

PROOF OF EVIDENCE

Beth Stevens

BAS(hons), MArch, AssocRTPI

Core Document references:

Appeal by: Kitewood Estates Ltd

At: 21-57 Willow Way, Upper Sydenham, Forest Hill, London, SE26 4AR

LPA reference: DC/22/129789

PINS reference: APP/C5690/W/23/3321935

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1. Qualifications and Experience

- 1.1. This Proof of Evidence has been prepared by Beth Stevens, Senior Urban Design Officer at the London Borough of Lewisham. I have been employed at Lewisham since October 2022.
- 1.2. I joined Lewisham Council through Public Practice, a social enterprise that recruits placemaking professionals to join forward-thinking authorities. A key objective of Public Practice, which is partly funded by the Department for Levelling Up, Housing and Communities (DLUHC) and Homes England, is to provide place-making skills strategically within local authorities to influence positive outcomes for places.
- 1.3. I have a Masters Degree in Architecture with distinction (2013), a Bachelor of Architectural Studies (hons - 2012) and Bachelor of Architectural Studies (2010); from the University of Cape Town.
- 1.4. In 2021 I completed The Bartlett School of Architecture Examination in Professional Practice in Architecture – Part 3 (ARB/RIBA).
- 1.5. I am registered with the South African Council of the Architectural Professions (SACAP - PrArch28132464) and am an Affiliate member of the Royal Town Planning Institute (RTPI – 127294)
- 1.6. I have over 10 years of professional experience in the built environment, across a broad range of scales. I have worked in London for most of my professional life.
- 1.7. In my most recent private sector role with Openstudio Architects (where I was employed for 4 years, from 2018-2022), I was part of the team to win the open RIBA/Homes England ‘Home of 2030’ competition.
- 1.8. I was not involved in pre-application discussions as these preceded my employment at Lewisham. However, I am familiar with the site, its context and the previous comments made by Lewisham through the pre-application process. I appraised the submitted scheme and recommended refusal on design grounds.

Declaration

- 1.9. The evidence which I have prepared and provide for this appeal (reference APP/ C5690/W/23/3321935) in this proof of evidence is true and I confirm that the opinions expressed in this proof are my true and professional opinions.

2. Introduction and Scope of Evidence

- 2.1. This statement sets out my evidence on behalf of the London Borough of Lewisham (the Council) in respect of the appeal submitted by Kitewood Estates Ltd (the Appellant) against the Council's refusal of planning permission for alterations in connection with the Demolition of existing buildings and redevelopment of the site comprising a block rising to 5/6 storeys accommodating 1,401sqm of employment floorspace (Use Classes E(g)(i)(ii)(iii)) at ground and mezzanine floors and 60 residential units (Use Class C3) above, with associated landscaping, amenity areas, cycle, car parking and refuse/recycling stores at 21-57 Willow Way, London, SE26
- 2.2. My Proof of Evidence (PoE) will focus only on the Reasons for Refusal (RfR) pertaining to design, and as such are limited to RfR 4, with the exception of aspects pertaining to heritage assets and whether the proposal would preserve heritage assets, which will be dealt with by my colleague Joanna Ecclestone (Design and Conservation).
- 2.3. For clarity, my statement will be organised according to the Main Issues for the appeal as identified by the Inspector, rather than the RfR. These were agreed at the Case Management Conference (CMC) and circulated with the CMC summary.
- 2.4. In section 4 I will consider the Inspector's Main Issue 3: *The extent to which the proposal would be of a high-quality design*. To focus my evidence within the definition of high-quality design, supported by Policy and Guidance, I will:
- Consider the effect of the proposed development on the character and appearance of the area.
 - Consider whether the proposed height and massing would be acceptable,
 - Consider the proposed provision of public realm and to what extent this can be considered high quality.
 - Consider the built form and identity of the proposed development, having regard for whether this would be adequately legible within its context.
 - Consider to what extent the internal general arrangements would be acceptable.
- 2.5. In section 5 I will consider the Inspector's Main Issue 6: *Whether the proposal is acceptable in terms of the emerging masterplan area and the wider site allocation*. I will consider whether the Appellant has clearly and convincingly demonstrated that the proposed development is the product of a design-led masterplanning process.

3. Policy and Guidance Extracts

3.1. National Planning Policy Framework (NPPF) 2023

- 3.1.1. **Paragraph 39** makes reference to early engagement with emphasis placed on good quality pre-application discussions to enable better coordination between public and private resources and improved outcomes for the community.
- 3.1.2. **paragraph 130:** sets out an expectation that new development will function well over its lifetime, be visually attractive, be sympathetic to local character, create/maintain a strong sense of place, optimise the site, and create safe, inclusive, and accessible places with a high standard of amenity for users. It states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 3.1.3. **paragraph 131:** recognises the importance of trees, promoting the inclusion of new street trees and the protection of existing trees.

3.2. National Design Guide (NDG) 2021

- 3.2.1. **paragraph 20** describes the components of good design – naming the context for places and buildings; hard and soft landscape; technical infrastructure and social infrastructure.
- 3.2.2. **paragraph 40 (Context)** states that well designed places are based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design; integrated into their surroundings so they relate well to them; influenced by and influence their context positively; and responsive to local history, culture and heritage.
- 3.2.3. **paragraph 42 (Context)** states that Well-designed development proposals are shaped by an understanding of the context that identifies opportunities for design as well as constraints upon it; as defined by a proportional baseline analysis
- 3.2.4. **paragraph 66 (built form)** states that built form is determined by good urban design principles that combine layout, form and scale in a way that responds positively to the context. The appropriate density will result from the context, accessibility, the proposed building types, form and character of the development.
- 1.1.1. **paragraph 71 (built form)** talks to the impact of taller buildings on the context, stating the need to resolve key issues that arise from a departure from the established bulk and scale of the local context to make design proposals acceptable
- 1.1.2. **paragraph 101 (public places)** describes how streets should be designed to create high quality public places that people enjoy using.
- 1.1.3. **paragraph 114 (uses)** describes the interrelationship between different uses to make sure they are designed to cater well for all users, paying particular attention to the ground floor use.
- 1.1.1. **paragraph 126 (homes)** describes how well-designed homes and communal areas should be designed to provide good standards of internal space

1.2. London Plan (LP)

- 1.2.1. **Policy D1: London's form, character and capacity for growth** sets out an expectation for boroughs to define the character of their distinct local areas to draw out and understand the borough's capacity for growth.
This expectation has led to the Lewisham Characterisation Study, which is considered a core document and relevant to the evidence I present in my PoE.
- 1.2.2. **Policy D3: Optimising site capacity through the design-led approach** requires developments to make the best use of land by following a design-led approach; based

