



LONDON BOROUGH OF LEWISHAM

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL NO: APP/C5690/W/23/3321935

COUNCIL'S REF: DC/22/129789

ADDRESS: 21-57 WILLOW WAY, UPPER SYDENHAM, LONDON, SE26 4QP

STATEMENT OF CASE FOR THE LONDON BOROUGH OF LEWISHAM

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- Appendix 1 – LBL pre-application response letter dated 22 April 2020
- Appendix 2 – LBL pre-application response letter dated 18 December 2020
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1. Introduction

- 1.1 The planning application (LB Lewisham planning reference DC/22/129789) was submitted on 20 December 2022 for the following works (“the Proposal”) at 21-57 Willow Way, SE26 4QP (“the Appeal Site”), also referred to as ‘Plot A’, Willow Way:

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

- 1.2 The application was refused by LB Lewisham under delegated powers on 23 March 2023, for the following reasons:

1. *The proposal would result in a loss of industrial capacity on the site which would be a departure from the adopted local plan and no exceptional circumstances are demonstrated to show that this would be compliant with the direction of the draft Local Plan. The proposal would therefore fail to comply with Policy 3 in Lewisham’s Core Strategy (2011), Site Allocation 48 in the Site Allocations Local Plan (2013), Policy D7 in the London Plan (2021) as well as emerging policies (Site Allocation 9: Willow Way, EC2, EC3, EC6) in the Lewisham Local Plan Proposed Submission Document-Regulation 19 Stage (January 2023).*
2. *The lack of detail on the proposed uses across the masterplan site results in a failure to demonstrate that the intensified co-location of uses can function at the proposed capacity of the masterplan site. Furthermore, it results in officers being unable to conclude that the proposal would meet the relevant transport, design, public realm or environmental policy (noise, air quality as well as sustainable urban drainage, energy and biodiversity) requirements. The granting of this application in absence of these details would fetter the development opportunity of the adjoining sites and undermine the objectives of the wider site allocation and masterplan area. The proposal would therefore fail to meet policies D3, D13, E6, E7 and SI 11 in the London Plan (2021), Policy E3 in the Lewisham Core Strategy (2011) as well as emerging policies (Site Allocation 9: Willow Way, EC2, EC3, EC6) in the Lewisham Local Plan Proposed Submission Document-Regulation 19 Stage (January 2023).*
3. *The proposals would result in the closing of existing businesses on site with no justification/ relocation package proposals and there is insufficient detail in the submission on whom future occupants might be and how the space, servicing and fit out requirements will attract a range of businesses within the target market. Combined with the lack of detail to show that the site itself can be adequately serviced or that the wider masterplan area won’t be impacted by the proposed servicing arrangements, this could impact the quality and uptake of employment spaces and undermine the*

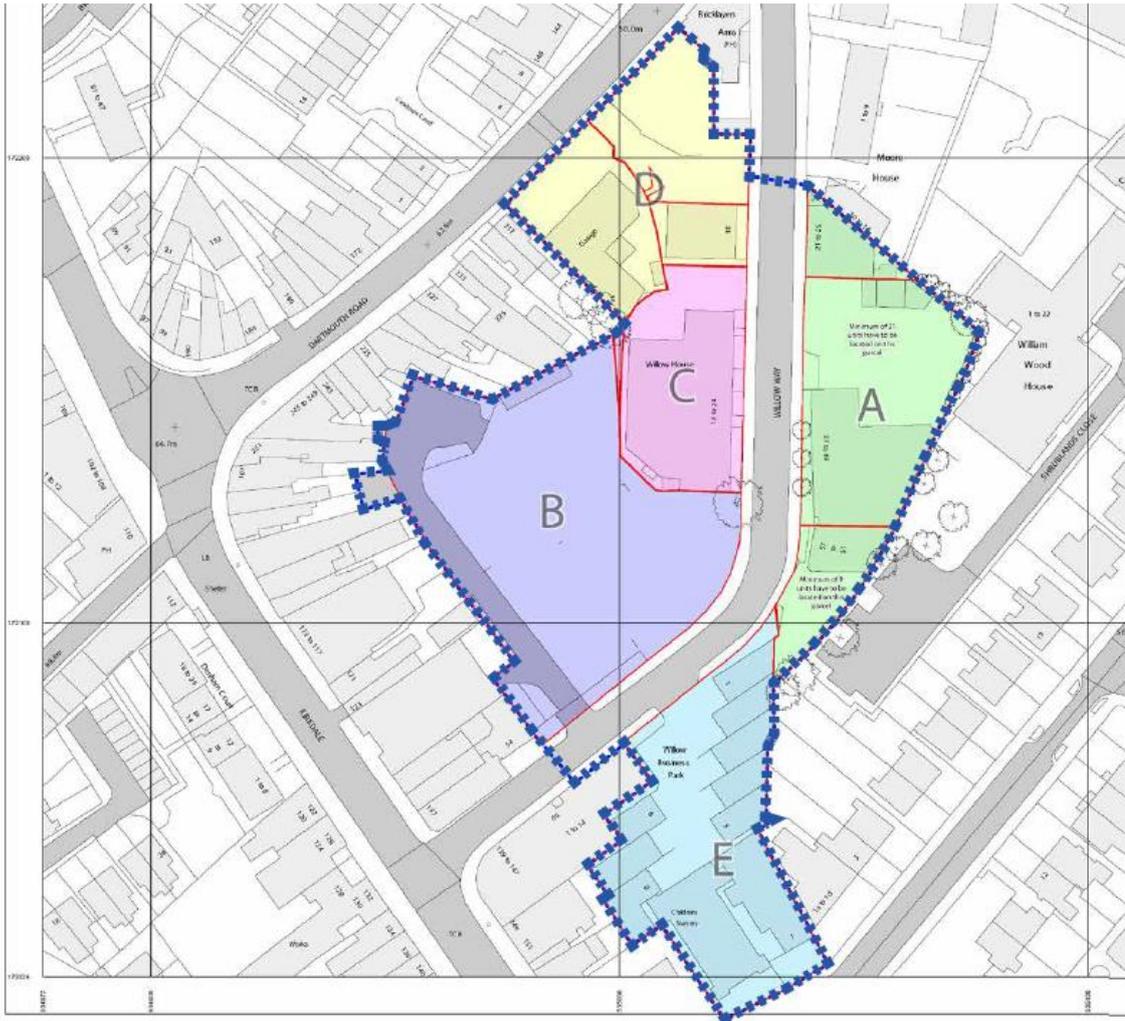
continued function of the employment location. The proposal is therefore contrary to policies D3, D13, E2, E3, E6, E7, T7 of the London Plan, Policy 14 in the Core Strategy (2011) as well as emerging policies (Site Allocation 9: Willow Way, EC2, EC3, EC6) in the Lewisham Proposed Submission (Regulation 19 Plan).

- 4. No townscape views have been submitted and the proposal does not demonstrate a context based design that responds to local character, including surrounding heritage assets. Furthermore, the building heights in the masterplan area are excessive and without additional information, officers cannot conclude the proposals would result in high quality design or preserve local heritage assets. The proposal is therefore contrary to policies D3, D6 and HC1 in the London Plan (2021); paragraph 126 in the NPPG and paragraphs 127, 130, 199, 200 and 203 in the NPPF (2021) and; sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*
- 5. The proposal fails to provide a housing mix in line with the requirements of the boroughs Strategic Housing Market Assessment and the applicant has provided no design feasibility or viability justification for this. The proposal would therefore be contrary to policies H4 and H6 in the London Plan (2021), Policy 1 in Lewisham's Core Strategy (2011) and Policy 7 in Lewisham's Development Management Local Plan (2014).*
- 6. The submitted noise, flood risk and ecology reports have missing and conflicting information and therefore officers cannot confirm the proposals meet the requirements of the relevant policies. The proposal is therefore contrary to policies G1, G5 and GG6 of the London Plan (2021) as well as paragraphs 8c, 159, 170, 174 and 185 of the NPPF.*

2. Description of the site and surrounding area

- 2.1 The appeal relates to a c. 0.725 hectare site on the eastern side of Willow Way, Sydenham. The site currently comprises 2 storey buildings with associated yard space that accommodate mixed use employment space. The submission documents set out that the site currently hosts: Delta Motor Garage, a vehicle repairs shop to the north of the site; Hallmark Catering Equipment and Furniture Hire, positioned centrally within the site; and Beeline Services, a drinks machine manufacturers, repairs and servicing business to the south of the site. Shipping containers are positioned to the south of the site and are used for storage and parking. There is also a single residential unit to the north of the site which has its own access from ground floor level on Willow Way leading up to the main accommodation at first floor level.

- 2.2 The Appeal Site, taken together with Plots B to E as indicated on the plan below, form part of the Willow Way Local Employment Location (LEL) allocation within the adopted Site Allocations Local Plan. The Lewisham Local Plan Proposed Submission Document – Regulation 19 Stage (January 2023) (the “Proposed Submission Local Plan”) proposes that the Willow Way LEL be carried forward as a Locally Significant Industrial Site (LSIS) allocation, which would allow for reprovion of enhanced employment space alongside intensified mixed use redevelopment of the site subject to a number of design and development considerations including amongst other things, comprehensive redevelopment of the site and landowners working in partnership and in accordance with a masterplan to “ensure the appropriate co-ordination, phasing and balance of uses across the site, in line with Policy DM3 (Masterplans and comprehensive development).”



■■■■■ Location of Locally Significant Industrial Site (LSIS)

- 2.3 The wider LEL site has a complex land ownership with the applicant having an option on Plots A and C, Plot B being in the ownership of the Council, and Plots D and E being in third party ownership.
- 2.4 Plot C, like the application site, accommodates two storey buildings in mixed employment use with associated external yard spaces. Plot B is vacant and largely cleared. Plot D comprises a single storey building operating as a vehicle repair and MOT service centre together with areas of hardstanding. Plot E comprises a series of two storey purpose built light industrial buildings set around a central parking court, which is known as Willow Business Park.
- 2.5 The proposal site lies to the east of Kirkdale Local Centre which comprises a range of ground floor retail, food and drink, and associated commercial uses focused along Kirkdale and extending on to Dartmouth Road.
- 2.6 With the exception of Kirkdale Local Centre and its associated uses, the surrounding area is predominantly residential in nature. William Wood House, a residential care home, directly adjoins Plot A to the south and east, and beyond this lie residential properties within the Sydenham Park Conservation Area.

There are residential properties within Kirkdale Local Centre at both ground and upper floor levels. The surrounding area is characterised by a range of residential accommodation types, including dwelling houses, apartments and forms of supported accommodation.

- 2.7 There are a series of designated and non-designated heritage assets within the vicinity of the proposal site. These include Sydenham Park Conservation Area which directly adjoins the proposal site to the south and east, the Halifax Street Conservation Area which lies to the west of Kirkdale, the Jews Walk and Cobbs Corner Conservation Areas which lie beyond to the south, and the Sydenham Hill / Kirkdale Conservation Area which lies beyond to the north west. There are a number of listed and locally listed buildings within the vicinity of the proposal site, including The Bricklayers Arms public house which lies to the north east of the proposal site at the junction of Dartmouth Road and Willow Way, directly adjacent to Plot D.
- 2.8 The site has a Public Transport Accessibility Location (PTAL) rating of 4 and so is considered to be well connected, with 10 minute walking distances to both Sydenham and Forest Hill Overground Line Stations. Several bus routes also run from Kirkdale and Dartmouth Road.
- 2.9 The site lies within Flood Zone 1 according to the Environment Agency mapping data and does not lie within an air quality management area.
- 2.10 The site is located within a growth corridor associated with the New Cross / Lewisham / Catford Opportunity Area and Bakerloo Line extension within the London Plan. The site is also identified as an area of open space deficiency, falls within the Kirkdale Area of Special Local Character and is within a critical drainage area within the emerging Local Plan.

3. Planning history

3.1 There is no relevant planning history in relation to the Appeal Site.

4. Proposal

- 4.1 The Proposal seeks to provide 1,401sqm of flexible use class E (g)(i)(ii)(iii) space and 60 residential units within buildings ranging from 4-6 storeys.
- 4.2 The flexible use class E (g)(i)(ii)(iii) space refers respectively to: (i) office use to carry out operational or administrative functions; (ii) use for the research and development of products / services and; (iii) use for any industrial process being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
- 4.3 The employment floorspace is proposed over ground and mezzanine levels with three units at 244sqm, 364sqm and 795sqm. The submitted Employment and Marketing Strategy sets out that the units would be fitted out to shell and core and that the floor to ceiling heights would be 5.3m (double height space), 2.4m (under mezzanine) and 2.2m (at mezzanine level) as space has already been accounted for all other servicing, ducting, and space needed. The plans appear to show that the mezzanine floors could have their own independent access which could allow for up to 7 units ranging from 49sqm to 428sqm in size. 8 visitor cycle spaces would be located on Willow Way and 6 cycle spaces for the employment units would be positioned to the rear of the buildings. Commercial refuse stores would front Willow Way.
- 4.4 Floors 1 to 4 would accommodate 60 residential dwellings of which 50% would be affordable. The private housing would be accessed via the north core, and the affordable housing would be accessed via the south core and the proposed housing tenure / sizes are summarised in the table below:

	Studio	1-bed	2-bed	3-bed	TOTAL
Social Rent	0	9	5	7	21 (70% of total affordable units)
Shared Ownership	1	4	3	1	9 (30% of total affordable units)
Private	3	7	17	3	30
Total	4	20	25	11	60

- 4.5 Both the north and south cores have their own cycle storage at ground floor and residential refuse storage located in a bin store adjacent to the access core. Both cores benefit from parcel lockers and two lifts.
- 4.6 Two wheelchair accessible parking spaces are provided at the rear of the site and the plans show where three more wheelchair accessible spaces at the rear and one more space on the public highway on Willow Way could be incorporated if need be. A single loading bay serving the development is positioned on the public highway on Willow Way.
- 4.7 Three outdoor amenity and play areas are located at the fourth floor level. The amenity space to the north would be accessible to residents of the private tenure units only, the centrally located amenity would be accessible to all residents, and the southern amenity space would be accessible to residents of the affordable units only. At ground floor level, a small area of external

amenity space is positioned at the rear of the block adjacent to the wheelchair accessible parking spaces and boundary treatment adjoining William Wood House.

