



Philip Atkins
Planning Resolution
BY EMAIL

Gareth Clegg
Planning Service
Housing, Regeneration & Public Realm
Laurence House
1 Catford Road
SE6 4RU

Email Gareth.Clegg@lewisham.gov.uk

Date 05/10/2022
Our ref: PRE/22/127154

Dear Mr Atkins,

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

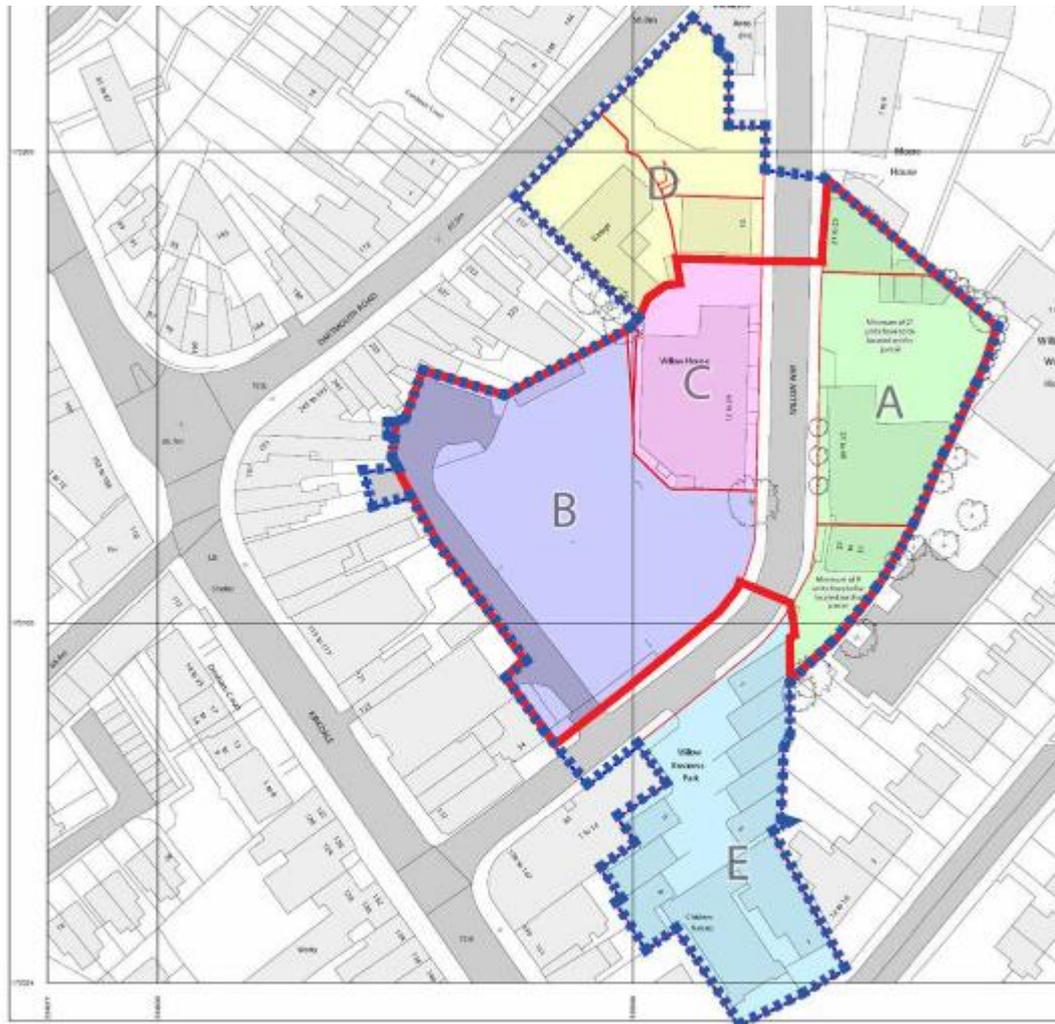
Pre-application proposal for comprehensive mixed use redevelopment of land at Willow Way Local Employment Location, SE26

- 1 This written response provides pre-application advice further to the meeting held between the applicant team and the Council on 23 September 2022 in relation to land at Willow Way, SE26.
- 2 The LB Lewisham officers present at this meeting were Gareth Clegg (Principal Planning Officer), David Robinson (Major and Strategic Projects Manager – Interim) and David Syme (Head of Strategic Planning).
- 3 The following documents were submitted in advance of the meeting:
 - Willow Way, Sydenham: Pre-application relating to Parcels A, B & C within the context of a Workspace Led Mixed Use Masterplan (Dunnett Craven, 7 September 2022)
 - Willow Way, Sydenham: Supplementary information on relationship to William Wood House (Dunnett Craven, 13 September 2022)
- 4 The following documents were submitted subsequent to the meeting:
 - Pre-application discussions relating to Willow Way (letter from Sara Sweeney (Kitewood) dated 3 October 2022)
 - Willow Way, Sydenham: Post pre-application response document (Dunnett Craven, 3 October 2022)
- 5 For the avoidance of doubt, whilst we have reviewed the letter dated 3 October 2022 setting out the proposed planning strategy (which reflects what your team explained verbally within our meeting), we have not reviewed the post pre-application response document, recognising that this represents a further design evolution from that presented and discussed at the pre-application meeting and cannot therefore be reviewed within the scope of the original pre-application request. The below response therefore provides no comment on the post pre-application response document. For the avoidance of doubt, this in no way reflects

endorsement of the proposed design response and simply reflects that this document has not been reviewed.