- on each site's unique character and growth strategy. The application of London Plan D3 is supported by London Plan Guidance (LPG) (June 2023)
- 1.2.3. **Policy D4: Delivering Good Design:** Design analysis and development certainty, Part A states that masterplans should be used to bring forward development to ensure the delivery of high quality design and place-making based on LP D3. **Part B** states that design options should inform plan-making and decision-taking.
- 1.2.4. **London Plan Policy D6 – Housing quality and standards:** describes minimum internal, storage, and private external space standards as well as requirements for daylight/sunlight to new and surrounding housing that is appropriate in context, avoids overheating, minimises overshadowing and maximises the usability of outdoor amenity space. *I consider this policy relevant when assessing whether residential quality can be considered to be high quality*
- 1.3. **London Plan Guidance (LPG): Housing Design Standards** (June 2023) (HDS LPG)
- 1.3.1. brings together, and helps to interpret, the housing-related design guidance and policies set out in the London Plan 2021. It provides clear interpretation of policy with additional best practice guidance, and is material in considering whether a proposal would deliver high-quality housing within the London Context. *I consider that considered when assessing the quality of the proposed development.*
- 1.4. **London Plan Guidance (LPG): Optimising Site Capacity – A design led approach** (June 2023)
- 1.4.1. provides guidance on LP Policy D1(Part B3); D3; and D4.
- 1.5. LB Lewisham Local Development Framework, consisting of:
- 1.5.1. **Core Strategy, Policy 15** sets out the ways in which high quality design will help Lewisham meets its strategic objectives while having regard for National and London Plan Policy. It covers the following key issues:
- improving design for Lewisham
 - conserving Lewisham's historic environment
 - the location and design of tall buildings
 - protected vistas and the London panorama and local views, landmarks and panoramas
- 1.5.2. Development Management Local Plan (DMLP)
- 1.5.3. **Policy 30: urban design and local character** - requires planning applications to demonstrate a site-specific response which creates a positive relationship with the existing townscape.
- 1.5.4. **Policy 32: Housing design, layout and space standards** **Siting and layout of development** provides guidance on minimally described space standards
- 1.5.5. **Policy 35 Public Realm** – states that public spaces should be designed to be safe, inclusive, accessible, attractive and robust, enhancing existing connections and providing new connections as appropriate. Existing local and historic connections that are valued and contribute to the distinctiveness of the area's public realm and streetscape should be enhanced.
- 1.6. **LB Lewisham proposed submission Local Plan (psLP)**
- 1.6.1. **Policy DM3: Masterplanning and Comprehensive development** - emphasises the need for allocated sites to come forward together with a site masterplan. The masterplan should be set out to show how development contributes to the spatial objectives for the borough; without prejudicing future development.

- 1.6.2. **Policy QD1: delivering high quality design in Lewisham** - sets out very clearly the Council's position on high quality, ensuring that proposals are design-led in section A, and based in an understanding of context in section B. I consider it to be a material consideration when assessing to what extent the proposed development could be considered high quality.
- 1.6.3. **Policy QD6: Optimising Site Capacity** - explains that site capacities given in psLP site allocations are indicative, and applicants should demonstrate, through the design-led process and using the site specific development parameters set out in each site allocation, that capacities are a result of a design-led process (detailed in section A and B). *I consider this policy it to be a material consideration when assessing the Appellant's proposed site capacity of the emerging site allocation.*

2. Evidence in Relation Main Issue 3:

The extent to which the proposal would be of a high-quality design

2.1. In this section of my PoE I will consider the Inspector's Main Issue 3: *The extent to which the proposal would be of a high-quality design*. To focus my evidence within the definition of high-quality design, supported by Policy and Guidance, I will:

- Consider the effect of the proposed development on the character and appearance of the area.
- Consider whether the proposed height and massing would be acceptable,
- Consider the proposed provision of public realm and to what extent this can be considered high quality.
- Consider the built form and identity of the proposed development, having regard for whether this would be adequately legible within its context.
- Consider to what extent the internal general arrangements would be acceptable.

2.2. Character and Appearance

BACKGROUND

2.2.1. The London Plan (2021) (LP) emphasises the need for boroughs to deliver good growth. The 2021 plan removed its Density Matrix, which applied general rules for density according to a site's location, existing form and massing, and the index of public transport accessibility (PTAL). Each London Borough is now expected to manage its own growth and change through local policy, having regard for its own spatial objectives and housing targets set out in the London Plan.

2.2.2. The Council commissioned the Lewisham Characterisation Study (LCS), published in March 2019, to inform its new local plan (currently at proposed submission, regulation 19 stage). In the Executive Summary of the document it states *"It is... critical that future development is informed by a detailed understanding of the borough's character, and an appreciation of its qualities and places so that growth can be tailored to individual neighbourhoods."*

2.2.3. Within the LCS the Proposed Development Site falls into the Western Character Area. The Willow Way Site Allocation area is within the Sydenham neighbourhood but it is also on the cusp of (and therefore contains characteristics of) Forest Hill and Sydenham Hill neighbourhoods. A key theme which emerges in all three neighbourhoods is the historic woodland character, now set within the urban environment.

- 2.2.4. The Appeal Site has an industrial character with simple two storey brick buildings, metal containers and palisade fencing to the street. The site was cleared in the 1950s to make way for industrial uses. While the buildings themselves have no architectural significance or interest, the site has some historic significance due to the C19th residential development pattern, which remains appreciable in the surrounding area (and much of it designated as within the Sydenham Park CA). For more detail on the historic interest, please refer to my colleague Joanna Ecclestone's PoE. Some street trees exist on either end of the site, with mature trees being tucked behind on the eastern boundary with William Wood Care Home.
- 2.2.5. To the south of the site along Kirkdale Road/The A2216 lies a mixed used area defined within the LCS as a Local Centre. As one of about 80 of these centres within the borough, it serves residents in the immediate area with a range of local, convenience and specialist shops arranged along a conventional High Street. The urban grain is fine and indicates a mix of purpose-built retail and residential buildings along the strip. Typical heights of the local centre typology are observed within the LCS as 2-4 storeys, which is consistent with the character of Kirkdale, albeit the north-eastern side of the road fronting Kirkdale is principally 2-3 storeys with the exception of the Tesco site on the corner with Willow Way. Some contemporary development of mixed quality is present along the shopping parade, and includes the Tesco site at 139-147 Kirkdale, a residential-led mixed use scheme granted planning permission in 2006. Otherwise the townscape is generally handsome as evidenced by its area of special local character (ASLC) status.
- 2.2.6. Within the Western-Area specific character growth themes, Sydenham and Forest Hill are identified particularly as having opportunities for growth in line with the re-examine strategy. On a sliding scale between 'reinforce' and 're-imagine,' this theme acknowledges that while there are elements of the existing character that are valuable and should be protected, there are also areas that can be improved with opportunities for sensitive intensification.
- 2.2.7. I note, however, that the re-examine theme is limited to the secondary centres of Sydenham and Forest Hill, and excludes the proposed development site associated with the Kirkdale local centre (ref Appendix A - Western area summary framework plan). I consider this to be an oversight of the LCS, as Willow Way site allocation presents, similarly to the Sydenham and Forest Hill nodes, a significant opportunity to simultaneously celebrate the unique and positive attributes of the area, while improving and intensifying use in line with the LP policy requirement for good growth. As such I consider that the following statements made in relation to the secondary nodes should be applicable to the proposed development site:
- 2.2.8. **LCS Para 8.3.2** states *"The history, existing scale, grain and massing of each centre should inform a tailored and place-based strategy for growth"*

- 2.2.9. While **LCS para 8.3.3** discusses sites similarly located behind the high road *“Other opportunities include the redevelopment of larger sites one block back from the high road to provide new homes and workspace. Designs must incorporate safe access and legible routes.”*
- 2.2.10. Indeed, the Council’s Key Spatial Objective 5 for the West Character Area, as described in the psLP is to *“Strengthen the role of Kirkdale Local Centre in supporting the neighbourhood. Deliver the renewal of industrial land at Willow Way to better complement the centre with new workspace and a wider mix of uses, along with improvements to the townscape and public realm.”*
- 2.2.11. A place-based approach (or context-based, depending on the document being referenced) is emphasised in planning policy and guidance, from the national to the local scale. The National Design Guide (NDG), which is to be used in the absence of a borough-wide design code, includes Context as one of its ten key characteristics of places. **NDG para 40**, states:
“well designed places are based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design; integrated into their surroundings so they relate well to them; influenced by and influence their context positively; and responsive to local history, culture and heritage.”
- 2.2.12. The Council considers that the site will play a key role in delivering the planning and place-based objectives of the borough generally and of the Western Character Area in particular. This is evidenced by its inclusion within the proposed submission Local Plan (psLP) as site allocation 9 (West Area). This site allocation is carried over from the adopted Site Allocation Local Plan (SALP), although the designation is proposed to be altered from Local Employment Land (LEL) to Locally Significant Industrial Site (LSIS) with the potential to co-locate residential uses. The emerging site allocation identifies the opportunity to deliver a ‘comprehensive employment led mixed-use redevelopment’ along and adjacent to Willow Way. While the proposed submission Site Allocation has limited weight, it does establish a direction of change which can be taken into account as a material consideration in assessing the Appeal Scheme.

- 2.2.13. The Officer's Report (OR) recommending refusal, in **para 207-208** explains the reasons why the submission failed to qualify as being context based. This was based on my urban design response as well as an assessment made by the Lewisham Design Review Panel (DRP). My assessment reviewed the Appellant's Design and Access Statement (DAS) and concluded that no convincing baseline analysis¹, had been provided to underpin the development proposal.
- 2.2.14. The strategic importance of the Willow Way sites indicates that significant weight should be apportioned to whether the development proposal has been derived from a sound understanding of and response to the local context, as per **NDG para 42**. This planning practice guidance describes the requirement for 'baseline studies covering a wide range of topics' 'proportionate to the nature, size and sensitivity of the site and proposal' on larger scale development.

ASSESSMENT

- 2.2.15. At submission stage, the extent of the site analysis provided by the Appellant included site photographs and some high-level mapping of the existing buildings on and immediately adjacent to the site. Reference is made to the architectural styles (page 11) within the context, but no value is apportioned to these, aside from indicating that the existing industrial-use buildings on Parcel A have no architectural merit.
- 2.2.16. My colleague, Joanna Ecclestone (Design and Conservation) in her PoE, has confirmed that this is an area of agreement, and that the existing buildings on site have no architectural merit. However, she does discuss that the site has some historical significance which is further reinforced by the LCS identified 'opportunities for intensification' of Lewisham's smaller scale industrial sites. In **LCS para 4.3.48**, it is stated that these sites are not to be treated as blank canvases just because of their current use and layout; but should rather allow the historic grain and growth pattern to inform the future character and identity of these places. Indeed the Appellant has not drawn from the historic development of the site or drawn on opportunities to introduce a finer grain as existed historically. The Appellant's **SoC para 9.4.2** refers to the proposal holding and reinstating the historic building line for townscape reasons. I do not agree with this approach, as it betrays the spirit of the historic building line which was set back behind narrow front gardens. Shifting the proposed building line away from the street would create opportunities for planting away from the services running underground, provide a better public realm in the form of a generous footpath away from the road, and anchor the proposal more closely within its context, through an interpretation of the historic use and form of the site.

¹ Defined by the **NDG** as "Descriptions of the conditions as existing or committed (e.g. environmental), against which changes arising from a proposed development are predicted and assessed"

- 2.2.17. On page 23 of the Appellant's DAS, references are made to local character but are limited to local material palettes, claiming *"Many of the local buildings are clad in brick, predominantly red, yellow and brown London stock with some stone dressing. They are sometimes used in combination with other cladding materials such as timber, render or pebble dash."*
- 2.2.18. I do not agree that character is limited to facing materials and I would expect the Appellant to have provided a more thorough analysis of the character of the site and its context, including commentary on the layout, form, scale, appearance, landscape and detailing present within the site area and beyond (as per **NDG para 20**), commenting on how these contribute towards the unique characteristics of the site and its context. I would then expect that this analysis forms the basis of an illustrated map of the opportunities and constraints (a specific requirement for context based design, highlighted in **NDG para 42**).
- 2.2.19. For the reasons stated above I do not believe that the Appellant has demonstrated a context-based design response that is informed by a detailed understanding of the site's unique character, challenges and opportunities. The resulting proposal is rather indistinctive, with the DRP referring to the design as 'generic.' I consider that this is a missed opportunity that does not accord with London Plan Policy D1 London's Form, Character and Capacity for Growth.

2.3. Scale and mass

BACKGROUND

- 2.3.1. The heights set out in the emerging masterplan are cited within RfR 4, stating that the *"building heights in the masterplan area are excessive."* The **NDG para 71** is relevant to this discussion as it describes the requirements for tall buildings to be considered high quality design. While the development proposal does not include any buildings defined as 'tall' by Lewisham policy, this paragraph is relevant in that it qualifies the statement to include buildings that are significantly larger in scale or bulk than their surroundings, where 'significantly' taller is typically anything in excess of a full storey above the prevailing context. **NDG para 71** states: *"Proposals for tall buildings (and other buildings with a significantly larger scale or bulk than their surroundings) require special consideration. This includes their location and siting; relationship to context; impact on local character, views and sight lines; composition - how they meet the ground and the sky; and environmental impacts, such as sunlight, daylight, overshadowing and wind. These need to be resolved satisfactorily in relation to the context and local character."*
- 2.3.2. The scale presented in the September 2022 pre-application scheme at a maximum of 6+1 storeys was highlighted by urban design officers as being unacceptable with concerns raised about the relationship to the surrounding context and to William Wood Care Home.

- 2.3.3. In December 2022 the Appeal Scheme was submitted following roughly the same site layout as seen in the pre-application scheme. The principle change being a reduction in height across the site allocation, and the introduction of a deep podium on parcel B&C to increase employment floorspace. No process diagrams or site-based design parameters accompanied the submitted Design & Access Statement to explain this rationale.
- 2.3.4. The submitted version is described as having maximum height of 5 and 4 storeys, but due to the ground floor being double volume, the impact of the proposal is akin to a part 5/part 6 storey building. My assessment will therefore refer to the maximum height as 6 storeys, which is 2 storeys taller than the adjacent residential scheme at 43 Willow Way; 4 storeys taller than the adjacent William Wood Care Home (albeit it will feel as if it is 5 storeys taller, given the level change between the Appeal Site and the land belonging to the care home); and 3-4 storeys taller than the surrounding residential and high street buildings. The development proposal is, however, lower than the Miriam Lodge – which is anomaly in the landscape at 8-9 storeys.

ASSESSMENT

- 2.3.5. As described above, the development proposal is significantly taller than its surrounding context. The DRP found that *“the project was more urban than suburban in character and somewhat counter to the prevailing scale and nature of the immediate context. Thorough testing was required of views and impact on the heritage assets through the HTVIA. Subject to those studies, the Panel commented that it was reasonably comfortable with the scale proposed for Plot A.*
- 2.3.6. As stated by the DRP, a change in scale to the context *could* be acceptable subject to development proposal being based on good design principles (set out in **NDG para 66**) combining layout, form and scale in a way that responds positively to the context.
- 2.3.7. The siting of the building along Willow Way, while giving the building a strong presence along the street (identified as a positive move by the DRP), presents many challenges. These are the lack of space dedicated to the public realm, urban greening, street trees and servicing (as discussed by Melissa Vento in her PoE). This, together with the lack of relief in the building frontage and the deep plan as a result of the building typology of the residential units above the commercial ground floor, gives the proposed development an excessive massing, which, when combined with the proposed height, would cause harm to the surrounding context.

- 2.3.8. This is evidenced by the daylight impact of the proposal on the neighbouring William Wood Care Home. Contrary to statements made by the Appellant in their **SoC para 9.2.6** I assess that the daylight impact of the proposal on the care home could be significant. The daylight and sunlight report, prepared by BLDA and submitted with the Appeal Scheme in December 2022 shows that 50% of the 38 rooms assessed would see a significant reduction in the view of the sky from their windows, with 25% having no visible view of the sky whatsoever. Given the sensitive use of this site as a care home, I would consider that the proposal to be overbearing as a result of its scale and mass, without appropriate mitigation measures introduces to overcome these concerns.
- 2.3.9. In conclusion, I do not consider that the cumulative impact of the height and massing has been appropriately mitigated by the proposal. I consider that my concerns raised regarding height and bulk could be mitigated by pushing back the building line to provide space for street planting, and reducing the building depth to reduce bulk and provide higher quality, dual aspect apartments above commercial uses. Without these measures (or a variation of them), I assert that the development proposal would have a scale and bulk in excess of its surroundings and would therefore not be considered to be high quality, place-based design. This fails to comply with London Plan D1, D3, D4; DMLP30; Core Strategy 15 and pSLP DM3, QD1 and QD6.

2.4. Public Realm

BACKGROUND

- 2.4.1. Public realm is considered a fundamental development requirement of the emerging site allocation as stated in **psLP para 18.50.6**: *“Delivery of new and improved public realm and open space, in accordance with a site-wide public realm strategy.”*
- 2.4.2. **DMLP Policy 35**: Public Realm requires that public spaces be designed to contribute to local distinctiveness, be designed generously using high quality materials, allow safe passage for all including people with disabilities including the careful design of shared surfaces with cyclicts. Trees are considered an important aspect of public realm, as is street furniture that accords with the local area.
- 2.4.3. The **LCS, in paragraph 4.3.46** describes the streetscapes typical of industrial areas: *“Streetscape in industrial areas is designed to be tough and cheap to repair, often including details such as high kerbs to prevent over-running by lorries. Many smaller industrial estates or clusters of buildings feature no pavement, effectively on the understanding that the whole area is given over to work and process and that casual passers-by are not expected.”*
- 2.4.4. **NDG para 101**, talking to the characteristics of high quality public spaces, states: *“Well-designed public spaces, particularly streets, are designed to support an active life for everyone, and are maintained for continual use. It is important to design them to include all of the users who may wish to use them for activities such as socialising, informal doorstep play, resting and movement. Their success depends on them being fit for purpose, attractive places that people enjoy using.”*

ASSESSMENT:

- 2.4.5. No meaningful public realm is apportioned to the proposed development site, with the shared road surface falling solely on parcel B and C to deliver. This was a significant concern picked up by the DRP, who said:
“there should be a clear strategy to define which areas of the public realm can be delivered as part of the current Plot A submission as this was at present unclear. The Panel were concerned that with Plot A being brought forward in advance of any of the other land parcels, then the public realm will not be deliverable placing greater stress on the already stressed streetscape. It was not clear to Panel that the applicant team had an interim proposal to demonstrate how this would work.”
- 2.4.6. I share the concerns of the DRP. For major development of this scale I would expect a much higher degree of accessible public realm, including pause spaces, large canopy trees and places for people to meet and gather (as described in **NDG para 101** and set out in **DMLP P35: Public Realm**).
- 2.4.7. There is a conflict in what the LCS identifies as the streetscape character of industrial areas – namely robust and cheap street/servicing spaces; and the high-quality, minimally interrupted shared surface required to turn a street into a well-functioning piece of public realm as per DMLP P35. This has not been adequately addressed by the Appellant in their DAS or subsequent SoC.
- 2.4.8. In The Appellant’s **SoC, Para 12.6**; double yellow lines and a TRO on the eastern side of Willow Way are proposed as an improvement to the public realm as part of the Appeal case. These are considered management devices, not design solutions. This fails to comply with DMLP35. This was emphasised in the DRP who stated:
“The Panel were not convinced that the considerable amount of parking currently in the street could be made to disappear as currently proposed and it is recommended that a detailed transport/ parking strategy forms part of any proposals. This is fundamental as the vision for the public realm which is a good one in principle, relies for its deliverability on this issue being resolve”.
- 2.4.9. In conclusion the lack of public realm to be delivered on Parcel A makes the development proposal unacceptable in design terms. A double yellow line is not considered a high quality design solution to public realm and should be strongly resisted. I consider that the proposal fails to meet LP D3, Core Strategy 15, DMLP 32, psLP DM3, QD1 and Site Allocation 9 (West Area).

2.5. Built form and identity

BACKGROUND

- 2.5.1. The Appeal Site is currently designated as LEL with a high protection of its employment function. The emerging site allocation redesignates the site as LSIS which would allow co-location of uses, subject to high quality design and a robust master-planning process to determine capacity. **psLP para 16.49** identifies the opportunity to intensify the site area to make more optimal use of the land (**as per LP D3**) as a condition of development, the Council requires that industrial capacity of the existing LEL must be maintained (**psLP para 18.50.3**) My colleague, Antigoni Gkiza, will talk to the employment capacity in her

PoE, but I will touch on the spirit of this requirement in relation to the architectural articulation in my assessment below.