- 4.8 There are four trees proposed to the rear of the site and one in the southern corner set back from Willow Way. The plans indicate planting at the fourth floor amenity space.
- 4.9 The residential units are orientated to be facing east-west with 60% being dual aspect and all units having access to a private balcony. Each access core serves a maximum of 8 units per core and the corridors run between the east / west facing units and at Levels 1, 2 and 3 are book ended by accommodation to the north and south meaning that they do not benefit from natural light and ventilation.

5. Planning application process

Pre-application engagement

- 5.1 Council officers had two preliminary pre-application meetings with the applicant team in January 2020 and November 2020 to discuss the principle of mixed-use redevelopment incorporating employment and residential uses. At these meetings, Council officers advised that in the context of the emerging Local Plan site allocation (which proposes redesignation of the site from a Local Employment Location to a Locally Significant Industrial Site allowing for mixed use redevelopment), whilst the principle of future redevelopment would be welcomed, given that no weight could be afforded to the emerging plan at that stage, it was advised that any application would be premature until the Local Plan had been sufficiently progressed. Ahead of this, any application would need to be assessed in the context of the adopted development plan which affords very strong protection to the site for employment purposes. These pre-application response letters are provided at Appendices 1 and 2.
- 5.2 On 23 September 2022, a further pre-application meeting was held between the applicant's team and Council officers. At this meeting, the applicant presented an emerging scheme proposing comprehensive redevelopment of Plots A, B & C, comprising employment floorspace at ground floor with residential apartments above. The pre-application scheme presented for Plots A, B & C comprised c. 2,061sqm of employment floorspace together with c. 203 residential units at upper levels, in blocks rising between four and nine storeys. Council officers had a number of concerns with the proposed scheme including the following:
- the quantum and quality of the employment floorspace being proposed;
 - the height, scale and massing of the scheme;
 - the impact on the amenity of surrounding properties;
 - the impact on the setting of surrounding conservation areas and other heritage assets;
 - the quality of residential accommodation that would be created; and
 - the detailed design and appearance of the scheme.
- 5.3 The applicant explained that for land ownership reasons, they were required to submit a detailed planning application for Plot A (the Appeal Site) by 31 December 2022. The applicant wanted to engage in pre-application discussions with Council officers regarding the proposal for Plot A ahead of the application's submission, and then continue to engage with Council officers in pre-application discussions in relation to Plots B & C ahead of submission of a planning application for these plots in summer 2023.
- 5.4 Subsequent to this pre-application meeting on 23 September 2022, Kitewood submitted a letter dated 3 October 2022 (see Appendix 3) setting out what they considered to be a way forward in terms of the planning programme. The letter confirms that design freeze for Plot A would need to take place w/c 10 October 2022 in order to allow for the contractual requirement for submission of a detailed planning application by 31 December 2022 to be met. Kitewood proposed that following submission of a detailed planning application for Plot

A in December 2022, they would agree to an extension of time in relation to this application such that there would be no requirement for it to be determined within the statutory timeframe and to thereby enable this application to be considered alongside the future application for Plots B & C which were to be submitted in June 2023. Through the course of pre-application engagement with the Council between October 2022 and June 2023, Kitewood proposed that any amendments required in relation to the submitted application for Plot A would be dealt with through the submission of amended plans / documents in relation to this live application.

- 5.5 In the Council's pre-application response letter (see Appendix 4), it identified a number of fundamental issues with the proposed approach. Recognising that design freeze in relation to Plot A needed to take place w/c 10 October 2022, and given the series of issues that the Council considered needed to be worked through and resolved and the very limited extent of pre-application engagement that had taken place to date, the Council considered that this simply did not allow sufficient time for the proper evolution of the scheme through the pre-application process. Moreover, the Council's response made clear that any proposals for Plot A cannot be considered in isolation, but clearly need to be developed in the context of a masterplanned approach across the LSIS site as a whole (Plots A, B, C, D & E), and therefore the proposed approach simply would not allow for this to take place. In this context, the Council confirmed within its pre-application response letter that it did not consider that the proposed planning programme to be workable, and that the Council was not prepared to enter into a Planning Performance Agreement with Kitewood on the basis of such a programme.

Lewisham Design Review Panel

- 5.6 As the applicant resolved to submit the application by 31 December 2022 in accordance with their contractual obligation, there was no time to engage with Lewisham's Design Review Panel (DRP) prior to submission of the application.
- 5.7 The application was therefore presented to Lewisham's DRP following submission on 28 February 2023. The report of Lewisham's DRP is provided at Appendix 5.

Handling of planning application

- 5.8 It is noted at paragraph 5.3.1 of the Appellant's Statement of Case that the Appellant cites that "despite numerous requests by the Appellant to be sent the consultee comments received by LBL during the determination period of the planning application, a full set of consultee comments was only received post the refusal of the Proposals" and that this prevented the Appellant addressing any of the consultee comments during the course of the planning application. On 16 March 2023 (and in advance of the determination of the application on 23 March 2023), the Council sent via email a summary of all consultation responses received to date to the applicant (email from Kate Harrison to Sara Sweeney).

- 5.9 It is also noted at paragraph 5.4.1 in the Appellant's Statement of Case they state that on a number of occasions they requested an extension of time to the planning application in order to positively address comments from consultees and to liaise further with the Council in order to bring about a successful outcome to the planning application, and that the Appellant suggested entering into a Planning Performance Agreement (PPA) with the Council to this end, but that both these requests were denied and the planning application proposals were refused.
- 5.10 The Council recognises the guidance at NPPF paragraph 38 that they should approach decisions on proposed development in a positive and creative way, and work proactively with applicants, and at paragraph 46 that applicants and local planning authorities should consider the potential for voluntary PPAs, where this might achieve a faster and more effective application process. However, given the scale and nature of revisions to the application proposal and the wider masterplan that would be required to make the scheme acceptable in planning terms, the Council did not consider that these changes could reasonably be made following the application's submission. The applicant's proposed approach would effectively have been as set out under 'Pre-application engagement' above where an Extension of Time was to be agreed in relation to the application for Plot A, to allow any revisions to the application proposal and the wider masterplan to be made. This would effectively circumvent the pre-application process, and seek to negotiate and amend the scheme post-submission. This goes beyond the scope of the positive and proactive duty set out in NPPF paragraph 38 and the Council considers that it did not act unreasonably in its handling and determination of the application.

Pre-application engagement in relation to a revised scheme

- 5.11 Following submission of the appeal in relation to Plot A, the Appellant's team approached the Council to discuss the potential to enter into a PPA to discuss a revised scheme across Plots A, B and C. The Appellant's team explained that in the event a revised scheme could be agreed between the parties, the Appellant may be in a position to withdraw the planning appeal. A draft PPA was drawn up and the first pre-application meeting as part of this was held on 13 July 2023. The draft PPA had yet to be formally agreed by the parties and signed.
- 5.12 Subsequent to this, on 14 July 2022, the parties received the appeal start letter from PINS confirming that the inquiry will open on 31 October 2023. In light of the milestones set out in the start letter and the scheduling of the inquiry being earlier than either party had anticipated when discussing a draft PPA, the Council resolved that the draft PPA programme was no longer realistic in the context of the appeal programme, and that it would not be practical to resource and engage in pre-application discussions regarding a revised scheme across Plots A, B and C alongside the appeal programme.

6. Planning policy context

- 6.1 The Development Plan comprises:
- London Plan (March 2021)
 - Core Strategy (June 2011)
 - Development Management Local Plan (November 2014)
 - Site Allocations Local Plan (June 2013)
- 6.2 The Lewisham Local Plan Proposed Submission Document – Regulation 19 Stage (January 2023) (the “Proposed Submission Local Plan”) was consulted upon from 1 March to 25 April 2023. It is anticipated that the Local Plan will be formally submitted to the Secretary of State in October 2023 for the purposes of public examination. It is recognised that in advance of this, the Proposed Submission Local Plan can be afforded limited weight in decision making, but notwithstanding this it does establish a direction of change which can be taken into account as a material consideration.
- 6.3 The relevant planning policy context is set out in detail in relation to each of the main issues, as part of the Council’s case, below.

7. The Council's case

7.1 Having regard to the Reasons for Refusal, the Council considers the main issues in this appeal are as follows:

- Employment matters
- Masterplan and urban design
- Adequacy of the intended arrangements for access and servicing
- Heritage impact
- Affordable housing mix
- Missing information

Employment matters

Policy context

- 7.2 The Appeal Site forms part of the Willow Way Local Employment Land allocation (SA48) within the adopted Site Allocations Local Plan. The site allocation designates the site as a Local Employment Location (LEL) to afford protection for the employment use of the site. Core Strategy Policy 3 – Strategic Industrial Locations and Local Employment Locations confirms that the Council will protect the LELs for a range of uses within the B Use Class and also appropriate sui generis uses, to support the functioning of the local economy. In addition, Part 1(d) within Spatial Policy 5 of the Core Strategy confirms that the Council will support locally significant employment areas scattered throughout the area including maintaining LELs at Willow Way (amongst others).
- 7.3 DM Policy 10 – Local Employment Locations LEL within the Development Management Local Plan expands upon this approach, and confirms that the Council will support uses within the B Use Class and appropriate sui generis uses within a LEL, subject to: a) the use being appropriate in the location in relation to the surrounding built context; b) the intensity of the use; and c) the new use meeting the aims in Core Strategy Policy 3. The policy confirms that planning permission for residential use, or other uses such as day nurseries, churches and other community facilities will not be granted due to the effect the proposal would have on the continued commercial functioning of the area as a whole and their incompatibility with the uses on the LEL. The adopted development plan therefore affords strong protection to the employment function of the proposal site.
- 7.4 In publicising receipt of the planning application, the Council advertised the Proposal as a departure from the adopted development plan on this basis.
- 7.5 London Plan Policy E6 – Locally Significant Industrial Sites sets out the approach to Locally Significant Industrial Sites (LSIS), and states that development plans should designate and define detailed boundaries and policies for LSIS justified by evidence in local employment land reviews taking into account the scope for intensification, co-location and substitution. Furthermore, it states that development plans should make clear the range of industrial and related uses that are acceptable in LSIS including, where appropriate, hybrid or flexible B1c/B2/B8 suitable for SMEs and distinguish these from local employment areas that can accommodate a wider range of business uses.
- 7.6 Part A of London Plan Policy E7 – Industrial intensification, co-location and substitution states that development plans and development proposals should be proactive and encourage the intensification of business uses in Use Classes B1c, B2 and B8 occupying all categories of industrial land through: 1) introduction of small units; 2) development of multi-storey schemes; 3) addition of basements and; 4) more efficient use of land through higher plot

ratios having regard to operational yard space requirements (including servicing) and mitigating impacts on the transport network where necessary.

- 7.7 Part B of London Plan Policy E7 states that development plans and planning frameworks should be proactive and consider, in collaboration with the Mayor, whether certain logistics, industrial and related functions in selected parts of SIL or LSIS could be intensified to provide additional industrial capacity. Intensification can also be used to facilitate the consolidation of an identified SIL or LSIS to support the delivery of residential and other uses, such as social infrastructure, or to contribute to town centre renewal. It confirms that this approach should only be considered as part of a plan-led process of SIL or LSIS intensification and consolidation (and the areas affected clearly defined in Development Plan policies maps) or as part of a co-ordinated masterplanning process in collaboration with the GLA and relevant borough, and not through ad hoc planning applications. It identifies that in LSIS the scope for co-locating industrial uses with residential and other uses may be considered, and that this should also be part of a plan-led or masterplanning process.
- 7.8 Part D of London Plan Policy E7 states that the processes set out in Parts B and C must ensure that: 1) the industrial and related activities on-site and in surrounding parts of the SIL, LSIS or Non-Designated Industrial Site are not compromised in terms of their continued efficient function, access, service arrangements and days/hours of operation noting that many businesses have 7-day/24-hour access and operational requirements; 2) the intensified industrial, storage and distribution uses are completed in advance of any residential component being occupied; 3) appropriate design mitigation is provided in any residential element to ensure compliance with 1) above with particular consideration given to: a) safety and security, b) the layout, orientation, access, servicing and delivery arrangements of the uses in order to minimise conflict, c) design quality, public realm, visual impact and amenity for residents, d) agent of change principles, e) vibration and noise, f) air quality, including dust, odour and emissions and potential contamination.
- 7.9 London Plan Policy E2 – Providing suitable business space states that boroughs should include policies in development plans that support the provision, and where appropriate, protection of a range of B Use Class business space, in terms of type, use and size, at an appropriate range of rents, to meet the needs of micro, small and medium-sized enterprises and to support firms wishing to start-up or expand. It also identifies that development of B Use Class business uses should ensure that the space is fit for purpose having regard to the type and use of the space.
- 7.10 The Proposed Submission Local Plan identifies the Willow Way site as a Locally Significant Industrial Site that is potentially suitable to accommodate the co-location of employment and other compatible uses, in order to secure the long term viability of LSIS and to help facilitate their renewal and regeneration. Proposed Submission Local Plan Policy EC6 – Locally Significant Industrial Sites details the relevant policy provisions in relation to the co-location of uses on LSIS sites.

- 7.11 Part A of Policy EC6 states that LSIS will be protected for Class E(g) office and light industrial, Class B industrial, Class B8 storage and distribution and related Sui Generis uses, with priority being given to office and light industrial uses, and that development proposals should ensure that there is no net loss of industrial capacity within these locations and seek to deliver net gains wherever possible.
- 7.12 Part D of Policy EC6 identifies that the co-location of employment and other compatible uses will only be permitted at selected LSIS in order to secure their long-term viability and to help facilitate their renewal and regeneration. Willow Way LSIS is identified as one of these identified sites, and the policy confirms that development proposals involving the co-location of uses must not compromise the function of the LSIS to accommodate commercial and industrial uses.
- 7.13 Part E of Policy EC6 states that development proposals for the co-location of uses on LSIS sites listed under Part D which result in the net loss of industrial capacity will be strongly resisted and only permitted in exceptional circumstances, where the proposal:
- a) Suitably demonstrates that the loss is necessary for reasons of feasibility or to secure strategic infrastructure, with reference to Policy EC6.G, and the amount of industrial capacity has been maximised as much as reasonably practical, including through evidence of a development options appraisal considered through the design-led approach;
 - b) Will not compromise the function of the LSIS or preclude the delivery of the spatial strategy for the Borough;
 - c) Delivers wider public benefit(s) to overcome the loss of industrial capacity; and
 - d) Makes provision of at least 50 per cent affordable housing on the residential element of the development.
- 7.14 Proposed Submission Local Plan Policy EC2 – Protecting employment land and delivering new workspace identifies that there is a forecast need for 21,800 square metres of net additional employment floorspace in the Borough up to 2038, and that development proposals must contribute to meeting this need by a series of measures, including that LSIS retain and wherever possible deliver net gains in industrial capacity, including by intensifying the use of land. Paragraph 8.11 within the reasoned justification confirms that the onus will be on the applicant to demonstrate that the design-led approach has been used to make the optimal use of land and maximise employment provision, and that this should include evidence of alternative design options, such as site layouts and building typologies (including multi-storey or basement development). Paragraph 8.10 within the reasoned justification confirms the expectation that there will be no net loss of industrial capacity and that net gains are delivered wherever possible. It clarifies that industrial capacity in Lewisham will be calculated on the basis of the existing commercial and industrial capacity on a site which is currently in active employment use, and covers Class E(g) office and light industrial, Class B2 industrial, Class B8 storage and distribution and related Sui Generis uses. It

states that where a proposed development site is vacant or cleared, the existing capacity should be established on the basis of the last active authorised commercial and industrial use(s) (excluding meanwhile uses). The reasoned justification confirms that whilst the integration of mezzanines are broadly supported by the Local Plan as a way to make a more optimal use of land, mezzanine space will be excluded from calculations of industrial capacity for the purpose of Policy E2.

- 7.15 Proposed Submission Local Plan Policy EC3 – High quality employment areas and workspace states that development proposals for Class E business, B2 industrial and B8 storage or distribution uses and related Sui Generis uses must be of a high quality design with well-integrated and purpose built business space, and must demonstrate how the design-led approach has been used to improve the site’s suitability for business activity having regard to the type and use of space. Part A sets out that development proposals must a) Optimise the use of land and maximise opportunities to increase job densities; b) Make provision for an appropriate level of internal fit out beyond shell and core; c) Make provision for flexible workspace that can be adapted to the needs of different employment uses, particularly where there is not a specified end user; d) Ensure the layout and design of development provides adequate operational space including for site access and servicing; e) Improve the attractiveness and environmental quality of the site and employment area, including high quality public realm, where appropriate; and f) Ensure a coherent and positive relationship with adjoining and neighbouring land uses and protect local amenity with reference to other Local Plan policies.
- 7.16 The Proposed Submission Local Plan identifies Willow Way LSIS as a proposed site allocation (West Area – Site Allocation 9). The proposed allocation encompasses a site area of 1.29ha which includes the Appeal Site within its scope. It allocates the LSIS site for comprehensive employment led mixed-use redevelopment with co-location of compatible commercial, main town centre and residential uses. The site allocation identifies that redevelopment and site intensification, along with the co-location of commercial and other uses, will provide a more optimal use of land and enable the delivery of new and improved workspace to support the long-term viability of the LSIS.

The Council’s case

- 7.17 The Council considers that the Proposal would result in a loss of industrial capacity on the site which would be a departure from the adopted development plan. In relation to the Proposed Submission Local Plan, no exceptional circumstances have been demonstrated to show that this would be compliant with the direction of it.
- 7.18 As outlined in the policy section above, Site Allocation SA48 in the Site Allocations Local Plan allocates the Willow Way site as a Local Employment Location (LEL) to enable its protection of B Use Class Employment Uses. Core Strategy Policy 3 – Strategic Industrial Locations and Local Employment

Locations confirms that the Council will protect LELs for a range of uses within the B Use Class (B1, B8 and where appropriate B2 industry) and appropriate sui generis uses, to support the functioning of the local economy. DM Policy 10 – Local Employment Locations within the Development Management Local Plan confirms that the Council will support uses within the B Use Class and appropriate sui generis uses within an LEL subject to various criteria, and also states that planning permission for the introduction of residential uses (or other uses such as day nurseries, churches and other community facilities) will not be granted due to the effect on the continued commercial functioning of the area and their incompatibility with the uses on the LEL.

- 7.19 The proposed introduction of residential use as part of the Proposal is not in accordance with these policy provisions, and for this reason the Proposal is considered to represent a departure from the adopted development plan. The Appellant therefore requires weight to be given to the emerging policies within the Proposed Submission Local Plan and the direction of change it would allow in relation to the Willow Way LSIS.
- 7.20 In this regard, it is recognised that the Council has previously approved applications for the co-location of residential uses within designated employment locations (discussed in further detail below), where the direction of change set out within the emerging Local Plan has been taken into account as a relevant material consideration.
- 7.21 However, the issue in respect of the Proposal is that whilst it relies on considerable weight being given to the direction of change set out within the emerging Local Plan, it fails to accord with the relevant policy provisions within the emerging Local Plan.
- 7.22 The submission documents identify that the existing commercial floorspace on the Appeal Site comprises a total of 1,341sqm. The Proposal would deliver of a total of 1,401sqm of commercial floorspace. P34 of the submitted Design and Access Statement (reproduced and updated as Appendix 9 to the Appellant's Statement of Case) and the submitted plans demonstrate that a significant component of this total comprises mezzanine space.
- 7.23 The Ground Floor Plan (KTW034-DCR-GF-PL-A-0100) identifies a total of 922sqm of commercial floorspace at ground floor level, and the Ground Floor Mezzanine Plan (KTW034-DCR-01-PL-A-0101) identifies a total of 479sqm of commercial floorspace would be provided at the mezzanine level. Taken together this totals 1,401sqm.
- 7.24 As set out above, the reasoned justification to Proposed Submission Local Plan Policy E2 sets out that mezzanine space will be excluded from calculations of industrial capacity for the purpose of Policy E2. The rationale for this exclusion is that mezzanine space is not considered to fulfil the full range of purposes of more conventional commercial floorspace. Mezzanine floorspace will by its nature typically have reduced internal floor to ceiling heights, and its arrangement means that it is generally more constrained in terms of the nature of commercial uses which can take place at mezzanine

level. This position is corroborated by the Industrial Intensification and Co-Location Study: Design and Delivery Testing (We Made That, October 2018) (see Appendix 6) which was commissioned by the GLA as an evidence base to inform the emerging new London Plan and its policy approach regarding industrial intensification. On p7 of the document, this notes that mezzanines have limited use for operations unless properly reinforced (floor loading) and served by a goods lift. The document concludes that mezzanines should be considered useful from an occupier perspective but not considered to be additional floorspace for the purposes of intensification.

- 7.25 The Appellant has submitted a Proposed Sections drawing (KTW034-DCR-00-SE-A-0200) which forms Appendix 7 to their Statement of Case. This indicates that for those elements of the commercial unit that have full height space, maximum internal floor to ceiling heights of approximately 6m would be provided (not accounting for internal ducting and servicing which may reduce internal floor to ceiling heights below this). For the space beneath the mezzanine, maximum internal floor to ceiling heights of approximately 2.8m would be provided (again, not accounting for internal ducting and servicing). For the space at mezzanine level, maximum internal floor to ceiling heights of approximately 2.9m would be provided (again, not accounting for internal ducting and servicing). It is noted that these measurements taken from the Proposed Sections drawing do not reflect the stated floor to ceiling heights on the Workspace Comparison Plan which forms Appendix 9 to the Appellant's Statement of Case, which suggests that space beneath the mezzanine would have floor to ceiling heights of approximately 3 – 4m.
- 7.26 The Industrial Intensification and Co-Location Study: Design and Delivery Testing (see Appendix 6) identifies typical requirements in terms of internal floor to ceiling heights for a range of industrial typologies. For workshops / studios it identifies a minimum floor to ceiling height of 3.5 to 4.4m, for the small industrial specification typology it identifies a minimum floor to ceiling height of 4 to 8m, and for the medium industrial specification typology it identifies a minimum floor to ceiling height of 6 to 8m. For all typologies it identifies the importance of external yard space for access and servicing.
- 7.27 Similarly, the Lewisham Creative and Digital Industries Spatial Guidance (We Made That, Regeneris and Tom Fleming, November 2017) (see Appendix 7) sets out the typical workspace requirements in relation to five typologies relevant to creative and digital industries. This includes guidance around typical minimum floor to ceiling heights. For small office space and large office space typologies, the guidance identifies floor to ceiling heights of 2.9 to 4.4m. For the creative studio typology, it identifies floor to ceiling heights of 2.9 to 4.4m but notes that generally a minimum floor to ceiling height of 3.5m is preferred. For the small industrial space typology it identifies floor to ceiling heights of 4.5 to 8m and notes that generally 4m is considered to be a minimum ceiling height.
- 7.28 These evidence base documents serve to demonstrate that the proposed floor to ceiling heights of 2.8 – 2.9m beneath and at mezzanine level would be

significantly constrained in terms of the range of employment uses that they could reasonably accommodate.

- 7.29 When the proposed 479sqm of mezzanine floorspace is discounted as per the reasoned justification to Proposed Submission Local Plan Policy E2, the Proposal would only provide 922sqm of commercial floorspace, which would represent a net loss of industrial capacity contrary to the provisions of Proposed Submission Local Plan Policy EC6 and the associated Willow Way LSIS site allocation policy. Similarly, it is noted that on the basis of Workspace Comparison Plan which forms Appendix 9 to the Appellant's Statement of Case, 213sqm of floorspace would have reduced floor to ceiling height by reason of being sited beneath the mezzanine level, and therefore only 708sqm of the commercial floorspace proposed would be full height space affording maximum flexibility across the range of future occupiers.
- 7.30 As set out above, Part E of Proposed Submission Local Plan Policy EC6 sets out that development proposals for the co-location of uses on LSIS sites listed under Part D which result in the net loss of industrial capacity will be strongly resisted and only permitted in exceptional circumstances where the proposal meets all four of the defined criteria (a) to (d). Criterion (a) requires that the proposal suitably demonstrates that the loss is necessary for reasons of feasibility or to secure strategic infrastructure, and the amount of industrial capacity has been maximised as much as reasonably practical, including through evidence of a development options appraisal considered through the design-led approach. This point is again picked up within Paragraph 8.11 within the reasoned justification to Proposed Submission Local Plan Policy EC2 which sets out that the onus will be on the applicant to demonstrate that the design-led approach has been used to make the optimal use of land and maximise employment provision, and that this should include evidence of alternative design options, such as site layouts and building typologies. Similarly, Part A of Proposed Submission Local Plan Policy EC3 sets out that development proposals must a) optimise the use of land and maximise opportunities to increase job densities; c) Make provision for flexible workspace that can be adapted to the needs of different employment uses, particularly where there is not a specified end user; and d) Ensure the layout and design of development provides adequate operational space including for site access and servicing.
- 7.31 This reflects the approach set out in London Plan Policy D3 – Optimising site capacity through the design-led approach which requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and London Plan Policy E7 which encourages the intensification of business uses in Use Classes B1c, B2 and B8 and more efficient use of land through higher plot ratios.
- 7.32 The Council considers that the Proposal would result in a net loss of industrial capacity, and that there has been no demonstration that the amount of industrial capacity has been maximised as much as reasonably practical, or that the proposal has sought to optimise the use of land and maximise opportunities to increase job densities, through evidence of a development

options appraisal considered through the design-led approach. This applies with regard to both the Proposal, and in relation to the submitted Emerging Outline Masterplan for the wider LSIS allocation.

