

Appeal Statement of Case

21 – 57 Willow Way, London,
SE26 4AR

Proposed Demolition and
Redevelopment to provide
Employment Floorspace and
Residential Units

LPA Ref: 22/129789

On behalf of Kitewood Estates Ltd

by CarneySweeney

Date: 11th May 2023





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1.0 Introduction

1.1.1 This Statement of Case has been prepared by CarneySweeney on behalf of Kitewood Estates Ltd (the “Appellant”), in support of their planning appeal against the decision by the London Borough of Lewisham (“LBL”) to refuse an application for planning permission (LBL reference number: 22/129789) for the following works (“the Proposals”) at 21-57 Willow Way, SE26 4AR (“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’.

1.1.2 A copy of all the planning application documents and drawings, and LBL’s Decision Notice have been submitted to the Planning Inspectorate with the appeal forms.

1.1.3 LBL’s Reasons for Refusal of the Proposals, as set out on the Decision Notice, are as follows:

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 then 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.



2.0 Description of Site and Surrounding Area

- 2.1.1 The Appeal Site is located in Sydenham, within the London Borough of Lewisham.
- 2.1.2 The Site is bounded by Willow Way to the west and William Wood House, a retirement housing complex, to the east. Directly to the north of the Site is Moore House, a residential building, and to the south is Willow Business Park. Further to the west is catering and drink supplier, Blue Tiger, and Recsyn House.
- 2.1.3 The Site is 2,239 sqm in size (please note that this is the correct Site area, rather than other incorrect areas which are in some of the previous documentation) and currently comprises existing buildings accommodating an MOT garage, a catering equipment hire business, a business repairing and supplying water dispensers and coffee machines, ancillary offices relating to these businesses, together with an unlawful residential flat. An Existing Floorspace Schedule for the Appeal Site is provided at Appendix 1, where the Appeal Site is referred to as Site A. There are also circa 16 shipping containers on the Site which are used for storage and parking. There are approximately 7 car parking spaces on the Site. The remainder of the Site is a yard area comprising hard standing.
- 2.1.4 Access to the Site is via an entrance from the west, off Willow Way.
- 2.1.5 The topography of the Site is relatively flat.
- 2.1.6 The Site has a PTAL rating of 4 which is defined as 'good' accessibility.
- 2.1.7 The nearest train stations are Sydenham or Forest Hill, both of which are located approximately a 10 minute walk from the Site. Both of these stations are served by London Overground and Southern trains and provide regular services north into central London and south towards Crystal Palace and Croydon.
- 2.1.8 The nearest bus stops are located on Dartmouth Road, approximately 300ft north of the Site, which provide regular services on routes 122, 176 and 197. There are also two bus stops on the A2216 which are served by routes 122, 176, 197 and 356. All routes provide connections to the wider area.
- 2.1.9 There are many services local to the site, including those for leisure, health, and shopping.
- 2.1.10 There are no conservation areas, listed buildings or Tree Preservation Orders within the Site.



- 2.1.11 In the wider study area there are 20 listed buildings, 19 of which are Grade II and one Grade II*. In addition, there are eight conservation areas either wholly or partly within the 500m study area, and 38 locally-listed buildings. There are no world heritage sites, scheduled monuments or registered parks and gardens within 500m of the Site.
- 2.1.12 There are two nearby statutory grade II listed buildings, at 124-128 Kirkdale and 56 High Street. There is one Locally Listed Building on the corner of Willow Way and Dartmouth Road, which comprises The Bricklayers Arms Public House. The Site adjoins the Sydenham Conservation Area.



3.0 Planning History

3.1.1 There is no relevant planning history.



4.0 The Proposals

4.1 Mixed -Uses

4.1.1 The Proposals are for 1401 sqm of employment space in Use Classes E(g)(i)(ii)(iii) alongside 60 residential dwellings (private and affordable), with associated landscaping, amenity areas, cycle and car parking.

4.2 Employment Space

4.2.1 The Proposals provide modern, flexible and sustainable workspace for employment use.

4.2.2 The employment space, totalling 1401 sqm, is split into separate units as follows.

- Unit 1 – 300m²
- Unit 2 – 427m²
- Unit 3 – 195m²
- Commercial Mezzanine 1 – 64m²
- Commercial Mezzanine 2 – 167m²
- Commercial Mezzanine 3 – 199m²
- Commercial Mezzanine 4 – 49m²

4.2.3 The units are able to be sub divided further, with options set out on page 55 of the Design and Access Statement submitted with the planning application.

4.3 Housing and Design

4.3.1 The Proposals include 60 residential dwellings, 50% by unit and 51% by habitable room of which will be affordable.

4.3.2 70% (21 units) of the affordable units will be in the social rented tenure & 30% (9 units) will be in the shared ownership tenure, all off the southern core. The social rented units are at 1st, 2nd and 5 x units at 3rd floor (Units A3-12 – A3-16). The remaining units are at 3rd floor (A3-09 – A3-11) and the shared ownership units will be on the 4th floor.

4.3.3 The proposed affordable housing mix is as follows:



- Studio – 1 unit (shared ownership)
- 1 Bed – 13 units (9 social rented and 4 shared ownership)
- 2 Bed – 8 units (5 social rented and 3 shared ownership)
- 3 Bed – 8 units (7 social rented and 1 shared ownership)

4.3.4 The proposed private housing is off the north core, with the following mix:

- Studio – 3 units
- 1 Bed – 7 units
- 2 Bed – 17 units
- 3 Bed – 3 units

4.4 Amenity Space

4.4.1 The amenity space will be provided predominantly on Level 4 along with some of amenity space at ground level to the rear, adjacent to William Wood House. All the residential dwellings will have access to a private balcony as well as the aforementioned outside amenity areas.

4.5 Landscaping

4.5.1 Visually pleasing and ecological rich landscaping is proposed on the eastern side of the Site. This will be visible to both the new occupants of the Proposals and the residents of the adjoining care home.

4.5.2 Further landscaping is provided at Level 4 of the Proposals, in the form of three roof terraces. These incorporate areas of play space as well as general amenity space for all future occupants to enjoy.

4.5.3 Further details are provided in the Landscape Design Statement submitted with the planning application.



4.6 Access, Vehicle and Cycle Parking

- 4.6.1 Access to the Site for pedestrians, cycles and vehicles is from Willow Way. Due to its sustainable location, and in accordance with the appropriate London Plan parking requirements, the Proposed Development is to be 'car-free' in nature and will include 2 car parking spaces for blue badge holders only.. Four (passive) places are also indicated which could be provided if required from the outset.
- 4.6.2 The Proposals include the provision of 107 long-stay cycle parking spaces for the future residents. 43 of these will be provided in the form of Sheffield stands, 56 by two-tier racks and 8 will be larger bays for oversized cycles.
- 4.6.3 6 long-stay cycle parking stands will be provided for the commercial element of the Proposals.
- 4.6.4 Eight short-stay cycle park spaces are to be provided in the proposed public realm off Willow Way in the form of 4 visitor spaces in each of the northern and southern parts of the Site.
- 4.6.5 Active and passive electric vehicle charging infrastructure is also proposed.
- 4.6.6 Further details regarding access, servicing and parking can be found in the Healthy Streets Transport Assessment submitted with the planning application and also in documentation within and appended to this Statement of Case.



5.0 The Planning Application Process

5.1 The Planning Application

- 5.1.1 The Appellant was required to submit the planning application before the end of 2022 in order to meet their commercial obligations, a position that the Council was aware of in advance. The Appellant considers the Appeal Proposals to be capable of being delivered as a first phase of the wider masterplan development and as this Statement illustrates, the Proposals are fully acceptable in planning terms and should have been granted planning permission.
- 5.1.2 The planning application was submitted with the plans and documents that have been sent to the Planning Inspectorate with the appeal forms. The planning application was validated on 22 December 2022.
- 5.1.3 Ecology surveys were not able to be submitted with the planning application as the application was submitted outside the appropriate window for undertaking such surveys. This window re-opened at the start of May 2023, and the relevant ecology survey is provided at Appendix 2 to this Statement of Case, together with an Ecological Addendum and biodiversity net gain calculations.

5.2 Design Review Panel

- 5.2.1 The London Borough of Lewisham asked for the Proposals to be assessed by the Lewisham Design Review Panel.
- 5.2.2 This assessment took place on 28th February 2023 and their written comments were provided on 10th March 2023. These comments are provided as Appendix 3 to this Statement of Case.

5.3 Consultee Comments

- 5.3.1 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.
- 5.3.2 This prevented the Appellant addressing any of the consultee comments during the course of the planning application.
- 5.3.3 The redacted consultee comments provided by LBL are at Appendix 4 to this Statement of Case.



5.4 Request for Extension of Time/Planning Performance Agreement

- 5.4.1 On a number of occasions, and in line with guidance at paragraphs 38 and 46 of the NPPF, the Appellant requested an Extension of Time of the planning application in order to positively address comments from consultees and to liaise further with LBL in order to bring about a successful outcome to the planning application. The Appellant also suggested entering into a PPA with the London Borough of Lewisham to this end. Unfortunately, both these requests were denied and the planning application proposals were refused by LBL, under delegated powers, on 23rd March 2023. The officers' delegated report is provided at Appendix 5 to this Statement of Case and the decision notice was provided to the Planning Inspectorate with the appeal forms.



6.0 Planning Policy

6.1.1 This section of the Planning Statement sets out the planning policy which is relevant to the consideration of the Proposals.

6.2 The Decision-Making Framework and Material Considerations

6.2.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this appeal, the development plan comprises:

- Lewisham Core Strategy (June 2011);
- Lewisham Site Allocations Local Plan (June 2013);
- Lewisham Development Management Local Plan (November 2014); and
- London Plan (2021).

6.2.2 The policies in these documents are considered below.

6.2.3 LBL are currently in the process of preparing a new Local Plan to 2040. The Regulation 19 consultation of the emerging Local Plan finished in April 2023. These emerging policies and the weight to be attached to them are considered below.

6.2.4 The National Planning Policy Framework (2021) (NPPF) is a material consideration and is dealt with first below.

6.3 National Planning Policy Framework (2021)

6.3.1 6.2.1 The NPPF was revised in July 2021 and sets out the government's planning policies for England and how these are to be applied. It establishes a presumption in favour of sustainable development.

6.3.2 6.2.2 The NPPF (paragraph 8) has three interdependent overarching objectives in order to achieve sustainable development:

- An economic objective – which helps to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and times to support growth and innovation and to ensure the provision of appropriate infrastructure;



- A social objective – to support strong, vibrant and healthy communities, by ensuring a sufficient number and range of homes is provided to meet the needs of present and future generations, and ensuring that places are well-designed, beautiful and safe; and
- An environmental objective – to protect and enhance the natural, built and historic environment, making effective use of land, improving biodiversity, utilising natural resources, reducing waste and pollution and mitigating and adapting to climate change.

6.3.3 Paragraph 11 (parts c and d) of the NPPF requires that development is approved where it is in accordance with an up to date development plan. It further explains that where policies are out of date or there are no relevant development plan policies, development should be approved provided it complies with the relevant NPPF policies which protect areas or assets of importance, and where any adverse impacts of granting permission are significantly outweighed by the benefits of the development.

6.3.4 Further to paragraph 11, paragraph 47 requires that applications for planning permission are determined in accordance with the relevant development plan, unless material considerations indicate otherwise.

6.3.5 Furthermore, paragraph 48 states that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced the plan preparation, the greater the weight to be given); the extent of resolved objections to relevant policies, and the degree of consistency between relevant policies in the emerging plan to the NPPF.

6.3.6 Paragraph 49 follows up on this, stating that, in the context of the NPPF and its presumption in favour of sustainable development, an application that is premature in the context of the local development plan is unlikely to justify a refusal, unless both the emerging plan is at an advanced stage but not yet formally adopted, and the development proposed is sufficiently substantial that its permission would undermine the plan-making process by means of pre-determining decisions about the scale or layout of new development central to the emerging plan. Where a draft plan has yet to be submitted for examination, refusal on grounds of prematurity will seldom be justified (paragraph 50).

6.3.7 Paragraph 119 supports the re-use of brownfield land, stating that the effective use of land for meeting the needs for homes and other uses should be promoted by planning policies and decisions, and that policies should aim to make as much use as possible of previously developed or 'brownfield' land within the strategy for accommodating objectively assessed need. Paragraph 120 (part c) sets out that planning policies and decisions should give



substantial weight to the value of using brownfield land for homes or other identified needs and should support opportunities to remediate such land where required.

6.3.8 Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

6.3.9 Paragraph 130 adds that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

6.3.10 Paragraph 199 states 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 the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.



6.3.11 Paragraph 200 adds 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.

6.3.12 Paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

6.3.13 The Government has consulted on proposed changes to the NPPF but currently does not have a timeframe to respond to its consultation or to implement the planned changes. At the time of writing, the 2021 NPPF applies and shall only be referred to within this Statement.

6.4 Lewisham Core Strategy (2011) and Site Allocations Local Plan (2013)

6.4.1 The Lewisham Core Strategy was adopted in June 2011.

6.4.2 The Appeal Site is identified as site SA48 in the Site Allocations Local Plan, adopted in 2013. It is allocated as a Local Employment Location (LEL).

6.4.3 **Core Strategy Policy 1 (Housing provision, mix and affordability)** seeks the maximum provision of affordable housing with a strategic target for 50% affordable housing, subject to a financial viability assessment. Contributions to affordable housing will be sought on sites capable of providing 10 or more dwellings. The affordable housing is to be provided as 70% social rented and 30% intermediate housing. The provision of family housing (3+ bedrooms) will be expected as part of any new development with 10 or more dwellings. An appropriate mix of dwellings within a development is sought, having regard to the following criteria:

- the physical character of the site or building and its setting
- the previous or existing use of the site or building
- access to private gardens or communal garden areas for family dwellings
- the likely effect on demand for car parking within the area
- the surrounding housing mix and density of population
- the location of schools, shops, open space and other infrastructure requirements.



- 6.4.4 For affordable housing, the Council seek 42% to be provided as family dwellings and in seeking this will have regard to the criteria listed above.
- 6.4.5 **Core Strategy Policy 3 (Strategic Industrial Locations and Local Employment Locations)** seeks to protect the LELs for a range of uses within the B Use Classes (B1, B8 and where appropriate B2 industry) – now replaced by more recent amendments to the Use Classes Order – and also appropriate sui generis uses, to support the functioning of the local economy.
- 6.4.6 **Core Strategy Policy 8 (Sustainable design and construction and energy efficiency)** promotes the reduction of the environmental impact of all new developments. Applications for all new major developments will be required to submit a Sustainability Statement and Energy Statement that show how the requirements of London Plan policy and the London Plan SPG Sustainable Design and Construction are met.
- 6.4.7 All new residential development (including mixed use) will be required to achieve a minimum of Level 6 in the Code for Sustainable Homes standards from 1 April 2016 (NB. Code for Sustainable Homes has subsequently been withdrawn). All major non-residential development will be required to achieve BREEAM ‘Excellent’ standard.
- 6.4.8 **Core Strategy Policy 9 (Improving local air quality)** seeks to improve local air quality and minimise any negative air quality impacts.
- 6.4.9 **Core Strategy Policy 12 (Open space and environmental assets)** recognises the importance of the natural environment and to help mitigate against climate change by:
- Greening the public realm
 - Providing opportunities for recreation, leisure and well-being.
- 6.4.10 **Core Strategy Policy 14 (Sustainable movement and transport)** promotes the safety and access of pedestrians and cyclists throughout the borough.
- 6.4.11 **Core Strategy Policy 15 (High quality design for Lewisham)** seeks to ensure that development is flexible and adaptable to change. It also seeks to ensure that development conserves and enhances the borough’s heritage assets such as conservation areas.
- 6.4.12 **Core Strategy Policy 16 (Conservation areas, heritage assets and the historic environment)** seeks to ensure that the value and significance of the borough’s heritage assets and their settings, which include conservation areas.



6.4.13 **Core Strategy Policy 21 (Planning obligations)** states that the need to provide infrastructure, services and/or facilities to address the impact of new development will be considered by the LPA from the outset of the planning application process.

6.5 Lewisham Development Management Local Plan (November 2014)

6.5.1 **DM Policy 1 (Presumption in favour of sustainable development)** emphasises that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It further states that the Council will work proactively with applicants to find solutions to secure development that improves the economic, social and environmental conditions in the borough.

6.5.2 **DM Policy 3 (Masterplans and comprehensive development)** states that where development proposals form part of a site allocation they must be accompanied by a site masterplan, which is expected to set out how the development will contribute to delivery of spatial strategy for the Borough. It must 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.

6.5.3 The site 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.

6.5.4 Proposals must address how the development site relates to neighbouring properties and the surrounding area.

6.5.5 Applicants must also 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 other parts of the allocated site.

6.5.6 **DM Policy 7 (Affordable rented housing)** highlights the requirement of new residential development to provide on site affordable housing in accordance with Core Strategy Policy 1.



6.5.7 **DM Policy 10 (Local Employment Locations (LEL))** supports uses within the B Use Class and appropriate sui generis uses, within a LEL, subject to:

- The use being appropriate in the location in relation to the surrounding built context:
- The intensity of the use: and
- The new use meeting the aims in the Core Strategy Policy 3.

6.5.8 New build premises in these locations will be required to be flexibly specified and provided within an internal fit out to an appropriate level to ensure the deliverability of the units and the long term sustainability of the employment uses. The provision of lower cost accommodation suitable for starter businesses should form part of any new scheme.

6.5.9 **DM Policy 22 (Sustainable design and construction)** requires all developments to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling. In relation to Core Strategy Policy 8, it is recognised that some industrial (B2 and B8) uses may not be able to provide a minimum of BREEAM 'Excellent' standard.

6.5.10 **DM Policy 23 (Air quality)** requires all major developments that have the potential to impact on air quality to submit an Air Quality Assessment.

6.5.11 **DM Policy 25 (Landscaping and trees)** requires applicants for all major development to submit a Landscape Scheme.

6.5.12 **DM Policy 26 (Noise and vibration)** requires noise and/or vibration generating development or equipment to be located in the LELs and for a Noise and Vibration Assessment to be submitted in these areas.

6.5.13 **DM Policy 29 (Car parking)** requires parking standards in accordance with Core Strategy Policy 14. It states that car limited major residential development will only be considered where there is:

- PTAL level 4 or higher
- No detrimental impact on the provision of on—street parking in the vicinity
- No negative impact on the safety and suitability of access and servicing
- Inclusion of car clubs and cycle parking and storage



- On-site accessible priority parking for disabled drivers.
- 6.5.14 All new development will need to ensure that an appropriate number of bays have an electric vehicle charging point installed.
- 6.5.15 **DM Policy 30 (Urban design and local character)** requires all development proposals to attain a high standard of design.
- 6.5.16 **DM Policy 32 (Housing design, layout and space standards)** expects all new residential development to:
- Be attractive and neighbourly
 - Provide a satisfactory level of privacy, outlook and natural lighting both for its future residents and its neighbours and
 - Meet the functional requirements of future residents
- 6.5.17 The siting and layout of new-build housing development, including the housing element of mixed use developments, will need to respond positively to the site specific constraints and opportunities as well as to the existing and emerging context for the site and surrounding area.
- 6.5.18 New build housing development will be required to be:
- Sited to minimise disturbance from incompatible uses and be well located in relation to public transport with a high quality pedestrian environment.
 - Provided with a readily accessible, secure, private and usable external space and include space suitable for children's play.
 - Designed so that schemes in mixed tenure do not distinguish between public and private housing.
 - Designed to be safe and secure and reduce crime and the fear of crime.
 - Designed to ensure that internal layout and external design features ensure that housing is accessible to all intended users.
- 6.5.19 The London Plan standards will be used to assess whether new housing development provides an appropriate level of residential quality and amenity.



6.5.20 **DM Policy 35 (Public realm)** states that public spaces should be designed to be safe, inclusive, accessible, attractive and robust, enhancing existing connections and providing new connections as appropriate.

6.5.21 **DM Policy 36 (Listed Buildings, Conservation Areas and other designated heritage assets)** echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.

6.5.22 **DM Policy 37 (Non-designated heritage assets including locally listed buildings, areas of special local character and assets of archaeological interest)** sets out a framework for the protection of the borough's non-designated heritage assets.

6.6 London Plan 2021

6.6.1 The London Plan was adopted in March 2021 (after the adoption of the various elements of the Lewisham policies) and sets out the spatial development strategy for the boroughs in Greater London. The following policies are of relevance to the Proposed Development.

6.6.2 **Policy GG2 (Making the best use of land)** encourages the creation of sustainable mixed-use places that make the best use of land and promotes the development of brownfield land.

6.6.3 **Policy GG4 (Delivering the homes Londoners need)** promotes the delivery of more homes with a strategic target of 50% of homes being affordable.

6.6.4 **Policy H1 (Increasing housing supply)** seeks to ensure housing targets are achieved through the optimisation of suitable and available brownfield sites.

6.6.5 **Policy H4 (Delivering affordable housing)** highlights the strategic target of 50% of all new homes delivered to be affordable and to be provided on-site.

6.6.6 **Policy H5 (Threshold approach to applications)** refers to the threshold approach which applies to major development proposals which trigger affordable housing requirements. The threshold level of affordable housing on gross residential development is initially set at:

- A minimum of 35%; or
- 50% for public sector land where there is no portfolio agreement with the Mayor; or



- 50% for Strategic Industrial Locations, Locally Significant Industrial Sites and Non-Designated Industrial Sites appropriate for residential uses in accordance with Policy E7 Industrial Intensification, co-location and substitution where the scheme would result in a net loss of industrial capacity.

6.6.7 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 (see Policy H6 Affordable housing tenure).
3. meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant.
4. demonstrate that they have taken account of the strategic 50 per cent target in Policy H4 Delivering affordable housing and have sought grant to increase the level of affordable housing.

6.6.8 **Policy E1 (Offices)** promotes the improvements to the quality, flexibility and adaptability of office space of different sizes (for micro, small, medium-sized and larger enterprises) in the form of new office provision and mixed-use development.

6.6.9 **Policy E6 (Locally Significant Industrial Sites (LSIS))** states that development plans should designate and define detailed boundaries for LSIS.

6.6.10 **Policy E7 (Industrial intensification, co-location and substitution)** encourages the intensification of businesses uses in Use Classes B1c, B2 and B8 occupying all categories of industrial land through:

- Introduction of small units
- Development of multi-storey schemes
- Addition of basements
- 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.



- 6.6.11 The policy states that intensification can also be used to facilitate the consolidation of an identified SIL or LSIS to support the delivery of residential. This approach should be considered as part of a plan-led process or as part of co-ordinated masterplanning process.
- 6.6.12 **Policy D3 (Optimising site capacity through the design-led approach)** states that development should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality, and be of high quality with architecture that pays attention to detail and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.
- 6.6.13 The policy identifies that development should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape; encourage and facilitate active travel with convenient and inclusive pedestrian and cycling routes, crossing points, cycle parking, and legible entrances to buildings; be street-based with clearly defined public and private environments; and facilitate efficient servicing and maintenance of buildings and the public realm, as well as deliveries, that minimise negative impacts on the environment, public realm and vulnerable road users.
- 6.6.14 **Policy D6 (Housing quality and standards)** states that housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings, except where it is considered a more appropriate design solution and will have adequate passive ventilation, daylight and privacy, and avoid overheating. Standard 29 in the Mayor's Housing SPG states that single aspect dwellings that are either north facing, exposed to significant noise levels, or contain three or more bedrooms should be avoided.
- 6.6.15 The policy states that the design of development should provide sufficient daylight and sunlight to new housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.
- 6.6.16 **Policy SI 4 (Managing Heat Risk)** sets out that major development proposals should demonstrate through an energy strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the following cooling hierarchy:
- 1) reduce the amount of heat entering a building through orientation, shading, high albedo materials, fenestration, insulation and the provision of green infrastructure
 - 2) minimise internal heat generation through energy efficient design



- 3) manage the heat within the building through exposed internal thermal mass and high ceilings
- 4) provide passive ventilation
- 5) provide mechanical ventilation
- 6) provide active cooling systems,

6.6.17 **Policy D6 (Housing quality and standards)** defines minimum requirements for private outside space for new dwellings, requiring a minimum of 5 sqm of private outdoor space for 1-2 person dwelling with an additional 1 sqm for each additional occupant. The Mayor of London's Housing SPG complements this with additional guidance.

6.6.18 **Policy S4 (Play and informal recreation)** states that development proposals should incorporate high quality, accessible play provision for all ages, of at least 10 sqm per child. Play space provision should normally be provided on-site, however, off-site provision may be acceptable where it can be demonstrated that this would address the needs of the development and can be provided nearby within an accessible and safe walking distance. In these circumstances contributions to off-site provision should be secured by s106 agreement. Play space provision should be available to all housing tenures to promote social inclusion. The play space requirement should be based on the GLA Population Yield Calculator.

6.6.19 The Mayor's Shaping Neighbourhoods: Play and Informal Recreation SPG provides additional detailed guidance. This divides the requirements of children's play space into three categories: (i) under 5s, described as doorstep play and generally considered as part of the plot; (ii) ages 5-11; and (iii) ages 12+.

6.6.20 **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.

6.7 Draft Regulation 19 Lewisham Local Plan (January 2023)

6.7.1 This Local Plan has not yet been subject to an Examination and so has limited weight at present. However, it does show the future vision of LBL.



- 6.7.2 **Draft Policy EC2 (Protecting employment land and delivering new workspace)** sets out Lewisham’s Employment Land Hierarchy and states that land within the Hierarchy is safeguarded for Class E(g) office and light industrial, Class B2 industrial, Class B8 storage and distribution and related Sui Generis uses.
- 6.7.3 The draft policy re-allocates the Appeal Site as a Locally Significant Industrial Site (LSIS). LSISs are described as Lewisham’s main local concentrations of commercial and industrial uses, which perform a niche role to support the functioning of the sub-regional and local economy. They provide workspace for micro, small and medium sized businesses, including in the cultural, creative and digital industries.
- 6.7.4 The draft policy states development proposals within LSISs must contribute to the need of employment floorspace by retaining and wherever possible delivering net gains in industrial capacity, including by intensifying the use of land.
- 6.7.5 **Draft Policy EC4 (Low-cost and affordable workspace)** states that development proposals incorporating workspace should ensure that provision is made for suitable types and sizes of units, at an appropriate range of rents, particularly to meet the needs of micro, small and medium sized businesses, including start-ups. Development proposals that incorporate an element of affordable workspace at rents maintained below the market rate for social, cultural or economic uses will be considered favourably. New major commercial development proposals for Class E(g) office and light industrial, Class B2 industrial, Class B8 storage and distribution and similar Sui Generis uses must make provision for affordable workspace.
- 6.7.6 **Draft Policy EC6 (Locally Significant Industrial Sites)** protects LSIS 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. Development proposals should ensure that there is no net loss of industrial capacity within these locations and seek to deliver net gains wherever possible.
- 6.7.7 The policy highlights that the co-location of employment and other compatible uses will only be permitted at selected LSIS in order to secure the long-term viability of LSIS and to help facilitate their renewal and regeneration.
- 6.7.8 **Draft Policy HO1 (Meeting Lewisham’s housing needs)** seeks to significantly increase in the delivery of new homes to help meet Lewisham’s housing needs by proposals making the best use of land and optimise the capacity of housing sites.
- 6.7.9 **Site Allocation 9 Willow Way LSIS** is identified as having potential for 175 residential units and 6,705 sq m (gross) non-residential employment floorspace.



- 6.7.10 The allocation is for a comprehensive employment led mixed-use redevelopment. It seeks the co-location of compatible commercial, town centre and residential uses. The reconfiguration of buildings and spaces to facilitate a new layout with new and improved routes is sought, both into and through the site along with public realm and environmental enhancements.
- 6.7.11 The allocation seeks landowners to work in partnership and in accordance with a masterplan to ensure the appropriate co-ordination, phasing and balance of uses across the allocated area. Development must not result in a net loss of industrial capacity or compromise the function of the employment location.



7.0 Key Issues

7.1.1 Having regard to the Reasons for Refusal which are set out in full in Section 1 of this Statement of Case and the matters referred to in the Planning Officer's Delegated Report at Appendix 5 to this Statement of Case, we consider the main issues in this appeal are as follows:

1. Whether there is conflict with the employment policies of the Development Plan, particularly when having regard to:
 - Any loss of industrial capacity on the Site;
 - The impact of the closure of existing businesses, their relocation and phasing matters;
 - The acceptability of the proposed design for future employment occupiers.
2. Whether harm would be caused as a result of the design of the Proposals, having regard to townscape and heritage matters, particularly in relation to:
 - Baseline assessment work;
 - The relationships to William Wood House and the Bricklayer's Arms;
 - The proposed massing and height;
 - The proposed public realm, building line, active frontages and open space;
 - The proposed materials;
 - The design of the proposed residential accommodation;
 - Landscape related matters; and
 - Detailed heritage considerations.
3. Whether there are issues relating to missing information from the planning application proposals, particularly,
 - Ecological surveys;
 - Clarifications in relation to noise;
 - Further information in relation to flood risk.



4. Whether the proposed housing mix is acceptable.
5. Whether there would be harmful impacts on the wider masterplan and co-location issues, particularly in relation to,
 - Compromise to potential future employment occupiers;
 - Design;
 - Transport;
 - Public Realm;
 - Servicing;
 - Noise;
 - Air Quality;
 - SUDS;
 - Energy/sustainability.

7.1.2 All of these matters are covered in the subsequent sections of this Statement of Case.

7.1.3 An assessment is then undertaken of the compliance of the Proposals with the Development Plan and a Planning Balance assessment is undertaken.

7.1.4 Finally, we then deal with conditions and Section 106 matters.



8.0 Employment Matters

8.1.1 Having regard to the Key Issues identified in Section 7 of this Statement of Case, the paragraphs below consider whether there is conflict with the employment policies of the Development Plan, particularly when having regard to:

- Any loss of industrial capacity on the Site;
- The impact of the closure of existing businesses, their relocation and phasing matters;
- The acceptability of the proposed design for future employment occupiers.

8.1.2 These paragraphs also need to be read alongside the Design and Access Statement and draft Masterplan submitted with the planning application and the following appendices to this Statement of Case:

- Appendix 1: Existing Floorspace Schedule
- Appendix 6 – Pre-application enquiry documentation from September 2022
- Appendix 7: Section through proposed workspace
- Appendix 8: Section through to William Wood House
- Appendix 9: Existing v Proposed Floorspace Plan
- Appendix 10: Relocation Summary
- Appendix 11 Employment report from Kalmars

8.2 Loss of Industrial Capacity on Site

8.2.1 The subsequent section of this Statement of Case sets out how the Proposals have been designed to optimise the level of employment accommodation on the site, having regard to the physical constraints and opportunities presented, especially the relationship with William Wood Care Home and the issues in moving Willow Way.

8.2.2 The Existing v Proposed Floorspace Plan (Appendix 9) sets out the increase in employment floorspace that is proposed.



- 8.2.3 This replacement floorspace is also modern, flexible and has been designed to meet the identified needs of future employment occupiers (Appendix 11). It provides more space, with greater floor to ceiling heights, improved access and properly integrated provision for servicing, refuse collection and bicycle parking. The Proposals also include improved insulation and other building standards and proper provision of mechanical services.
- 8.2.4 In addition, there is disagreement with the measurement of the workspace area as set out in the officer's report at Appendix 5. The section at Appendix 7 shows a Ground to First, Floor to Floor, of 6.3m. Allowing 300mm for a floor slab would allow 6m floor to ceiling, with some downstands for structure and localised services. Assuming a 300mm mezzanine (or intermediate) floor would allow two floors of approx. 2.85m slab to slab and assuming a localised downstand of 200mm to 350mm would still allow a minimum clear floor to ceiling height of 2.5m. This is comparable to the existing first floor height accommodation.
- 8.2.5 It should also be noted that 267 sq m of the Proposed mezzanine space sits above bin stores and residential common parts and as such is not reliant on the insertion of a mezzanine floor.
- 8.2.6 Appendix 1 sets out that the existing accommodation generates 18 full time jobs. In comparison, the Proposals are expected to generate 30 full time jobs based on employment densities within the Homes and Communities Agency, Employment Density Guide 3rd Edition (2015), which are as follows:
- General office: 10 -13 sqm/job
 - R&D space: 40 – 60 sqm/job
 - Light industrial: 47 sqm/job
 - Storage and distribution: 7- 96 sqm/job
 - Incubator: 30-60 sqm/job
 - Maker spaces: 15 – 40 sqm/job
 - Studio: 20 – 40 sqm/job
 - Co-Working: 10 – 15 sqm/job
 - Managed workspace: 12 – 47 sqm/job



8.2.7 This is an increase of 12 jobs from existing. This is in addition to the jobs created in building the Proposals and the indirect employment and economic generation generated by the Proposals.

8.3 The impact of the closure of existing businesses, their relocation and phasing matters

8.3.1 Appendix 10 of this Statement of Case sets out the future intentions of the existing occupiers on the Site. This demonstrates that there are no displacement, relocation or phasing issues arising from the redevelopment of the existing employment uses on the Site.

8.4 The acceptability of the proposed design for future employment occupiers.

8.4.1 At Appendix 11 is a report from Kalmars, who have over 55 years' experience of South London's commercial property market. The report sets out the employment occupier demands in this area and their requirements. From this report it is clear that the Proposals meet the requirements of future occupiers.

8.4.2 Comments on the suitability of servicing and transport related matters for the employment uses are covered in Section 12 of this Statement of Case.



9.0 Design, Townscape and Heritage Matters

9.1 Baseline assessment work

- 9.1.1 The Design and Access Statement submitted with the planning application includes an historic analysis, which describes the evolution of the area as a whole (and incidentally, in the O/S maps from 1865 and 1952, the original historic street line and linear development along the frontage of Site A, that existed until its demolition in the 1960s). It includes an assessment of architectural context, which identifies the diverse character of the surrounding streets, highlighting the Sydenham Park Conservation Area, the locally listed Bricklayer's Arms and the 8/9 storey Miriam House which closes the vista north from the southern, Kirkdale end of Willow Way. These buildings, as well as more recent local insertions, were considered to produce an analysis of the material palette that characterises the area.
- 9.1.2 Building heights were also mapped across the area, which demonstrates the emerging 4-5 storey development along the east side of Willow Way, running parallel to buildings of similar scale along the southern stretch of Sydenham Park immediately to the east of the Site. It also identifies the substantial 8/9 floor backdrop of Miriam House to the north. The analysis also includes a mapping of the local topography and noted the significant slope from East to West that also has informed the masterplan design.
- 9.1.3 There is a use mix analysis, that highlights the predominantly residential character of the surrounding area, the 'high street' facilities on Kirkdale and the southern end of Dartmouth Road. Local transport facilities and other amenities are identified, together with PTAL and TIM information.
- 9.1.4 The traffic management and parking across the whole site was also assessed. This was set out in more detail in the Transport Statement submitted with the planning application.
- 9.1.5 Local heritage assets, such as conservation areas, nationally and locally listed buildings were mapped, together with parks and TPOs. This enabled an assessment of the impact of any proposals on heritage and landscape assets and a series of townscape views were set up in order to demonstrate exactly what the impact of the proposals would be. The original study was presented in the pre-application enquiry documentation of September 2022 (at Appendix 6) and the massing was modified in line with officer comments informed by this study.



- 9.1.6 The planning history of adjacent sites was also analysed, to ensure that there was a clear understanding of emerging context. So too were local employment led co-location schemes such as Trundleys Road, which officers had identified as a good precedent. The team also drew on their own experience in layering residential accommodation above commercial facilities in areas with significant noise and air quality issues as a result of adjacencies to major roadways. These schemes, which include the provision of substantial gardens on podiums and above, have proved popular and successful.
- 9.1.7 The team also carried out an assessment of appropriate workspace typology that used the methodology set out in the GLA's Industrial Intensification and Co-location Study 2018 (https://www.london.gov.uk/sites/default/files/136_industrial_intensification_and_co-location_study_-_design_and_delivery_testing_reduced_size.pdf). This required detailed analysis of existing and possible alternative servicing routes for any potential workspace on the site. The analysis even considered possible benefits that might accrue from moving the road, but concluded that there were none, and moreover that the location of statutory services in the roadway (see Appendix 12) and the access requirements of adjacent sites under separate ownership made this option unfeasible.
- 9.1.8 This analysis sits alongside the knowledge of employment occupier demands in this area and their requirements (see Appendix 11).
- 9.1.9 An important consideration was the immediate adjacency of the existing William Wood House Care Home and the need to ensure that proposals did not harm the amenities of its residents. This is against the context of the Site's existing service yard and its array of stacked containers being less than five metres from windows of habitable rooms and on the same level as the Care Home.
- 9.1.10 The site's relationship to William Wood House was therefore carefully assessed. The relationship to its north west façade is particularly challenging because the close adjacency is exacerbated by the change in level along the boundary. William Wood House is set some 2m below the level of Site A. This height difference gradually reduces to about a metre along the edge of the carpark to the south. Assisted by conversations with residents of the Care Home, the team mapped the location of habitable windows along this façade and considered how introducing an amenity area might improve their outlook. The team similarly analysed the outlook for those with windows to the south and it was on this basis that a reduction was made to the footprint of the existing workspace to the south and it was accordingly held back from the boundary edge. This architectural analysis was supported by sunlight and daylight analysis.



9.2 The relationships to William Wood House and the Bricklayer's Arms

William Wood House

- 9.2.1 The key issues considered for William Wood House were the quality of the outlook for residents, visual amenity, overlooking, and sunlight and daylight.
- 9.2.2 Servicing to the rear of the Site was omitted, to remove any noise and air quality issues from manoeuvring service vehicles. The line of the building opposite the habitable rooms to the north west was then held back to create a triangular visual amenity space, with a wild flower area. There would be limited provision for disabled and bicycle parking, to the north of this area. This would considerably improve the aspect of these rooms and the daylight and sunlight assessment submitted with the planning application confirmed that the Proposals had a 'very good overall compliance ratio'.
- 9.2.3 This approach was also supported by the Lewisham Design Review Panel (see Appendix 3), who stated that 'Removing the boundary wall and giving light to William Wood House, the care home, is a positive one.' The Panel did raise some concerns about the relationship of the building to the carpark, where the proposed building cranks to the south. The Panel stated that 'Whilst noting the improvements proposed to this boundary, which it supported, elsewhere, the Panel challenged the narrow slot external spaces between the ground level commercial units and the rear boundaries.' They suggested that a solution would be to push the building out to the boundary line.
- 9.2.4 However, this comment may be based on be a misunderstanding about the wall along the boundary, as read in elevation. This wall is in fact a retaining wall to the car park, so that rather than being in a slot behind this wall, the space is in fact sitting on top of it, so that it reads as an elevated terrace, with simply a 1.1 m high open metal terrace to the east. This means that the quality of the space would be the same as on all the residential balconies on this façade. The section at Appendix 8 explains this position.
- 9.2.5 In contrast, the officer's view was the façade should be held back here rather than pushed forward, in order to reduce the impact of the massing when viewed from William Wood House. While understanding these views, the line of the rear of the building was established by a number of practical and amenity related decisions, which are highlighted on the section at Appendix 8.



- 9.2.6 The proposed set back from the position of the existing building increases the distance from the two most affected windows on William Wood House from 14 to 20 m and 26 to 36 m; it is important to note that the view of the new building is oblique so the setback also improves the sense of space enjoyed by residents. Because of the oblique line and substantial distances envisaged, the daylight and sunlight assessment concluded that there were no sunlight and daylight concerns as a result of the massing here and the shadow study provided reinforced this point. The assessment further explains that *'the amenity to the south of William Wood House will actually experience a small improvement in terms of direct sunlight levels as a result of the proposed massing being noticeably set back from the boundary at the rear of the site when compared with the massing of the existing buildings'*.
- 9.2.7 There is currently a line of thirteen mature birch, lime, hawthorn, horse chestnut, whitebeam and cherry trees set along the western boundary of the care home carpark. These are not only significant for the outlook from the care home, but also for the outlook from the rear of the houses on Sydenham Park. They might also be glimpsed from the road in the gaps between those semi-detached houses. Because they are sited effectively hard up to the retaining wall, their root structure will gain benefit from set back and allow for growth of this tree screen.
- 9.2.8 The setback also allows for maintenance of the rear elevation of the workspace and fire escape provision. It similarly allows for ventilation and some glazing in this façade, and as such needs to be set about 1.5 m from the boundary, for spread of fire reasons.

The Bricklayers Arms Public House

- 9.2.9 The heritage assessment submitted with the planning application assesses the impact of the Proposals on identified heritage assets. In order to assist this assessment, a massing view was prepared looking south along Dartmouth Road to consider the setting of the Bricklayer's Arms (see View 7 Looking south down Dartmouth Road from outside Sydenham School in The Townscape Consultancy's Heritage and Townscape Analysis at Appendix 6)) . As this illustrates, the more significant relationship in this view is with the recently redeveloped police station site. Consideration was also given to the relationship from within Willow Way itself, and a sketch from this viewpoint based on the computer model were also produced (see page 51 of the Design and Access Statement submitted with the planning application - Approach from the north)] The most significant townscape issues in the context of the Bricklayer's Arms are its relationship to adjacent buildings on Dartmouth Road and the west side of Willow Way, because of the acute angle at the junction of these two roads.



- 9.2.10 The solution (as seen in the draft wider Masterplan submitted with the planning application) would be to reform the line of Dartmouth Road by reintroducing a terrace of similar massing to both the Bricklayer's Arms and the road itself. Along Willow Way, the vision should be for a setback to increase the width of the road and the introduction of single storey light industrial accommodation adjacent to the public house. From the south, this will open up views of the pub and enhance its setting by allowing tree planting to be introduced. From the north, it will ensure that there is no adjacent competing mass to affect the backdrop to the public house. In addition, the setback will allow sun light into the pub garden; the suggested courtyard to the north of Site D will also introduce light and air.
- 9.2.11 Looking south along Willow Way itself, the building on the Appeal Site similarly presents a leading acute angle as can be seen at the Bricklayers Arm, to provide townscape interest. This visually reduces its apparent scale. The approach from the north visual shows how a similar device on the leading north corner of the proposed building is applied. The acute angle is opened up with balconies, the corner building is articulated as a lower volume in a different colour brickwork and topped with a roof garden. Siting some 45 m from the Bricklayer's Arms, it provides a stepping stone of townscape interest along Willow Way and also establishes a comfortable relationship with the buildings to the north east of the street. The sketch view on page 51 of the Design and Access Statement submitted with the planning application illustrates that the setback articulation of the two main volumes of the Proposals maintains an appropriate plot scale and the reduced height and roof top gardens of the southernmost element, which angles slightly west to close the vista, complete the composition when viewed from the north.

9.3 Massing and height

- 9.3.1 The height and massing were always considered in the context of the surroundings, the wider masterplan, the relationship with William Wood House and the adjacent conservation area to the east. Also, on the basis of feedback from officers at pre-application stage (see Appendix 6), the height of the proposed buildings was reduced, but the articulation by way of recesses, setbacks and lower height elements were maintained.
- 9.3.2 The scale of any building volume is defined by the articulation of its component parts in plan as well as simply its height. The volume of the Proposals is therefore not designed as a monolithic block, but rather as a series of individual elements. There are two articulated 'houses' which allow residents and visitors to read where the entrances to the apartments are within the double height order of the workspace below. These 'houses' are created by introducing a central recessed element of lower height in the middle of the Site. To the north and south, lower volumes are designed to break up the building mass and create appropriate



relationships to adjacent buildings.

- 9.3.3 To the east, the mass is further broken up by introducing additional set backs on the upper levels, and also recessing the overall mass to create projecting, lower elements of similar width to the semi-detached houses in the conservation area. Sydenham Park runs north east, and while the proposed building on the Site runs parallel to it to the south, most of the volume is orientated directly north so that its view from Sydenham Park Road is increasingly remote and oblique. Where it does run parallel and the building is at its closest, some 30 m away from the rear of the houses, it is split into three elements, that step up from 3-5 floors. It then turns north and the distance increases to 50m. It is also separated from the Sydenham Park house gardens by the William Wood care home car park and the screen of trees on its western boundary. The canopies of the large trees in the grounds of William Wood House will also remain visible and provide landscape screening to the north of the development when viewed from the east. The reduced scale of the backdrop massing of the proposed building when perceived from this view is therefore layered behind gardens and tree screen and enlivened by roof gardens that punctuate and soften the skyline.
- 9.3.4 The key views along Willow Way itself, from both north and south, demonstrate how the granular development of the Appeal Site creates an appropriate building plot scale. The articulation of the block into two primary volumes with a recessive central elements with setback wings that step down to north and south creates a legible, animated streetscape.
- 9.3.5 A recessed cornice has been introduced into the top of the parapet in order to reduce its apparent bulk. In fact, there is slightly more than 4.0 m from the top floor level to the top of the parapet which will screen the lift overrun (approx. 2.5m car and machinery plus 1.5m overrun). This increased height will also screen plant, which, as indicated on the submitted application drawings, is located in the middle of the plan and therefore some 5-8 m from the parapet. Plant might only therefore be visible from taller local buildings such as Miriam House even if it proved to be 500mm above roof level, which is not currently envisaged but allows some contingency.
- 9.3.6 Although it would not impact on the overall height of the proposed building, the DRP queried the height of the parapet to the fourth floor roof gardens. By way of clarification, the submitted landscape drawings do in fact show screens of the height that they suggested would be necessary and at approximately 1.5 m these screens would provide mitigation of any wind issues, although our analysis indicates that there will be any problems at this relatively modest height.



- 9.3.7 The 8/9 storey Miriam House sits to the immediate north of the Site, only 65 m away. There was some suggestion in the officer's report (Appendix 5) that its bulk was not significant when viewed from the Sydenham Park Conservation Area because of its orientation. However, analysis suggests that its close proximity and the fact that it is a monolithic slab block mean that its bulk is apparent. Since Miriam House is also only 70m away from Sydenham Park, it is very visible from the Park.
- 9.3.8 The impact of the height of the proposed buildings on the Appeal Site on the wider masterplan sites to the west was also considered. The masterplan envisages widening the gap across Willow Way to 20 m between buildings and the submitted sunlight and daylight assessment concludes that the proposed mass would not raise any concerns in this context. The current width between buildings is 12m. It is inadequate for servicing and would be unacceptable for dwellings on both sides because of overlooking as well as sunlight and daylight. Studies have defined the scale of unit that can be created along the west side of Willow Way and its servicing will require the setback indicated on the submitted draft masterplan.

9.4 Public realm, building line, active frontages and open space

- 9.4.1 There is some apparent concern that the major improvements to the public realm are contingent on the masterplan proceeding because they are primarily loaded to the west of Willow Way. The limited width of the Appeal Site and the close adjacency of William Wood House to the rear offer limited opportunities to improve the public realm on this flank. However, through the proposed removal of on-street car parking along the frontage of the Site along Willow Way, including from the pavement (via a TRO) the Proposals do envisage a practical widening of the pavement to the south. This will provide a significant improvement for pedestrians. This will be reinforced by the active frontages created along the whole length of the façade, off street storage of refuse, and removal of servicing crossovers. Pedestrians will be able to better use the pavement, which is currently restricted due to the on-street parking. Space has also been found for on street visitor bicycle parking, without impeding movement along the pavement.
- 9.4.2 There is an allied concern about the line of the building on the street and the opportunity for tree planting. There are two specific issues which have led to the current solution. The first is a need to hold the line of the street for townscape reasons. The buildings immediately to the north and south hold this historic, original street line, so to recess the accommodation on the Appeal Site would break this line and create dead book ends on both flanks. Lewisham's DRP recognised this point by stating that '*The Plot A buildings establish a strong edge to Willow Way with the potential to create a strong street frontage.*' The second is the position of utilities (see Appendix 12).



- 9.4.3 We note that the recent redevelopment of the police station site has followed an angled set back line established post war, when the historic street line of Willow Way was eroded at the north end of the street. However, the line of the building sitting between this building and the Appeal Site would make following this remote line at best challenging, from a townscape point of view even if it was desirable, which is questioned. While this setting back on the police station site has allowed for the introduction of landscaping, the relatively shallow workspace on the Appeal Site would make it effectively impossible to introduce planting without limiting the essential flexibility of subdivision required, by removing the opportunity for direct access to some parts of the façade.
- 9.4.4 We note officer concern (see Appendix 5) that the proposed new building will block the view to some of the tree planting to the rear of the adjacent site when viewed from the south but note that this is considered to be ‘*a low degree of harm (less than substantial)....which could be mitigated by providing sufficient space for tree planting in front of the site.*’ The ambition to provide as much tree planting as possible is supported, there are specific challenges here as identified above that make this not practical, but there is mitigation. Firstly, the loss of the view of the canopies of the trees in adjacent rear gardens above the existing buildings will be mitigated by the improved appearance of the proposed buildings on the Appeal Site, which will include views of the planting on the substantial amenity terraces. Secondly, the pavement zone itself will, in tandem with a TRO to remove on-street parking, improve the pedestrian experience here. Thirdly, the draft masterplan envisages substantial tree planting on the other side of the road where the necessary enlarged width for servicing will also allow for substantial tree canopies, which would never be possible on the Appeal Site.
- 9.4.5 This setting back of the buildings to the west will create generous and appropriate public realm. The DRP panel stated: ‘*The widening of the public realm to 20m was welcomed by the Panel as were the proposals for shared surface and more limited vehicle movements. However, a considerable amount of further detail is required to convince that this space will prove successful. The tree planting whilst welcomed needs to be supported by a more detailed approach to ground level planting, balancing hard and soft landscaping with clear deliverable net biodiversity, UGF and SUDS objectives as part of a site wide landscape strategy.*’ It is recognised that the design for this area (ie Sites B,C and D) require further design development as part of future pre-application discussions.



9.4.6 With regard to the loss of on-street parking as proposed by the introduction of the double yellow lines, the existing on-street parking is predominantly commuters who take advantage of the lack of parking controls close to two stations. The remainder is associated with the existing uses at the Appeal Site. The new employment units within the Proposals will be 'car-free' development (in accordance with the London Plan) with the exception of a single disabled bay. The removal of the existing on-street parking does not therefore need to be re-provided.

9.5 Materials

9.5.1 This part of Sydenham was developed with some density over a relatively short period of time in the mid nineteenth century. The High Street (now renamed Kirkdale and Dartmouth Road) formed the Town Centre and Willow Walk (now Willow Way) was a residential street folded into the backland behind them. To the east were the more generous suburban villas of Albert Road (now Sydenham Park) which are still largely intact, and a looser, more suburban form of development grew away from the town centre over the next hundred years. Gaps began to appear in the town centre fabric in the middle of the twentieth century and some buildings began to drift away from the Victorian street lines; the houses on Willow Way were cleared in the fifties and sixties to allow for ad hoc workspace. