

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

**Applicant:** Anthology Kennington Stage Ltd

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

# Stop the Blocks Community Action Group Planning Application Assessment

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## 1. Introduction

- 1.1. This report has been prepared on behalf of Stop the Blocks community action group. It is an assessment of planning application Ref: 21/04356/FUL made by Anthology Kennington Stage Ltd to London Borough of Lambeth (LBL). The proposal seeks full planning permission to redevelop the existing Woodlands Nursing Home site at 1 Dugard Way, London to erect a new residential tower of five to 14 storeys, and peripheral mansion blocks of part 3 and part 4 storeys, to provide 155 residential units (the 'Application').
- 1.2. This report has reviewed the documents submitted with the Application and assesses it against pertinent planning policy. This report covers the following topics and planning considerations:
  - Documentation submitted with the application
  - The proposals and the Design Brief
  - Tall building
  - Principle of Development
  - Design
  - Layout, bulk and massing
  - Heritage
  - Daylight and sunlight
  - Impact on neighbouring amenity
  - Ecology and urban greening
  - Servicing
- 1.3. The above considerations are addressed in turn.

## 2. Documentation submitted with the application

- 2.1. The application cannot be determined until two shortcomings with the documentation submitted have been addressed.
- 2.2. Firstly, a Sequential Test and Exception Test is required. The Environment Agency's online Flood Map for Planning confirms that the site is located within Flood Zone 3. The Flood Risk Assessment (FRA) submitted with the application does not include a Sequential Test and Exception Test.
- 2.3. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. The London Plan reiterates national policy and seeks to ensure development proposals comply with the flood risk assessment and management requirements. A sequential approach is required. When the sequential test is considered satisfied, the Exception Test must also be satisfied. Lambeth Local Plan Policy EN5: *Flood Risk* also requires development in Flood Zones 2, 3a and 3b should contribute positively to actively reducing flood risk through avoidance, reduction, management and

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mitigation.

- 2.4. Therefore, to allow the application to be determined, a sequential test is required and the Application is also required to demonstrate compliance with an exceptions test if no other sites within the borough are suitable for this scale of development. Such details have not been provided with the Application and should be submitted to allow the application to be determined.
- 2.5. Secondly, the Application's documentation has not included the existing gates at Dugard Way in the various tracking splays for vehicles servicing the site. The appointed planning case officer will be aware from site inspections that the existing gates have been knocked by other vehicles passing and maneuvering them. The council should have no confidence in the tracking splays and swept path analysis submitted with the Application. Updated drawings should be requested showing the correct splays with the gates in place.
- 2.6. Therefore, it is considered that the application is not able to be determined until the above points have been sufficiently addressed through the submission of appropriate information.

### 3. The Proposals and the Design Brief

- 3.1. The current planning application at the site has been submitted following the refusal at planning appeal (Appeal No: APP/N5660/W/20/3248960) on 7 January 2021 of a previous application at the site. The appeal sought permission for the erection of a 29-storey tower and peripheral blocks to provide 258 residential units. This application was refused on a number of grounds (the 'Appeal Scheme').
- 3.2. The Planning Statement submitted with the Application considers the refused Appeal Scheme. It states that following the planning appeal inquiry, discussions were held with LBL with pre-application discussions commencing in February 2021. The applicant states that a planning performance agreement (PPA) between itself and LBL was put in place. As part of the PPA, the applicant states '*this included a joint agreement to a Design Brief for the site*' (Planning Statement paragraph 4.4.1). The Design Brief appears to be led and prepared by the applicant. According to the Planning Statement, the Design Brief '*set a series of aspirations and parameters for the Site, allowing a degree of certainty, at an early stage, what the LPA might accept on the Site, subject to testing and other policy considerations*' (paragraph 4.4.2). The Planning Statement confirms that '*a formal response was not produced by officers*' to the Design Brief prepared' (paragraph 4.4.3). Therefore, with no agreement or response to the Design Brief by LBL, the Design Brief did not establish what the LPA might accept on the site, did not provide a degree of certainty, and is a developer-led set of targets that have been prepared to the applicant's benefit as a way of attempting to justify a scheme that does not address site specific planning considerations that led the Inspector to refuse the Appeal Scheme.
- 3.3. The Design Brief states that it '*does not set definitive targets which the project must meet*' and that '*proposals should be design-led*'. The Design Brief goes on to state '*However, the design is expected to be able to accommodate in the region of 150 – 200 homes*' if the principles set out in the Design Brief are met. A review of the submitted Application confirms that not all principles in the Design Brief are met:
  - The Application does not ensure that neighbouring external amenity spaces meet BRE guidelines. Some external amenity spaces will not have at least two hours of sunlight covering half of the amenity space on 21st March, failing to meet a BRE guideline.
  - The Application means that habitable rooms of neighbouring properties would be negatively impacted and not meet BRE guidelines in respect of vertical sky component (VSC) and no-sky line (NSL). In some instances, the retained values would be less than 16% VSC in bedrooms and less than 18% in living rooms.

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- Façade to façade distances fall below 18m.
  - The height of the proposals is not limited and is considered to not respond to the surrounding character, exceeding the prevailing heights of the area by at least eight storeys.
  - The listed Water Tower and Masters House have not be given due regard as the Application proposals are located closer to these heritage assets thereby adversely impacting the setting and silhouette of the Water Tower and Masters House. The proposal is also significantly taller than the Water Tower, meaning the Water Tower would not be the tallest feature in the skyline at this location, thereby further harming the appreciation of this heritage asset.
  - The building design is not sympathetic to the local context by way of its height and massing being incongruous to the local context.
- 3.4. The Application scheme does not meet its own Design Brief which appears to have been prepared as a developer's charter with no agreement confirmed by LBL. In this regard, the submitted scheme is not appropriate at this site.