- 7.33 Similarly, given that there is no end user identified for the commercial floorspace, the Council considers that the proposed commercial units have not been designed to make provision for flexible workspace that can be adapted to the needs of a wide range of employment uses. This derives from the internal layout and arrangement with a significant proportion of the floorspace having low internal floor to ceiling heights as discussed above which will necessarily limit the nature of uses which could occupy these spaces, and the lack of provision for any external yard / back of house space serving the commercial units, and the inadequate provision for servicing and deliveries to the commercial units (this final point is expanded on further below in the section of this Statement dealing with 'Adequacy of the intended arrangements for access and servicing').
- 7.34 In terms of external yard space, the Industrial Intensification and Co-Location Study: Design and Delivery Testing (see Appendix 6) states that engagement with industrial occupiers and developers has underlined the importance of yard space for industrial businesses to meet their varied operational, servicing and storage requirements, and this element needs to be considered as part of every industrial intensification scheme. It defines operational yard space as "the external space needed by a given industrial occupier for their core business activities. This space is typically provided by a yard (covered or uncovered) and is often used for storage, production or processing activities which directly support a business' primary activity. This includes servicing and circulation space for vehicles which enable the movement of goods related to the core business activity." The study finds that "operational yard space needs to be carefully considered in development and redevelopment in order to deliver attractive and operational industrial development."
- 7.35 Whilst it is clear from the study that requirements for operational yard space must be considered on a case-by-case basis having regard to existing and potential occupiers and informed by the current supply and future demand profile for industrial activity, in providing no external yard space the employment floorspace within the Proposal will necessarily be constrained in terms of its suitability and attractiveness to the range of potential occupiers. The space to the rear of the proposed block would accommodate Blue Badge parking for the residential units together with an area of external amenity space. There is no external yard space, and indeed no external back of house space for the unloading / loading or temporary storage of goods or materials. All loading associated with the employment units must take place via the on-street loading bay, which necessarily imposes constraints in terms of the movement of goods between the loading bay and the unit, and issues of security whilst loading / unloading takes place. Any occupier that relies on a significant amount of deliveries and servicing as part of their business model is unlikely to find the proposed units suitable in this context. The lack of provision of any external yard space or back of house space, and the associated reliance on an on-street bay for all servicing and delivery

requirements (serving both the employment units and the residential units) represents a significant constraint on the attractiveness of the proposed employment floorspace.

- 7.36 The Council recognises that there have been two recent cases within the borough where the co-location of residential and employment uses has been supported on designated employment land. One of these is cited within the application submission documents in terms of 164-196 Trundleys Road and 1-9 Sandford Street (planning references DC/18/106941 and DC/20/117966). This site formed part of the designated Surrey Canal Strategic Industrial Location (SIL) and was one of three sites identified in the emerging Local Plan for release from SIL to facilitate mixed use redevelopment, to be offset by designation of an additional area via the emerging Local Plan as compensatory SIL provision. These two variant applications were presented to Lewisham's Strategic Planning Committee on 23 March 2021 who were minded to grant permission subject to GLA Stage 2 referral and completion of a s106 agreement, with planning permission subsequently granted on 5 November 2021. The approved scheme comprises 2,220sqm of flexible commercial floorspace (Use Class E(g)(iii)/B2/B8) provided across four individual units, with servicing and yard access provided from the rear. The site in its existing state accommodated 1,320sqm GIA of SIL uses plus 1,280sqm of yard space. The application proposals therefore represented an increase in industrial capacity of 168% compared to the existing floorspace. The scheme was designed to provide flexible commercial floorspace with units that could accommodate a range of large, or small and micro businesses for industrial and warehouse uses or light industrial and creative industrial workshop uses. Additionally, the scheme provided 990sqm of external yard space for servicing and deliveries.
- 7.37 The Committee Reports for the variant applications recognised that the scheme is a departure from the Core Strategy but has been designed to the principles of the new London Plan and is in accordance with the direction of travel of the emerging Local Plan. Whilst it was recognised that the Local Plan had no planning weight at the time the applications were presented to Committee, it was recognised as a material consideration and officers considered the scheme acceptable given the existing non SIL uses on-site, the location of the site on the fringe of the SIL, the uplift in overall industrial floorspace in terms of quantum and quality, the increase of job provision and that the proposals were in accordance with the direction of travel of the emerging Local Plan. In this context, the principle of co-location of industrial and residential units was considered by officers to be acceptable in accordance with the requirements of the London Plan, and to be an acceptable departure from the Core Strategy.
- 7.38 The second case of relevance is Blackheath Business Estate, Blackheath Hill (planning reference DC/20/117309). This application was presented to Lewisham's Strategic Planning Committee on 16 December 2020 who were minded to grant permission subject to GLA Stage 2 referral and completion of a s106 agreement, with planning permission subsequently granted on 29 April 2021. Similar to Willow Way, the site was designated as a Local Employment

Location within the adopted development plan, and was identified in the emerging Local Plan as an LSIS suitable for co-location of employment and other compatible uses. In its existing condition, the site comprised approximately 1,080sqm of commercial floorspace. The application proposed up to 2,288sqm of commercial floorspace, representing a 110% net increase over the existing provision. The commercial floorspace would be arranged over four floors with proposed units ranging between 15sqm to 216sqm to allow for a range of small to medium flexible space. The internal floor to ceiling heights would be between 3.5m and 5m to provide flexibility for future occupiers, and external yard space would be provided to meet the servicing and delivery requirements of commercial occupiers. In this context, the principle of co-location of industrial and residential units was considered by officers to be acceptable in accordance with the requirements of the London Plan, and to be an acceptable departure from the Core Strategy.

- 7.39 Whilst Trundleys Road and Blackheath Business Estate are examples of where officer recommendation has been for approval on the basis of the direction of the emerging Local Plan with regard to co-location and intensification, notwithstanding the departure from the Core Strategy and associated policies within the development plan, it is of note that both of these schemes involved significant net gains in industrial capacity and afforded external yard space to meet the access and servicing requirements of a range of future commercial occupiers. As such, they were in line with the direction of change and the policy provisions of the emerging Local Plan at the point of their consideration. By comparison, the Proposal represents a net loss of industrial capacity, the internal floor to ceiling heights of the proposed units would constrain the nature of potential occupiers, and it affords no external yard space to meet the access and servicing requirements of commercial occupiers. As such, it fails to comply with the provisions of the adopted development plan, or with those of the emerging Local Plan.
- 7.40 For these reasons, the Council considers that the Proposal would result in a loss of industrial capacity on the site which would be a departure from the adopted development plan, and in relation to the Proposed Submission Local Plan, no exceptional circumstances have been demonstrated to show that this would be compliant with its direction. The proposal would therefore fail to comply with Core Strategy Policy 3 – Strategic Industrial Locations and Local Employment Locations; Site Allocation 48 – Willow Way LEL in the Site Allocations Local Plan; DM Policy 10 – Local Employment Locations in the Development Management Local Plan; Policy E7 Industrial intensification, co-location and substitution of the London Plan; and the following emerging policies of the Proposed Submission Local Plan: West Area Site Allocation 9 – Willow Way LSIS, EC2 – Protecting employment land and delivering new workspace, EC3 – High quality employment areas and workspace, and EC6 – Locally Significant Industrial Sites.

Masterplan and urban design

Policy context

- 7.41 London Plan Policy E7 – Industrial intensification, co-location and substitution states that within LSIS the scope for co-locating industrial uses with residential and other uses may be considered, and that this should be part of a plan-led or masterplanning process.
- 7.42 London Plan Policy D3 – Optimising site capacity through the design-led approach requires that all development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site’s context and capacity for growth, and existing and planned supporting infrastructure capacity, and that best delivers the requirements set out in Part D of the policy. Policy D3 is complemented by the Optimising Site Capacity: A Design-led Approach London Plan Guidance (LPG) (June 2023) (see Appendix 8) which sets out how the design-led approach in Policy D3 should be applied.
- 7.43 Paragraph 8.35 within the reasoned justification to Proposed Submission Local Plan Policy EC6 – Locally Significant Industrial Sites (LSIS) highlights that site allocation policies have been prepared for those LSIS identified as suitable for co-location of employment and other compatible uses as identified in part D of the policy, in order to ensure that co-location is coordinated and appropriately managed through the masterplan process, and particularly to ensure that the function of the LSIS is not eroded by piecemeal development. The reasoned justification confirms that masterplans for LSIS should be prepared with reference to Policy DM3 – Masterplans and comprehensive development, along with relevant London Plan guidance, including the GLA Practice Note – Industrial Intensification and Co-Location Through Plan-Led and Masterplan Approaches.
- 7.44 Proposed Submission Local Plan Policy DM3 – Masterplans and comprehensive development states that development proposals must be accompanied by a site masterplan where they form all or part of a site allocation, or in other circumstances specified by the Local Plan. It identifies that the site masterplan will be expected to set out how development will contribute to delivery of the spatial strategy for the borough, and must also suitably demonstrate that the proposal will not prejudice the future development of other parts of the site and adjoining land, or otherwise compromise the delivery of the site allocation and outcomes sought for the wider area. Part B of the policy details that the masterplan will be required to comprise of: a) an assessment of the site and its context to inform the overall development strategy; b) a detailed site-wide masterplan that responds positively to the spatial strategy for the Borough, site specific development principles and guidelines, and other relevant planning policies; and c) a

delivery strategy that identifies how the development will be implemented and managed over its lifetime. This strategy must address any relevant matters to be resolved such as land assembly and preparation, infrastructure requirements, development phasing and likely need for planning obligations and/or planning conditions, where appropriate.

- 7.45 Part C of the policy identifies that proposals must address how the development site relates to neighbouring properties and the surrounding area, particularly in contributing to the delivery of the spatial strategy for the Borough. Part D of the policy states that applicants must demonstrate that they have appropriately consulted the public through the masterplan process, including active engagement with the landowners and occupiers of the subject site along with those in other parts of the allocated site.
- 7.46 The reasoned justification to the policy explains that a key purpose in requiring masterplans to be prepared is that the site allocations are comparatively large brownfield sites and can therefore add complexity in terms of their redevelopment, and may include multiple land ownership, fragmentation of existing uses and space, land remediation and need for new or upgraded infrastructure. The Council considers that these constraints are more likely to be overcome, and the optimal use of sites realised, where development is brought forward comprehensively and in line with a site-wide masterplan.
- 7.47 The Proposed Submission Local Plan identifies Willow Way LSIS as a proposed site allocation (West Area – Site Allocation 9). The proposed allocation encompasses a site area of 1.29ha which includes the Appeal Site within its scope. It allocates the LSIS site for comprehensive employment led mixed-use redevelopment with co-location of compatible commercial, main town centre and residential uses and identifies that reconfiguration of buildings and spaces will facilitate a new layout with new and improved routes, both into and through the site along with public realm and environmental enhancements. It identifies an indicative development capacity across the LSIS of 175 (net) residential units and 6,705sqm (gross) of employment floorspace.
- 7.48 The 'Opportunities' section of the allocation policy identifies that redevelopment and site intensification, along with the co-location of commercial and other uses, will provide a more optimal use of land and enable the delivery of new and improved workspace to support the long-term viability of the LSIS. It also identifies that development will enable public realm enhancements to improve the quality of the townscape around the local centre, and help to make the area a safer and more attractive place for business and community activity.
- 7.49 The allocation policy details a series of development requirements, as follows:
- 1) Landowners must work in partnership and in accordance with a masterplan, to ensure the appropriate co-ordination, phasing and balance of uses across the site, in line with Policy DM3 (Masterplans and comprehensive development). This must address the site's relationship

with the Upper Sydenham / Kirkdale local centre, to improve the functional relationship with neighbouring uses and the public realm, along with townscape character.

- 2) The site contains an MOT centre which is in active use. Development proposals must adequately address the operational requirements of the MOT centre in order to secure a viable future for it. The landowner of the MOT centre must be consulted through the masterplan process.
- 3) Development must not result in a net loss of industrial capacity, or compromise the function of the employment location, in line with Policy EC6 (Locally Significant Industrial Sites).
- 4) Positive frontages along Willow Way, Dartmouth Road and Sydenham Park, with active ground floor frontages. Positive frontages elsewhere throughout the site, where new routes are introduced.
- 5) The site must be fully re-integrated with the surrounding street network to improve access and permeability in the local area. This includes a clear hierarchy of routes, with a legible and safe network of walking and cycle routes, through the site. Particular consideration must be given to the access and servicing arrangements for commercial uses.
- 6) Delivery of new and improved public realm and open space, in accordance with a site-wide public realm strategy.
- 7) Development proposals must not adversely impact on the amenity of the public house located outside of the site boundary, in line with Policy EC19 (Public houses).

7.50 As identified above, the reasoned justification to Proposed Submission Local Plan Policy EC6 confirms that masterplans for LSIS should be prepared with reference to Policy DM3 – Masterplans and comprehensive development, along with relevant London Plan guidance, including the GLA Practice Note – Industrial Intensification and Co-Location Through Plan-Led and Masterplan Approaches (November 2018) (see Appendix 9). The Practice Note was prepared to set out good practice principles for plan-led or masterplan approaches to industrial intensification and co-location in the context of Policy E7 and sets out guidelines for what both plan-led and masterplan approaches to industrial intensification and co-location would need to cover in greater detail.

