Natural Environment conclusion

363 The applicant has demonstrated that the proposals will safeguard both the natural environment and the health of surrounding residents and future residents of the proposed development

8 LOCAL FINANCE CONSIDERATIONS

364 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).

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

366 The CIL is therefore a material consideration.

367 £556,860 Lewisham CIL and £334,110 MCIL 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

368 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.

369 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.

- 370 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.
- 371 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>
- 372 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
- 373 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>
- 374 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 on equality.

10 HUMAN RIGHTS IMPLICATIONS

- 375 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

376 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.

377 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.

378 This application has the legitimate aim of providing a new building with employment and residential uses. The rights potentially engaged by this application, including respect for your private and family life, home and correspondence are not considered to be unlawfully interfered with by this proposal.

11 LEGAL AGREEMENT

379 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

380 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.

381 Heads of Terms:

Affordable housing

- From 63 residential units provided, 20 must be affordable housing, this equates to 31.7% by unit and 37% by habitable room. Affordable housing mix: The mix of such units to be as follows:

Unit	Social Rent (LAR)		Intermediate – Shared ownership	
	Units	Habitable room	Units	Habitable room
1B2P	4	8	2	4
2B3P	3	9	-	-

2b/4P	1	3	2	6
3B5P	6	24	2	8
TOTAL	14	44	6	18

- Early Stage Review to re-assess viability should the scheme not be substantially implemented within 2 years from the date of permission.
- Affordability threshold and service charge control must be provided and agreed.

Transport

- Provision to ensure that future residents and commercial tenants will not to be eligible to obtain parking permits, unless for disabled access parking.
- Car-club membership for each household for 3 years. The membership shall be valid from first occupation. This should be payable upon the occupations of each individual residents unit.
- Enter into a S278 agreement improve accessibility, and encourage sustainable modes of travel to / from the site, the following works (identified in the Healthy Streets Audit) are required:
 - Improvement works to the existing vehicular access point on Blackheath Hill and raised table crossing.
- £50,000 towards a sustainable and active travel improvements to enable the Council and TfL to undertake and carry out feasibility work and/or combine with other funding to deliver improvements on Blackheath Hill.

Employment & Training

- Relocation package for the existing tenants
- Financial contribution towards apprentice scheme, payable upon commencement - £25,440
- Submit and enter into a Local Labour and Business Strategy (to be agreed with Lewisham's Economic Development Team), to support local people into work by providing employment opportunity linked training during both the construction phase and operation phase within the building with commercial use
- Developer to undertake initial fit-out of the commercial unit/s (i.e. the non-residential floorspace) prior to any occupation or meet the costs of fitting out by the first occupiers. The fit out must include or cover cost of the following:
 - Service connections for gas, electricity, water and foul drainage;
 - Provision for telecommunication services and high speed broadband;
 - Wall and ceiling finishes;
 - Wheelchair accessible entrances;
 - Screed floors;
 - Glazing solution.

Carbon off-set

- A contribution towards carbon offset.

Monitoring

- Monitoring fees of £9,000 payable upon commencement.

382 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

383 This application has been considered in the light of policies set out in the development plan and other material considerations.

384 The proposed development would provide a mixed-use employment-led scheme that would make a significant positive contribution to the Borough in terms of employment and residential provision. This site will offer high quality commercial units in that could provide home to a variety of small businesses which contribute to the established nearby by commercial area.

385 The proposed development would deliver a high quality mix-use development that is employment led on a brownfield site. It has been demonstrated to the satisfaction of officers that the proposed development would provide a substantial uplift in employment floorspace and housing at an appropriate density for a site.

386 The housing that would be provided would have 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 public benefit is afforded substantial weight by officers.

387 The proposed buildings would be of high quality of design and would cause no harm to the wider area. The finishing materials would be robust and sensitive to the context of the area ensuring that the scheme relates satisfactorily to both the existing and the emerging character of the area.