- 2.5.2. Within the **LCS at para 4.3.50** it is noted that there has been a dramatic reduction of industrial land in the borough over the last decade. It goes on to describe the opportunities for intensification needing sensitive integration of uses.

ASSESSMENT

- 2.5.3. The need to preserve the site's industrial capacity is emphasised in its emerging site allocation, which is based on evidence relating to the loss of industrial sites across the borough in the last decade (as described in the LCS).
- 2.5.4. Within the proposed development the important function that industrial sites can play in contributing to the local economy relies to a large extent on the design of the ground floor commercial spaces, how they meet the ground, and how they mediate their relationship to the wider context and the residential units above.
- 2.5.5. One way to ensure this success is to ensure that the identity of the site is strongly aligned to its function. This, according to the **NDG para 114** (mixed-use developments), has particular regard of the arrangement of ground floor uses to ensure they are occupied successfully. **NDG Para 56** (Identity) describes well designed places which will contribute to local distinctiveness as *"introducing built form and appearance that adds new character and difference to places, with particular attention to how buildings meet the ground and sky."*
- 2.5.6. The emerging site allocation requires the development to be employment-led, yet the architectural response proposed within the Appeal Site is predominantly residential in character, with the rhythm of the facades set out according to the unit sizes on the upper floors.
- 2.5.7. This is further evidenced within the Appeal TVIA, which states in **para 6.27** that 'the architectural approach adopted is essentially no different to that at nos. 139-145 and 125-131 Kirkdale, 243 Dartmouth Road, 21 Willow Way (Moore House) or Shippenham Court.' The developments that the Appellant references are all residential/residential-led, albeit 125-131 Kirkdale contains a shopfront on the ground floor.
- 2.5.8. To protect the identity of the site as a primary commercial/industrial area, the built form and architectural expression (forming a significant part of the site's legibility within the wider context) should be more closely aligned to the site's employment uses, taking on an industrial rather than residential character on the ground floor. This will protect the continued use of the site as employment space, making the site resilient to the pressures of residential conversion in the future. Currently, I do not assess the proposed built form and identity to be compliant with the place-based principles set out in the psLP Site Allocation 9 (West Area).

2.6. Housing Design Standards

BACKGROUND

- 2.6.1. **London Plan Policy D6 – Housing quality and standards** describes minimum internal, storage, and private external space standards as well as requirements for daylight/sunlight to new and surrounding housing that is appropriate in context, avoids overheating, minimises overshadowing and maximises the usability of outdoor amenity space. It is of material consideration when assessing the quality of proposed residential development.
- 2.6.2. The GLA published **LPG: Housing Design Standards (June 2023) (HDS LPG)**: brings together, and helps to interpret, the housing-related design guidance and policies set out in the London Plan 2021. Particular reference is made to the residential typologies identified on page 42-43. I consider this guide to be a core document in assessing and interpreting the quality of residential development in London.
- 2.6.3. The **NDG para 126** states that *“Well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation. The quality of internal space needs careful consideration in higher density developments, particularly for family accommodation, where access, privacy, daylight and external amenity space are also important.”*
- 2.6.4. Lewisham itself has very high standards for residential design, as highlighted in the **DMLP 32**, which requires that new development be attractive and neighbourly with high quality design that meets the needs of current and future residents and neighbours.

ASSESSMENT

- 2.6.5. The Appeal proposal is for a series of double-backed ‘villa blocks’ (as identified by the **LPG on Optimising Site Capacity**, page 42-43). This urban housing typology, while having efficient circulation cores, has a number of identified drawbacks. The two primary concerns are the number of single aspect units, and the layout of the internal circulation corridors.
- 2.6.6. 40% of the proposed units within the Appeal Scheme are single aspect with an east/west orientation. Single Aspect units, and particular single aspect studios, are not supported by the Housing Design Standards LPG, stating in Para 4.1.1. that *“homes are... expected to be dual aspect unless there are compelling reasons why that cannot be achieved.”* No such compelling arguments have been provided by the Appellant, with their **SoC para 6.6.14**, referring to the Mayor’s Housing SPG (2016) to justify the acceptability of the level of single aspect dwellings. This guidance is superseded by the Housing Design Standards LPG of 2023.
- 2.6.7. The definition of single aspect homes is further defined/clarified with a diagram in the HDS LPG (refer Appendix D) which demonstrates a much stricter definition of dual aspect dwellings and the unacceptability of ‘enhanced aspect’ to mitigate the harm of single aspect dwellings.
- 2.6.8. The lack of cross ventilation experienced by these units is not supported by policy (LP D3, D6, SI4 as described in **Housing Design Standards LPG C4.1.**) The guidance further The west facing units are particularly vulnerable to overheating in a changing climate. While it is acknowledged that single aspect units are sometimes required in order to

meet the objectives of LP D3, an optioneering exercise should have been undertaken to provide assurance to the Council that an alternative building typology would not be able to provide a suitable number of higher-quality homes.

- 2.6.9. The shared corridors are not considered high quality. The DRP picked up this point determining that the corridors would produce an “unacceptable living environment,” stating: *“The Panel criticised the long corridors which for floors 1,2 and 3 have no access to daylight or ventilation. This, though efficient, produces an unacceptable living environment, and energy input in that access corridors will have to be entirely artificially lit and ventilated. These should be redesigned.”*
- 2.6.10. I consider the advice of the DRP very highly and likewise do not assess the long, lightless corridors to be high-quality. This is a missed opportunity given the communal areas of residential blocks to foster a sense of community and cohesion, as stated in **NDG para 126**.
- 2.6.11. The development proposal, as it stands, would create poor future living environments that are not supported and do not satisfy the policy requirements of LP D6, Housing Design Standards LPG, and DMLP 32.