7.51 The Practice Note identifies that what it terms a ‘comprehensive parallel masterplan’ could be led and produced by the applicant alongside the submission of a planning application, where discussed with the GLA and Local Planning Authority at pre-application stage and consulted upon at the same time as the planning application. Section 4 of the Practice Note sets out guidelines for masterplan preparation. Some of the key principles set out here include the following:

- Landownerships, partnerships and engagement: the masterplan should be informed by land ownerships and how these are configured across the area and what tools are available for land assembly to deliver strategic development, and provide details of any engagement with landowners, businesses, existing partnerships, business alliances or BIDs and the response from this engagement.

- Option appraisal: the masterplan should identify a range of options that have been considered for the development of the relevant sub-areas, and set out an appraisal of the development options considered.
- 7.52 In terms of the masterplan approach, Section 4 sets out that the masterplan should include:
- spatial analysis
 - site capacity analysis
 - a broad assessment of the infrastructure needed to support the masterplan proposals and how these requirements could be met, access and servicing analysis to demonstrate that the access and servicing requirements of existing and new industrial businesses can be met and identifying potential impacts on the strategic and local road networks
 - Agent of Change analysis to demonstrate how different uses can be good neighbours and how potential impacts can be mitigated in the new residential development
 - Decant and phasing to demonstrate how development will be phased, how the phasing will ensure that the intensified industrial development is delivered and completed in advance of the residential components, and the approach to decanting and relocating any businesses affected
 - Deliverability in terms of who is responsible for delivery, and the nature of any development agreements (if required) to ensure that the comprehensive vision of the masterplan is delivered.

The Council's case

- 7.53 The Council considers that it has not been satisfactorily demonstrated that the Proposal would not fetter or compromise the development of the remainder of the Willow Way LEL / LSIS and the objectives of the wider site allocation and masterplan area. In addition, the Proposal does not demonstrate a context based design that responds to local character, and would not result in high quality design. Whilst an Emerging Outline Masterplan was prepared and submitted alongside the planning application, the Council does not consider that this provides a robust masterplan basis to ensure the comprehensive redevelopment of the site in line with the requirements of the relevant policies of the Proposed Submission Local Plan. The Council's principal concerns in this regard are detailed below.
- 7.54 As identified above, the reasoned justification to Proposed Submission Local Plan Policy EC6 confirms that masterplans for LSIS should be prepared with reference to Policy DM3 – Masterplans and comprehensive development, along with relevant London Plan guidance, including the GLA Practice Note – Industrial Intensification and Co-Location Through Plan-Led and Masterplan Approaches (see Appendix 9). The Council does not consider that the preparation of the Emerging Outline Masterplan was in accordance with these principles.
- 7.55 The proposed scheme and emerging masterplan were first discussed with Council officers in the pre-application meeting held on 23 September 2022. Subsequent to this meeting, Kitewood submitted a letter dated 3 October

2022 (see Appendix 3) setting out what they considered to be a way forward in terms of the planning programme. The letter confirms that design freeze for Plot A would need to take place w/c 10 October 2022 in order to allow for the contractual requirement for submission of a detailed planning application by 31 December 2022 to be met. Kitewood proposed that following submission of a detailed planning application for Plot A in December 2022, they would agree to an extension of time in relation to this application such that there would be no requirement for it to be determined within the statutory timeframe and to thereby enable this application to be considered alongside the future application for Plots B & C which was to be submitted in June 2023. Kitewood proposed that through the course of pre-application engagement with the Council between October 2022 and June 2023, any amendments required in relation to the submitted application for Plot A would be dealt with through the submission of amended plans / documents in relation to this live application.

- 7.56 In the Council's pre-application response letter (see Appendix 4), it identified a number of fundamental issues with the proposed approach. Recognising that design freeze in relation to Plot A needed to take place w/c 10 October 2022, and given the series of issues that the Council considered needed to be worked through and resolved and the very limited extent of pre-application engagement that had taken place to date, the Council considered that this simply did not allow sufficient time for the proper evolution of the scheme through the pre-application process. Moreover, the Council's response made clear that any proposals for Plot A cannot be considered in isolation, but clearly need to be developed in the context of a masterplanned approach across the LSIS site as a whole (Plots A, B, C, D & E), and therefore the proposed approach simply would not allow for this to take place. In this context, the Council confirmed within its pre-application response letter that it did not consider that the proposed planning programme to be workable, and that the Council was not prepared to enter into a Planning Performance Agreement with Kitewood on the basis of such a programme.
- 7.57 There could therefore be no meaningful pre-application engagement with the Council in relation to the emerging masterplan for the LSIS, because the programme for submission of the application for Plot A (as dictated by the Kitewood's contractual obligation as part of their option to acquire Plot A) did not allow for this to take place.
- 7.58 It is of note that in relation to both recent cases within the borough where the co-location of residential and employment uses has been supported on designated employment land (as cited earlier in this Statement: 164-196 Trundleys Road and 1-9 Sandford Street (planning references DC/18/106941 and DC/20/117966), and Blackheath Business Estate, Blackheath Hill (planning reference DC/20/117309)) there was extensive pre-application engagement with the Council ahead of the submission of these applications. It is also of note that both of these sites were in single ownership. Notwithstanding this, in relation to Blackheath Business Estate, a masterplan was prepared by the applicant team in relation to the application site and its adjoining sites. The masterplan examined how the proposed employment and residential uses could satisfactorily co-exist and the implications for future

redevelopment of adjoining sites. It also considered the implications for Agent of Change, access and servicing, and place making, and explored different options for industrial and residential co-location on the site. The Council was engaged in the preparation of this masterplan at the pre-application stage.

- 7.59 By comparison, the Willow Way LSIS is in a complex range of multiple ownerships. The necessity for a robust masterplanned approach therefore takes on heightened significance in this case, to ensure a comprehensive approach to delivery across the site as a whole.
- 7.60 From the evidence presented, there appears to have been very limited engagement with other landowners across the LSIS site in the preparation of the Emerging Outline Masterplan. It is assumed that the timescales for preparation of the masterplan as driven by the Appellant's contractual requirement to submit a planning application for Plot A by 31 December 2022 would have limited the extent to which there could be meaningful engagement with other landowners and relevant stakeholders, in the same way that the timescales did not allow for meaningful engagement with the Council. As identified under Part B(c) of Proposed Submission Local Plan Policy DM3, applicants must demonstrate that they have appropriately consulted the public through the masterplan process, including active engagement with the landowners and occupiers of the subject site along with those in other parts of the allocated site. There is limited evidence that meaningful engagement has taken place as part of the preparation of the masterplan.
- 7.61 The Emerging Outline Masterplan fails to properly address the emerging policy requirements in the Proposed Submission Local Plan, or the guidance set out in the GLA Practice Note – Industrial Intensification and Co-Location Through Plan-Led and Masterplan Approaches (see Appendix 9).
- 7.62 There appears to have been no consideration of options as part of the masterplan's preparation. Neither the DAS nor the Emerging Outline Masterplan indicate that any alternative options were considered. In the context of the relevant policies within Chapter 6 – Economy of the London Plan, and the emerging policy requirements in the Proposed Submission Local Plan regarding the need to ensure no net loss of industrial capacity, and the need to optimise employment provision through the more efficient use of land and deliver net employment floorspace gains wherever possible, this absence of any proper assessment of options is a significant deficiency. It also runs counter to the requirements London Plan Policy D3 which requires all development to make the best use of land by following a design-led approach that optimises the capacity of sites. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity, and that best delivers the requirements set out in Part D of Policy D3. London Plan Guidance Optimising Site Capacity: A Design-led Approach London Plan Guidance (LPG) (see Appendix 8) provides additional guidance on the design-led approach in the context of Policy D3.

- 7.63 In the context of the Council's in principle concern regarding the appropriate re-provision of employment floorspace as part of the scheme proposal (as dealt with under the 'Employment matters' section of this Statement above), an exploration of options as part of the masterplan process would be essential to demonstrate that the Emerging Outline Masterplan represents the optimum solution for the LSIS in terms of maximising employment floorspace provision together with provision of suitable access, servicing and yard space to support its capacity to accommodate to a range of potential commercial occupiers. Similarly with regard to impact on heritage assets (discussed below in the 'Heritage impact' section of this Statement), an assessment of siting and massing options would be important to demonstrate that any harm to the significance of heritage assets has been clearly and convincingly justified. The absence of any options assessment is therefore a fundamental flaw in the masterplan approach, and undermines confidence that the Proposal makes the best use of land and optimises the capacity of the LSIS site, particularly in relation to its ability to accommodate employment floorspace.
- 7.64 The submitted Emerging Outline Masterplan includes a section on the Delivery Strategy at p49 of the document. This comprises just one page within the document and is very light on detail. It fails to provide confidence regarding the deliverability of the proposed masterplan. As identified under Part B(c) of Proposed Submission Local Plan Policy DM3, the masterplan delivery strategy must address any relevant matters to be resolved such as land assembly and preparation, infrastructure requirements, development phasing and likely need for planning obligations and/or planning conditions, where appropriate. The Delivery Strategy within the Emerging Outline Masterplan falls significantly short in this regard.
- 7.65 An example of the problematic nature of the Emerging Outline Masterplan in the context of the lack of meaningful engagement with relevant stakeholders in its preparation, the lack of options appraisal informing its preparation, and the limited consideration given to issues of deliverability, relates to the apportionment of proposed development across the masterplan site. As indicated on p49 of the Emerging Outline Masterplan, Plot A would accommodate 1,401sqm of commercial floorspace and 60 residential units (as reflected in the Appeal Scheme), Plots B and C would accommodate 2,251sqm of commercial floorspace and 100 residential units, and Plots D and E would accommodate 3,217sqm of commercial floorspace and 15 residential units.
- 7.66 Given that the masterplan envisages no redevelopment of Plot E, the apportionment that falls to Plot D is commercial floorspace together with just 15 residential units. It is recognised that from a viability perspective, the primary driver of value derives from the residential element, with this likely to cross-subsidise the employment floorspace. The proposed masterplan in its apportionment of just 15 residential units to Plot D therefore calls in to question the deliverability of Plot D. The Appellant has indicated that the owner of Plot D has no short term interest in redevelopment of their site and had limited willingness to engage in the preparation of the masterplan. It is unclear whether this is an accurate representation of the situation in the

absence of any evidence of this position from the owner of Plot D. However, in any case, given the proposed apportionment, the deliverability of Plot D is called in to question. The Delivery Strategy makes no reference to how this apportionment has been arrived at, whether Plot D would be deliverable with this apportionment, or whether any mechanisms are therefore required to address this and ensure that all plots are capable of being brought forward for redevelopment in the future.

- 7.67 A similar point applies in relation to the proposed widening of Willow Way envisaged by the Emerging Outline Masterplan. The masterplan proposes the widening of Willow Way to 20m to facilitate a more generous public realm and provide opportunities for street tree planting, parking and servicing. Whilst the principle of these improvements is supported, it is of note that the masterplan apportions all of this widening to the plots on the west side of Willow Way. The siting of the Proposal affords no contribution towards this future widening of Willow Way, with the siting of this block being at the back of the highway footway, largely as existing. Instead, Plots B, C and D would be required to accommodate this future widening by an associated reduction in their developable area. The Delivery Strategy is silent on how this apportionment has been arrived at, or what the potential impacts of this are on the deliverability of those plots. In the context of the limited engagement with the owner of Plot D, their stated position in terms of having no short term desire for redevelopment, and the issues of apportionment of development quantum to Plot D as outlined above, there are real questions about how deliverable this future widening to Willow Way would be in this context. Again, the Delivery Strategy is silent on this point. This highlights the Council's concern with the preparation of the masterplan, and whether it represents an agreed and deliverable strategy for comprehensive redevelopment of the LSIS.
- 7.68 Given these fundamental concerns regarding whether the Emerging Outline Masterplan represents an appropriate basis for demonstrating comprehensive redevelopment of the Willow Way LSIS, the Council's concern is that granting approval for redevelopment of Plot A in this context would necessarily fix certain parameters and in so doing potentially compromise the successful future redevelopment of the wider site allocation.
- 7.69 Appeal decisions in relation to other schemes within the borough at Creekside Village East (planning application reference DC/15/90768 and appeal reference APP/C5690/W/15/3132142) and Loampit Vale (planning application reference DC/10/073350 and appeal reference APP/C5690/A/10/2135623) have upheld the need for comprehensive redevelopment for site allocations and rejected piecemeal approaches to redevelopment. One of the main issues in the Creekside Village East appeal (for which Kitewood were the Appellant) was whether the proposal would result in a comprehensive approach to the development of the Thanet Wharf Mixed Use Employment Location (MUEL) site allocation. The Inspector noted the requirements of Core Strategy Policy 4, which requires a masterplan to be submitted with any planning application within an MUEL. In terms of deliverability of the masterplan, the Inspector resolved that this had not been suitably demonstrated having regard to the deliverability of development on that part of the site which lay outside of the

Appellant's ownership, and as such, the Inspector concluded that the scheme would not result in a comprehensive approach to the development of the Thanet Wharf Mixed Use Employment Location (MUEL), contrary to the relevant policies. Particular reference should be made to paragraph 30 of the appeal decision for Creekside Village East, where the Inspector notes: "It is clear from the terms of these policies and the reasoning set out in the supporting text that such a masterplan should refer to the site allocation as a whole." The Inspector concluded that the scheme would not result in a comprehensive approach to the development of the Thanet Wharf Mixed Use Employment Location (MUEL) and the appeal was dismissed. Similarly at paragraph 27 of the Loampit Vale appeal decision, the inspector notes: "Design which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted."

