

Planning Application Assessment Addendum on behalf of Stop the Blocks Community Action Group

October 2022

Applicant: Anthology Kennington Stage Ltd

App Ref: 21/04356/FUL **Site Address:** Land at Woodlands Nursing Home, 1 Dugard Way, London,
SE11 4TH

Introduction

1. This report has been prepared by Stop the Blocks Community Action Group to demonstrate why the revised scheme submitted in August 2022 is still unacceptable even though it has been reduced in scale to 126 flats with the main tower now 14 storeys in height.

Planning Policy Context and summary of objection

2. The development plan for the area comprises of the London Plan (2021) and the Lambeth Local Plan (2021). This report will demonstrate that the application is inconsistent with the policies in the development plan and that there are no material considerations that would merit the grant of planning permission. While the NPPF tells councils to be proactive with developers, it does not tell them to continue negotiating on poor schemes that do not follow pre-application advice, the findings of the inspector at the last scheme, do not have the support of the GLA, do not accord with the development plan and are deceptive in their description.
3. In short, the information submitted with it is inadequate, there is no adequate justification for the loss of a Use Class C2 use, it is an overdevelopment of the site that will harm the outlook of many nearby residents and the heritage values of the area. It is a tall building in an area where a recently examined and adopted Local Plan states that such buildings are not supported in policy. It does not deliver a policy compliant level of affordable housing, the proposed benefits to the Cinema Museum are not public benefits. There are no material considerations to outweigh these harms.
4. This report sets out Stop the Block's objection having regard to the following main planning issues:
 - Documentation submitted with the application

Planning Application Assessment Addendum

- Loss of Use Class C2 accommodation
- Housing issues including affordable housing
- Design including layout, bulk and massing
- Heritage impacts
- Impact on neighbouring amenity including overlooking
- Loss of daylight and sunlight
- Ecology and urban greening
- Servicing

Documentation submitted with the application

5. The application documentation is still deficient in two respects and potentially misleading and understating of its impacts in other ways.
6. On the first aspect of its deficiency, the applicant has not submitted a policy compliant flood risk assessment contrary to Lambeth Local Plan Policy EN5. The site falls within Flood Zone 3. The SFRA that supports the Lambeth Local Plan makes clear that the site will be affected by flooding if/when the Thames Barrier breach event occurs. A sequential and exceptions test is therefore required along with the flood risk assessment. This is a matter for the Council to resolve in its land use planning function, not the Environment Agency.
7. The explanation provided in the Planning Statement (August 2022)¹ does not address this shortcoming at all. The applicant's reliance on a "strategic approach" does not exempt the applicant from addressing the development plan. The applicant must conduct a sequential test for alternative sites and, if no other alternative site is available, must then conduct an exception test. The planning agent has not taken the advice of the authors of the Flood and Drainage study which accompanies the revised scheme and who advised that a sequential and exception test is needed (refer paragraph 2.5, page 4 of the study).
8. Secondly, the revised application documentation is still incomplete, inaccurate, or misleading in other ways.
9. It has still not included the existing gates at Dugard Way in the various tracking splays for vehicles servicing the site. Jeff Holt will be aware from site inspections that the existing gates have been knocked by other vehicles passing and manoeuvring them. The Council cannot have confidence in the updated tracking splays and swept path analysis submitted with the application and should

¹ Planning Statement (August 2022) Paragraphs 9.19.1 and 9.19.2

Planning Application Assessment Addendum

now proceed to make a decision on the basis that this information has not been provided. The gates are out of the applicant's control and form part of a listed building approval dating from when the Water Tower flat development was built.

10. Jeff Holt has received detailed submission from Kim Loddo RIBA on other internal technical shortcomings with the plans submitted (refer to emails of 4 and 5 October 2022). There are no sectional drawings to Blocks B, C and D.
11. Therefore, the Council has two reasons to withhold planning permission before it even considers the merits of the proposal.
12. Further, and in addition, it is to be noted that the heights of the buildings have been raised by 0.7m to take account of the risk of flood but this has implications for the overall assessment of the height of all of the buildings on the site (see paragraph 20). The tower is therefore considerably more than 45m in height (with the lift shaft motor on top). In principle, it therefore falls short of Policy Q26 and Annex 10 of the Lambeth Local Plan. The blocks around the edge of the site will also 0.7m higher with subsequent impacts on overshadowing, overbearing relative to their neighbours to the north (George Mathers Road) and west (Renfrew Road).
13. Finally, and having regard to the documentation submitted, the applicant is still playing the misleading game of suggesting the application site covers the Cinema Museum. It does not. No works are being carried out at the museum that either need planning permission or listed building consent. The proposal must be assessed on the basis that the site area is 0.53 ha, not 0.7 ha. The scheme has a density of 234 dph (591 hrh).
14. Any purported benefits to the museum are not public benefits².