### 4. Tall Building

- 4.1. London Plan Policy D9: *Tall Buildings* states that based on local context, Development Plans should define what is considered a tall building. It goes on to state that boroughs should determine if there are locations where tall buildings may be appropriate. Any such locations and appropriate tall building heights should be identified on maps in the Development Plan. Tall buildings should only be developed in locations that are identified as suitable in Development Plans. Policy D9 goes on to set out prescriptive criteria that tall building proposals should be assessed against. The Policy seeks a transition in scale as between lower surrounding heights and a tall building.
- 4.2. In accordance with the London Plan, the Lambeth Local Plan (adopted September 2021) includes a tall building policy. Lambeth Local Plan Policy Q26: *Tall Buildings* sets out that buildings above 45 metres located at sites north of the South Circular are 'tall buildings' where Policy Q26 applies.
- 4.3. The Planning Statement suggests that the proposal is not for a tall building and that Policy Q26 does not apply. This is on the assertion that '*the proposed development at its tallest point is 44.8m and therefore not defined as a tall building within the meaning of the Lambeth Local Plan or the London Plan*' (Planning Statement paragraph 6.10.11). This is not correct as the Application is for a building exceeding 45 metres.
- 4.4. The planning application form states that the maximum height of building 1 is '46200', i.e. 46.2 metres in height. The drawings and plans submitted with the application of the proposed buildings provide AOD (above ordnance datum) heights of the scheme. As shown on the submitted drawing titled 'North Elevation - Block A' (Ref: LSK-GRID-00-ZZ-DR-A-PL300, Rev: P01) the proposed tallest building (Block A) of 14 storeys is '48690 AOD', i.e. 48.69 metres above AOD. The submitted 'Indicative Levels Plan - Sheet 1 of 2' (Ref: D3055-FAB-00-XX-DR-L-4001, Rev: P01) confirms that the existing level surrounding Block A is 3.40 AOD, and the proposed finished floor level of the tapering planter wall surrounding Block A would range from 3.555 AOD to 3.587 AOD. Using the height of Block A (48.69 AOD) and subtracting the existing level (3.40 AOD) confirms that Block A will be constructed to a height of 45.29 metres. Even when using the amended proposed finished floor levels surrounding Block A (3.555 AOD and 3.587 AOD) the height of proposed Block A is 45.135 metres – 45.103 metres.
- 4.5. The submitted Daylight and Sunlight Assessment prepared by Point 2 includes a model of the proposed scheme (drawing numbers P1870/64 and P1870/65) and shows Block A as having a height of 49940mm AOD,

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i.e. a height of 49.94m AOD. This would make Block A 46.54 metres in height.

- 4.6. The planning application form states the tallest building, Block A, is 46.2 metres tall and the submitted drawings and plans confirm Block A is at least 45.103 metres tall and would be 45.29 metres tall against existing site levels. Therefore, the proposal is for a tall building as defined by the recently adopted Lambeth Local Plan where Policy Q26 applies and London Plan Policy D9 also applies.
- 4.7. The incorrect assertions of the building's height in the Planning Statement undermines other statements and assertions made in the Planning Statement and the submission. The Application is for a tall building and should be assessed against Lambeth Policy Q26 and London Plan Policy D9 and the relevant supporting text. Of note, the Heritage, Townscape and Visual Impact Assessment (LTVIA) submitted with the application does confirm the application is for a tall building and that Policy Q26 applies. At paragraph 4.23 of the LTVIA it states, '*Policy Q26 sets out the Tall Buildings strategy for Lambeth. The Proposed Development incorporates a tall building and is not located within a tall building zone.*'
- 4.8. London Plan Policy D9 states '*Tall buildings should only be developed in locations that are identified as suitable in Development Plans*'. The Lambeth Local Plan, adopted after the London Plan, identifies the locations appropriate for tall buildings which are in parts of Vauxhall and Waterloo that are Opportunity Areas and in Brixton town centre. The Lambeth Local Plan does not identify the Application site a location appropriate for tall buildings. Therefore, the starting point is that this Application for a tall building is not appropriate at the site.
- 4.9. Lambeth Policy Q26 confirms that outside the locations identified as appropriate for tall buildings, '*there is no presumption in favour of tall building development*'. Outside of locations appropriate for tall buildings, the applicant is required to provide a clear and convincing justification for the proposal. The applicant is to demonstrate the appropriateness of the site for a tall building having regard to the impact on heritage assets, the form, proportion, composition, scale and character of the immediate buildings and the character of the local area. In addition, the proposal must address all other parts of Policy A26. Significantly, Policy Q26 states '*proposals for tall buildings will only be considered acceptable in established low rise residential neighbourhoods where they are part of a comprehensive scheme which integrated well with the locality*'.
- 4.10. The site is surrounded by an established low rise residential neighbourhood. This is the conclusion reached by the Inspector to the Appeal Scheme where he described the surrounding local context at paragraph 23. It states, '*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.*'
- 4.11. The proposal for the tall building at this site located within an established low rise residential neighbourhood is not part of a comprehensive scheme. It is a standalone proposal.
- 4.12. As required by Part B of Policy Q26, the applicant has not provided a clear and convincing justification to demonstrate the appropriateness of the site for a tall building. It is considered that the proposal would have a negative impact on heritage assets due to its proximity and overbearingness on the setting of the Grade II Listed Water Tower. The proposal would not respond to the surrounding context, being at odds and incongruous with the form, proportion, composition, scale and character of the immediate buildings and the character of the local area.
- 4.13. Therefore, the proposal is not considered acceptable and does not accord with the requirements of Policy Q26 and specifically part B(i).

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### 5. Principle of Development

- 5.1. The site is not allocated for housing development in the Lambeth Local Plan. The principle of residential use of the site is not established. The current use of the site in planning terms is Use Class C2 residential institution. The Woodlands nursing home is a health care facility. Lambeth Plan Policy H8: *Housing to meet specific community needs* resists the loss of existing housing which meets identified specific community needs, unless it is demonstrated that the accommodation is no longer needed and new accommodation will instead meet another identified priority local need, or the existing floorspace will be adequately re-provided to an equivalent or better standard on-site or elsewhere in the borough.
- 5.2. The site has not been in use for several years. This is not disputed. It is for LBL to come to a view as to whether the accommodation is no longer needed and to satisfy itself that no new accommodation is needed to meet an identified priority need. Only once the loss of C2 use of the site is considered acceptable should other uses of the site be considered.
- 5.3. Lambeth Local Plan Policy H1: *Maximising housing growth* supports the delivery of housing on 'suitable' brownfield sites. Development is encouraged 'on appropriate windfall sites not identified in the development plan'. The site has no allocation for housing. Therefore it is considered as a windfall site. However, this does not result in the principle of the development proposed in the Application being established. The site must be an 'appropriate windfall site' for the development proposed.
- 5.4. The proposed development is for a tall building. Supporting text paragraph 10.130 sets out the requirements of assessing applications for tall buildings at windfall sites. It is very significant to this application and it is repeated in full:

From time to time windfall sites may provide the opportunity for tall building development in locations that have not been anticipated through the plan-led process. Part (b) of this policy [Policy Q26] is intended to deal with these situations. It should be recognised that outside the Annex 10 locations there is not a presumption in support of tall development and therefore, in these instances, the onus will be upon the applicant to fully meet all of the policy tests. Where it is proposed to bring forward proposals under part (b) the verified technical evidence supporting that approach and the proposal should be independently reviewed by the DRP at master-planning stage and again at detailed design stage during the pre-application process. The Design Code SPD provides further guidance on heritage impact assessments. Applicants will also be required to seek Historic England's pre-application advice. (Lambeth Local Plan paragraph 10.130)

- 5.5. The Lambeth Local Plan is explicit that Part B of Policy Q26 deals with applications of tall buildings at windfall sites. There is no presumption in support of the Application at the site as it is for a tall building at a windfall site. The applicant is to demonstrate the proposal fully meets all the policy tests. The emerging proposals are required to be independently reviewed by the design review panel (DRP) at master-planning stage. The proposal is also required to be independently reviewed by DRP during the pre-application process. Historic England's advice is also a requirement at pre-application stage.
- 5.6. The pre-submission proposal was for a building comprising 16 storeys. It would have substantially exceeded the 45m tall building requirement. There is no evidence that the pre-submission proposal has undergone review by the design review panel as required by Policy Q26. In its pre-application response, the Greater London Authority (GLA) states the London Plan Policy D4 would require the applicant to demonstrate that the proposal had been subject to DRP process as the proposal is defined as a tall building by LBL.
- 5.7. It is demonstrated in section 3 above that the Application proposal is for a tall building and Lambeth Local Plan Policy Q26 fully applies. Supporting text paragraph 10.130 confirms that at windfall sites, which this site is,

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proposed tall buildings are assessed alongside Policy Q26 and specifically Part B. It has been demonstrated at section 3 that the Application does not accord with Policy Q26 for the several reasons stated. The Application does not meet the requirements of Policy Q26 Part B. No clear and convincing justification has been provided to demonstrate the appropriateness of the site for a tall building. The proposal would have a negative impact on heritage assets including the setting of the Grade II Listed Water Tower. The proposal would not respond and be incongruous with the form, proportion, composition, scale and character of the immediate surrounding buildings, context and the character of the local area.

- 5.8. The current use of the site is Use Class C2 residential institution. The site is not allocated or identified in the development plan for residential Use Class C3 use. Therefore the site is a windfall site. The Application is for a tall building. Policy Q26 and specifically Policy Q26 Part B is required to be met to establish the acceptability of tall buildings at windfall sites. It is considered that the Application does not accord with Policy Q26. Therefore, the use of the site for a tall building and Use Class C3 residential use is not acceptable in planning policy terms and the principle of the proposed development at the site has not been established.

### 6. Design

- 6.1. The proposal is for a tall building of at least 45 metres in height. The proposal is for 155 dwellings on a site area of 0.7 hectares (Planning Statement paragraph 3.1.1). However, part of the site is occupied by The Masters House and should be excluded when calculating the net area for development to determine the density of the site. With the Masters House excluded, the site area is about 0.51 hectares as confirmed by the Inspector in the Appeal Decision (paragraph 30) for the previous scheme at the same site. The Application proposal has a density of 304 units per hectare.
- 6.2. Based on the height of the Application exceeding Lambeth Local Plan's definition of a tall building, London Plan Policy D4 Part D applies which requires the design of the development proposals to be thoroughly scrutinised by borough planning, urban design, and conservation officers. Part D of Policy D4 would apply in any respect, as the application is referable to the Mayor as the proposal exceeds 150 dwellings.
- 6.3. There is no evidence that the proposal has undergone at least one design review before the application is made. The Application does not demonstrate that it has undergone a local borough process of design scrutiny.
- 6.4. The applicant in its Planning Statement suggests that London Plan Policy D4 has limited application and the design scrutiny afforded to the proposals is lesser than the standards required by Policy D4. The Planning Statement states 'As a mid-rise building, the specific policies around tall buildings no longer apply' (paragraph 6.13.1). This is not correct, the Application is for a tall building and Lambeth Local Plan Policies on tall buildings do apply.
- 6.5. The Planning Statement goes onto assert the following:

...nonetheless the London Plan places great weight on good design. Policy D4 places great importance on design scrutiny, particularly on developments with a density in excess of 350 units per hectare, or a tall building, with the supporting text quantifying what might be scrutinised as part of the process, including layout, scale, height, density, land uses, materials, architectural treatment, detailing and landscaping. (Planning Statement paragraph 6.13.1)

Given that there is a threshold, it is not unreasonable to suggest that the threshold has meaning and that 350 units per hectare is a benchmark of density reasonableness, with the corollary that while design scrutiny is important on all buildings, the test is less so on buildings not defined as tall, or below the density benchmark. This development does not come within the definition of a tall building and is below 350 ha, and therefore the lesser test applies. Of course, this is not to say that all development proposals

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should not be subject to a level of scrutiny appropriate to the scale and/or impact of the project, and this is a proposal of the highest design quality. (Planning Statement paragraph 6.13.2)