- 7.70 The Council has a series of concerns with the proposed masterplan from an urban design perspective. These are set out within the Urban Design section of the Officer Report (paragraphs 202 to 277) and include the following:
- There is no convincing baseline analysis presented which underpins the masterplan proposal, with the exception of some site photographs and high-level mapping of the existing buildings on and immediately adjacent to the site.
 - The majority of public open space, public realm enhancements and road widening to facilitate the more intensified development across the emerging LSIS is reliant on other plots coming forward and there is no detailing of the interim arrangements nor whether the other plots will be viable / deliverable given the need to provide these infrastructure requirements on their sites, without any being provided on the Proposal site.
 - Officers are unable to conclude that there will be appropriate co-ordination, phasing and balance of uses across the site or that the site will have a functional relationship with the uses, public realm and townscape character of the Kirkdale Local Centre.
 - In the absence of some testing of options on the type of employment uses to show how this would work with adjacent uses (including some design development and testing of servicing and environmental conditions of these options), officers are unable to conclude that the proposal would meet the requirements for co-location and avoid conflict with the proposed residential uses.
 - There are concerns with regard to the proposed form, amount and character of the proposed masterplan, particularly on Plots B and C which have taller buildings than the Proposal with untested impacts in terms of views and daylight / sunlight.
 - Whilst the proposed linkages to Dartmouth Road and the proposed public realm enhancements are welcomed, there are concerns with regard to the deliverability of these elements given that these rely on land outside of the applicant's control, and it is unclear how the site access, transport and servicing would work in an interim state ahead of any future redevelopment of the remaining plots.

- Whilst the principle of a new connection to Dartmouth Road is supported, there are concerns regarding appropriate surveillance of this route and how it would interface with the adjacent podium space as shown in the Emerging Outline Masterplan. This is a key requirement of the masterplan and there is concern that considering this application and its servicing needs in isolation in the context of the masterplan being unresolved may fetter opportunities to unlock these connections in future.

7.71 In addition, the Council has a number of concerns with the Proposal (i.e. Plot A) from an urban design perspective. These are set out within the Urban Design section of the Officer Report (paragraphs 202 to 277) and include the following:

- The applicant has not demonstrated an understanding or evaluation of the unique characteristics of the site. The proposed architectural articulation is not informed by the local context nor does it set itself apart from it in a meaningful way; it is not distinctive. The residential character of the upper floors appears to have informed the architecture of the ground floor, whereas the requirement for the development to be employment-led would have this relationship reversed, with a stronger ground floor identity that anchors the scheme to the public realm. While the proposal is not offensive in terms of the architectural articulation, it does not provide adequate interest for its scale, and is not supported in design terms.
- A reduction in units, alongside an exercise in maximising plan efficiency could provide the opportunity to introduce more cut backs and openings between the front and back of the site, reinstating a relationship with the Sydenham Park Conservation Area.
- The proposed building form lacks coherence, with poor balance between solid/void, public/private, and commercial/residential use. The built form, in terms of scale, mass and bulk, is not supported in its current form.
- The public / private edge where the building meets the ground has not been well mediated, with loading bays obscuring views to the residential core entrances when approached from Kirkdale.
- No buffer zone / softening has been provided between the pavement and the hard edge of the building. More separation between the building and the road should be provided.
- No provision for public furniture, pause spaces or street trees has been made in relation to the Proposal site.

7.72 Whilst the Appellant team have sought to respond to the identified design concerns within their Statement of Case, the Council maintains its position in this regard, and considers that the Proposal does not demonstrate a context based design that responds to local character, and would not result in high quality design. These matters can be discussed in detail through the Inquiry process.

7.73 In this context, the Council considers that it has not been satisfactorily demonstrated that the Proposal would not fetter or compromise the development of the remainder of the Willow Way LEL / LSIS and the objectives of the wider site allocation and masterplan area. In addition, the

Proposal does not demonstrate a context based design that responds to local character, and would not result in high quality design. The proposal would therefore fail to comply with Policies D3 – Optimising site capacity through the design-led approach, D13 – Agent of Change, E6 – Locally Significant Industrial Sites, and E7 – Industrial intensification, co-location and substitution of the London Plan; Core Strategy Policy 3 – Strategic Industrial Locations and Local Employment Locations; Site Allocation 48 – Willow Way LEL in the Site Allocations Local Plan; DM Policy 10 – Local Employment Locations in the Development Management Local Plan, and the following emerging policies of the Proposed Submission Local Plan: West Area Site Allocation 9 – Willow Way LSIS, EC2 – Protecting employment land and delivering new workspace, EC3 – High quality employment areas and workspace, EC6 – Locally Significant Industrial Sites, and DM3 – Masterplans and comprehensive development.

Adequacy of the intended arrangements for access and servicing

Policy context

- 7.74 NPPF paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.75 London Plan Policy T1 – Strategic approach to transport states that development proposals should facilitate the delivery of the Mayor’s strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041. The policy also sets out that all development should make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and ensure that any impacts on London’s transport networks and supporting infrastructure are mitigated.
- 7.76 London Plan Policy T2 – Healthy Streets refers to the Mayor’s Healthy Streets Approach and states that development proposals should deliver patterns of land use that facilitate residents making shorter, regular trips by walking or cycling. High quality streets are considered fundamental to the character and efficient functioning of the city and play a fundamental role in moving people around safely, improving public realm and providing spaces for people to come together.
- 7.77 London Plan Policy T4 – Assessing and mitigating transport impacts sets out that development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity. Furthermore it sets out that transport assessments/statements should ensure that impacts on the capacity of the transport network (including impacts on pedestrians and the cycle network), at the local, network-wide and strategic level, are fully assessed. Transport assessments should focus on embedding the Healthy Streets Approach within, and in the vicinity of, new development. The policy goes on to say that where appropriate, mitigation, either through direct provision of public transport, walking and cycling facilities and highways improvements or through financial contributions, will be required to address adverse transport impacts that are identified.
- 7.78 London Plan Policy T6 – Car parking states that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking. Table 10.3 defines maximum parking standards and confirms that within Inner London Opportunity Areas development proposals should be car free, with the exception of disabled persons parking.
- 7.79 London Plan Policy T7 – Deliveries, servicing and construction states that development proposals should facilitate safe, clean, and efficient deliveries and servicing. Provision of adequate space for servicing, storage and

deliveries should be made off-street, with on-street loading bays only used where this is not possible. Construction Logistics Plans and Delivery and Servicing Plans will be required and should be developed in accordance with Transport for London guidance and in a way which reflects the scale and complexities of developments.

- 7.80 Part D of London Plan Policy E7 – Industrial intensification, co-location and substitution confirms that in relation to proposals for co-locating industrial uses with residential and other uses, it must be ensured that the industrial and related activities on-site and in surrounding parts of the LSIS are not compromised in terms of their continued efficient function, access and service arrangements. Part D (3) requires that appropriate design mitigation is provided to ensure this, with particular consideration given to (b) the layout, orientation, access, servicing and delivery arrangements of the uses in order to minimise conflict.
- 7.81 Core Strategy Policy 14 – Sustainable movement and transport states that the access and safety of pedestrians and cyclists will be promoted and prioritised; that a restrained approach to parking provision will be adopted; and that car-free status for new development can only be assured where on-street parking is managed so as to prevent parking demand being displaced from the development onto the street.
- 7.82 Part A of Policy EC3 – High quality employment areas and workspace in the Proposed Submission Local Plan identifies that development proposals should ensure the layout and design of development provides adequate operational space including for site access and servicing.
- 7.83 Part B of Policy EC6 – Locally Significant Industrial Sites in the Proposed Submission Local Plan states that development proposals within or adjacent to LSIS must not adversely impact on the function or effectiveness of the LSIS to accommodate commercial and industrial uses.
- 7.84 West Area Site Allocation 9 – Willow Way in the Proposed Submission Local Plan identifies that development must not compromise the function of the employment location in line with Policy EC6 and highlights that particular consideration must be given to the access and servicing arrangements for commercial uses.

The Council's case

- 7.85 The Council's Highways Officer raised a series of concerns with the application submission in relation to transport matters. These are detailed within the Transport Impact section of the Officer Report (paragraphs 278 to 328). In response to this, as part of the Appeal Submission the Appellant team has submitted a Technical Note in Support of Planning Appeal (Velocity, 11 May 2023) (Appendix 18 to the Appellant's Statement of Case). This seeks to respond to the Highways Officer's identified concerns. This Technical Note has been subsequently reviewed by the Council's Highways Officer who considers that in relation to some of the identified matters, their concerns have

now been satisfactorily addressed. The matters that are considered to have been satisfactorily addressed are in relation to the car parking stress survey and disabled parking provision. However, in relation to the following matters, the Highways Officer maintains concerns.

Footway width to Willow Way

- 7.86 The Officer Report noted that Willow Way is subject to narrow footways on both sides of the carriageway. As part of the Proposal, the proposed ground floor plan shows a general footway width of between 2.5 and 2.8m along the site frontage to Willow Way. However, the Highways Officer noted that with the existing mounted kerbside parking this width would be reduced. The Officer Report identified that the applicant would need to provide an assessment of how much effective footway width there would be for pedestrians with parked cars, and identified that the existing footways to Willow Way along the front of the Proposal site would benefit from widening to accommodate the pedestrian movement associated with the proposed development. Paragraph 290 in the Officer Report concluded that for the application proposal to be acceptable, a wider footway would be required for usability and to avoid conflict of uses with increased residential trips, increased trips associated with the employment uses, a new servicing bay as well as navigating the road as existing, congested with parked cars.
- 7.87 In response to this, the Technical Note highlights that the Proposal would provide double yellow lines on both sides of the carriageway to Willow Way which would prohibit parking on-street and parking half-on the footway, and thereby prevent the effective width of the footway from being reduced by parked vehicles. The footway would have a minimum width of 2.2m, and a typical width of c. 3m along much of the site frontage.
- 7.88 In reviewing this, the Council's Highways Officer notes that whilst the introduction of double yellow lines on both sides of Willow Way is considered an option to reduce kerbside parking and therefore retain the footway widths along the site frontage, this will cause a level of displacement of parking on Willow Way to the surrounding roads. The Highways Officer advises that as a first principle approach, an option of setting the building line back to accommodate the required footway widths without impacting the existing level of servicing and parking for businesses on Willow Way in the immediate vicinity of the site should be explored. The Highways Officer notes that the servicing/loading survey undertaken indicates that there are Light Goods Vehicles using the western side of Willow Way for loading and unloading goods relating to businesses such as Blue Tiger (located on Plot C), and it is unclear where this servicing would take place (in the interim ahead of any future redevelopment of Plot C) if the double yellow lines were introduced to both sides of the road.

Servicing and deliveries

- 7.89 In relation to the application proposal, the Council's Highways Officer raised concerns with regard to the proposed on-street loading strategy and whether

this would be sufficient to accommodate all delivery and servicing movements arising from both the commercial and residential elements, as the loading bay would only be able to accommodate one 10m box van type vehicle at any one time, or two standard sized vehicles at any one time.

- 7.90 The Technical Note responds that the proposed servicing demand has been demonstrated to be of a similar scale to the existing demand in the area and is likely to be accommodated easily within the proposed loading bay. It identifies that in the event that two 7.5t box van type vehicles propose to service the site simultaneously, it may be necessary for one to stop on-street on Willow Way to unload. The Technical Note cites that as it is proposed to provide double yellow lines along the frontage of the site which can be used for loading / unloading for a maximum of 40 minutes, it is therefore expected that there will be capacity on-street for vehicles to stop and undertake short term servicing.
- 7.91 In reviewing this, the Council's Highways Officer considers that the response within the Technical Note and at Appendix B with regard to the servicing demand video survey indicates that the size of the loading bay should be sufficient for the commercial element of the site, however there will be residential deliveries associated with the new units which are not accounted for. Notwithstanding this, the Council's Highways Officer concludes that a loading bay of 18m would likely accommodate the potential worst-case demand of residential and commercial vehicles arriving and departing the site.
- 7.92 It is however of note that existing commercial premises on Plots A and C have their own dedicated external yard space, which it is assumed currently fulfils some of the delivery and servicing requirement associated with existing occupiers. Similarly, as noted in the section of this Statement above dealing with 'Employment matters', the absence of any external yard space to serve the commercial units within the Proposal can be expected to impact on the qualitative offer of these units and their suitability to meet the needs of a wider range of commercial occupiers. Relying on a single on-street servicing bay that has to meet the needs of both commercial and residential servicing and deliveries, together with short-term parking on double yellow lines, will necessarily have implications for security of transit of goods between on-street parking and the commercial units. In this context, it is considered that businesses which rely on more intensive servicing and delivery requirements for their business model would not see the proposed units as a suitable proposition. This ties directly back to the 'Employment matters' section, in that it would compromise the attractiveness of the proposed employment floorspace to a wider range of occupiers.
- 7.93 As set out above in relation to the relevant policy context, Part D of London Plan Policy E7 states that as part of any intensification or co-location of uses, the industrial and related activities on-site and in surrounding parts of the LSIS must not be compromised in terms of their continued efficient function and access and service arrangements, and highlights that particular consideration is to be given to the layout, access, servicing and delivery arrangements in this regard. This approach is corroborated in the emerging policies within the Proposed Submission Local Plan, with Policy EC3 requiring proposals to

ensure the layout and design of development provides adequate operational space including for site access and servicing, Policy EC6 confirming that proposals must not adversely impact on the function or effectiveness of the LSIS to accommodate commercial and industrial uses, and the Willow Way LSIS allocation policy highlighting that particular consideration must be given to the access and servicing arrangements for commercial uses.