Proposal site

- 6 The development proposal relates to three parcels of land (Plots A, B & C as identified on the plan below) which form part of the Willow Way Local Employment Land allocation within the adopted Site Allocations Local Plan (June 2013).



— Area Covered by Application

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

- 7 Plots A and C comprise a number of two storey buildings in mixed employment use together with associated external yard spaces. Plot B is vacant and largely cleared. Plots D and E lie outside the scope of the proposal, but form part of the identified Local Employment Land allocation. 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 are known as Willow Business Park.

- 8 The proposal site lies to the east of Kirkdale Local Centre (proposed to be designated as a local centre through the emerging Local Plan) which comprises a range of ground floor retail, food and drink, and associated commercial uses focused along Kirkdale and extending on to Dartmouth Road.
- 9 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.
- 10 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 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.

Proposed development

- 11 The proposal would involve the comprehensive redevelopment of Plots A, B & C comprising the demolition of existing buildings on these plots and mixed use redevelopment comprising employment floorspace at ground floor with residential apartments above. The pre-application presentation submitted in advance of our meeting identifies that redevelopment of Plots A, B & C would deliver c. 2,061sqm of employment floorspace¹ across eight/nine workspace units at ground floor level together with c. 203 residential units¹ at upper levels.
- 12 In terms of height and massing, Plot A on the east side of Willow Way would accommodate a block rising from four to seven storeys, and Plots B and C on the west side of Willow Way would accommodate a block rising from five to nine storeys.
- 13 The proposal envisages that 50% of the residential element would be provided as affordable housing, with a tenure mix of 70% social rented and 30% intermediate housing.
- 14 The proposed development would be car free in relation to both the residential and commercial elements, but would be provided with both active and passive provision in relation to Blue Badge parking to serve the residential element.
- 15 Communal amenity space would be provided predominantly within a space within Plots B and C to the west of Willow Way, together with a range of smaller amenity spaces at ground and roof levels.

¹ It is noted that there are a series of internal discrepancies within the submitted pre-application presentation document in relation to the quantum of development proposed, and it must be recognised that these figures are therefore indicative proxies at this stage.

- 16 Having regard to the policy approach within the emerging Local Plan and the requirement for development proposals to be accompanied by a site masterplan where they form all or part of a site allocation, the proposals have sought to give some initial consideration to Plots D and E within the scope of the proposed approach, however it is recognised that engagement with the landowners of these adjacent plots has been limited to date.

Principle of development

- 17 As you will be aware in the context of previous concept pre-application advice (PRE/20/115235 – issued 22 April 2020, and PRE/20/118748 – issued 18 December 2020), the proposal site forms part of the Willow Way Local Employment Land allocation (SA48) within the adopted Site Allocations Local Plan (June 2013). 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. DM Policy 10 – Local Employment Locations LEL within the Development Management Local Plan (November 2014) 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 the 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.
- 18 Again, as you will be aware, the emerging Local Plan identifies the Willow Way site as a Locally Significant Industrial Site (LSIS) 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. Policy EC6 – Locally Significant Industrial Sites in the emerging Regulation 19 Local Plan details the relevant policy provisions in relation to the co-location of uses on LSIS sites. The policy identifies that development proposals 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.
- 19 The emerging 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 Plots A, B & C within its scope. It allocates the 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 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.

- 20 Subject to the Council's formal approval processes, the period for formal representations on the Regulation 19 Local Plan is anticipated to take place in late 2022 / early 2023. Very limited planning weight can be accorded to the Local Plan at this stage, and this will clearly have a direct bearing in terms of how any planning application will be considered in advance of the progression of the Local Plan through formal examination.

Planning programme

- 21 In our pre-application meeting we discussed your proposed planning programme, and as per our request, Kitewood have now set this out in writing within the letter from Sara Sweeney dated 3 October 2022.
- 22 We understand that Kitewood have secured development agreements relating to Plots A & C, and that in order to maintain the option in relation to Plot A, Kitewood are contractually required to submit a detailed planning application for Plot A by 31 December 2022. Kitewood have set out that the application must be capable of validation and of being finally determined, and that Kitewood would not be able to withdraw this application for contractual reasons. They have however identified that during the determination period, Kitewood would be in a position to submit revisions to the original application submission plans / documents as may be required to address any consultee comments.
- 23 The submitted 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. The proposed planning programme envisages that Kitewood would seek to enter in to a Planning Performance Agreement with the Council in relation to detailed pre-application discussions for Plots A, B & C (and within the context of masterplanning the site as a whole, i.e. in relation to Plots D & E, as required by emerging Local Plan policy), ahead of submission of a detailed planning application in June 2023 for Plots B & C.
- 24 Following submission of a detailed planning application for Plot A in December 2022, Kitewood indicate that 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 is to be submitted in June 2023. Through the course of pre-application engagement with the Council between now and June 2023, Kitewood propose 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. Kitewood's intention would be that both applications would then proceed to the same Planning Committee for determination together.
- 25 We have now considered the proposed planning programme in detail. We consider that there are a number of fundamental issues with the proposed approach. Design freeze in relation to Plot A needs to take place w/c 10 October 2022. Given the very limited extent of pre-application engagement to date, this simply does not allow sufficient time for the proper evolution of the scheme

through the pre-application process. Moreover, 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). The proposed approach simply does not allow for this to take place. Ahead of application submission, pre-application public consultation would be required in accordance with the requirements of our Local Development Scheme, and we would expect the scheme to be presented to Lewisham's Design Review Panel on at least one occasion. The proposed programme does not allow for either of these to take place in a meaningful way.

- 26 We note that Kitewood identify that they would seek to agree an extension of time in relation to the submitted planning application for Plot A, and that they would look to submit revised plans and documents in relation to the submitted application, arising from pre-application discussions with the Council and from matters arising within consultee comments. Given the very limited extent of any pre-application engagement to date, we consider that the changes required to the application for Plot A would likely be significant, in relation to fundamental revisions to massing, height, siting, layout, and quantum of development. In this context we do not consider that changes of this nature could be properly and reasonably dealt with through amendments to an existing undetermined application. Instead, we consider that this would require submission of a new planning application together with withdrawal of the former application. The submitted letter indicates that this is not something that Kitewood could undertake within their context of their contractual obligations.
- 27 In this context, we do not consider that the proposed planning programme is workable, and the Council is not prepared to enter in to a Planning Performance Agreement with Kitewood on the basis of such a programme.
- 28 Should Kitewood resolve to progress with submission of a planning application for Plot A by 31 December 2022 to fulfil their contractual obligations, the Council will process the application as it is required to do and in accordance with the statutory timescales. However given the imminent design freeze and the very limited scope to inform the emerging scheme, we see no value in engaging in further pre-application discussions with Kitewood ahead of submission of a planning application for Plot A. Similarly, given the requirement for any proposals to be developed in the context of a site wide masterplan, we do not consider it would be appropriate for the Council to engage in pre-application discussions in relation to Plots B & C ahead of a planning application submission in June 2023, given that an application would be forthcoming in December 2022 in relation to Plot A which would not have been developed in this context.

Summary

- 29 In the context of our previous concept pre-application discussions regarding this site, and having regard to Kitewood's contractual requirement to submit an application in relation to Plot A by 31 December 2022, we would have expected your team to engage with the Council in a programme of detailed pre-application engagement well in advance of autumn 2022. This would have allowed for the evolution of the scheme ahead of submission of any application, and for engagement with adjoining landowners as part of a masterplanned approach to the site as a whole. In our previous pre-application response (dated 18 December 2020) we specifically invited the applicant team *"to progress the pre-application process to a detailed level to address specific planning issues around layout, design and access"*, but recognised that a formal planning application should not

be made until the Local Plan and relevant policies are sufficiently developed. Given the contractual requirement for Kitewood to submit an application for Plot A by 31 December 2022, we are unclear as to why detailed pre-application discussions were not progressed during the course of 2021/22. Given the very limited extent of pre-application engagement to date, there is now insufficient time ahead of a December 2022 submission to allow for the proper evolution of the scheme through the pre-application process.

- 30 We do not consider that the proposed planning programme is workable, and the Council is not prepared to enter in to a Planning Performance Agreement with Kitewood on the basis of such a programme. We see no value in engaging in further pre-application discussions with Kitewood in relation to either Plots A, B or C for the reasons set out above.
- 31 Subject to the Council's formal approval processes, the period for formal representations on the Regulation 19 Local Plan is anticipated to take place in late 2022 / early 2023. As you will be aware, very limited planning weight can be accorded to the Local Plan at this stage, and this will clearly have a direct bearing in terms of how any planning application will be considered in advance of the progression of the Local Plan through formal examination.
- 32 Please be aware that the content of this letter is sent without prejudice to the recommendation of the final decision on any application submitted.
- 33 The officer dealing with your case is Gareth Clegg
(Gareth.Clegg@lewisham.gov.uk / 020 831 48036).

Yours sincerely,

A handwritten signature in blue ink that reads "G. C. Clegg". The signature is written in a cursive style with a large, stylized flourish at the end.

Gareth Clegg
Principal Planning Officer