Loss of Use Class C2 accommodation

15. The authorised use of the site is Use Class C2 (residential institution). The site is not allocated or identified in the Lambeth Local Plan as a housing allocation. The Council has not approved the prior approval application to demolish the cluster of buildings on site. The site therefore does not have an established or lawful use for Use Class C3 (dwellings).
16. The applicant has still not given a justification for the loss of the building and its loss is contrary to Lambeth Local Plan Policy H8. The reference to the NHS no longer needing it is not the correct test. Rather, the supporting text to Policy H8 (paragraph 5.56) identifies other forms of specialist housing such as homeless households, sheltered housing with care support, reablement accommodation (intensive short-term), accommodation for victims of domestic abuse and/or

² Paragraph 92 of APP/N5660/W/20/3248960 (January 2021)

Planning Application Assessment Addendum

violence, staffed hostels, residential care and nursing-care homes, extra-care housing, and supported housing provision for children, people with physical and learning disabilities or those with mental health issues who require additional support, older persons and other client groups.

Housing including affordable housing

17. This revised scheme will only deliver a small amount of Lambeth's housing requirement. Refusing it for the range of its deficiencies or reducing the amount of housing to be closer to or less than the 94 units proposed in an earlier pre-application proposal (16/03689/PREAPP) will not materially affect a local authority that continues to deliver more than its current London Plan annual housing target of 1,335 homes. The Council's record on delivery against London Plan housing targets has been strong over the past ten years and a total of 2,053 units more than the cumulative London Plan target have been delivered in that period.
18. The applicant states that the revised scheme will provide 20% affordable housing (by habitable room) with a tenure split of 75% affordable rented and 25 % intermediate.³ This is an incorrect way of assessing the purported benefits and the actual offer – expressed in homes (London Plan) or units (Lambeth Local Plan) – is at odds with the way affordable housing is calculated in both the London Plan (Policies H4 and H5) and the Lambeth Local Plan (Policy H2). Only 13.5% of all homes would be affordable. This is especially unacceptable given the scheme's other deficiencies. If a viability statement has been provided to justify this departure from the development plan, it is not in the public domain, so the community is deprived the chance to review this. The Council is reminded that it must publish this consistent with the advice in paragraph 58 of the NPPF.
19. The revised mix predominantly favours studio and one bedroom homes and is furthermore at odds with Lambeth Local Plan H4 which seeks to deliver more family homes, consistent with the findings of the SHMA. This reinforces the unacceptability of the housing itself within the scheme.

Design including layout, bulk and massing

20. The proposal will introduce a "tall building" – Block A - (over 45m high once the raising of the building is taken into account to address flood risk and the lift shaft motor and plant on top) and the site is not included in one of the areas where such buildings are to be encouraged (refer Annex 10). The site is located outside the Elephant and Castle Opportunity Area too. Lambeth Local Plan Policy Q26 therefore makes clear that applications for such buildings need to "provide a clear and convincing justification" and demonstrate the appropriateness of the site. The policy further

³ Planning Statement (August 2022) paragraph 9.5.5

Planning Application Assessment Addendum

advises at B (i) that proposals will only be considered appropriate “in established low rise residential neighbourhoods where they are part of a comprehensive scheme which integrates well with the locality”.

21. No such justification has been provided and the scheme will cause harm to a number of heritage assets, most notably the Grade II Listed Water Tower.
22. Further, the site is a “low rise residential neighbourhood” and this site does not form part of a wider estate regeneration project. That is the view of the inspector who refused the last scheme (Appeal No: APP/N5660/W/20/3248960). Of the surrounding area, he stated in paragraph 23 of his decision notice:

‘To the north and west of the site 19th and 20th century terraced housing does not exceed, predominantly, three storeys in height. To the south of the site the mansion blocks of the Water Tower Development are predominantly 3 or 4 storeys and do not exceed five storeys, and further to the south development along Kennington Lane and Kennington Park Road is no higher. To the east of the site development along Dante Road is no higher than four storeys.’

23. In addition, the proposal falls short of strategic policy in the London Plan (Policy D3) that seeks to optimise development but only in a way that would enhance an area. It is not a policy test concerned with maximising development or one that seeks just to optimise development for its own sake. Rather, the policy is concerned with optimising development by securing good design at the same time. For schemes that achieve these two aims, the Council should look to the nearby Knight ’s Walk scheme west of Renfrew Road (LBL reference 17/05992/RG3 amended by 19/01817/NMA) for a development of between four and seven storeys. This both optimises development, delivers more affordable housing than the current scheme and seeks to enhance the area too.
24. There are other design deficiencies in the scheme that are a direct consequence of its scale and design. These are summarised below:
 - the overall scheme does not have regard to the form and proportion of surrounding buildings. It introduces bulky, tall structures in very close proximity to existing low rise residential buildings, often at less than 18m from existing habitable rooms and in some cases less than 12.9m from habitable rooms in existing single-aspect flats. The application does not have an appropriate response to positive aspects of the locality and its historic character as required by Lambeth Local Plan Policy Q5.
 - the overall scheme and relationship between the flats and the amenity space would result in many residents being overlooked, directly in conflict with the draft Lambeth Design SPD.

