

Kender NDC Centre, New Cross Gate, SE14

in the London Borough of Lewisham

planning application no. 13509

Strategic planning application stage 1 referral (old powers)

Town & Country Planning Act 1990 (as amended); Greater London Authority Act 1999; Town & Country Planning (Mayor of London) Order 2000

The proposal

Demolition of remaining buildings on the site and their replacement with one to ten storey blocks, comprising 173 residential units, 3389 sq.m. commercial and community uses (including doctor's surgery, library, gym, cafe, creche), up to 47 car parking spaces and associated pedestrian and vehicular access, landscaping and associated works.

The applicant

The applicant is the **New Cross Gate New Deal for Communities** and **Rydon Construction**, and the architect is **Feilden Clegg Bradley Studios LLP**.

Strategic issues

The principle of mixed-use development on this site is recognised as key to the **regeneration** of the **New Cross Gate New Deal for Communities** area. The quantum of **affordable housing** provision currently does not meet London Plan targets and has not been satisfactorily justified in financial terms by an adequate toolkit appraisal. There is concern over the **unit mix**, the lack of **family housing** and the **loss of social rented units** on the site. Further detailed justification based on local housing need is required before these elements of the proposal will be considered acceptable.

Further information is also requested from the applicant in order to ensure compliance with strategic planning policy on **playspace provision, access, energy, climate change, employment** and **transport** proposals. The use of relevant planning conditions/agreements is also required to secure the **affordable housing, playspace, renewable energy, transport, social infrastructure and employment** elements of the scheme.

Recommendation

That Lewisham Council be advised that the development is acceptable in principle subject to the concerns raised in the report (in particular relating to the level of affordable housing provision and further information required) being satisfactorily addressed and the implementation of the relevant aspects of the proposal being secured via planning condition or section 106 agreement.

Context

1 On 2 May 2008 Lewisham Council consulted the Mayor of London on a proposal to develop the above site for the above uses. Under the provisions of the Town & Country Planning (Mayor of London) Order 2000 the Mayor has the same opportunity as other statutory consultees to comment on the proposal. This report sets out information for the Mayor's use in deciding what comments to make.

2 The application is referable under Category 1C of the Schedule to the Order 2000: *"Development which comprises or includes the erection of a building... more than 30 metres high and outside the City of London."*

3 If Lewisham Council subsequently decides that it is minded to grant planning permission, it must first allow the Mayor an opportunity to decide whether to direct the Council to refuse permission.

4 The Mayor's comments on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 The application site covers an area of approximately 1 hectare and is bounded by Briant Street to the west, Besson Street to the south and New Cross Road to the north. The site is made up of three separate plots. The largest one previously being a dilapidated social housing estate dating from the 1960s that was cleared as part of the New Deal for Communities programme regeneration of the Kender area. The two other parts to the site comprise land currently used as a builder's yard, fronting New Cross Road, and the Fox and Hounds Public House on the corner of Besson and Briant Streets. The area of the site currently occupied by the builder's yard, fronting New Cross Road, lies within the Hatcham Conservation Area. The site does not contain any listed buildings.

6 The surrounding area is generally characterised by Victorian residential development of between 2-4 storeys high. Along New Cross Road there are shops and commercial uses at the ground floor. In the wider area are also elements of some 1960s and 1970s infill development. Along the southern side of Besson Street is a modern contemporary residential development that ranges from 3-5 storeys.

7 The nearest Strategic Road Network (SRN) is the A200 Evelyn Street approximately 1.8km to the north-east. 9 bus routes can be accessed within acceptable walking distance from the site, with bus stops located along the A2 and the A202. New Cross Gate underground and railway stations are located approximately 780m away to the east of the site, whilst Queens Road Peckham railway station is 900m distant to the west. As a result, the site records a public transport accessibility level (PTAL) of 6a, out of a scale of 1 to 6 where 6 is considered as excellent.

Details of the proposal

8 Demolition of existing buildings on the site and their replacement with one to ten storey blocks, comprising 173 residential units. A range of commercial and community uses are also proposed:

- 361 sq.m Commercial uses (A1/A2/A3/A4/D1)
- 1112 sq.m Doctor's surgery (D1)
- 505 sq.m Library (D1)

- 815 sq.m Gym (D2)
- 193 sq.m Cafe (A3)
- 70 sq.m Creche (D1)
- 175 sq.m Common reception (D1) and 158 sq.m Multipurpose space (D1)
- 1500 sq.m public open space, 395 sq.m community garden and 446 sq.m residential pocket park.

9 The proposals also include two separate car parking scenarios, which are dependent on the finalisation of the Transport for London (TfL) plans for the removal of the gyratory system at 'Kender triangle'. Option 1 is a no residential parking scenario (with 9 spaces for the doctor's surgery) with the removal of the gyratory, as this will provide some off-street parking. Option two assumes a delay in the delivery of the gyratory removal (as this project has been approved by the TfL board) and the provision of up to 47 car parking spaces (38 surface level residential spaces and 9 doctor's surgery spaces). Associated pedestrian and vehicular access, landscaping and associated works are also proposed within each scenario.