- 7.94 In this context, the Council maintain concerns in relation to whether the nature of the proposed access and servicing arrangements for the commercial uses would be suitable to meet the needs of a range of future occupiers, and that this could impact the uptake of employment floorspace and undermine the continued function of the Willow Way LEL / LSIS .

Cycle parking

- 7.95 In relation to the application proposal, the Council's Highways Officer and Transport for London sought amendments to the cycle parking provision to accord with the London Cycling Design Standards (LCDS), including requiring that the Sheffield stands should have distances of at least one metre between each stand and any wall.
- 7.96 The Technical Note cited that both LTN 1/20 and Table 2 of TfL's 'Cycle Parking Guidance for Businesses' identify that a minimum gap of 500mm is required between a Sheffield stand and wall (part of bay width), with the recommended gap being 700mm. It states that as part of the Proposal, all Sheffield stands proposed adjacent to walls have gaps of at least 500mm.
- 7.97 On reviewing this, the Council's Highways Officer maintains their position that the proposed arrangement of cycles within the cycle store is not in accordance with the LCDS, and highlights that LTN/120 is national guidance, and that the LCDS is the relevant guidance which applies as a regional standard for London authorities.
- 7.98 Notwithstanding that this point remains currently unresolved, it is considered likely that these details could be resolved between the parties and secured through imposition of a suitably worded planning condition, and therefore this is not considered to be an issue for the Inquiry.

Refuse strategy

- 7.99 In relation to the application proposal, the Council's Highways Officer highlighted that residents should not have to carry refuse bins more than 30m to the bin collection point, and that waste operatives are restricted to a maximum 10m drag distance when collecting bins. The Highways Officer requested that a more detailed refuse strategy be presented to demonstrate that the proposals adhere to these requirements.
- 7.100 Having reviewed the Technical Note, the Council's Highways Officer notes that no further details have been provided on refuse collection and it is not clear how residents will transport their bins to the refuse collection store and

within the maximum 30m drag distance in accordance with Manual For Streets. The Highways Officer also highlights that it appears that residents would have to navigate through several doors to reach the bin store. On this basis, the Highways Officer considers that the refuse strategy is unclear and therefore is unable to be approved at this stage.

- 7.101 Notwithstanding that this point remains currently unresolved, it is considered likely that these details could be resolved between the parties and secured through imposition of a suitably worded planning condition, and therefore this is not considered to be an issue for the Inquiry.

Summary

- 7.102 Whilst there remain a number of minor points to be resolved between the parties in relation to cycle parking and the refuse strategy, it is considered likely that these details could be resolved and secured through imposition of suitably worded planning conditions, and therefore these are not considered to be issues for the Inquiry. The Council does however maintain concerns in relation to whether the Site can be adequately serviced, and that this could impact the uptake of employment floorspace and undermine the continued function of the Willow Way LEL / LSIS, contrary to the provisions of Policies T7 – Deliveries, servicing and construction and E7 – Industrial intensification, co-location and substitution of the London Plan; and the following emerging policies of the Proposed Submission Local Plan: West Area Site Allocation 9 – Willow Way LSIS, EC3 – High quality employment areas and workspace, and EC6 – Locally Significant Industrial Sites.

Heritage impact

Policy context

- 7.103 The NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise, and that they should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (paragraph 195). It goes on to state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (paragraph 199). It confirms that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 200). It sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraph 202), and that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application (paragraph 203).
- 7.104 London Plan Policy HC1 – Heritage conservation and growth states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.
- 7.105 Core Strategy Policy 16 – Conservation areas, heritage assets and the historic environment states that the Council will ensure that the value and significance of the borough's heritage assets and their settings, which include conservation areas, listed buildings, archaeological remains, and other non designated assets such as locally listed buildings, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and Historic England best practice. Development Management Local Plan Policy 36 - New development, changes of use and alterations affecting designated heritage assets and their setting confirms that where the significance of an asset may be harmed or lost through physical alteration or destruction, or development within its setting, the Council will require clear and convincing justification, and that the Council will consider the wider public benefits which may flow from the development where these are fully justified in the impact assessment. Development Management Local Plan Policy 37 - Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest states that the

Council will protect the local distinctiveness of the borough by sustaining and enhancing the significance of non-designated heritage assets, and will seek to retain and enhance locally listed buildings and structures and may use its powers to protect their character, significance and contribution made by their setting, where appropriate.

Heritage assets within the vicinity of the Appeal Site

- 7.106 There are no heritage assets within the Appeal Site, however the Sydenham Park Conservation Area directly adjoins the site to the south east and east. The Sydenham Park Conservation Area does not have a Conservation Area Appraisal but it is a tightly bounded area of mid C19th and later substantial villas and smaller picturesque houses arranged principally on three streets: Sydenham Park, Sydenham Park Road, and Albion Villas Road. Unifying characteristics are the substantial plots, detached layout, large gardens to front and rear, and the many mature large-canopied trees in the front gardens which lends the streetscene a green and leafy appearance, as well as in the rear gardens and open spaces of Albion Millennium Green and Trinity Church. Views between the semi-detached villas on Sydenham Park Road, and also along Shrubland Close allow important glimpses of the large canopy trees in gardens and sites to the rear.
- 7.107 There are other conservation areas within the wider vicinity, including the Sydenham Hill / Kirkdale Conservation Area which lies uphill to the north west, the Halifax Street Conservation Area which lies to the west of Kirkdale, and the Jews Walk Conservation Area and Cobbs Corner Conservation Area which lie beyond to the southwest and south, respectively.
- 7.108 The site lies to the east of Kirkdale (formerly referred to as Sydenham Extension) Area of Special Local Character (ASLC). This has not been consulted upon or formally adopted, but the proposed boundary includes the stretch of Kirkdale between Peak Hill and Dartmouth Road, as well as Fransfield Road and the Grade II listed former Sydenham Public Lecture Hall (1859-61) to the north. DM Policy 37 within the Development Management Local Plan identified Areas of Special Local Character as being non-designated heritage assets and detailed that the Council was compiling a list of such areas and establishing criteria for their adoption. The Areas of Special Local Character are carried forward within the Proposed Submission Local Plan within Policy HE3 – Non-designated heritage assets, and are identified on Figure 6.2 within the document and listed within Schedule 3 of the document.
- 7.109 The following listed buildings are also located in proximity to the site to the west:
- 134-146 Kirkdale, Grade II, Parade of five shops with apartments above, c.1896.
 - 124-128 Kirkdale, Grade II, Central part of a symmetrical composition made up of two pairs and a single house between, early to mid C19.

7.110 The Bricklayers Arms Public House is a locally listed building which lies to the north west of the site at the junction of Willow Way and Dartmouth Road. It lies directly adjacent to the wider LEL / LSIS boundary.

The Council's case

7.111 One of the reasons for refusal of the planning application was that no townscape views were submitted alongside the application and that the proposal does not demonstrate a context based design that responds to local character, including surrounding heritage assets. The reason for refusal also identified that the building heights in the masterplan area are excessive and without additional information, officers cannot conclude the proposals would result in high quality design or preserve local heritage assets.

7.112 The Appeal Site is in the immediate setting of Sydenham Park Conservation Area, and the layout would extend built form very close to the boundary of the conservation area. There is an abrupt change of levels which means the Proposal at five / six storeys would rise significantly higher than the existing two storey buildings of William Wood House (which was built in the former gardens of the villas on Sydenham Park Road), and also appear much higher than the predominant villa development within the conservation area. The close proximity would exacerbate the impact of the uncharacteristic height and would unduly enclose the view to the west, appearing dominating and unneighbourly.

7.113 Other development in the setting of the Sydenham Park Conservation Area is generally of similar height to buildings within the conservation area or lower. Miriam Lodge is the one building in the immediate setting of the conservation area which is notably taller at eight storeys. However, the narrow slab form of this building and its orientation minimises its visual impact on the conservation area, having a significantly less enclosing impact to the south east, and its broad side is set further away from the conservation area. By contrast, the Proposal would present a continuous linear development rising to six storeys, with no gaps in its massing that would alleviate the sense of enclosure, nor sufficient open space provided to the rear to afford tree planting which could screen the development and potentially soften the impact.

7.114 The application submission (p20 of the DAS) contained a plan identifying Townscape Views of Importance which identified 12 viewpoints from across the surrounding area, however no Townscape and Visual Impact Assessment (TVIA) or presentation of these views was provided as part of the application submission. As such, there was insufficient information provided for officers to make a full assessment of the potential impact of the development on the setting of surrounding heritage assets.

7.115 In commenting on the application submission, the Council's conservation officer set out comments in relation to the plan of the identified viewpoints, recommending the repositioning of certain viewpoints and the provision of additional viewpoints. In commenting on the application submission (and in the absence of townscape views having been submitted) the Council's

conservation officer considered that on the basis of the information submitted, the proposal was likely to cause a moderate degree of harm to the setting of the Sydenham Park Conservation Area (less than substantial in NPPF terms), and that this harm had not been clearly or convincingly justified and could be avoided or minimised by setting the development further away from the site boundary at the southern end, providing open space and tree planting along the whole eastern boundary, and variously reducing in height, introducing set backs to the massing of upper levels, and creating gaps in the built form at upper levels.

- 7.116 In relation to the Kirkdale ASLC, the conservation officer considered that the proposal would have some impact on the setting of the Kirkdale ASLC due to available views down Willow Way. Particularly detrimental would be the loss of visibility of the mature large canopy trees in the Sydenham Park Conservation Area which are currently visible over the top of the existing low rise buildings on the application site. These lend the street a much more pleasant and inviting character than would be the case without them, and it was noted that the proposed development would completely obstruct views of these trees. The conservation officer noted that no street trees are proposed along the frontage of the application site that would mitigate this loss, and the resulting streetscape would be unrelieved, hard and urban. The conservation officer noted that trees are identified as being located on the west side of Willow Way in the Emerging Outline Masterplan, but considered that having trees on both sides of the road would provide a better pedestrian environment for all and provide a more attractive setting to the ASLC and the listed buildings.
- 7.117 As part of the appeal submission documents, the Appellant team has submitted a TVIA for the Appeal Scheme (GJHP, 10 May 2023) which forms Appendix 17 to the Appellant's Statement of Case.
- 7.118 This TVIA has updated the list of identified viewpoints to reflect the points identified in the conservation officer's comments on the planning application. The conservation officer has subsequently reviewed this list of updated viewpoints, and considers the identified viewpoints to be satisfactory, but has recommended the assessment of one additional viewpoint. This would be taken from a position on the pavement on the western side of Kirkdale, opposite the junction with Peak Hill, looking north west along Kirkdale. This view would allow an assessment of the visibility of the development in longer views looking north towards Kirkdale ASLC, in the setting of the listed buildings at 134-146 Kirkdale, and from the immediate setting of the Cobbs Corner Conservation Area.
- 7.119 Within the TVIA, it is noted that all viewpoints have been assessed in relation to the Appeal Proposal, but that only certain viewpoints have been assessed in relation to the cumulative impact of the Appeal Proposal and the Emerging Outline Masterplan (set out at Appendix A of the TVIA). The rationale for this selective assessment of viewpoints at Appendix A is unclear. For example, Views 5 and 17 have not been reproduced at Appendix A, and officers would therefore have expected all views to have been reproduced at Appendix A to

illustrate the cumulative impact of the Appeal Proposal and the Emerging Outline Masterplan.

7.120 Having reviewed the assessed viewpoints within the TVIA, the Council's conservation officer considers that in relation to the following viewpoints there would be various degrees of harm to heritage assets (both designated and non-designated):

- View 5 – Kirkdale, north of junction with Panmure Road
- View 7 – Dartmouth Road outside Sydenham School
- View 8 – Dartmouth Road at Willow Way junction
- View 10 – Sydenham Park opposite Shrublands Close
- View 11 – Carlton Terrace
- View 12 – Sydenham Park – Park Terrace
- View 13 – Sydenham Park opposite nos. 9 and 11
- View 17 – Dartmouth Road outside Sydenham School

7.121 The Council's conservation officer considers that on the basis of their assessment of viewpoints as set out within the TVIA, the impacts on designated heritage assets would be as follows:

- Sydenham Park Conservation Area – the visual impact of the Proposal in the immediate setting of the conservation area would cause a degree of harm to its significance as a designated heritage asset. This would vary between low to moderate harm (less than substantial in NPPF terms), depending on the location of the viewpoint.
- Sydenham Hill / Kirkdale Conservation Area – the visual impact of the Proposal in the setting of the conservation area would cause a low degree of harm (less than substantial in NPPF terms) to its significance as a designated heritage asset.
- 124-128 Kirkdale and 134-146 Kirkdale – the visual impact of the Proposal would cause a low to moderate degree of harm (less than substantial in NPPF terms) to the significance of these two groups of listed buildings.