388 The development would provide sufficient size of internal accommodation and private outdoor amenity space, outlook, privacy and other aspects contributing to an acceptable standard of residential accommodation. The landscaping strategy would respond well to the existing natural environment.

389 The proposal would not result in harm to the local highway network or pedestrian or highway safety subject to the imposition of conditions and financial contributions. Officers consider this should be afforded considerable weight in light of the proposed public benefits of the development.

390 Consideration has been given to the objections made to the proposed development, as set out in this report. It is considered that none of the material objections outweighs the reasons for approving the reserved matters.

391 In line with the requirements of the NPPF, the council has applied the presumption in favour of sustainable development. The proposed development would accord with sustainable principles and would make efficient use of the land to deliver a high quality development that is in accordance with the council's aspirations for the area. It is therefore recommended that planning permission is granted.

13 RECOMMENDATION A

392 Agree the proposal and refer the application and this report and any other required documents to the Mayor of London (Greater London Authority) under Article 5 of the

Town and Country Planning (Mayor of London) Order 2008 (Category 1C and 1A of the Schedule of the Order).

14 RECOMMENDATION B

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

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

14.1.1 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) LIST OF APPROVED PLANS

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

Received on 2 July 2020

1902_PL_01_100 Rev P01; 1902_PL_01_101 Rev P01; 1902_PL_01_103 Rev P01;
1902_PL_01_104 Rev P01; 1902_PL_01_105 Rev P01; 1902_PL_01_106 Rev P01;
1902_PL_01_120 Rev P01; 1902_PL_01_121 Rev P01; 1902_PL_01_122 Rev P01;
1902_PL_01_150 Rev P01; 1902_PL_01_151 Rev P01; 1902_PL_01_152 Rev P01;
1902_PL_01_153 Rev P01;

1902_PL_03_000 Rev P01; 1902_PL_03_001 Rev P01; 1902_PL_03_002 Rev P01;

1902_PL_04_150 Rev P01; 1902_PL_04_151 Rev P01; 1902_PL_04_152 Rev P01;
1902_PL_04_153 Rev P01;

1902_PL_05_153 Rev P01; 1902_PL_05_156 Rev P01; 1902_PL_05_157 Rev P01;

1902_PL_70_101 Rev P01; 1902_PL_70_101 Rev P01; 1902_PL_70_102 Rev P01;
1902_PL_70_103 Rev P01; 1902_PL_70_104 Rev P01; 1902_PL_70_105 Rev P01;
1902_PL_70_106 Rev P01; 1902_PL_70_107 Rev P01; 1902_PL_70_108 Rev P01;
1902_PL_70_109 Rev P01; 1902_PL_70_110 Rev P01; 1902_PL_70_150 Rev P01;
1902_PL_70_151 Rev P01;

5260-OOB-ZZ-00-DR-L-0001_P05; 5260-OOB-ZZ-00-DR-L-0042_P05; 5260-OOB-ZZ-00-DR-L-0050_P03.

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CA_4140-CLP-001; CA_4140-CLP-002; CA_4140-CLP-003; CA_4140-CLP-TR001;
CA_4140-CLP-TR002.

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1902_PL_00_100 Rev PL01; 583.INT.151020.SK.01.

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2200176-EWP-ZZ-00-DT-C-1000 Rev P2; 2200176-EWP-ZZ-XX-DT-C-3005 Rev P1.