Planning Application Assessment Addendum

- the play space layout remains poor and is inadequate. The applicant must provide 456 sqm of play space and according to the revised Landscape Design and Access Statement it will be providing 393 sqm. This is located adjacent to the through-road which is a key flaw as it will provide no opportunity for children to play safely. This is especially unacceptable in an area which the GLA identifies as having a shortage of open space. There is also an amenity lawn adjacent to the Master's House included as part of the overall amenity space which we understand is intended for commercial use by TCM, so it is of limited community/ public use.⁴
25. The application has not demonstrated that it will deliver design excellence and make a positive contribution to its local and historic context. On the contrary, the design, layout and height of the proposal will negatively impact on the local context and the historic heritage assets adjacent to the site.
26. The latest revised Tower as designed is not 'elegant or well proportioned', and there has been no attempt to demonstrate that its proportions relate well to other prominent buildings. Rather, the proposal is the result of setting out the largest footprint possible within the site plan, and simply extruding it vertically to around the 45M mark in order to try and avoid the policy requirements that are triggered at this threshold. Regardless of the exact height of this tower, the building is 'tall' in its context; it is roughly four times the height of the surrounding buildings, and will be seen, in the round, from all over the area. The design quality should therefore be exemplary. Instead, the building appears stubby and lumpen; a basic massing diagram crudely wrapped with a wallpaper facade.
27. The facade treatment is allegedly inspired by the adjacent listed buildings, a claim that rests largely on the incorporation of some unconvincing arches on the top floor, and rounded tops to the balustrade treatment, which does little to hide the banality of the basic design moves. It is, in reality, a token and cosmetic exercise and, like the previous iteration, has nothing of the clarity of its Victorian neighbours. The arched bays at the top of the tower still bear no relationship to the internal planning, or structural requirements, and consequently have none of the qualities of the listed buildings. In fact, by appearing as pastiche and added-on, they unfortunately have the effect of cheapening and diminishing them. The perimeter blocks are equally banal in design terms, with crude details and a metal standing seam roof that fails to disguise its bulky top floor.
28. For the reasons stated, the revised scheme does not preserve or enhance the prevailing local character due to its bulk, scale, mass and poor siting of buildings. Therefore, the Application does not accord with the requirements of London Plan Policy D3 and Lambeth Local Plan Policy Q5 and Q7.

⁴ Landscape Design and Access Statement Page 23

Planning Application Assessment Addendum

Heritage

29. The site is located partly within a Conservation Area, includes the Grade II Listed Master's House within its application boundary (even though no works are proposed to it), is located 14.2 m from the Grade II Listed Water Tower, and in close proximity of several surrounding conservation areas and listed buildings.
30. National planning policy and the London Plan attach very high importance to the preservation of heritage assets. The London Plan states that London's historic environment '*provides a depth of character that benefits the city's economy, culture and quality of life*' (paragraph 7.1.1). London Plan Policy HC1: *Heritage conservation and growth* requires development proposals to conserve heritage assets and their settings by being sympathetic to the assets' significance and appreciation within their surroundings. Policy HC1 states that cumulative impacts of incremental change from development on heritage assets and their settings should be actively managed. Development should avoid harm and identify enhancement opportunities.
31. Lambeth Local Plan Policy Q20: *Statutory listed buildings* states that development affecting listed buildings will only be supported where it would '*conserve and not harm the significance/special interest*' and '*would not harm the significance/setting, including views to and from*' the listed building.
32. Lambeth Local Plan Policy Q22: *Conservation areas* only permits development which affects conservation areas where it would preserve or enhance the character or appearance of the conservation area. This is by respecting and reinforcing the established, positive characteristics of the area in terms of building height, forms, siting amongst other requirements. The setting of conservation areas must also be protecting, including views in and out of the area.
33. The Application is accompanied by an Archaeological and Heritage Desk Based Assessment (AHDBA) prepared by Tetra Tech and a (Built) Heritage, Townscape and Visual Impact Assessment (HTVIA) prepared by Montagu Evans.
34. The AHDBA assesses the impacts of the scheme on designated heritage assets. The AHDBA assesses the Grade II Listed Administrative Block to the Former Lambeth Workhouse (the Master's House) and the Grade II Listed Water Tower. The AHDBA states the following impact to these heritage assets would be caused by the development:
 - Administrative Block to the Former Lambeth Workhouse (the Master's House):
'It is expected that the proposed development is deemed to cause, at most, negative intermediate effect upon both the material asset and the setting of the asset.' (Page 28)
 - Water Tower to the Former Lambeth Workhouse (1392739):
'It is expected that the proposed development is deemed to cause, at most, negative intermediate

Planning Application Assessment Addendum

effect upon the setting of the asset.' (Page 28)

- The Archaeological and Heritage Desk Based Assessment confirms that the Application would have a negative intermediate effect on the material asset of the Master's House as well as a negative intermediate effect on its setting. It also confirms that the Application would have a negative intermediate effect on the setting of the Grade II Listed Water Tower.
35. The (Built) Heritage, Townscape and Visual Impact Assessment (HTVIA) draws a different and inconsistent conclusion on the harm that would be caused by the Application on the Master's House and Water Tower when compared with the AHDBA conclusion.
36. The HTVIA suggests that Application would not impact on the Master's House. The HTVIA states *'The scale of Building A in relation to the Master's House is comfortable, the new building experienced as a background element which does not detract from the integral robustness of the listed building or the sense that it is the focal point within the Site.'*
37. The HTVIA suggests further that the setting of the Master's Building would be enhanced. It states, *'The Proposed Development enhances the immediate setting of the Master's House and the locally listed buildings through the landscaping and public realm proposals'* (HTVIA paragraph 9.38).
38. Having regard to the impact on the Water Tower: *'It is our judgement that the prominent, singular form of the Water Tower and its hierarchy and position within the Site is not challenged by the introduction of Building A, notwithstanding its visibility from George Mathers Road'* (HTVIA paragraph 9.33). The HTVIA goes on to suggest that the setting of the Water Tower would be preserved by the Application, stating *'In summary, we find that the fundamental significance of the Master's House, the Water Tower and the locally listed buildings is preserved'* (HTVIA paragraph 9.37).
39. Clearly, the findings of the HTVIA are inconsistent with the conclusion of the AHDBA. The summary conclusion of the HTVIA is set out below to allow for review:
- 12.10. *We have identified no harm to the Master's House or Water Tower, both of which are Grade II.*
 - 12.11. *The reduction in height to 14 storeys has meant that the Proposed Development no longer competes with the listed buildings or draws attention from their primacy in local views, notwithstanding that the Proposed Development would introduce a new feature to their setting.*
 - 12.12. *The impact of the Proposed Development on the setting of the listed buildings has been managed through design, and it is considered that the Proposed Development would be an attractive new element seen in the historic context of the Site.*
 - 12.13. *If the LPA were to disagree and identify harm to either listed building, this could only be a very low level of less than substantial harm. This would engage paragraph 202 of the NPPF and require a balance against the planning benefits of the Proposed*

Planning Application Assessment Addendum

Development.

- 12.14. *The planning benefits are described in the Planning Statement. We refer here to the improvements to the setting of the Master's House and Water Tower which are likewise delivered by the Proposed Development, as well as improvements to the function of the townscape and its appearance.*
- 12.15. *These benefits would contribute towards countervailing any less than substantial harm that could be identified, particularly considering this harm has to be very limited.*
- 12.16. *We have identified a very low level of less than substantial harm to the Renfrew Road CA and Former Magistrates Court. As above, this would engage paragraph 202 and be weighed against the planning benefits.*

(HTVIA paragraphs 12.10 – 12.16)

40. The HTVIA suggests, rather, that there is no harm to the Master's House and Water Tower. This is contradicted by the AHDBA which states that the application would cause a negative immediate effect on the setting of both. Part of the HTVIA's reasoning to suggest that there would be no harm to the Master's House and Water Tower is due to Block A being 14 storeys when compared to the previous Appeal Scheme which was for 28 storeys. Block A would be in very close proximity to the Grade II Listed Water Tower and affect views to and from the heritage asset. It cannot be concluded that the setting of the Grade II Listed Water Tower would not be negatively impacted by the introduction of a tall building located 9.3 m from it. To suggest that the setting of the Water Tower would be '*improved*' is considered to undermine the credibility of the HTVIA conclusions. The HTVIA openly suggests that LBL, as local planning authority, could likely disagree with the HTVIA findings. Twice in its summary of findings the HTVIA states '*It the LPA were to disagree and identify harm to either listed building...*' (paragraph 12.13) and '*In the event that the LPA were to disagree...*' (paragraph 12.17). This adds further weight to suggest that a contrary professional view would be taken to the conclusions suggested in the HTVIA.
41. The HTVIA identifies that a degree of less than substantial harm will be caused by the Application on Renfrew Road Conservation Area. The HTVIA states, '*we identify a very low degree of less than substantial harm to the CA resulting from the visibility of the proposals above the ridgeline of the Magistrates Court on Renfrew Road*' (HTVIA paragraph 9.13). Due to the impact on the Renfrew Road Conservation Area, the HTVIA confirms that paragraph 202 of the NPPF is engaged. It states, '*The limited impact identified, mitigated by the design of the Proposed Development, engages paragraph 202 of the NPPF which requires the balancing of harm against the benefits identified in the Planning Statement prepared by tp bennet*' (HTVIA paragraph 9.17). The HTVIA suggests that the harm identified is capable of being outweighed by such benefits. This is a matter the Council must consider as part of its assessment of the Application.
42. It is considered that contrary to the suggestions of the HTVIA, and as concluded by the AHDBA, the revised scheme would have a negative impact on the settings of the Listed Water Tower and

Planning Application Assessment Addendum

Master's House. There is also harm caused by the Application to the Renfrew Road Conservation Area. The degree of harm is again theoretically a matter for the Council to determine. In any event, Paragraph 202 of the NPPF is engaged. The impact of the application on heritage assets is to be balanced against the benefits of the scheme. As this report has demonstrated, there are various key planning considerations where the application is considered to negatively impact to such an extent that it is contrary to national, regional and local planning policy. On this basis, the scales of the balance is not tilted in support of the proposal.

43. The revised scheme will have a negative impact on heritage assets, including two Grade II Listed Buildings (the Water Tower and the Master's House) and a negative impact on Renfrew Road Conservation Area. Therefore, the Application does not accord with London Plan Policy HC1 as it does not conserve heritage assets and their setting. The application is not supported by Lambeth Local Plan Policy Q20 as the development will affecting listed buildings. It will not conserve and will harm the setting of listed buildings including views to and from listed buildings. It also negatively impacts Renfrew Road Conservation Area contrary to Lambeth Local Plan Policy Q22. It does not respect and reinforce the established, positive characteristics of the Conservation Area and introduces significantly taller buildings adjacent to their setting, negatively affecting views in and out of the conservation area. Therefore, it is considered that the application is not acceptable in heritage terms either.

Impacts on neighbouring amenity

44. This revised scheme still seeks to introduce buildings along the western, northern and central southern boundary in close proximity to existing buildings. The layout and location of the development blocks will introduce buildings close to existing residential buildings that surround the site. They will be intrusive, result in unacceptable levels of overlooking and loss of daylight and sunlight. On the matter of daylight and sunlight impacts, the Council must satisfy itself that the study submitted has taken account of the need to raise all buildings by 0.7m to take account of flood risk mitigation.
45. The existing residential building Bolton House is three storeys and only has single aspect dwellings that face west. The eastern elevation of Block A would be 12.9m from parts of Bolton House. This means that the westerly outlook from Bolton House would look straight onto a the three-storey building only 12.9m away. The effect of this would be to introduce an overbearing element negatively impacting the amenity of existing residents and demonstrates that the proposed layout is not suitable. Amenity of the residents in Bolton House would be further hampered by the siting of private roof terraces on the lower part of Block A which would directly look into the living rooms and bedrooms of those living in Bolton House. The 4/5 shoulder block of Block A will also create the same issues of overlooking and loss of privacy for the residents of Bolton House and the resident's amenity space in the Water Tower.

Planning Application Assessment Addendum

46. The southern elevation of Block A is, at its closest point, 9.3 m from the existing Grade II Listed Water Tower building and its amenity space. In some instances it reaches 14.2 m. All of the southern façade of Block A has habitable rooms with external balconies. These would be located significantly less than 18 metres from the existing Water Tower building. Block A extends to 14 storeys. A building of 14 storeys located only 8.8 m from the Water Tower's private amenity space which is located above the three-storey cube element of the building, the application would introduce significant overbearingness to residents of the Water Tower due to the poorly designed layout of the Application.
47. Proposed Blocks F, E and D are located along the western boundary and comprise part three and part four storey mansion blocks. To the west of Blocks F, E and D is Renfrew Road where houses are three storeys. Separation distances from the proposed buildings to the existing houses on Renfrew Road are recorded as being between 18.1 m and 19.1 m (Design and Access Statement page 26). However, this does not take account of the distance to habitable extensions to the existing dwellings on Renfrew Road which reduces the stated separation distances further. The separation distances between the Ground Floor habitable Living rooms on Renfrew Road and Blocks F, E and D is under 15m.
48. The Design and Access Statement suggests the height of the third storey of western elevation of Blocks F, E and D which face the gardens of Renfrew Road houses before a fourth storey mansard is introduced align with the height of the Renfrew Road houses (Design and Access Statement page 29). However, the heights do not align, with proposed Blocks F, E and D substantially exceeding those of Renfrew Road houses. The actual height difference between the lower 3 storey elements of Blocks F, E and D which face Renfrew Road is 1.9M (nearly 2M) so it does not in fact align in height with the top of the Renfrew Road houses as the Design & Access statement suggests. The result is the development would introduce overbearing buildings that negatively impact the enjoyment of private amenity spaces and the outlook of houses along Renfrew Road.
49. For these reasons, the revised application is still inconsistent with Lambeth Local Plan Policy Q2 and the Lambeth draft Design Guide SPD.

Daylight and sunlight

50. The NPPF (paragraph 125) supports the efficient use of land. It sets out that when considering applications for housing, a flexible approach in applying policies or guidance relating to daylight and sunlight should be taken to support the efficient use of land. This is under the provision that the proposed scheme would provide acceptable living standards. This applies to living standards of proposed dwellings and retaining appropriate living standards of existing dwellings.
51. London Plan Policy D6 requires the design of development to provide sufficient daylight and

Planning Application Assessment Addendum

sunlight to both new and existing surrounding housing that is appropriate for its context. Lambeth Local Plan Policy Q2 only supports development if it would not have an unacceptable impact on levels of daylight and sunlight on adjoining properties including their gardens or outdoor spaces.

52. The Building Research Establishment (BRE) 2022 sets out that access to daylight and sunlight is a vital part of a healthy environment. It states that:

Sensitive layout design of flats will attempt to ensure that each individual dwelling has at least one main living room which can receive a reasonable amount of sunlight. In both flats and houses, a sensible approach is to try to match internal room layout with window wall orientation.

In designing a new development or extension to a building, care should be taken to safeguard the access to sunlight both for existing dwellings, and for any nearby non-domestic buildings where there is a particular requirement for sunlight. People are particularly likely to notice a loss of sunlight to their homes and if it is extensive then it will usually be resented.⁵

53. Where a new development can block light to existing homes, daylight assessment for planning is usually based around the vertical sky component (VSC) within and without the new development. This a measure of the amount of diffuse daylight reaching a window.
54. The recent planning appeal decision provides the benchmark for assessing loss of daylight and sunlight to existing homes surrounding the site. In this decision, the Inspector sets out that the BRE Guide 'Site Layout Planning for Daylight and Sunlight – A guide to good practice', published in 2022, provides guidance on the effect of development on daylight and sunlight in neighbouring buildings. The BRE Guide is not mandatory and the guidelines are to be interpreted flexibly. To assess the effect of development on daylight, the BRE Guide recommends using the Vertical Sky Component (VSC) and No-Sky Line (NSL) tests. The VSC test measures skylight falling on the centre point of a window as a percentage.
55. The Inspector sets out that retaining a VSC level of 27% in neighbouring properties surrounding the site is unrealistic. This has been recognised in many appeal decisions and other documents. The Inspector does note that maintaining satisfactory levels of daylight in neighbouring properties and preventing unacceptable harm must take into account the context of the surroundings of the site.
56. The Inspector agrees that a benchmark of less than 27% VSC appears appropriate when assessing the impact on daylight at existing properties surrounding the site. The Inspector

⁵ BRE Site layout planning for daylight and sunlight- A guide to Good practice, Paragraph 3.21

Planning Application Assessment Addendum

recognised that the site is in an urban area where applying the flexibility recommended by the BRE Guide, the London Plan and Lambeth Local Plan is appropriate.

57. However, The BRE's 27% VSC is neither a target nor a minimum level, but simply the arrangement of window and sky which would generally provide adequate daylight in homes.

58. The guide advises that:

If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. This value of VSC typically supplies enough daylight to a standard room when combined with a window of normal dimensions, with glass area around 10% or more of the floor area. Any reduction below this level should be kept to a minimum. If the VSC, with the new development in place, is both less than 27% and less than 0.80 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area lit by the window is likely to appear gloomier, and electric lighting will be needed more of the time.

59. Therefore, absolute levels of VSC and relative quantities of loss must be engaged in determining whether a proposal results in an acceptable or unacceptable impact on levels of daylight, which is the requirement of Lambeth Local Plan Policy Q2 (iv).

60. The Inspector applied an amended minimum 'benchmark' percentage for a VSC appropriate which he felt was appropriate for this site and its surroundings. The established minimum benchmark for the site which he applied was 16% VSC for bedrooms and a benchmark of 18% VSC for living rooms and combined living/kitchen/dining rooms. The Inspector also stated it is necessary to consider the percentage reduction in daylight distribution in a room, the NSL test, in an assessment of the degree to which there would be harm to residential amenity. This commitment was set out in the Design Brief prepared by the Applicant.

61. The appeal decision has set out a minimum benchmark level for VSC that must be applied to existing bedrooms and living rooms and combined living/kitchen/dining rooms. The Inspector applied this benchmark as a minimum that is to be met not the maximum. The applicant also applied these benchmark levels of VSC as minimum requirements to new development at the site requiring the proposed scheme to not affect retained values '*less than 16% VSC in bedrooms and 18% in living rooms*', whilst also seeking to go as far as possible at meeting the higher BRE Guide VSC levels at neighbouring properties. This commitment is set out in the Design Brief prepared by the applicant (copy included at Appendix 1 of the Planning Statement submitted with the application). For reference, the Design Brief states:

Relationship with neighbours

As far as possible, the development should seek to ensure that neighbouring properties meet BRE guidelines in respect of VSC and NSL. Where reductions are unavoidable and can be justified, retained values must not be less than 16% VSC in bedrooms and 18% in living rooms.

Planning Application Assessment Addendum

62. The Daylight, Sunlight and Overshadowing Report (DSOR) prepared by Point 2 confirms that the proposed scheme has failed to meet even the applicant's own agreed design brief in terms of retaining adequate daylight to neighbouring properties. There are a number of neighbouring properties that suffer reduced VSC levels below the BRE guidelines and also a substantial number of neighbouring properties that also have reduced VSC levels below the agreed minimum of 16% for bedrooms and 18% for living rooms and living/kitchen/dining rooms. The applicant has not adequately set out where reductions below BRE guidelines are unavoidable and has not adequately justified breaches of the BRE guidelines.
63. While the Council must engage its own experts on the DSOR, it is possible to identify where existing neighbouring property windows would suffer reduced daylight below BRE guidelines – a target which the applicant set itself to meet 'as far as possible' – and also where windows would suffer reduced daylight below an 'adjusted' level – a target the applicant required 'must' be met.
64. The DSOR identifies that existing buildings and properties would suffer reduced daylight below BRE guidelines and also goes on to identify those that would suffer reduced daylight below the 'adjusted' established benchmark for the scheme which must be applied of retaining a 16% VSC for bedrooms and 18% VSC for living rooms and combined living/kitchen/dining rooms.
65. Below is a summary of over 21 properties and windows that would have reduced daylight below BRE guidelines and below the adjusted benchmark. Where it is known that rooms are served by single aspect windows, this is set out.
66. It is acknowledged that some properties may have dual aspect rooms served by two alternate facing windows. It is noted the Point 2 Report has attempted to 'down play' the number of properties adversely affected in its summary analysis of its assessment results by referring to a flat block building as a 'property' and avoiding identifying the individual flats within that block that are negatively impacted. The level of precise scrutiny is beyond the abilities of this report. However, it is considered the headline figures summarised below are significant indicators of the negative impact the scheme would have and further analysis can be completed by an expert before the application is determined. Relevant extracts from the DSOR are set out below.

Summary of properties and windows negatively affected with daylight reductions below BRE guidelines and the adjusted benchmark

■ PROPERTY: Wilmot House, 5 George Mathers Road, comprising 7 properties

- **BRE Guide:** 17 of the 55 windows do not meet BRE numerical guidance on retained VSC levels and all the windows serve habitable rooms. Of the windows affected, 14 of 18 windows serve single aspect rooms. 7 of the windows experience losses between 20-29%, 7 of the windows experience losses between 30 and 39.9% and 3 windows experience losses of 40% or more.
- **Adjusted VSC Target:** 4 windows do not meet the adjusted VSC targets, adversely impacting 2

Planning Application Assessment Addendum

properties. Retained VSC values for these windows range between 10% for a single aspect living room to 15%.

- **NSL:** 3 rooms do not meet BRE guidance on NSL daylight.

■ PROPERTY: Bolton House, 9 George Mathers Road, comprising 8 properties

- **BRE Guide:** 22 windows do not meet BRE guidance on retained VSC levels and all windows serve single aspect habitable rooms. 5 of the windows will experience losses between 20-29% and 17 will experience losses between 30-38%.
- **Adjusted VSC Target:** 10 windows do not meet the adjusted VSC targets, adversely impacting 6 properties in Bolton House. Retained VSC values for windows range between 12% to 17%.
- **NSL:** 3 rooms do not meet BRE guidance on NSL daylight.

■ PROPERTY: 1 Castlebrook Close

- **BRE Guide:** 2 of the 8 windows do not meet BRE guidance retained VSC levels. It is not known if the windows serve dual aspect rooms.
- **Adjusted VSC Target:** Both of the windows not meeting BRE guidance also do not meet the adjusted target.

■ PROPERTY: 4 Castlebrook Close

- **Annual Probably Sunlight Hours (APSH):** 2 rooms do not meet the BRE APSH guidance.

■ PROPERTY GROUP: 21, 22, 23, 24, 26 and 30 Renfrew Road

- **BRE Guide:** A total of 12 of 36 windows in this group do not meet BRE guidance on VSC levels. All negatively affected windows serve habitable rooms, adversely impacting all 6 properties within this group. 6 of the windows experience losses between 20-29%, 6 of the windows experience losses between 30 and 39.9%.
- **Adjusted VSC Target:** It is noted that 1 window does not currently meet VSC adjusted targets (without the proposed development).
- **NSL:** 3 rooms would not meet BRE NSL daylight guidance.

■ PROPERTY GROUP: 134A, 136, 136A and 138 Brook Drive

- **BRE Guide:** 11 windows do not meet the BRE guidance on target VSC levels, with all windows serving habitable rooms, adversely impacting 3 properties. All 11 windows experience losses between 20-29%.

Planning Application Assessment Addendum

- **Adjusted VSC Target:** 4 windows do not meet the adjusted VSC targets, adversely impacting 4 properties. Retained VSC values for windows range between 12% to 17%.
- **NSL:** With the proposed development, 4 rooms would not meet BRE NSL daylight guidance.

■ PROPERTY : 7 George Mathers Road

- **Annual Probably Sunlight Hours (APSH):** 1 room does not meet the BRE APSH guidance.
- **NSL:** The development would result in 1 room not meeting BRE NSL daylight guidance.

67. Clearly the application would adversely affect a number of surrounding residential properties in terms of their access to daylight. Sixty-four windows would not meet the BRE guidance on retention of at least 27% VSC. Accepting that the site's location in an urban location means that an adjusted level of retained VSC is considered acceptable at neighbouring properties, there is still a significant number of properties that do not meet the minimum adjusted level. The adjusted VSC is 16% for bedrooms and 18% for living rooms and living/kitchen/dining rooms. This is a minimum benchmark. The applicant in its self-prepared Design Brief committed to allowing VSC levels of neighbouring properties to fall below the BRE guidance when it is 'unavoidable and can be justified'. However, the applicant also committed to 'retained values must not be less than 16% VSC in bedrooms and 18% in living rooms'.
68. When applying the adjusted benchmark, a total of 42 windows would fall below the retained minimum 'adjusted' VSC for neighbouring properties. This adversely affects a total of 21 individual properties. The adjusted minimum VSC level is already very low and has been justified due to the site being within a London 'urban area'. For this reason, the adjusted VSC is a 'benchmark' minimum. This is set out by the Inspector of the dismissed Appeal Scheme. It also an agreed minimum accepted by the applicant in its Design Brief for the Application scheme.
69. The NPPF is clear. Proposed developments must provide acceptable living standards to existing dwellings. The London Plan requires developments to provide sufficient daylight and sunlight existing surrounding housing appropriate for its context. The Lambeth Local Plan requires development to not have an unacceptable impact on levels of daylight and sunlight on adjoining properties.
70. The application would result in unacceptable living standards for existing dwellings caused by the loss of daylight to them. Sufficient daylight is not provided to surrounding houses, even when considered in a London urban context as surrounding houses would not receive the adjusted level of VSC considered appropriate at this site. The number of windows that would not meet the adjusted VSC levels would result in the Application having an unacceptable level of daylight and sunlight on adjoining properties. For these reasons, the scheme is also contrary to the NPPF,

Planning Application Assessment Addendum

London Plan Policy D6 and Lambeth Local Plan Policy Q2.