Case history

10 A pre-application meeting was held with GLA officers in January 2007.

Strategic planning issues and relevant policies and guidance

11 The relevant issues and corresponding policies are as follows:

- Housing *London Plan; PPS3; Housing SPG; Providing for Children and Young People's Play and Informal Recreation SPG;*
- Affordable housing *London Plan; PPS3; Housing SPG*
- Density *London Plan; PPS3; Housing SPG*
- Urban design *London Plan; PPS1*
- Regeneration/Employment *London Plan; the Mayor's Economic Development Strategy*
- Transport/Parking *London Plan; the Mayor's Transport Strategy; PPG13;*
- Access/Equal opportunities *London Plan; PPS1; Accessible London: achieving an inclusive environment SPG; Wheelchair Accessible Housing BPG; Planning and Access for Disabled People: a good practice guide (ODPM)*
- Ambient noise *London Plan; the Mayor's Ambient Noise Strategy; PPG24*
- Air quality *London Plan; the Mayor's Air Quality Strategy; The Control of dust and emissions from construction and demolition BPG; PPS23*
- Sustainable development *London Plan; PPS, PPS Planning and Climate Change Supplement to PPS1; PPS3; PPG13; PPS22; the Mayor's Energy Strategy; Sustainable Design and Construction SPG*
- River Thames/flooding *London Plan; Mayor's draft Water Strategy; PPS25, RPG3B*

12 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Lewisham Unitary Development Plan (adopted 2004) and the 2008 London Plan (Consolidated with Alterations since 2004).

13 The Lewisham Site Allocations and Generic Development Control Policies Development Plan Document (Preferred Options) were consulted on in June 2007 and have some weight as a material consideration.

Principle of development and land use

14 The site is allocated in Lewisham Council's Development Control Policies and Site Allocations Preferred Options report for a *"Local community facility with public space and high-density residential units over community uses including doctor's surgery, library, gym, Community hall, café and crèche, with a central high quality public space"* which will be developed as part of the New Cross Gate New Deal for Communities (NDC), which is a 10 year programme (2001-2011) funded through a £45 million government grant to support sustainable regeneration of the area.

15 The document notes that the *"NDC Centre will be a significant development project providing a focal point for the New Cross Gate Community and an architecturally striking landmark building serving as a catalyst for regeneration in the area"*.

16 The principle of mixed-use residential-led redevelopment of this site is therefore considered acceptable in strategic planning terms.

Housing, affordability and density

17 London Plan Policy 3A.10 requires borough councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mix-use schemes. In doing so, each council should have regard to its own overall target for the amount of affordable housing provision. Policy 3A.9 states that such targets should be based on an assessment of regional and local housing need and a realistic assessment of supply, and should take account of the London Plan strategic target that 35% of housing should be social and 15% intermediate provision, and of the promotion of mixed and balanced communities. In addition, Policy 3A.10 encourages councils to have regard to the need to encourage rather than restrain residential development, and to the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements.

18 Policy 3A.10 is supported by paragraph 3.52, which urges borough councils to take account of economic viability when estimating the appropriate amount of affordable provision. The 'Three Dragons' development control toolkit is recommended for this purpose. The results of a toolkit appraisal might need to be independently verified.

19 Where borough councils have not yet set overall targets as required by Policy 3A.9, they should have regard to the overall London Plan targets. It may be appropriate to consider emerging policies, but the weight that can be attached to these will depend on the extent to which they have been consulted on or tested by public examination. Lewisham Council sets a target of 35% affordable housing (30% social rented and 5% shared ownership) in its UPD and is yet to decide a target for its emerging LDF although it has been suggested that 50% may be adopted.

Proposed level of affordable housing

20 The application proposes 173 residential units with 57 (33% total units or 35.7% by habitable rooms) of these provided as affordable housing and the remaining 116 (66.5%) being for private sale. The affordable housing provision is currently a 49:51 split between social rented and intermediate. This proposed tenure split represents a social rented housing offer of 16%, compared to the London Plan strategic target of 35%.

21 Lewisham Council considers the proposed level of affordable housing provision of 33% to be acceptable and has guided the development of the scheme using the 35% affordable housing requirement as set out in its UPD (although the Council is looking to adopt a 50% target in its emerging Core Strategy in line with the London Plan). However, it is unclear whether or not this is

the maximum reasonable amount that could be provided on-site. Particularly having regard to the public funding the site has received. Further justification is required to determine whether or not Policy 3A.10 has been met.

Tenure split

22 The proposed 49:51 tenure split is at variance with the 70:30 split as set out in strategic planning targets. However, the applicant has cited local need to rebalance an area with a high concentration of social rented housing (over 43%) to justify the proposed tenure split. Paragraph 20.3 of the Housing SPG suggests that where there is an existing concentration of social rented housing, the tenure split can be varied to deliver more mixed and balanced communities. The high level of social rented housing is significantly above the London average of 25% and therefore, this tenure split is acceptable.

23 Local need alone cannot justify a departure from London-wide strategic planning requirements, which need to be considered in the context of London-wide need as expressed in the London Plan. The Housing SPG recognises that there will be site-specific flexibility in the application of strategic planning targets across London but that this needs to take into account the strategic London-wide need for affordable housing and, in particular, social rented housing. It is worth noting that Lewisham has completed 29% of its strategic affordable housing target over the last three years (averaged) according to figures in the London Plan Annual Monitoring Report (February 2008) and, in 2006/7, only 11% of these were social rented units.