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1902_PL_00_099 Rev P02; 1902_PL_00_100 Rev P02; 1902_PL_00_101 Rev P02;
1902_PL_00_102 Rev P02; 1902_PL_00_103 Rev P02; 1902_PL_00_104 Rev P02;
1902_PL_00_105 Rev P02; 1902_PL_00_106 Rev P02; 1902_PL_00_107 Rev P02;
1902_PL_00_108 Rev P02; 1902_PL_00_109 Rev P02; 1902_PL_00_110 Rev P02;

1902_PL_04_153 Rev P02; 1902_PL_04_154 Rev P02; 1902_PL_04_155 Rev P02;
1902_PL_04_156 Rev P02; 1902_PL_04_157 Rev P02;

1902_PL_05_150 Rev P02; 1902_PL_05_151 Rev P02; 1902_PL_05_152 Rev P02;
1902_PL_05_154 Rev P02; 1902_PL_05_155 Rev P02;

1902_PL_70_098 Rev P02; 1902_PL_70_099 Rev P02; 1902_PL_70_100 Rev P02;
1902_PL_70_120 Rev P02; 1902_PL_70_121 Rev P02; 1902_PL_70_122 Rev P02;
1902_PL_70_123 Rev P02; 1902_PL_70_124 Rev P02.

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) **CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN**

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

- (a) Dust mitigation measures.
- (b) The location and operation of plant and wheel washing facilities
- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (d) 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.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).

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 (2015).

4) **DUST MANAGEMENT PLAN**

Prior to the commencement of development, a Dust Management Plan (DMP), based on an AQDRA (Air Quality and Dust Risk Assessment), shall be submitted to and approved, in writing, by the local planning authority. The DMP shall be in accordance with The Control of Dust and Emissions during Construction and Demolition SPG 2014. The DMP will need to detail the measures to reduce the impacts during the construction phase. The development shall be undertaken in accordance with the approved plan.

Reason: To manage and prevent further deterioration of existing low quality air across London in accordance with London Plan policy 5.3 and 7.14, and NPPF 181.

5) **GROUND CONTAMINATION**

- (a) No development shall commence until each of the following have been complied with:-
- (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 to and approved in writing by the Council.
 - (iii) The required remediation scheme implemented in full.
- (b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.
- (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

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

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

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).

6) **MONITORING CONDITION**

During and after demolition and construction works (and three months prior to commencement of any works on site), PM10 monitoring shall be carried out on site. Parameters to be monitored, duration, locations and monitoring techniques must be approved in writing by Lewisham Council prior to commencement of monitoring.

7) **BIODIVERSE LIVING ROOF**

- (a) No development above ground level shall take place until detailed design for biodiversity living roof is submitted and approved by the local planning authority.
- (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. The living roof must be kept in accordance with the approved detail under part (a).

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 (2016) , 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).

8) **MATERIALS**

No development of the relevant part of the development above ground shall take place on site until a detailed schedule and specification/samples of all external materials and finishes to be used on the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

2m/2m sample panel(s) shall to be constructed to detail the following:

- All brickwork
- Coping
- All windows/doors
- Metal mesh
- Material and detail used for balconies, soffits and railing

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

9) INTERNAL AND EXTERNAL NOISE STANDARDS

- (a) The buildings shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30db LAeq (night) and 45dB LAmax (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with windows shut. External amenity areas shall be designed to ensure that the 'lowest practicable levels' (as per BS 8233:2014) will be achieved. The evaluation of human exposure to vibration within the building shall not exceed the vibration does values crities 'Low probability of adverse comment' as defined within BS 6472.
- (b) No development above ground floor shall commence until detail of a scheme complying with paragraph (a) of this condition have been submitted to and approved in writing by the local planning authority.
- (c) Prior to first occupation of the development, a scheme for testing the internal noise environment of the residential units to demonstrate that compliance with the standards required within paragraph (a) has been achieved, and the results of the noise tests shall be submitted to and approved in writing by the local planning authority.
- (d) The sound insulation scheme shall be maintained for the lifetime of the development in accordance with the approved detail.

Reason: To safeguard the amenity of the occupiers of the proposed dwelling and to comply with DM Policy 26 Noise and vibration and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

10) SECURE BY DESIGN

No development above ground level shall take place until detailed of security measures is submitted to and approved by local planning authority and any such security measures that have been agreed shall be implemented prior to occupation in accordance with the approved details which shall be in line with the standards set out by Secure by Design.

Reason: To ensure that the development has been designed in the interest of the safety and security of persons using the area and to meets Secure By Design as required by the Metropolitan Police.

11) ELECTRIC VEHICLE CHARGING POINTS

- (a) Details of electric vehicle charging points to be provided and a programme for their installation and maintenance shall be submitted to and approved in writing by the local planning authority prior to construction of 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).

12) SOFT AND HARD LANDSCAPING

- (a) No development above ground level shall take place until detail design proposal for soft and hard landscaping is submitted and approved by the local planning authority. The soft landscaping scheme should include the following:
 - 1. location, number, species, size for the proposed plans
 - 2. Information on how the proposed trees would be planted
 - 3. Management and maintenance of the landscaping for a period of five years
- (b) The information must elaborate on that set out in the Landscape Statement dated 2020 prepared by Turkington Martin and Design and Access Statement (ref: SSB-P601-S2-P0) prepared by Stephen Davy Peter Smith Architects.
- (c) 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).

13) IMPLEMENTATION OF LANDSCAPING SCHEME

All planting, seeding or turfing comprised in the landscaping scheme hereby approved shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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

14) RETENTION OF AMENITY SPACE

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 Core Strategy (June 2011) and DM Policy 32 Housing Design, layout and space standards of the Development Management Local Plan (November 2014).

15) **PHOTOVOLTAIC PANELS**

No development above first floor level shall take place until full details of the proposed photovoltaic arrays to meet at least the minimum specification set out in within submitted Energy and Sustainability Assessment, prepared by KLH Sustainability have been submitted to and approved in writing by the local planning authority.

The panels shall be installed as per the approved detail and retained for the lifetime of the development.

Reason: The promote sustainable forms of energy and to minimise carbon emissions in accordance with Policies 5.1 Climate change mitigation and 5.7 Renewable energy of the London Plan (March 2016) and Policy 8 Sustainable design and construction and energy efficiently of the Core Strategy (June 2011).

16) **REFUSE AND RECYCLING FACILITIES**

The refuse and waste storage shall be provided within the development as indicated on the plans hereby approved and it shall be retain in accordance with the approved plan in perpetuity.

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).

17) **CYCLE PARKING PROVISION**

- (a) A minimum of 128 long-stay cycle parking spaces secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved, and an additional 20 short stay parking spaces provided.in accordance with the development as indicated in the plans.
- (b) Prior to first occupation of the relevant part of the development full details of the cycle parking facilities must be been submitted to and approved in writing by the local planning authority. The distribution of the cycle parking spaces within the building between employment and residential to be compliant with the London Plan standards;
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the relevant part of the development and maintained thereafter.

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

18) LIGHTING STRATEGY

- (a) Prior to first occupation of the development a detailed lighting strategy for any external lighting, that is to be installed at the site, including measures to prevent light spillage, shall be submitted to and approved in writing by the local planning authority. The lighting strategy shall be devised in conjunction with the ecologist to ensure that any spillage of artificial light is minimised in relation to the location of SINC. Applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposed minimises pollution from glare and spillage.
- (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.

Reason: In order that the local planning authority may be satisfied that the lighting is installed in a manner which will minimise possible light pollution to the night sky, neighbouring properties and environmental habitats and to comply with Policy 7.19 Biodiversity and access to nature of the London Plan (March 2015), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), DM Policy 24 Biodiversity, living roofs and artificial playing pitched and local character and DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

19) HOURS OF OPERATION OF COMMERCIAL BUILDING

The building in commercial use hereby approved shall not be open for visiting customer trading other than between the hours of 07:00 and 22:00 on any day of the week, including Sundays and Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with DM Policy 26 Noise and Vibration and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

20) WELFARE/CHANGING FACILITIES (COMMERCIAL USES)

- (a) Prior to completion of super-structure details of the proposed cycle welfare facilities (showers, lockers, changing rooms and maintenance space) to provide for the needs of the use class E workspace within the development shall be submitted for the approval of the planning authority;
- (b) The facilities shall be provided strictly in accordance with the approved details.

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

21) BREEAM (COMMERCIAL UNITS)

- (a) The buildings hereby approved shall achieve a minimum BREEAM Rating of 'Excellent'.
- (b) Prior to any works above ground level of the superstructure a Design Stage Certificate for each building (prepared by a Building Research Establishment

qualified Assessor) shall be submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).

- (c) Within 3 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 (2011) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

22) **FIXED PLANT NOISE CONTROL**

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

23) **DELIVERY AND SERVICE PLAN**

- (a) The relevant part of the building hereby approved shall not be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.
- (b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity along with details of site management for movement of refuse and storage of refuse buggies.
- (c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the relevant part of the development and shall be adhered to in perpetuity.

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

24) **TRAVEL PLAN (RESIDENTIAL)**

- (a) Travel Plan, in accordance with Transport for London's document 'Travel Planning for New Development in London' has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.
- (b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set

targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.

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

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

25) TRAVEL PLAN (COMMERCIAL USE)

- (a) Travel Plan, in accordance with Transport for London's document 'Travel Planning for New Development in London' has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.
- (b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.
- (c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).

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

26) SUSTAINABLE DRAINAGE

No building hereby permitted shall be occupied until evidence (photographs and installation contracts) is submitted to demonstrate that the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan for all of the proposed drainage components.

Reason: To comply with the Non-Statutory Technical Standards for Sustainable Drainage Systems, the National Planning Policy Framework (Paragraph 103), the London Plan (Policies 5.12 and 5.13) along with associated guidance to these policies and Lewisham Council's Core Strategy Policy 10.

27) EXTERNAL PLUMBING

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (as amended or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes including rainwater pipes shall be fixed on the external faces of the buildings, unless otherwise agreed in writing with the local planning authority.

Reason: In order that the local planning authority may be satisfied with the detail of the proposal and to accord with Policy 15 High quality of design for Lewisham of the

Core Strategy 9(June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

28) **SATELLITE DISHES AND ANTENNAE**

- (a) Notwithstanding the provision of Article 4(1) and part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended or any Order revoking, re-enacting or modifying that Order),, no satellite antenna shall be erected or installed on the building hereby approved.
- (b) The proposed development shall have central dish or aerial system (for each relevant bloc) for receiving all broadcast to the residential units, and detail of such a scheme shall be submitted to and approved in writing by the local planning authority prior to first occupation of the development.
- (c) The development shall be implemented in accordance with the approved details and retained as such for the lifetime of the development.

Reason: In order that the local planning authority may be satisfied with the detail of the proposal and to accord with Policy 15 High quality of design for Lewisham of the Core Strategy 9(June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

14.2 **INFORMATIVES**

A) **Positive and Proactive Statement**

The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion.

B) **Community Infrastructure Levy**

As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An 'assumption of liability form' must be completed and before development commences you must submit a 'CIL Commencement Notice form' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk>

C) **S106 Agreement**

You are advised that the approved development is subject to a Section 106 agreement. Please ensure that the obligations under the Section 106 agreement are addressed in accordance with the detail and timeframes set out in agreement. If you have any questions regarding the agreement or how to make a payment or submission required under the agreement, please contact the S106/CIL team on CIL@lewishamgov.uk

D) **Thames Water**

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. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Should you require further information please contact be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk

E) **Prior to Commencement Conditions**

The applicant is advised that conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 require details to be submitted prior to the commencement of works. This is to ensure that development is managed to ensure safety with construction, flood risk management and potential site contamination. Conditions 17, 18, 19, 20 need to be discharged prior to occupation of the development.

F) **Broadband Internet connection**

The applicant is advised that Approved Document R of the Building Regulations has a requirement for in-building physical infrastructure which enables copper or fibre-optic cables or wireless devices capable of delivering broadband speeds greater than 30Mbps to be installed.