3. Evidence in Relation Main Issue 6

Background

- 5.1. In this section of my PoE, I will discuss to the masterplanning process and whether the overall vision for the site, which has informed the design and layout of the Appeal Scheme on Plot A, can be assessed to be design-led in compliance with LP Policy D3.
- 5.2. The June 2023 London Plan Guidance (LPG) on Optimising Site Capacity: A Design Led Approach details a methodical, five stage process underpinning the London Plan definition of a design-led approach. While I acknowledge that the design process is seldom as formulaic as Figure 1.2 on page 8 suggests (see Appendix B), it does provide a good overview of the organising principles of a robust design process. It emphasises the need for a convincing site analysis; the importance of setting a design vision that can be communicated to and informed by key stakeholders at the beginning of the design process; leading to a draft layout working alongside identified design parameters. Only then is it suggested to move on to capacity testing. If the site capacity at this point is not considered optimal, the process starts again. The iterative nature of this process means that each option is tested against the same parameters (these could be daylight/sunlight; overlooking; access to open space as examples – they are to be determined by the context). This optioneering is essential when considering the best design outcome for any, but particularly strategic sites. In my experience, a design process that fails to test a range of options and fails to allow adequate time for scrutiny seldom delivers an optimal design outcome.
- 5.3. Within the Council's **SoC para 7.19-7.21** the adopted site allocation for Willow Way is discussed, noting that the site's employment uses benefit from significant protection given its designation as a LEL. This would make the site incompatible with co-location of residential uses.
- 5.4. As per the Council's **SoC para 7.47-7.50**; the proposed submission Local Plan identifies Willow Way LSIS as a site allocation (West Area – Site Allocation 9). The emerging policy promotes an intensified use of the site in line with London Plan Policy D3. The emerging policy sets out indicative site capacities based on a proportionate theoretical exercise. Site capacities included in the site allocations are not to be read prescriptively. Actual development capacities must be determined through the design and planning process. It is therefore for the applicant to undertake a detailed design appraisal to demonstrate optimum capacity as emphasised in LP D3; psLP DM3, QD6(C) and QD1.
- 5.5. To meet their contractual obligations, the Appellant did not allow enough time to test the emerging masterplan in a meaningful and proactive way (as required by **NPPF para 39**). This is evidenced by the timeline on engagement detailed in the Council's **SoC, section 5**. The Council was not included in any optioneering, with officers having sight of just one formal arrangement over the site allocation, as shown in pages 21-22 of the pre-application submission dated September 2022 (ref Appellant's Appendix 6). No alternatives for how the massing could be arranged over the various land parcels to meet the stated opportunities

and development requirements (refer Council **SoC para 7.47-7.49**) were presented at submission stage.

- 5.6. Whilst it is acknowledged that the DRP comments on the masterplan strategy were generally positive, stating that the masterplan arrangement 'seems rational and well thought through' they commented on the lack of important details on public realm, landscaping and planting, and questioned the success of rooftop and podium-level public realm. The panel also questioned to what extent the route on Dartmouth Road would be a safe public space, and required details on how the shared surface on Willow Way would work. This brings doubt as to whether the proposed development, if consented, would provide a high-quality design in line with the place based principles set out in the emerging site allocation.
- 5.7. In the Appellant's TVIA (Appendix 17) **para 6.7** states that the masterplan does not form part of the appeal scheme but does state that the DRP found the masterplan 'ordered and logical,' with the massing on Plot A forming part of this assessment. The Appellant goes on to say that this gives 'sufficient comfort that the Appeal Proposal... would not prejudice development on the remainder of the site allocation'

ASSESSMENT

- 5.8. I do not agree with the Appellant that the DRP comments are enough to allay the Council's concerns. Without the site-based design parameters identified, there is limited transparency between the Council and the Appellant on what is driving design decisions. There is no assurance that the elements of public realm, open space and planting that fall to Parcel B & C to deliver will not fall away when/if the rest of the site allocation is brought forward for development.
- 5.9. The Appellant, in **SoC para 12.1.11** argues that the proposal at Site A is self-contained and does not rely on amenities or facilities being provided by other areas of the site allocation. I query then, if Site A is developed as proposed, and Willow Way is never widened from 12m to 20m (the setback falling solely to Parcel B and C to deliver); no street trees are planted (currently only proposed on the western side of Willow Way within the emerging masterplan); and there are no publicly accessible urban realm enhancements, would this be an acceptable design outcome for the borough?
- 5.10. The Appellant attempts to assure the Council that the road widening will take place in their **SoC para 9.3.8**. The SoC states that overlooking, servicing and sunlight/daylight impacts have defined the proposed new road width (increasing by 8m/from 12m to 20m). Within my PoE I will not consider servicing as this will be picked up by my colleague Melissa Vento in her PoE. My concerns relate to the design of public space and the proposed relationship with the building frontages on Parcel A, B and C. The widening of Willow Way to 20m was defined in the first iteration of the masterplan (refer page 31, Appellant Appendix 6) using the BRE's general rule of thumb. The BRE suggests that a 45degree line drawn from the midpoint of the lowest habitable can be used to determine the maximum height of adjacent development.

- 5.11. The draft masterplan submitted with the appeal case proposes a reduction in height across the site allocation, including at Parcel B & C (refer Appendix C). It follows then that either a taller building or a reduced road width could come forward and still comply with the BRE's rule of thumb in terms of daylight/sunlight and overlooking. I am concerned that this argument could be used to justify the loss of areas identified as public realm in the emerging masterplan; and on which Parcel A relies to be considered as a high-quality urban environment.
- 5.12. As stated in the Council's Officer Report recommending refusal (**para 218**), the absence of the road widening would fundamentally alter the acceptability of Parcel A. As submitted, the Appellant places the burden of providing the land to increase the width of Willow Way wholly on Parcel B & C. This is not a balanced approach - Parcel A should take its fair share of setback to Willow Way. While the applicant states why this is not possible (**para 9.4.2 - 9.4.6**), these reasons have not been tested/shown in plan nor set out in a design code determined by a design-led process. This point is further supported by the DRP who stated: *'The Panel felt that there should be a clear strategy to define which areas of the public realm can be delivered as part of the current Plot A submission as this was at present unclear. The Panel were concerned that with Plot A being brought forward in advance of any of the other land parcels, then the public realm will not be deliverable placing greater stress on the already stressed streetscape. It was not clear to Panel that the applicant team had an interim proposal to demonstrate how this would work.'*
- 5.13. I am not assured that the design proposal for the masterplan area is sound, and that the design for Parcel A specifically would not fetter the development opportunities of the rest of the masterplan site. To be convinced I would have expected to see a clearly defined set of site-based parameters, drawn from a robust analysis of the site's identified opportunities and constraints. As the Appellant has never provided this detailed analysis (as discussed in section 4), nor provided any meaningful options which have considered a variety of layouts, building forms and heights across the master-plan area, I assert that I do not consider the masterplanning process to be design-led, resulting in limited confidence that the delivery of Parcel A is the optimum solution for the site. As such the proposal fails to comply with London Plan D3, pSLP DM3, QD1 and QD6(C).

6. Conclusion

- 6.1. My Proof of Evidence focusses on the Reasons for Refusal pertaining to design, limited to most of RfR 4, less all aspects pertaining to heritage assets and whether the proposal would preserve heritage assets, which has been dealt with by my colleague Joanna Ecclestone.
- 6.2. For clarity my proof of Evidence has been structured around the design-matters relating to the Inspector's Main Issue 3 and 6, *The extent to which the proposal would be of a high-quality design and whether the proposal is acceptable in terms of the emerging masterplan area and the wider site allocation* respectively.
- 6.3. For Main issue 3 I have considered 5 fundamentals of high-quality design, namely:
- 6.3.1. *the effect of the proposed development on the character and appearance of the area*, finding that the Appellant has failed to demonstrate a context-based design response that is informed by a detailed understanding of the site's unique character, challenges, and opportunities. This has resulted in a development proposal that is rather indistinctive and generic. I consider that this is a missed opportunity that does not accord with London Plan Policy D1 "London's Form, Character and Capacity for Growth."
- 6.3.2. *The acceptability of the height and massing of the proposal* finding the development proposal would have a scale and bulk in excess of its surroundings and would therefore not be considered to be high quality, place-based design. Further, I consider that the cumulative impact of the height and massing has not been appropriately mitigated through the design of the proposal and as such I conclude a failure to comply with London Plan D1, D3, D4; DMLP30; Core Strategy 15 and pSLP DM3, QD1 and QD6.
- 6.3.3. *The extent to which the public realm can be considered high quality* finding that there are no meaningful contributions to the public realm, with the Appellant identifying a double yellow line on Willow Way as the principal contribution to the public realm apportioned to Parcel A. This is unacceptable in design and policy terms and fails to comply with LP D3, Core Strategy 15, DMLP 32, pSLP DM3, QD1 and Site Allocation 9 (West Area).
- 6.3.4. *The acceptability of the proposed built form and the architectural identity* finding that the proposed architectural articulation does not go far enough to celebrate the employment functions of the site or anchor the scheme to the ground and future public realm. The scheme reads as residential-led and has the potential to undermine the industrial functions of the site in the future. This contravenes the place-based principles set out in the pSLP Site Allocation 9 (West Area).
- 6.3.5. *Compliance with housing design standards in relation to the internal arrangements of the circulation spaces and individual units* finding that the building typology used by the Appellant, proposed as a series of double-stacked villa blocks, has limited the design quality of the proposed residential units. This is due to the high quantity of single aspect units at 40% and the lightless, long communal corridors shared by 8 units per floor.

These will create poor living environments that do not satisfy the policy requirements of LP D6, Housing Design Standards LPG, and DMLP 32.

6.4. For Main Issue 6 I have considered:

6.4.1. *Whether the proposal is acceptable in terms of the emerging masterplan area and the wider site allocation*, finding that the Appellant has failed to demonstrate a design-led approach that clearly identifies the site's opportunities and constraints to define a set of site-based parameters, which in turn should have informed capacity across the masterplan area. I am not convinced that the delivery of Parcel A is the optimum solution for the site and would not fetter the development opportunities of the rest of the site allocation. As such I consider that the proposal fails to comply with London Plan D3, LPG on Optimising Site Capacity, pSLP DM3, QD1 and QD6(C).

6.5. To conclude, I do not consider the proposal to meet the policy definitions of high-quality design. The development, as proposed, would harm the local character, and fetter the development opportunities of the wider site allocation.

Appendix A –

Western area summary framework plan, from Lewisham Characterisation Study, page 103

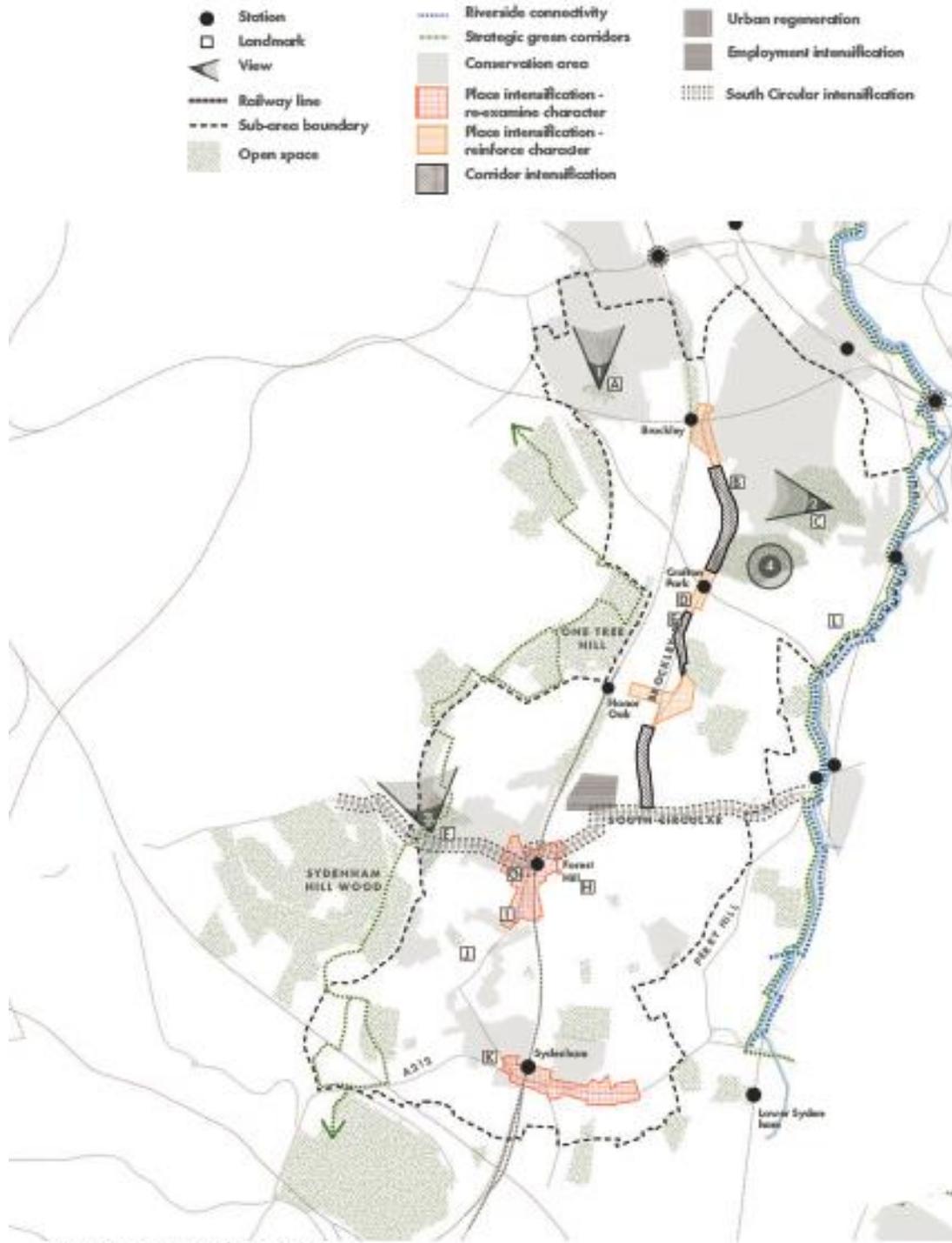
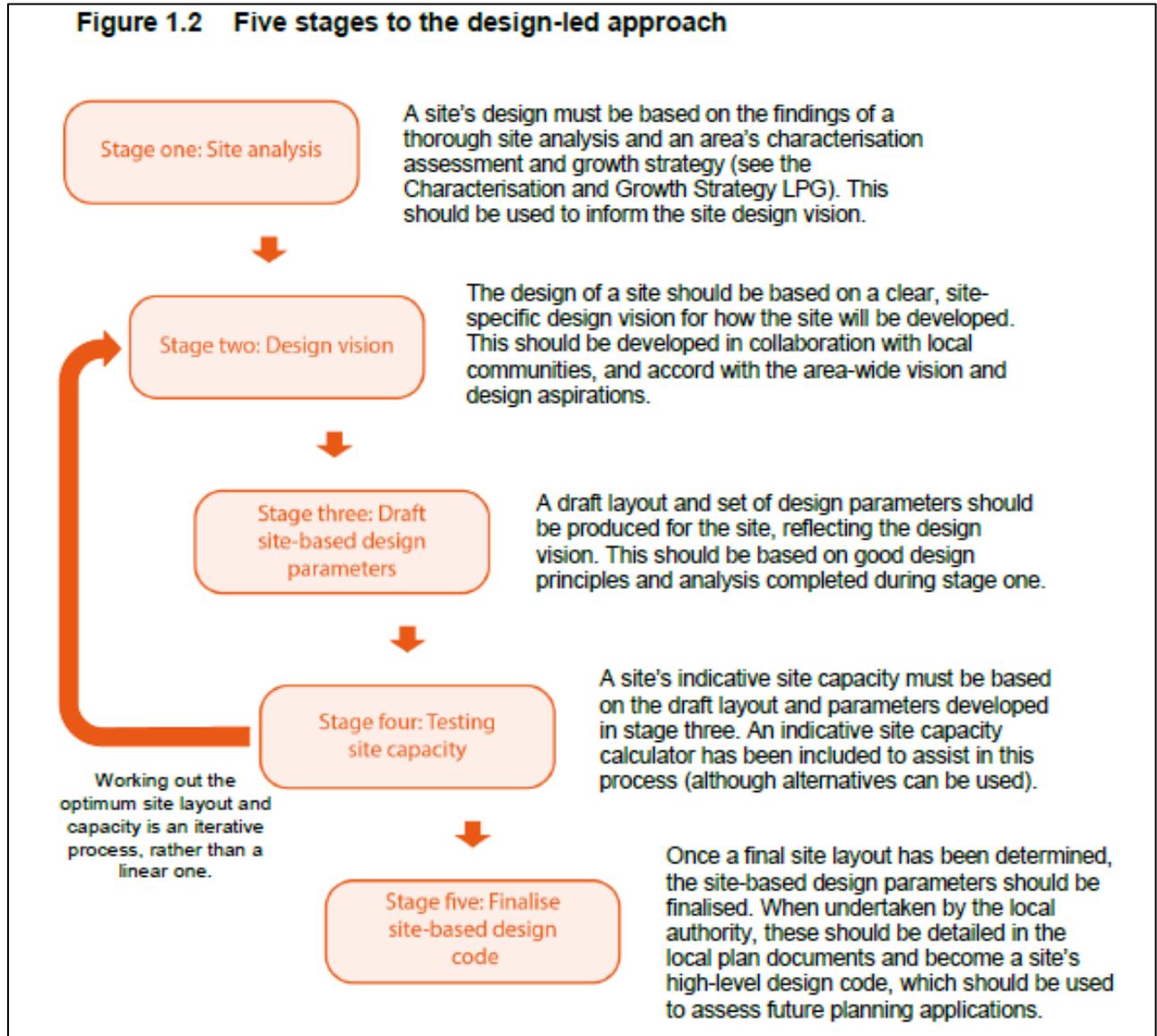