71. The Planning Statement claims⁶ that the Tower has been cut back and changed in size so as to minimise the effect on adjoining residential properties, in particular daylight and sunlight on Wilmot House.
72. However, the sense of enclosure to residents onto George Mathers Road specifically will remain due to the presence and minimal changes to the design, height and siting of the 14-storey Tower. The changes described in paragraph 9.13.5 of the Planning Statement will still result in significant reductions in daylight to the homes in Wilmot House facing the Tower and reductions which the Inspector raised specific concerns to with the proportion of the daylight VSC reductions (paragraphs 57-60 of the Inspector's report)
73. The Applicant in their own Daylight and Sunlight Report (Part 1) makes comparisons in daylight effects for a notional 8 storey scheme against the original 14-storey proposal put forward in 2021 and the 2019 Appeal scheme which are illogical. If those projected outcomes for the various schemes in the comparison are correct, then the proposed VSC reductions for many habitable rooms in this proposal are only marginally better than a notional 8 storey scheme and marginally less harmful than the Appeal scheme. Therefore, the current proposal does not address the severe reductions in VSC identified by the officers and the Inspector.
74. With regards to the claim by the Applicant that a rigid application of the BRE numerical targets would result in a significantly reduced massing form across the site not that not only presents an unviable position but would also prevent the delivery of much needed housing on this site⁷; London Plan 2021 Policy D3 at para 3.3.5 states:

*Developers should have regard to designated development capacities in allocated sites and ensure that the design-led approach to optimising capacity on unallocated sites is carefully applied when **formulating bids** for development sites. The sum paid for a development site is not a relevant consideration in determining acceptable densities and any overpayments cannot be recouped through compromised design or reduced planning obligations.*

Ecology and urban greening

75. London Plan Policy G5: *Urban Greening* requires major development proposals to contribute to the greening of London. It should be a fundamental element of site and building design. Lambeth Local Plan Policy EN1: *Open space, green infrastructure and biodiversity* states that open space and green infrastructure requirements will be met through a number of biodiversity commitments and also applying London Plan Policy G5 in relation to urban greening factor to major developments. Boroughs should develop their own Urban Greening Factor (UGF) to identify the appropriate

⁶ Planning Statement (August 2022), paragraph 2.1

⁷ Planning Statement (August 2022), paragraph 14.5

Planning Application Assessment Addendum

amount of urban greening required in new developments. Currently, Lambeth Local Plan seeks accordance with the London Plan which has a Mayoral recommendation score of 0.4 UGF for residential developments.

76. The Landscape Design and Access Statement calculates that the UGF is 0.38 on a total site area of 7055.59 sqm. However, it has been identified above that the site area is around 0.53 ha as it wrongly includes the Masters House and, further, it includes amenity space south of the building as part of the Cinema Museum's business operations as a café area for its clientele.
77. Therefore, the actual UGF will be significantly less than 0.4 (estimate 0.26) and falls short of London Plan Policy G5 and Lambeth Local Policy EN1.
78. There are other deficiencies with the other environmental information submitted (Ecological Appraisal and Bat Survey completed by Tetra Tech). The Ecological Appraisal notes that some of the buildings at the site have moderate suitability for roosting bats and having potential hibernation roosts. The existing nursing home to be demolished has low potential for roosting bats. Emergence and return to roost surveys have been completed and no roosting bats were identified. However, the current site does have limited habitat with the potential to support foraging and commuting bats. Therefore, mitigation and enhancement measures are recommended including native planting, habitats specific to birds and bats, installing bird nests and bee boxes. To compensate for the loss of buildings with bat roosting potential, and to enhance the site for roosting bats, bat boxes are recommended to be erected in trees or buildings. It is not set out in the application that these recommendations would be employed and the application therefore does not make appropriate mitigation and enhancement for a European Protected Species.

Servicing

79. Lambeth Local Plan Policy Q7 Urban design: new development requires vehicular access and servicing to be designed so as to be safe and well-related to the users of the site and wider adjacent area.
80. The proposed servicing provision is not adequate for the quantum of development and the associated delivery and servicing trips that would serve the number of residential units. Access routes through the site are constrained and convoluted, with limited places to stop and turn. Furthermore, the existing listed gates on Dugard Way are not included in vehicle tracking drawings. Therefore, it is considered that both the application information submitted is incurred and the application is not acceptable in terms of servicing and delivery.
81. Additionally, it is not clear that the London Borough of Southwark has provided consent for the eastern access to the site at Dante Road or assessed the suitability of its local road network for the levels of vehicular traffic that will be generated by the site on roads subject to traffic restrictions including the traffic barrier on Dante Road and the width restriction on Brook Drive.

Planning Application Assessment Addendum

Conclusion

82. This report has demonstrated that the scheme is inconsistent with national policy and the policies of the development plan. Moreover, the information submitted is in places inaccurate, misleading or deficient.
83. The Council has an obligation to be proactive with developers and look to provide creative solutions to support development but it has now seen three versions of a scheme. It is a waste of public money for it to continue negotiation on this scheme. It is urged to refuse the scheme.
84. If the application is to be presented in Planning Committee, we request to appear at the committee.