7.122 The Council's conservation officer considers the impacts on non-designated heritage assets would be as follows:

- Kirkdale ASLC – the visual impact of the Proposal would cause a low degree of harm (less than substantial in NPPF terms) to the significance of this non-designated heritage asset.
- The Bricklayers Arms – the visual impact of the Proposal would cause a low degree of harm (less than substantial in NPPF terms) to the significance of this non-designated heritage asset.

7.123 As set out in NPPF paragraph 195, local planning authorities should take the significance of heritage assets and their settings into account in order to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Historic England expand upon this in Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets (see Appendix 10), by advising how a design should be based on an understanding of significance (paragraph 7), that the design process may not be linear and constructive critique details may suggest changes as a scheme

evolves (paragraph 17) and that the design should mitigate any negative impacts (paragraph 6). The Council's conservation officer has identified that a range of options exist to avoid or minimise the identified harm to the significance of designated heritage assets (for example, by revising the height, massing, bulk and footprint of the Proposal to respond more sensitively to the designated heritage assets in its surroundings), or to mitigate the harm (for example, by providing sufficient space for street tree planting in front of the Proposal on Willow Way and between the Proposal and buildings to the south on Sydenham Park) as set out in paragraphs 6 to 10 of Historic England Advice Note 12. The Council's conservation officer considers that the proposal has not sufficiently avoided or minimised harm to the significance of the heritage assets.

7.124 As set out in NPPF paragraph 200, any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. The Council's conservation officer considers that given the available options to avoid, minimise or mitigate harm have not been sufficiently incorporated into the design, and given that great weight must be afforded to the conservation of the assets (NPPF paragraph 199), that the harm is not clearly or convincingly justified.

7.125 NPPF paragraph 202 requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

7.126 In terms of public benefits it is recognised that the Proposal would deliver 60 new homes of which 30 would be affordable tenure. In addition, the scheme has the potential to result in job creation associated with the commercial floorspace, and would generate planning obligations and CIL that would contribute to wider improvements in the borough, together with benefits to the local economy during the construction phase. The weight to be accorded to these benefits is however moderated by the Council's concerns as detailed within this Statement of Case regarding the extent to which the Proposal would ensure that there is no net loss of industrial capacity and that in the absence of a convincing and robust masterplan approach, that the Proposal has the potential to adversely impact on the function or effectiveness of the LEL / LSIS to accommodate commercial and industrial uses. NPPF paragraph 199 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and that this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In this context, in undertaking the balancing exercise required by NPPF paragraph 202, it is not considered that the public benefits associated with the Proposal would outweigh the identified harm to designated heritage assets.

7.127 Having regard to the statutory duties in respect of conservation areas in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant

paragraphs in the NPPF in relation to conserving the historic environment, officers are not able to conclude on the basis of the submitted information that the proposal would preserve or enhance the character or appearance of the Sydenham Park Conservation Area or the Sydenham Hill / Kirkdale Conservation Area, nor would it preserve the setting of the listed buildings 124-128 and 134-146 Kirkdale.

- 7.128 In accordance with NPPF paragraph 203 it is also necessary to take into account the effect of the proposal on the significance of the identified non-designated heritage assets. Having regard to the scale of any harm to the significance of the non-designated heritage assets, it is not considered that this harm is such that a reason for refusal could be justified on this basis. However, in the context of the lack of clear and convincing justification for the harm to designated heritage assets, Council officers would have welcomed a consideration of alternative development options which may have demonstrated that the identified harm to non-designated heritage assets could have been avoided, minimised or mitigated.
- 7.129 The Council considers that the Proposal would result in harm to the designated heritage assets of Sydenham Park Conservation Area, Sydenham Hill / Kirkdale Conservation Area, and the listed buildings at 124-128 and 134-146 Kirkdale, and it is not considered that the public benefits of the Proposal outweigh the identified harm. The proposal would therefore fail to comply with Policies D3 – Optimising site capacity through the design-led approach, and HC1 – Heritage conservation and growth of the London Plan; the provisions of NPPF Chapter 16 – Conserving and enhancing the historic environment; and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Affordable housing mix

Policy context

7.130 London Plan Policy H5 – Threshold approach to applications states that the threshold level of affordable housing on gross residential development is initially set at a minimum of 35 per cent, or 50 per cent for LSIS identified as appropriate for residential uses in accordance with London Plan Policy E7 where the scheme would result in a net loss of industrial capacity. Part C of the policy confirms that to follow the Fast Track Route of the threshold approach, applications must meet all the following criteria: 1) meet or exceed the relevant threshold level of affordable housing on site without public subsidy; 2) be consistent with the relevant tenure split; 3) meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant; and 4) demonstrate that they have taken account of the strategic 50 per cent target in Policy H4 and have sought grant to increase the level of affordable housing.

7.131 Part 9 of Core Strategy Policy 1 – Housing provision, mix and affordability states that for affordable housing, the Council will seek a mix of 42% as family dwellings (3+ bedrooms) and will have regard to the criteria listed under Part 8 in determining an appropriate mix of dwellings within a development, namely a) the physical character of the site or building and its setting; b) the previous or existing use of the site or building; c) access to private gardens or communal garden areas for family dwellings; d) the likely effect on demand for car parking within the area; e) the surrounding housing mix and density of population; and f) the location of schools, shops, open space and other infrastructure requirements.

7.132 DM Policy 7 – Affordable rented housing of the Development Management Local Plan states that the Council will require new residential development to provide on site affordable housing in accordance with the provisions of Core Strategy Policy 1. It also states that when providing affordable rented housing, priority will be given to delivering family homes (three or more bedrooms).

The Council's case

7.133 The Council considers that the Proposal fails to provide an affordable housing mix in line with the requirements of the borough's Strategic Housing Market Assessment and the applicant has provided no design feasibility or viability justification for this.

7.134 The housing mix of the Proposal is summarised in the table below:

	Studio	1-bed	2-bed	3-bed	TOTAL
Social Rent	0	9	5	7	21 (70% of total affordable units)
Shared Ownership	1	4	3	1	9 (30% of total affordable units)
Private	3	7	17	3	30
Total	4	20	25	11	60

- 7.135 Of the 30 units that would be provided as affordable housing, a total of 8 units would have 3 or more bedrooms. This represents 26.6% of the affordable housing units. Core Strategy Policy 1 requires that 42% of affordable housing units have three or more bedrooms. This would equate to a requirement for 13 affordable units (rounded up from 12.6) with three or more bedrooms. The Proposal scheme therefore involves an underprovision of 5 affordable housing units with three or more bedrooms.
- 7.136 This policy requirement derives from the pressing need for affordable housing within the borough that is suitable to accommodate for larger families. Having regard to the criteria listed under Part 8 of Core Strategy Policy 1, it is not considered that there are any site specific reasons why the site would be inappropriate to provide family sized affordable housing units in accordance with the requirement set out in Part 9. The site is well located in terms of proximity to schools, shops, open space and other infrastructure, and there are no environmental factors in the immediate vicinity (such as excessive noise or unacceptable air quality) which would mean the development's suitability to provide family accommodation is in any way constrained. In terms of the development itself, it would provide both private and communal amenity space, and would be car free (with the exception of Blue Badge parking).
- 7.137 Part C(3) of London Plan Policy H5 requires that to follow the Fast Track Route of the threshold approach, applications must meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant. Council officers consider that the requirements in terms of affordable housing mix are not compliant with Part 9 of Core Strategy Policy 1 for the reasons set out above, that no justification has been provided in relation to this lack of compliance, and that therefore the scheme does not meet the requirements to follow the Fast Track Route of the threshold approach. The applicant would need to demonstrate through a viability assessment why additional family sized accommodation to meet the policy requirement cannot be provided within the affordable tenure.
- 7.138 The Council considers that the Proposal fails to provide an affordable housing mix in line with the requirements of the borough's Strategic Housing Market Assessment and the applicant has provided no design feasibility or viability justification for this. The Proposal would therefore fail to comply with Policies H4 – Delivering affordable housing, H5 – Threshold approach to applications, and H6 – Affordable housing tenure of the London Plan; Core Strategy Policy 1 – Housing provision, mix and affordability; and DM Policy 7 – Affordable rented housing of the Development Management Local Plan.

Missing information

- 7.139 A number of the reasons for refusal refer to missing information, meaning that a full assessment of the application proposal could not be undertaken by officers. Had the application been otherwise acceptable (or capable of readily being made acceptable), officers would have requested this additional information from the applicant team during the application's consideration.
- 7.140 As part of the appeal submission, the Appellant team have submitted a number of additional documents to respond to these matters. These have been reviewed by the relevant internal consultees within the Council and the position on these is set out below.

Ecology

- 7.141 As part of the appeal submission, the Appellant team submitted the following as part of Appendix 2 to their Statement of Case:
- Ecological Addendum (Arbtech, 4 May 2023)
 - Bat Emergence and Re-Entry Surveys at 21-57 Willow Way (Arbtech)
 - Biodiversity Net Gain Assessment at Willow Way (Arbtech, 27 April 2023)
 - Biodiversity Metric 4.0 – Calculation Tool
- 7.142 These additional documents have been reviewed by the Council's Ecological Regeneration Manager who has confirmed that they address the identified requirements in this regard, subject to the imposition of relevant conditions.

Noise

- 7.143 As part of the appeal submission, the Appellant team submitted the following as part of Appendix 15 to their Statement of Case:
- Willow Way Sydenham - Noise Addendum (24 Acoustics, 10 May 2023)
- 7.144 This document has been reviewed by the Council's Environmental Protection Officer who has confirmed that this addresses their identified concerns, subject to the imposition of relevant conditions.

Flood Risk

- 7.145 As part of the appeal submission, the Appellant team submitted the following as part of Appendix 16 to their Statement of Case:
- AC22260: Willow Way, Sydenham – Surface and Foul Water Drainage Strategy – Technical Note (abstract consulting)
- 7.146 This document has been reviewed by the Council's Flood Risk Officer who has confirmed that this addresses their identified concerns, subject to the imposition of relevant conditions.

Energy

7.147 As part of the appeal submission, the Appellant team submitted the following as part of Appendix 19 to their Statement of Case:

- Willow Way: Response statement to Officers Delegated report to refuse planning permission (Kent Sustainability, 5 May 2023)

7.148 This document has been reviewed by the Council's Net Zero Carbon Manager who has confirmed that this addresses their identified concerns, subject to the imposition of relevant conditions.

Employment

7.149 As part of the appeal submission, the Appellant team submitted the following as part of Appendix 10 to their Statement of Case:

- Relocation Strategy – 21-57 Willow Way

7.150 This has been reviewed by the Council's Head of Economy, Jobs and Partnerships who has confirmed that this addresses their identified concerns with regard to a relocation strategy for existing occupiers.

Views Assessment

7.151 As part of the appeal submission, the Appellant team submitted the following as part of Appendix 17 to their Statement of Case:

- Townscape and Visual Impact Assessment for 21-57 Willow Way (GJHP, 10 May 2023)

7.152 This has been reviewed by the Council's Conservation Officer and Senior Urban Designer, and comments are reflected above under the 'Masterplan' and 'Heritage impact' sections of this Statement.

Summary

7.153 In the context of the additional information that has been submitted alongside the appeal submission, the Council considers that this has addressed the missing and conflicting information in the application submission in relation to the matters identified above. As such, the Council accepts that Reason for Refusal 6 now falls away as the outstanding noise, flood risk and ecology matters have now been satisfactorily resolved. The Council also accepts that the first element of Reason for Refusal 3 in relation to the absence of relocation strategy in relation to existing business occupiers has also been satisfactorily resolved.

8. Conclusion

- 8.1 The Appeal Scheme has been assessed by the Council against the relevant provisions of the NPPF, the London Plan (March 2021), the Core Strategy (June 2011), the Development Management Local Plan (November 2014), the Site Allocations Local Plan (June 2013), and the emerging policies of the Proposed Submission Local Plan (January 2023). The Council has also had regard to the Appellant's Statement of Case and associated supporting documents.
- 8.2 Having regard to all these relevant policies, plans and documents, the Council maintains its position that the Proposal would result in a loss of industrial capacity on the site which would be a departure from the adopted development plan and in relation to the Proposed Submission Local Plan, no exceptional circumstances have been demonstrated to show that this would be compliant with its direction; that the Proposal would compromise the development of the remainder of the Willow Way LEL / LSIS and the objectives of the wider site allocation and masterplan area; that the Proposal does not demonstrate a context based design that responds to local character, and would not result in high quality design; that the proposed servicing arrangements for the commercial floorspace within the Proposal are unsatisfactory and that this could impact the uptake of employment floorspace and undermine the continued function of the Willow Way LEL / LSIS; that the Proposal would result in harm to the designated heritage assets of Sydenham Park Conservation Area, Sydenham Hill / Kirkdale Conservation Area, and the listed buildings at 124-128 and 134-146 Kirkdale, and it is not considered that the public benefits outweigh the identified harm; and that the Proposal fails to provide an affordable housing mix in line with the requirements of the borough's Strategic Housing Market Assessment and the applicant has provided no design feasibility or viability justification for this.
- 8.3 At the Inquiry, the Council will provide expert evidence to substantiate its case and will ultimately submit that the appeal should be dismissed.