24 Table 1 below sets out the proposed housing mix.

Table 1: Proposed housing mix

Unit Type	Unit Tenure			Total by Unit Type	Total by Unit Type (%)	Housing SPG
	Market	Affordable				
		Intermediate	Social			
Studios	0	0	0	0	0%	1%
1-bed	58	12	14	84	48.5%	31%
2-bed	58	17	10	85	49%	38%
3-bed	0	0	4	4	2.5%	30%
4-bed	0	0	0	0	0%	30%
Total by Tenure	116	29	28	173	100%	100%
Total by Tenure (%)	67%	17%	16%	100%		

Unit mix

25 The proposed development provides an overprovision of 1-bed (48.5%) and 2-bed (49%) flats compared with strategic planning requirements. The development provides a very low level of 3-bed units (2.5%) and no 4-bed units. The applicant has commented that the site is more suited to flatted development and that financial constraints of providing a high level of community facilities and public space has made it difficult to provide family housing. It is also noted that scheme provides a mix of one, two, and three bedroom units that meet the market and affordable housing needs of the area. Further evidence is required to justify that this unit mix meets the

housing needs of the local area and that family units are being provided elsewhere as part of the wider Kender regeneration programme.

Financial appraisal

26 To justify the level of affordable housing and the proposed tenure split, the applicant has submitted a Three Dragons Toolkit appraisal.

27 In its current form this appraisal would suggest that the provision of further affordable housing would make the scheme financially unviable. However, the toolkit submitted has not been completed correctly and further information has been requested from the applicant on a number of matters relating to the benchmark values used to assess the scheme, costs, revenues and levels of assumed grant listed within the toolkit.

28 Specifically, the submitted toolkit has used the existing use value (EUUV) of the land as a benchmark against which to determine the residual land value (RLV) and assess the viability of the scheme. This is inappropriate given that the use of EUUV as a benchmark is only relevant where a site is in an existing use or likely to be brought back into the last existing use. This is not the case in this instance as the site has been cleared by the council for the proposed development. The applicant has therefore been requested to complete the toolkit using the actual cost to the developer of purchasing the site (including any discount provided by Lewisham Council and any level of grant provided for the purchase by the NDC programme) as a benchmark against which to assess the RLV and reflect the viability of development occurring on the site.

29 The toolkit assessment needs to take account of all costs and revenues associated with the scheme to allow a full and transparent assessment of viability. The GLA also need to have regard to any subsidies provided for the land purchase and details should be provided.

Social housing grant

30 All toolkits assessments which show that without grant, only an inappropriate proportion of affordable housing is deliverable are required to include relevant assumptions of grant availability to increase affordable housing provision. However, the actual situation relating to social housing grant in this scheme also requires clarification as the toolkit notes that the current proposals are unviable even when *including* social grant, but the Housing Corporation has confirmed that this site is grant ineligible due to the net loss of social rented housing. Confirmation is therefore required as to where this grant is expected to come from, how this assumed level has been arrived at and which RSL will take the affordable housing elements forward. If grant is not available, then this suggests that the proposed level of affordable housing is vulnerable to non-delivery and it may be necessary to employ the use of a section 106 agreement to secure the required level and split of affordable housing provision within the scheme and ensure that no lower amount than that currently proposed is provided.

31 The applicant remains to respond to these toolkit and viability issues, which should be addressed through amendments to the toolkit and submission of financial supporting material. In its present form, the toolkit does not justify the level of affordable housing provision proposed and if the required information is not provided, an independent audit of the scheme is likely to be requested from the applicant to ensure transparency.

Density

32 The density of the proposed development is calculated at 173 dwellings per hectare, which equates to 417 habitable rooms per hectare. This is within the density range for an urban location

area with a public transport accessibility level (PTAL) of four to six as set out in Table 3A.2 Density Matrix of the London Plan (200-700 habitable rooms per hectare).

Loss of social rented housing

33 The site was previously a social housing estate, consisting of 69 social rented units which were decanted and then demolished by Lewisham Council to make way for the Kender NDC regeneration scheme. The scheme proposals represent a net loss of 12 affordable units and 41 social rented units on the site and a private residential uplift of 116 units. This is contrary to London Plan Policy 3A.12 'Loss of housing and affordable housing' which notes that DPD policies should prevent the loss of housing, including affordable housing, without its planned replacement at existing or higher densities.

34 The Housing SPG notes that estate regeneration and redevelopment schemes should be undertaken on the basis that a) there is no net loss of housing provision and b) there is no net loss of affordable housing provision. It is understood that this scheme is part of the wider Kender regeneration scheme of 5 housing regeneration sites, and that as part of this scheme, 357 existing Council homes were/will be demolished and replaced/will be replaced with around 725 new units. Of these, around 336 (46%) will be for rent, 122 (17%) for shared ownership and 267 for private sale. The percentage of affordable re-provision across all sites works out at 63% but this entails a conversion of social rented to intermediate and a net loss of 21 social rented units across the five sites.

35 Paragraph 20.2 of the Housing SPG notes that *"Replacement of social rented units by intermediate provision may be acceptable where this can be justified by a requirement to achieve a wider range of types of provision in a neighbourhood"* and local need and a desire to create mixed and balanced communities in an area characterised by high concentrations of social rented accommodation has been cited by the applicant as the reason for this loss of social housing and change in tenure mix. The applicant has also noted that the proposed housing tenure and mix has been discussed and agreed with the local planning authority and Council housing officers.

36 However, given the uplift in private residential units across the five sites and the significant increase in households in temporary accommodation in Lewisham (2559 in 2007 compared to 456 in 1997; compared to Greenwich with 653 from 247 for example) and the shortfall of affordable accommodation in the borough (the Lewisham Housing Needs Survey estimated that there will be a shortfall of affordable housing in the borough of around 2,790 affordable homes per year from 2002-2007); further justification based on local specific housing need should be provided to support this loss of social rented provision and the conversion to intermediate provision within the Kender sites and on this particular site (e.g from the Lewisham Housing needs survey).

37 In summary, the application offers a housing mix that at present fails to meet London Plan requirements for the provision and tenure split of affordable housing and is unlikely to be acceptable. The lack of family units and net loss of social rented units is also a concern and requires further detailed justification. While a toolkit appraisal has been submitted, there are a number of outstanding issues which require further clarification before this can be accepted as justifying the proposed level, tenure and unit split of affordable housing on site.

38 These issues require attention before the case is referred back to the Mayor. Failure to resolve these issues is likely to result in an officer recommendation to direct refusal.

Playspace

39 London Plan policy 3D.13 'Children and young people's play and informal recreation strategies' states that *"The Mayor will and boroughs should ensure developments that include housing make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs."*

40 The overall child yield, in accordance with the SPG, is 36.75, which equates to 367.5sqm children's play space.

41 The breakdown of child yield, in accordance with Appendix B of the SPG is:

Child Age	Private and Intermediate	Social Rented
0-4	9.41	5.82
5-10	4.31	8.74
11-15	2.23	6.24

42 Provision for playspace was not initially considered appropriate for the site due to the proposed unit mix of mainly 1-bed and 2-bed units. The applicant had argued that the proposed provision of 5,659 sq.m amenity space including a 1,500 sq.m main square, private balcony amenity space to the majority of the flats and the proximity to various playspace facilities in the surrounding area, negated the need for specific playspace provision. While these can contribute to provision, is not appropriate to include local off-site playspace provision as this requires walking along and crossing a busy road. The applicant has agreed that some provision will be made on-site and the detail of play facilities to be provided within the scheme's amenity space will need to be agreed following further detailed discussion.

Urban design

43 Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained within Chapter 4B which address both general design principles and specific design issues. Policy 4B.1 sets out overarching design principles for London and states that the Mayor will seek to ensure that new developments maximise site potential, enhance the public realm, provide a mix of uses, are accessible, inclusive, legible, sustainable, safe, inspiring, exciting and respect London's natural and built heritage. Policy 4B.1 also notes that development should contribute to adaptation to and mitigation of the effects of climate change, promote a sustainable, durable and adaptable approach in terms of design, construction and use as well as enhancing green networks and the blue ribbon network. Other policies include general design principles relating to the promotion of world-class design, maximising the potential of sites, ensuring appropriate development densities, improving the public realm and creating accessible environments.

General

44 Design for London has been involved in the project from the start and considers this to be an exemplar scheme that demonstrates commitment to achieving high quality. The selection of design teams through open competition is also in line with London Plan and published GLA guidance on procurement of good buildings and also demonstrates how public engagement from the early stages can lead to the client producing an excellent scheme.

Urban Design

45 The scheme fits well into the context and could become a real destination for the area, which currently lacks modern contemporary architectural delights and quality public realm. It is unfortunate that the existing pub is not retained as in earlier versions but this is an acceptable solution given that the development provides a mix of uses and high quality public realm. The architecture on the corner forms a strong statement and is one of the few places in the site where a tall element is acceptable. The link through the builders yard to New Cross Road is an essential component of the scheme.

46 The no-residential car parking scenario is strongly supported for the benefits in design and sustainability terms. It is understood that the wider Kender Triangle scheme can deliver the spaces in the surrounding area without compromising its design integrity. However, this is only at initial outline design and not approved and even if the parking would need to be implemented this could be dealt with appropriately.

Architecture

47 The design is of high quality and massing appropriate to the context. The suggested mix of uses will lead to an active public space that could become the heart for the community. The use of coloured bricks on elevations guarantees long term visual quality. A high proportion of flats provided are double aspect and there are only short internal corridors, thus providing a good living environment.

Landscape

48 The scheme design does not appear to have changed considerably from the previous scheme that was criticised by Design for London. The material and layout proposed creates a busy environment, where it should complement the buildings more and become a simple high quality backdrop. The light feature strip currently dominates the square. The detail of the landscape is being dealt with by condition to allow for a review. This will also allow for better coordination of the landscape design with the wider Mayor's 100 Space scheme led by TfL working with consultants Gillespie's, who are currently developing design proposals. The ambition for green roofs and walls is strongly supported.

49 The overall design implications of this scheme are acceptable although some further work could be done on the landscape elements.

Access/Equal opportunities

50 Policy 4B.5 of the London Plan expects all future development to meet the highest standard of accessibility and inclusion. This, together with the Supplementary Planning Guidance 'Accessible London: achieving an inclusive environment' underpins the principles of inclusive design and the aim to achieve an accessible and inclusive environment consistently across London.

51 A detailed accessibility statement was supplied within the Design and Access statement for this application demonstrating that 10% of the units will be suitable for wheelchair users and how the 'Lifetime Homes' standards will be implemented across the site as required by London Plan policy 3A.5 'Housing choice'. The accessibility statement details that there will be level thresholds throughout the site, accessible WC's and contrasting floor and wall colours to ensure legibility. Further details should be provided on the accessibility of the public amenity spaces as the detailed design of these areas is agreed.

Ambient noise

52 The proposed changes to the 'Kender gyratory' are likely to impact on the noise assessment for this scheme and may require design solutions. Specifically, those units and uses close to the existing busy road are likely to require detailed consideration in terms of noise insulation and ventilation. This is dependent on whether or not the proposed changes to the Kender Triangle gyratory system go ahead before the development is built.

53 If the gyratory will be changed before the development goes ahead, noise levels would need to be re-assessed as stated above, but it is expected that they would be significantly reduced and so the need to consider changing the internal layout of the dwellings fronting Besson Street would not arise. In that case, the type of mitigation measures proposed for the other sides of the site in the noise assessment are likely to be acceptable on the Besson Street side.

54 The applicant should ensure that the noise assessment is relevant to the changes with the gyratory system and that design solutions are applied where appropriate.

Air Quality

55 The site is located within an Air Quality Management Area. Although the proposed development does not present a significant additional impact on local air quality, the existing air quality is poor and efforts should be made to ensure that the development does not add to this. It is accepted that concentrations may be cut further if the gyratory system is redesigned and this should be factored into the air quality assessment.

56 The mitigation to control dust and emissions during the construction phase is welcomed, as is a recommendation to use the London BPG. Installing mechanical ventilation to the ground floor residential units facing Besson Street is also acceptable.

57 The applicant should ensure that the air quality assessment is relevant to the changes with the gyratory system and that design solutions are applied where appropriate.

Sustainable development/Climate change measures

58 The London Plan climate change policies as set out in chapter 4A collectively require developments to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions, adopting sustainable design and construction measures, prioritising decentralised energy supply, and incorporating renewable energy technologies with a target of 20% carbon reductions from on-site renewable energy. The policies set out ways in which developers must address mitigation of and adaptation to the effects of climate change.

Climate change mitigation

59 Policies 4A.2 to 4A.8 of the London Plan focus on how to mitigate climate change, and the carbon dioxide reduction targets that are necessary across London to achieve this. The applicant has broadly followed the energy hierarchy set out in Policy 4.A1. The partially modelled baseline emissions are 693 Tonnes CO₂ per annum. A range of energy efficient design measures are proposed but it is not clear how these measures bring the carbon emission below 2006 building regulations minimum requirements.

Modelling baseline carbon dioxide emissions (policy 4A.4 of London Plan)

60 A communal heating network fed from a single energy centre is proposed. Heat will be supplied from a 90kW bio (liquid) fuel that will reduce emissions by a further 20%. Overall, sufficient information has been provided to understand the proposals, although further details are required in particular areas. The proposals are acceptable in broad terms subject to the provision of further information and revisions. SAP 2005 seems to have been used for establishing the CO2 emissions for the flats. For the non-domestic element, existing benchmarks have been used. Total energy has been accounted for. The applicant should use SBEM or other accredited software to calculate the baseline emissions for the non-domestic elements.

Energy efficiency standards (Policy 4A.3 of the London Plan)

61 It is not clear from the application the CO2 reduction given by the use of energy efficient design measures in comparison with 2006 building regulation CO2 requirements. The CO2 emissions after demand reduction measures should be lower than 2006 building regulations minimum requirements.

District heating (policies 4A.5 and 4A.6 of the London Plan)

62 The Sustainability Statement supplied in support of the application investigates if there are any existing CCHP/CHP distribution networks within the surrounding area that could be connect into. The London Energy Partnership are in the process of compiling a database of district heating networks and have stated that the nearest existing schemes are located in Canada Water and Southwark and therefore cannot be utilised by this scheme. However, if in the future there are district-heating schemes installed in the local area, a connection point into the scheme's heating infrastructure has been allowed for.

Heating infrastructure and plant space (policies 4A.6)

63 Centralised heating plant is proposed to be installed in plant room in Block A with communal pipe work distributed across the site serving heat exchangers within each of the smaller core plant rooms. The applicant has confirmed that the boiler room will allow for future connection to external site wide distribution network.

Combined Heat and Power (Policy 4A.6)

64 The applicant has looked at the suitability of using CHP for this scheme and has concluded that it is not feasible in financial terms for CHP be installed at this stage due to the costs of providing community facilities within the scheme, although potential for connection in the future will be made. It is considered that this scheme presents considerable technical potential to successfully use CHP and that this should be prioritised within the energy strategy.

65 Further justification should be made as to why CHP is not proposed.

Cooling infrastructure and Absorption cooling (for Combined Cooling Heat and Power) (Policies 4A.6 of the London Plan)

66 The applicant has confirmed that there are no cooling requirements in the residential areas and that centralised cooling plant will be primarily provided above the Gym in Block C. This will produce the required cold water to be distributed to the end fan coils terminals in the different areas where comfort cooling is required.

Renewable energy technologies (policy 4A.7)

67 A detailed renewable option appraisal has been undertaken with the following conclusions: 20% CO2 emissions reduction to be achieved with the use of a dual boiler able to run on bio-liquid fuel. Space will be allocated on the roof and core plant rooms for future addition of solar thermal. This will be done only if grant application is successful.

68 GLA officers have raised concerns over the availability of suitable fuel and its carbon intensity (which needs to be confirmed against the Government's RTFO carbon and sustainability methodology for biofuel) and have requested further information on how the hot water produced with the solar thermal collectors would be integrated into the site-wide heating network. The applicant has provided further information, and this is due to be assessed by energy officers.

69 A planning condition should be used to ensure that a single heating distribution network to supply all heat required for the space heating and domestic hot water requirements of all dwellings and non-domestic energy usages in the development is provided.

Climate change adaptation

70 Developments are required to be adaptable to the climate they will face over their lifetime and address the five principles set out in policy 4A.9 of the London Plan. Policies 4A.10 – 4A.18 cover strategic issues of the urban heat island effect and water use in particular and include development specific requirements to deal with these, including a water use target for residential development.

Overheating (Policy 4A.10)

71 The applicant has included a number of design mechanisms to avoid internal overheating and excessive heat generation that further contribute to the 'urban heat island' effect as experienced across London and particularly within the Central Activities Zone. The applicant has considered passive design measures such as deep reveals and external louvers at higher levels and the use of thermally efficient fabrics to protect from overheating. Natural ventilation is proposed throughout the development, with a limited number of mechanical ventilation with heat recovery systems that may be employed where it will be undesirable to open the windows due to external circumstances (such as poor air or noise quality).

Living roofs (Policy 4A.11)

72 The application proposes the inclusion of green roofs at the higher levels of all the buildings and this should be secured through an appropriate planning condition by the local planning authority.

Sustainable drainage (Policy 4A.14)

73 Policy 4A.14 seeks to ensure that surface water run-off associated with a proposed development is managed as close to its source as possible, and sets out a hierarchy of preferred measures to achieve this. It is proposed that the surface water from all three blocks together with the nominal basement drainage will discharge into a storage tank with ground infiltration within sustainable means. Further details and confirmation to these methods should be provided.

Water use (Policy 4A.15)

74 This policy seeks to ensure that new development has proper regard to the impact of those proposals on water demand and existing capacity by minimising the use of treated water and maximising rainwater-harvesting opportunities. The applicant is proposing to achieve a BREEAM rating of 'very good' and has introduced a number of water conservation measures including; dual

flush, low flow showers and metering of water use which are supported and should be secured through an appropriate planning condition.

75 In summary, provided the above matters are satisfactorily addressed, especially in relation to the level of carbon dioxide reductions (which require further work), the majority of the climate change implications are acceptable.

Transport

76 The site sits within a triangle comprising Briant Street, the A2 New Cross Road and the A202 Besson Street, which are both part of Transport for London Road Network (TLRN). Together these strategic roads with Kender Street form the 'Kender Triangle' gyratory system, now part of the Mayor of London's 100 Public Spaces programme.

77 As part of the New Cross Gate urban design and development strategy proposals, TfL has investigated over the last few years the potential for the removal of this gyratory. The intention is for Besson Street and Kender Street to be removed from the TLRN and become local roads with the aim of removing heavy traffic, improve footways and reduce speed limit to 20mph. New Cross Road and Queen's Road are proposed to become two-way traffic with bus lane extension and junction improvements. This would improve bus journey reliability, safety for pedestrians and cycles, quality of the urban environment, reduce traffic accidents, allow traffic flows to be managed and make it easier for mobility impaired people. Following approval by TfL Board and recent public consultation, the scheme is now on target with an expected start in April 2009 for completion by April 2010.

78 Although restriction to parking spaces is supported, clarification is however required in relation to the exact level of provision proposed on site. Under the 'Kender Triangle gyratory removal' scenario, TfL seeks confirmation that no surplus bays would be provided on-street given the congested nature of the highway network. Under the 'Kender Triangle gyratory retention' scenario, it is understood that 38 parking spaces (including 6 disabled) will be provided and given the site location and subsequent PTAL, TfL would request that this level be further reduced and that the scope to provide a car free development be investigated.

Site Access, Servicing & Construction Proposals

79 Although different access arrangements are proposed under the two above scenarios i.e. 'with' or 'without' the TfL gyratory scheme, it is understood that both have proposed vehicular accesses on Besson Street. Whilst TfL would request that sufficient visibility be provided to allow safe vehicular access / egress movements, review of the proposed access point and relocation to Briant Street would however be required if Besson Street continues to form part of the TLRN.

80 Whether or not a loading bay is proposed on Besson Street (subject to the removal of the gyratory), a significant number of servicing trips and particularly HGVs movements will be generated by the site. TfL is therefore concerned that congestion on this particular section could have a detrimental impact on the rest of the highway network with knock-on effects on wider parts of the TLRN, particularly during peak periods. In order to mitigate this and reduce HGVs impact on the TLRN, TfL requests that restrictions be secured, through conditions, to off-peak loading times only.

81 Additionally, given the scale and location of the development, TfL would request that a Construction Management Plan be submitted for approval and also secured through conditions. This should detail construction timescale, HGV delivery times, construction access arrangements, as

well as include commitment measures to restrict construction traffic movements to inter-peak periods and reduce the impact on the road network.

Trip Generation & Highway Impact

82 The trip generation assumptions and subsequent assessment presented in the report is questioned. TfL is concerned that the potential increase in trips generated by the proposed development, has significantly been underestimated in the TA. As previously suggested, a worst case scenario should be considered so that the development impact on the TLRN can be considered more robustly. Whilst trips likely to be generated by the library and the cafe element of the proposal should be added into the analysis, residential trips should also be revised, assuming that: i) no trips are generated on the existing site; ii) trips generated by the development correspond to future provision and not existing. Additionally, all car trips including car-driver and car-passenger should be included in the assessment.

83 Given the heavily trafficked and congested nature of this TLRN section during peak periods, it is considered that any additional trips could constitute a significant impact on the highway network. As a result and as previously raised, TfL is concerned by the lack of robustness of the supporting data. To ensure that relevant local peak periods are assessed and to provide comfort about establishing the critical times for the network, TfL would therefore request the applicant to review the local traffic survey data by: i) including Manual Classified Counts (MCC) at key junctions; ii) establishing the busiest period and following this, reviewing development trips and associated impacts; iii) assessing TLRN junctions operations located nearby the development site. Additionally, TfL considers that nearby committed developments should be considered as part of the traffic impact analysis if the gyratory proposals were not being implemented.

Public Transport, Pedestrian & Cycle Linkages, Travel Plan

84 As part of the Kender Street proposals, bus stops on Kender Street and Besson Street will be relocated and buses will only be running on the A2 and A202. It is accepted that public transport trips generated by the site will be accommodated on the network and the applicant's contribution of £1.4m towards the implementation of TfL's scheme for the area is welcomed.

85 Information contained in the report and related to pedestrian / cycle environment is welcomed. Although proposals to improve footways on Besson Street and Briant Street are supported, confirmation that those will meet the minimum 2m-width requirement, that all crossings will comply to BV165 standards, that sufficient street lighting and adequate pedestrian signage will be provided on site is required. Consideration of providing straight crossings, rather than a staggered layout, and assessment of footway capacity due to the additional pedestrian trips likely to be generated by the development site, should also be looked at.

86 Level of cycle provision proposed on site is welcomed as it complies with TfL's cycle parking guidelines. Additionally, provision of CCTV coverage for the facilities and potential changing facility for the commercial element should be considered. Scope to link the site to nearby existing cycle routes should also be investigated and where improvement is identified, such as route extension, TfL would expect the applicant to deliver them as part of the development.

87 Given the scale and location of the development site, TfL welcomes the provision of a travel plan to encourage more sustainable transport modes. Furthermore, given the high level of recorded accidents along New Cross Road and particularly at Queens Road, Besson Street and Briant Street junctions, the applicant's support to TfL's highway scheme for the area is welcomed. However further measures, such as a successful implementation of a travel plan, in line with TfL's guidance, is still strongly encouraged and should be secured through conditions and or if appropriate by a

section 106 agreement. TfL would welcome the opportunity to comment further on the draft travel plan when available.

River Thames/flooding

88 The London Plan sets out policies in chapter 4A to ensure that flood risk is adequately assessed and considered in the location and design of new development and that sustainable drainage methods are employed where appropriate to address flood risk issues. The site is on the edge of Flood Zone 2 and or 3a and a flood risk assessment (FRA) has been carried out. The FRA does not indicate which flood zone the site is within or the extent to which the site is in it/them. However, given that the site is on the edge of the 1 in 1000 year flood envelope it is unlikely that there will be significant flood risk issues. In relation to surface water run-off, the FRA indicates two areas where soakaways may be constructed and states that permeable pavement may be used for lightly trafficked areas. The FRA also states that storage will be provided to accommodate a rainfall event with a return period of 30 years.

90 The principle of these methods of surface water disposal is welcomed as being in line with London Plan Policy 4A.14. However, there is no firm commitment to these and they should be secured by planning condition.

London Development Agency

91 The site is located in the Lewisham/New Cross/Catford Opportunity Area and the London Plan policy 2A.5 'Opportunity Areas' states that developments in these areas should promote social and economic inclusion. London Plan policy 5D.2 'Opportunity Areas in South East London' sets out strategic priorities which include addressing problems of social exclusion, with particular emphasis upon tackling barriers to work, better access to childcare and other support to allow residents to benefit from employment potential in the Central Activities Zone.

92 The Lewisham/New Cross/Catford Opportunity Area either overlaps with or is adjacent to the Area for Regeneration meaning that wards are within the 20% most deprived in London. Developments in Area for Regeneration should achieve sustained renewal and investment according to London Plan policies 2A.7 'Areas for Regeneration'. This proposal would contribute to the economic regeneration, tackle social deprivation, improve access to employment and enhance the New Cross district centre. Despite these benefits, a number of issues need to be resolved to maximise the delivery of the Economic Delivery Strategy.

Employment

93 Given the scale of the redevelopment, the provision of employment generating uses and is in accordance with London Plan policies 3B.1 'Developing London's economy' and 3B.11 "Improving the skills and employment opportunities for Londoners", the developer should seek to ensure that local residents and businesses benefit from the job opportunities created by this proposal, in both the construction and operational phases of the development.

94 The LDA also welcomes the provision of 361 sq.m. of flexible space for undefined A1/A2/A3/A4/D1 uses as part of the proposal. In accordance with London Plan policy 3B.1 'Developing London's economy' this space should be designed to meet the needs of local small businesses, particularly black and ethnic minority owned businesses. The LDA encourages the developer to consider allocating a portion of this space with affordable rents to promote start-up businesses and entrepreneurship.

95 Consideration should be given to firming up and further developing initiatives to create training and employment opportunities for local people and businesses both during construction

and within the completed development through the production of an employment and training strategy. This should be secured through the inclusion with the section 106 Agreement between the applicant and Lewisham Council. An appropriate strategy should include the following:

- Timing and arrangements for its implementation including funding arrangements.
- A stakeholder charter to ensure initial and subsequent employers within the completed development participate in the implementation of the strategy.
- Minimum local recruitment targets for employees and targets for the involvement of local businesses and measures to be undertaken by the applicant to meet with these targets.
- Local publicity, awareness raising proposals and methods for advertising employment opportunities and impending contracts.
- Initiatives to promote the involvement of local businesses including sub-contracting and the supply of goods and services.
- Initiatives to promote the employment of Small and Medium Enterprises (SME).
- Initiatives to promote the employment of black and ethnic minority owned businesses.
- Capping of rental rates for a specified number of years.

96 The applicant has confirmed that the NDC has its own local employment initiative projects in New Cross Gate and that the details of any requirements would need to be fully discussed to ensure they can be implemented and accord with the broader NDC initiatives. Consideration should though be given to including these measures as part of the proposals to ensure the regeneration benefits are maximised.

Loss of a builder's yard

97 A builder's yard is currently operating on-site without planning permission. According to the submitted information, the builder's yard is subject to a compulsory purchase order (CPO) and will be demolished during the development process. The LDA recognises that a number of jobs would be increased in the development but remains concerned that the loss of a builders yard would result in a loss of employment sources.

98 Additional information is therefore requested in relation to the tenure of this business, the number of workers (on-site and off-site) that would be affected and a relocation strategy is suggested to provide alternative premises and realistic options in the local area, which could be secured through the Section 106 Agreement.

Social infrastructure

99 The LDA welcomes the provision of a creche within the development given that the affordability and availability of childcare can be a major barrier to employment for single parent households and those that are unemployed or are returning to work.

100 Childcare can be 25% more expensive in London than elsewhere in the country (Daycares Trust Childcare Cost Survey 2005). As a result childcare is inaccessible to many families in London. The lack of affordable good quality childcare is a major barrier to taking families out of poverty and providing them with the support to access the skills, education and training needed in London's employment market. The LDA recognises the role that high quality childcare, which is both accessible and affordable, has in promoting equality in the workplace by supporting the needs of low income families as well as the needs of business in order to address this key barrier to

employment. The provision of a doctor's surgery is also welcomed and would reduce social inequalities in this disadvantaged area.

101 Lewisham Council should apply appropriate planning conditions that require the provision of childcare and healthcare facilities are linked with the phasing of the development i.e. childcare and healthcare facilities should be built equipped and operating before the first occupation of the development by other uses. Planning conditions should also ensure that the affordability of childcare spaces is secured for local employees. Where such conditions are considered inappropriate they should be included as planning obligations in any section 106 agreement between the applicant and Lewisham Council.

Local planning authority's position

103 Lewisham Council support the proposals.

Legal considerations

104 Under the arrangements set out in article 3 of the Town and Country Planning (Mayor of London) Order 2000 the Mayor has an opportunity to make representations to Lewisham Council at this stage. If the Council subsequently resolves to grant planning permission, it must allow the Mayor an opportunity to decide whether to direct it to refuse planning permission. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's comments unless specifically stated.

Financial considerations

105 There are no financial considerations at this stage.

Conclusion

106 The principle of mixed-use development on this site is established in policy terms and recognised as key to the regeneration of the New Cross Gate NDC area. The quantum of affordable housing provision currently does not meet London Plan targets and the toolkit submitted in support of the application does not at present justify the level of provision financial terms. In addition, there is concern over the mix of units, the lack of family provision and particularly, the net loss of social rented units on the site (and as part of the wider Kender regeneration scheme). Further detailed justification based on local need is required before these elements will be considered acceptable.

107 Further information is also requested from the applicant in order to ensure compliance with strategic planning policy on playspace provision, access, energy, climate change, employment and transport proposals. These matters should be satisfactorily addressed prior to the scheme being referred back to the Mayor with the relevant aspects of the proposal secured via planning condition or section 106 agreement as appropriate.

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