- 6.6. The London Plan places great weight on good design, particularly developments of more than 150 units and tall buildings where layout, scale, height, density, materials, architectural treatment and detailing and landscaping are scrutinised intensely to ensure the proposal is correct and appropriate at its location. It is not correct for the applicant to state the development is not within the definition of a tall building. The Application is for a building exceeding 45 metres. It is a tall building meeting Lambeth's definition. Therefore, it is not correct to state that a lesser test applies to assessing the proposals. The Application also exceeds 150 dwellings and is referable. Therefore, the London Plan attributes the highest level of design scrutiny to this Application.
- 6.7. The Application is not considered appropriate at the site for a number of planning reasons set out in this report. The Application does not accord with London Plan Policy D4 and Local Plan Policy Q26 as it has not been considered by design review panel. As required by London Plan Policy D4, design of development proposals should be thoroughly scrutinised by borough planning, urban design and conservation officers. It is requested that prior to the Application being determined, proper and thorough scrutiny of the Application and its design in terms of layout, scale, height, density, materials, architectural treatment and detailing and landscaping is completed. The result of design assessments of the Application scheme is then required to inform if the Application is considered acceptable.
- 6.8. In the interests of keeping this report succinct, not all design aspects are reviewed. However, comments are provided on key failures of the scheme.
- 6.9. The Design and Access Statement states that the detailing of Block A is inspired by the adjacent Water Tower, but similarities have been made in the simplest, most diagrammatic and abstract of ways. The motif of the arched form has been 'extracted' and applied to the façade treatment of the new tower in a token reference to its context. The arches have no meaning, and have been deployed as a motif at the crown and base of the tower, with no structural weight or detailing. There is a poor relationship between the arches and the rest of the building's fabric. It is clear from the drawings that there is a mismatch between the window openings of the flats and the spacing of the arches with no attempt to reconcile the spatial arrangement of the flats with the rhythm and scale of the arch supports. Furthermore, the window openings on the top floor are not aligned with the top of the arches, and the inset balconies at the corners de-materialise the arched forms, with the unfortunate effect of making them look 'stuck on'.
- 6.10. Plan and the elevation treatments of Block A are mismatched. There is no integrity of design idea which has resulted in a cosmetic and crude imitation of the listed building that both detracts from quality of Block A and negatively impacts the existing Water Tower. The claim on page 58 of the Design and Access Statement that Block A has been designed with '*an interesting and distinctive crown*' is bizarre, and is not backed-up by what has actually been submitted.
- 6.11. The perimeter blocks are bulky and diagrammatic and considered to be of poor quality, lowest common denominator, design. They have very little in the way of detail to enliven them. The heavy metal seam-clad top floor appears heavy and at odds with the rest of the scheme meaning there is no unifying element to any of the proposed buildings. The claim that the proposed design maintains the height of the buildings at 3 storeys tall is false. There is also no trace of '*townhouse proportions*' in their design expression, although this claim is made in the Design and Access Statement.
- 6.12. Lambeth Policy Q7: *Urban design: new development* states that '*new development will generally be supported if: i) it is of a quality design which is visually interesting, well detailed, well-proportioned with adequate detailing/architectural interest; ii) it has a bulk, scale/mass, siting, building line and orientation which*

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*adequately preserves or enhances the prevailing local character*. The perimeter blocks are not well-proportioned, or visually interesting. They are considered to be unarticulated drawings with no design idea carried through into the details.

- 6.13. The play space layout is poor. It is located adjacent to the through-road which is a key flaw as it will provide no opportunity for children to kick a ball about safely.

### 7. Layout, bulk and massing

- 7.1. London Plan Policy D3: *Optimising site capacity through the design-led approach* requires development to be design-led and to positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing building types, forms and proportions. Lambeth Local Plan Policy Q5: *Local Distinctiveness* requires development to have a creative and innovative contextual response to positive aspects of the locality and historic character in terms of urban block grain, patterns of space and relationship, townscape/landscape character, built form and bulk, scale, height and massing, siting, orientation and layout and relationship with other buildings and spaces. Where development proposals deviate from locally distinct development patterns, it is required to be shown that the proposal clearly delivers design excellence and will make a positive contribution to its local and historical context. Lambeth Local Plan Policy Q7: *Urban design: new development* requires new development to adequately preserve or enhance the prevailing local character through its bulk, scale/mass, siting, building line and orientation.
- 7.2. The Application's layout 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.
- 7.3. 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 five-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.
- 7.4. The southern elevation of Block A is, at its closest point, 8.8 metres from the existing Grade II Listed Water Tower building and its amenity space. In some instances it reaches 14.2 metres. 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 metres 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.
- 7.5. Proposed Blocks F, E and D are located along the western boundary and comprise 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 18.1 metres – 19.1 metres (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 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 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. This is an indication that the layout of the development is not suitable.



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- 7.6. Proposed Block A, a 14 storey tower, would introduce a substantial tall building in close proximity to the existing Grade II Listed Water Tower. The effect of this is considered to negatively impact the setting of the Listed Building.
- 7.7. Due to the poor layout of the Application combined with the height of the proposed buildings, it is considered that the scheme is not acceptable in planning terms. The existing local distinctive features are low rise developments set and orientated around heritage assets that complement and enhance the heritage assets. London Plan Policy D3 requires development to positively respond to local distinctiveness. The Application does not respond positively to local distinctiveness. Its layout, orientation, scale, appearance and shape do not have regard to existing buildings surrounding the site. The Application does not have regard to the form and proportion of existing 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. 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 Application has poor urban block grain with limited circulation within the development and a layout that negatively impacts the existing surrounding urban grain. The Application does not respect the space and relationship it has with the existing built form. The Application does not accord with the prevailing built form, bulk, scale, height and massing of existing buildings. Instead, the Application introduces new buildings that due to their height, mass, scale, layout and proximity with existing buildings is an inappropriate development at the site deviating from the locally distinct pattern of development at this location. 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. For the reasons stated, the Application 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.

## 8. Heritage

- 8.1. The Application site is located partly within a Conservation Area, includes the Grade II Listed Master's House within its application boundary, is located 14.2 metres from the Grade II Listed Water Tower, and is within close proximity of several surrounding conservation areas and listed buildings.
- 8.2. 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.
- 8.3. 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. 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.
- 8.4. 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

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by Montagu Evans.

- 8.5. The AHDBA assessed the impacts of the Application 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 effect upon the setting of the asset.'* (Page 28)
- 8.6. 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.
- 8.7. 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.
- 8.8. 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.'* The HTVIA suggests 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 9.35).
- 8.9. The HTVIA suggests the following about the impact of the Application 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 9.30). 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 9.34).
- 8.10. The findings of the HTVIA is 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.

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- 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 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)

- 8.11. The HTVIA suggests 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 this Application being 14 storeys when compared to the previous Appeal Scheme which was for 28 storeys. The Application would introduce 14 storeys of built form in 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 18 metres 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.
- 8.12. 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 bennef*' (HTVIA paragraph 9.14). The HTVIA suggests that the harm identified is capable of being outweighed by such benefits. This is for LBL to consider as part of its assessment of the Application.
- 8.13. It is considered that contrary to the suggestions of the HTVIA, and as concluded by the AHDBA, the Application would have a negative impact on the settings of the Listed Water Tower and Master's House. There is also harm caused by the Application to the Renfrew Road Conservation Area. The degree of harm is for LBL to determine. In any event, Paragraph 202 of the National Planning Policy Framework 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.
- 8.14. The Application will have a negative impact on heritage assets, including two Grade II Listed Buildings (the

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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 affect listed buildings, the Application will not conserve and will harm the setting of listed buildings including views to and from listed buildings. The Application negatively impacts Renfrew Road Conservation Area contrary to Lambeth Local Plan Policy Q22. The Application 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.

### 9. Daylight and sunlight

- 9.1. At a national level, paragraph 125 of the NPPF 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.
- 9.2. Policy D6: *Housing Quality and Standards* of the London Plan requires the design of development to provide sufficient daylight and sunlight to both new and existing surrounding housing that is appropriate for its context. Lambeth Local Plan Policy Q2: *Amenity* 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.
- 9.3. The Building Research Establishment (BRE) sets out that access to daylight and sunlight is a vital part of a healthy environment. Sensitive design should provide sufficient daylight and sunlight to new housing while not obstructing light to existing homes nearby. 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 is a measure of the amount of diffuse daylight reaching a window.
- 9.4. The planning appeal decision for the previous refused scheme at the site provides the benchmark for assessing loss of daylight and sunlight to existing homes surrounding the site.
- 9.5. In his appeal decision, the Inspector sets out that the BRE Guide 'Site Layout Planning for Daylight and Sunlight – A guide to good practice', published in 2011, 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. The guide advises that if a proposed development would reduce VSC to below 27%, and if the reduction is less than 0.8 times its value before development (i.e. more than 20%), then occupants of a room day lit by that window would be likely to notice the reduction in daylight.
- 9.6. 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. 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 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.
- 9.7. Importantly, the Inspector has established an agreed amended minimum 'benchmark' percentage for a VSC appropriate for the site and its surroundings. The established minimum benchmark for the site which must be

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applied is 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 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:

- 9.8. The appeal decision has set out a benchmark level for VSC that must be applied to existing bedrooms and living rooms and combined living/kitchen/dining rooms. The Inspector applies this benchmark as a minimum that is to be met. 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.

- 9.9. The application is accompanied by a Daylight, Sunlight and Overshadowing Report prepared by Point 2 (the Point 2 Report). Significantly, the Point 2 Report 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 VCS 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.
- 9.10. The Point 2 Report is a specialist report assessing the scheme. Interpreting the report in minute-detail can be left for an expert who is able to analyse reams of values and modelling output information. However, there are a number of areas where it is possible to accurately 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.
- 9.11. A review of the Point 2 Report 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.
- 9.12. Below is a summary of over 30 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. 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.

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

#### ■ **PROPERTY: Willmot House, 5 George Mathers Road, comprising 7 properties**

- **BRE Guide:** 18 windows do not meet BRE guidance on retained VSC levels and 18 windows serve habitable rooms. Of the windows affected, 14 of 18 windows serve single aspect rooms.
- **Adjusted VSC Target:** 13 windows do not meet the adjusted VSC targets, adversely impacting 7 properties. Retained VSC values for these windows range between 6% for a single aspect living room to 17%.
- **NSL:** 11 rooms do not meet BRE guidance on NSL daylight.

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

- **BRE Guide:** 26 windows do not meet BRE guidance on retained VSC levels and all windows serve single aspect habitable rooms.
- **Adjusted VSC Target:** 22 windows do not meet the adjusted VSC targets, adversely impacting all 8 properties in Bolton House. Retained VSC values for windows range between 12% to 17%.
- **NSL:** 4 rooms do not meet BRE guidance on NSL daylight.

#### ■ **PROPERTY: 1 Castlebrook Close**

- **BRE Guide:** 2 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 Castlebook Close**

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

#### ■ **PROPERTY: Freeman House, 10 George Mathers Road**

- **BRE Guide:** 3 windows on 3 different properties do not meet BRE guidance, all serving habitable rooms.
- **Adjusted VSC Target:** All 3 windows that do not do not meet the BRE guidance also do not meet the adjusted target, adversely impacting 3 properties.

#### ■ **PROPERTY GROUP: 140, 141, 142 Brook Drive**

- **BRE Guide:** 2 windows do not meet the BRE guidance on VSC levels.
- **Adjusted VSC Target:** Both windows that do not meet the BRE Guidance also fail to meet the adjusted agreed VSC target
- **Annual Probably Sunlight Hours (APSH):** 1 room does not meet the BRE APSH guidance.

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### ■ PROPERTY GROUP: 20, 21, 22, 23, 24, 26 and 30 Renfrew Road

- **BRE Guide:** A total of 15 windows in this group do not meet BRE guidance on VSC levels. All negatively affected windows serve habitable rooms, adversely impacting 6 properties within this group.
- **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:** 14 windows do not meet the BRE guidance on target VSC levels, with all windows serving habitable rooms, adversely impacting 4 properties.
- **NSL:** With the proposed development, 6 rooms would not meet BRE NSL daylight guidance.

### ■ PROPERTY : 7 George Mathers Road

- **BRE Guide:** 2 windows of this single house would not meet VSC levels set out in BRE guidance, and both windows each serve a habitable room.
- **NSL:** The development would result in 1 room not meeting BRE NSL daylight guidance.

### ■ PROPERTY: Limelight House

- **NSL:** 1 room does would not meet BRE NSL daylight guidance.

9.13. A review of the Point 2 Report confirms that the Application would adversely affect a number of surrounding residential properties in terms of their access to daylight. There would be 82 windows not meeting 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'.

9.14. 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 20 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.

9.15. 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

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unacceptable impact on levels of daylight and sunlight on adjoining properties.

- 9.16. 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 Application is contrary to the NPPF paragraph 125, London Plan Policy D6 and Lambeth Local Plan Policy Q2. For this reason, the Application should be refused.

### 10. Impact on neighbouring amenity

- 10.1. London Plan Policy D9: *Tall Buildings*, applies to this proposal as the building is taller than 45m which Lambeth defines as the benchmark for a 'tall building' within the northern part of the borough. Policy D9 requires development proposals for tall buildings to address the impacts it would have on daylight and sunlight penetration around the proposed tall building and the neighbourhood. The policy requires tall building developments to carefully consider and not compromise the comfort and the enjoyment of open spaces around proposed tall buildings. Lambeth Local Plan Policy Q2: *Amenity* only supports development if it would not have an unacceptable impact on levels of daylight and sunlight on adjoining property's gardens or outdoor spaces.
- 10.2. The application is accompanied by a Daylight, Sunlight and Overshadowing Report prepared by Point 2 (the Point 2 Report). The Point 2 Report provides details of the methodology for assessing the daylight and sunlight amenity spaces and gardens will experience. The Building Research Establishment (BRE) sets out that access to daylight and sunlight is a vital part of a healthy environment. The BRE Guidance, as repeated in the Point 2 Report, states '*Good site layout planning for daylight and sunlight should not limit itself to providing good natural light inside buildings. Sunlight in the space between buildings has an important effect on the overall appearance and ambience of a Development*' (Point 2 Report paragraph 4.28). The assessment of a proposed development and the resulting hours of sun on the ground applies both to new gardens and amenity areas, and to existing gardens and amenity areas which are affected by new developments. This is confirmed in the Point 2 Report.
- 10.3. The BRE provides guidance on how to assess the adequacy of sunlight that gardens and amenity spaces experience. The BRE guidelines recommends that for a garden or amenity area to appear adequately sunlit throughout the year, at least half of the garden area should receive at least two hours of sunlight on 21st March. If as a result of a new development the garden or amenity area does not achieve this, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.
- 10.4. The Point 2 Report confirms that the methodology it has utilised for assessing overshadowing on open spaces is the sun-on-ground indicator.
- 10.5. The Point 2 Report states that it has assessed existing gardens and how they could be impacted by the Application. The Point 2 Reports confirms that the use of specialist software has been used and that the path of the sun has been tracked mapping obstructions and comparing it with the known sun paths to determine where the sun would reach the ground and where it would not. The location of the sun on 21st March has been used, the Spring Equinox, as recommended by BRE guidelines.
- 10.6. The completed garden amenity assessment is included in the Point 2 Report. The Report confirms that nine gardens of existing properties would not meet the BRE guidelines. As a negative result of the Application, the gardens of nine existing homes would be adversely impacted and either receive less than two hours of sunlight on 21st March, or the sunlight the garden would experience due to the Application would be less than 0.8



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times its former value. The homes that would be adversely affected and not meet the BRE guidance are stated to be the following in the Point 2 Report:

- 1, 2, 3 and 4 Castlebrook Close
- 134A, 136 and 136A Brook Drive
- 7 and 8 George Mathers Road

10.7. The Point 2 Report states that four gardens (134A, 136, 136A Brook Drive and 2 Castlebrook Close) that would fail to meet the BRE guidelines for direct sunlight requirement would be compliant within four additional days after 21st March. 1 Castlebrook Close experiences a reduction in sunlight to its garden that is greater than 0.8 times its former value which is considered to be a notable reduction in sunlight. It does retain more than 2 hours of sunlight across more than half of its garden on 21st March.

10.8. Two further gardens (3 and 4 Castlebrook Close) that fail to meet BRE guidelines would need to wait until 10th and 15th April to gain 2 hours of sunlight to at least 50% of their gardens.

10.9. Significantly, the gardens of 7 and 8 George Mathers Road are impacted to such an extent by the Application, each garden would receive no direct sunlight on 21st March.

■ **7 George Mathers Road:** It would take until 15th May each year for the garden of 7 George Mathers Road to receive 2 hours of direct sunlight across half of the garden area. This means the garden of 7 George Mathers Road, its private amenity space, would experience only 72 days each year – 19.7% of the year – of having more than 2 hours direct sunlight. On 15th May when the garden would finally receive at least 2 hours of sunlight across at least half of its area, it would experience 23.7% less sunlight with the Application than it currently experiences. This is a notable reduction in sunlight according to BRE guidelines.

■ **8 George Mathers Road:** The application causes the garden of 8 George Mathers Road to receive no direct sunlight on 21st March. Whilst this garden currently experiences restrictions in the amount of direct sunlight it receives, on 21st June 98.3% of the garden does experience direct sunlight. This is higher than the amount of direct sunlight the neighbouring property 7 George Mathers Road currently experiences. However, as a result of the Application, the total area of the garden receiving at least 2 hours of direct sunlight on 21st June is only 22.4%. This is a 77.2% reduction in the area of the garden that experiences direct sunlight on 21st June.

10.10. The Point 2 Report states that the availability of sunlight on 21st June '*demonstrates the sunlight available mid-summer which is representative of when these areas are most likely to be in use*' (Point 2 Report paragraph 9.18). With this being the case, the Application renders the use of 8 George Mathers Road garden almost, if not completely, unusable.

10.11. The London Plan Policy D9 on tall building development requires proposals for tall buildings to address the impacts it would have on daylight and sunlight penetration around the proposed tall building and the neighbourhood. Tall building developments must not compromise the comfort and the enjoyment of open spaces. Lambeth Local Plan Policy will not support development if it would have an unacceptable impact on levels of daylight and sunlight on adjoining property's gardens or outdoor spaces.

10.12. At its methodology section, the Point 2 Report confirms that it is common practice to assess daylight and sunlight by reference to the guidelines set out in the 2011 Building Research Establishment (BRE). The Point 2 Report states that the BRE guidelines are widely accepted by planning authorities, including Lambeth Council

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as the means by which to consider the effect of development on the daylight and sunlight.

- 10.13. The BRE guidelines are the benchmark for assessing the impact proposed development would have on existing residential amenity spaces and gardens. The Application would impact negatively on nine existing gardens to such an extent that the BRE guidelines are not met. Even with the removal of four existing gardens from this number as within four-days of the benchmark date they would accord with the BRE guidelines, five existing gardens would fail to meet the BRE guidelines due to the Application.
- 10.14. The Application would have notable negative impacts on the gardens of 1, 3 and 4 Castlebrook Close, and 7 and 8 George Mathers Road. Significantly, 7 George Mathers Road would experience only 72 days each year – 19.7% of the year – of having more than 2 hours direct sunlight across half or more of its garden. This is well below the BRE guidelines and benchmark. Even greater negatively affected is 8 George Mathers Road which would experience no direct sunlight to its garden on 21st March. It would only receive 2 hours of direct sunlight to 22.4% of its garden area on 21st June. Currently, it experiences 2 hours of sunshine to 98.3% of its garden area on 21st June. The Application causes a reduction of 77.2% to the area of the garden that experiences direct sunlight on 21st June. This is a significant negative impact of the Application on an existing private amenity space.
- 10.15. The Application would have negative impacts on sunlight penetration around the proposed tall building and neighbourhood. The Application proposing a tall building would compromise and negatively impact the comfort and enjoyment of open spaces. The Application would not accord with London Plan Policy D9. It is considered that the Application would have an unacceptable impact on the levels of sunlight on adjoining property's gardens and outdoor spaces. The Application would not accord with Lambeth Local Plan Policy Q2. Therefore, it is considered that the Application is not acceptable due to its negative impact on surrounding property's amenity spaces.

## 11. Ecology and urban greening

- 11.1. London Plan Policy G5: *Urban Greening* requires major development proposals, which this Application is, 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 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.
- 11.2. The application is accompanied by an 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 does not appear to include these proposed mitigation and enhancement features.
- 11.3. The Ecological Appraisal includes London Plan Policy G5: *Urban Greening* in its report. The Appraisal also recommends that green roofs and living walls should be considered. However, it does not appear that an Urban Greening Factor assessment has been completed for this application. As a residential proposal, a UGF

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of 0.4 is the target that should be met. Currently, there is no UGF completed to demonstrate how the Application performs against the requirements of London Plan Policy G5. Therefore, the application cannot be said to accord with Policy G5 and it does not accord with Lambeth Policy EN1, which also requires major development to comply with the London Plan requirements on urban greening.

- 11.4. Therefore, it is considered the Application is not acceptable due to not including a UGF and not meeting the requirements of the London Plan and Lambeth Local Plan in respect of urban greening and ecological enhancements.

### 12. Servicing

- 12.1. 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. Policy Q26 Tall buildings requires tall building proposals to demonstrate that the site can accommodate the uses and quantum of the development proposed in terms of meeting acceptable standards of access, transport accessibility and servicing. It is considered that the Application's delivery and 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 submitted with the Application. A planning condition attached to an existing planning permission for the adjacent existing residential scheme requires the Dugard Way gates to be closed between set times. This would restrict delivery and servicing to the Application. Therefore, it is considered the Application is not acceptable in terms of servicing and delivery.

### 13. Summary and Conclusion

- 13.1. This report has been prepared on behalf of Stop the Blocks community action group. It has assessed the Application made by Anthology Kennington Stage Ltd to London Borough of Lambeth (LBLE). The Application seeks full planning permission to redevelop the existing Woodlands Nursing Home site at 1 Dugard Way, London to erect a new residential tower of five to 14 storeys, and peripheral mansion blocks of part 3 and part 4 storeys, to provide 155 residential units.
- 13.2. This report has reviewed the documents submitted with the application and assessed the proposal against pertinent planning policy. It has concluded that the Application is not considered acceptable in planning terms for a number of reasons.

#### (i) Inadequate information

This report has shown that there is insufficient information provided to determine the application. A policy compliant flood risk assessment including a sequential test and exception test is required. The Application also requires corrected drawings that include the existing gates at Dugard Way to be shown and tracking and visibility splays should be updated.

#### (ii) A tall building is not acceptable at this location

The Application is for a tall building as Block A exceeds 45 metres in height and therefore is identified as an application for a tall building in Lambeth Local Plan Policy Q26. The proposed tall building would be located within an established low rise residential neighbourhood and is not part of a comprehensive redevelopment scheme. It is a standalone proposal. No clear and convincing justification has been provided to demonstrate the appropriateness of the site for a tall building. The proposal would have a negative impact on heritage assets including the setting of the Grade II Listed Water Tower. The proposal would not respond and be incongruous with the form, proportion, composition, scale and character of the immediate surrounding buildings, context and the character of the local area. Therefore,

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the proposal is not considered acceptable and does not accord with the requirements of Lambeth Local Plan Policy Q26 and specifically part B(i).

**(iii) Principle of residential use of the site is not established**

The current use of the site is Use Class C2 residential institution. The site is not allocated or identified in the development plan for residential Use Class C3 use. Therefore the site is a windfall site. The Application is for a tall building. Policy Q26 and specifically Policy Q26 Part B is required to be met to establish the acceptability of tall buildings at windfall sites. It is considered that the Application does not accord with Policy Q26. Therefore, the use of the site for a tall building and Use Class C3 residential use is not acceptable in planning policy terms and the principle of the proposed development at the site has not been established.

**(iv) The application does not meet good design requirements and has not been considered by Design Review Panel**

The London Plan places great weight on good design, particularly developments of more than 150 units and tall buildings where layout, scale, height, density, materials, architectural treatment and detailing and landscaping are scrutinised intensely to ensure the proposal is correct and appropriate at its location. The London Plan attributes the highest level of design scrutiny to this Application.

The Application does not accord with London Plan Policy D4 and Local Plan Policy Q26 as it has not been considered by design review panel. As required by London Plan Policy D4, design of development proposals should be thoroughly scrutinised by borough planning, urban design and conservation officers. It is requested that prior to the Application being determined, proper and thorough scrutiny of the Application and its design in terms of layout, scale, height, density, materials, architectural treatment and detailing and landscaping is completed. The result of design assessments of the Application scheme is then required to inform if the Application is considered acceptable.

**(v) Layout, bulk and massing considered unacceptable**

Due to the poor layout of the Application combined with the height of the proposed buildings, it is considered that the scheme is not acceptable in planning terms. The existing local distinctive features are low rise developments set and orientated around heritage assets that complement and enhance the heritage assets. London Plan Policy D3 requires development to positively respond to local distinctiveness. The Application does not respond positively to local distinctiveness. Its layout, orientation, scale, appearance and shape do not have regard to existing buildings surrounding the site. The Application does not have regard to the form and proportion of existing 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. 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 Application has poor urban block grain with limited circulation within the development and a layout that negatively impacts the existing surrounding urban grain.

The Application does not accord with the prevailing built form, bulk, scale, height and massing of existing buildings. The Application introduces new buildings that due to their height, mass, scale, layout and proximity with existing buildings is an inappropriate development at the site deviating from the locally distinct pattern of development at this location. 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. Therefore, the Application does not accord with the requirements of London Plan Policy D3 and Lambeth Local Plan Policy Q5 and Q7.

**(vi) Heritage impacts are not considered acceptable**

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The Application 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, the Application will not conserve and will harm the setting of listed buildings including views to and from listed buildings. The Application negatively impacts Renfrew Road Conservation Area contrary to Lambeth Local Plan Policy Q22. The Application 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.

The degree of harm is for LBL to determine. In any event, Paragraph 202 of the National Planning Policy Framework is engaged. The impact of the Application on heritage assets is to be balanced against the benefits of the scheme. 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. Therefore, it is considered that the Application is not acceptable in heritage terms.

### **(vii) Negative impacts to existing residential property's daylight and sunlight considered not acceptable**

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.

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 Application is contrary to the NPPF paragraph 125, London Plan Policy D6 and Lambeth Local Plan Policy Q2. For this reason, the Application should be refused.

### **(viii) Unacceptable negative impact on neighbouring amenity**

The Application would have notable negative impacts on the gardens of 1, 3 and 4 Castlebrook Close, and 7 and 8 George Mathers Road. Significantly, 7 George Mathers Road would experience only 72 days each year – 19.7% of the year – of having more than 2 hours direct sunlight across half or more of its garden. This is well below the BRE guidelines and benchmark. Even greater negatively affected is 8 George Mathers Road which would experience no direct sunlight to its garden on 21st March. It would only receive 2 hours of direct sunlight to 22.4% of its garden area on 21st June. Currently, it experiences 2 hours of sunshine to 98.3% of its garden area on 21st June. The Application causes a reduction of 77.2% to the area of the garden that experiences direct sunlight on 21st June. This is a significant negative impact of the Application on an existing private amenity space.

The Application would have negative impacts on sunlight penetration around the proposed tall building and neighbourhood. The Application would compromise and negatively impact the comfort and enjoyment of open spaces. The Application would not accord with London Plan Policy D9. It is considered that the Application would have an unacceptable impact on the levels of sunlight on adjoining property's gardens and outdoor spaced. The Application would not accord with Lambeth Local Plan Policy Q2. Therefore, it is considered that the Application is not acceptable due to its negative impact on surrounding property's amenity spaces.

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### (ix) Ecology and urban greening require further consideration

The application is accompanied by an Ecological Appraisal and Bat Survey. It notes that some of the buildings at the site have moderate suitability for roosting bats and having potential hibernation roosts. The site also has limited habitat with the potential to support foraging and commuting bats. Therefore, mitigation and enhancement measures are recommended to compensate for the loss of buildings with bat roosting potential, and to enhance the site for roosting bats. However, it is not set out in the Application that these recommendations would be employed and the Application does not appear to include these proposed mitigation and enhancement features.

There is no Urban Greening Factor completed to demonstrate how the Application performs against the requirements of London Plan Policy G5. Therefore, the application cannot be said to accord with Policy G5 and it does not accord with Lambeth Policy EN1, which also requires major development to comply with the London Plan requirements on urban greening.

Therefore, it is considered the Application is not acceptable due to not including a UGF and not meeting the requirements of the London Plan and Lambeth Local Plan in respect of urban greening and ecological enhancements.

### (x) Servicing and deliveries

It is considered that the Application's delivery and 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 submitted with the Application. It is necessary for the Application to demonstrate that it can be serviced safely without causing damage to the listed gates at Dugard Way.

13.3. This report has demonstrated that that the Application is not considered acceptable for a number of planning reasons. The site is not suitable for the location of a tall building. The principle of a residential use of the site has not been established through the proposals in the Application. The Application engages London Plan policies which require the highest design scrutiny and for the Application to be considered by Design Review Panel. It is considered the design is not appropriate in its current form and the Application has not been considered by Design Review Panel. Therefore, it cannot currently be determined. The Application will negatively impact on the Grade II Listed Water Tower and Master's House and Renfrew Road Conservation Area. It is not considered acceptable in heritage terms. The Application will negatively impact the daylight and sunlight within habitable rooms of surrounding properties below BRE guidelines and below adjusted minimum benchmark levels. Therefore, the Application is not acceptable for its impact on daylight and sunlight. It will cause the loss of sunlight to surrounding existing gardens to an extent that the Application fails to meet BRE guidelines. Therefore, it is not an acceptable application for unacceptable impact to neighbouring amenity. The Application does not commit to ecological enhancements to mitigate demolishing buildings and impacting buildings with potential for bat roosting and bat foraging across the site. The Application does not include an Urban Greening Factor assessment. Therefore, the Application does not meet the requirements of London Plan and Lambeth Local Plan ecology policies.

13.4. There are numerous planning reasons the Application is not acceptable. It is not considered there to be planning benefits that outweigh the negative and adverse impacts of this Application on surrounding heritage assets, surrounding residential amenity spaces, daylight and sunlight and the overbearingness this Application would have. Stop the Blocks requests that for the reasons set out, the Application is refused.