Fig 83 Western area summary framework plan

Appendix B –

The Five stages to the Design-led Approach (*Optimising Site Capacity LPG, 2023*)



Appendix C –

layout and scale comparison between the pre-application masterplan (September 2022) and the submitted masterplan vision (December 2022)

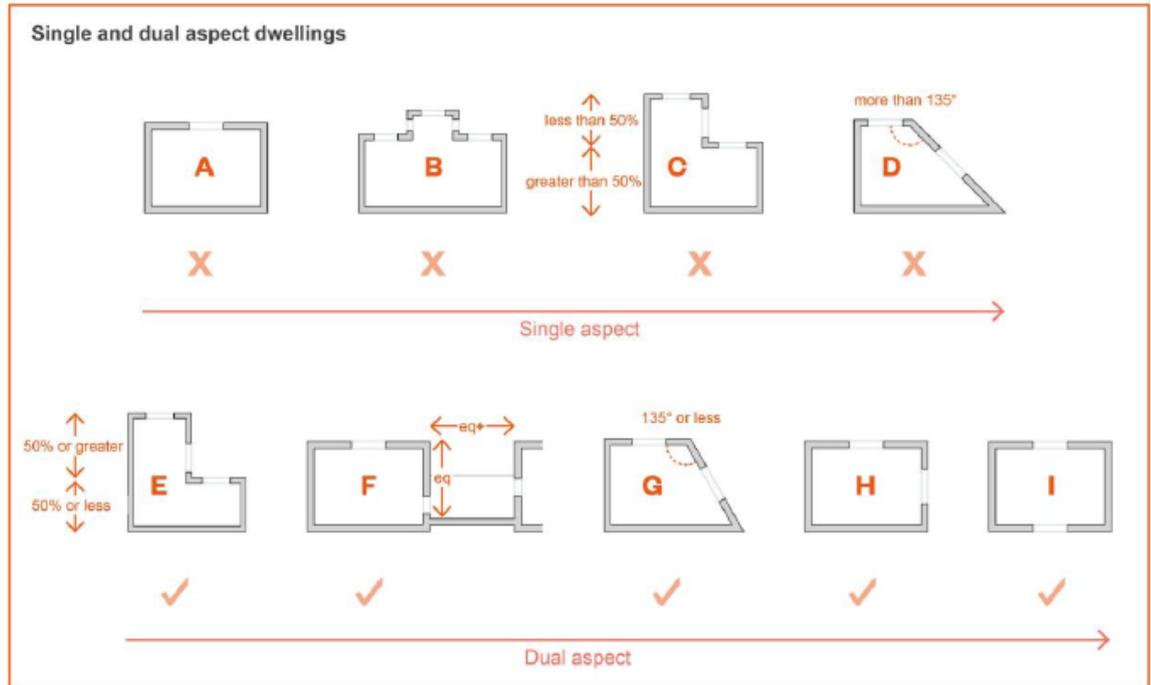


LHS – September masterplan; RHS submitted emerging masterplan section.

Appendix D –

Deinition of single and dual aspect dwellings as per LPG Housing Design Standards Guidance

A3.1.1 Single and dual aspect dwellings²



² These illustrations represent entire dwellings (not an individual room) and the 'aspects' that contribute to a home being defined as single or dual aspect. Openings are located on the images to show the direction of an aspect, but not the exact number and location of windows in a dwelling.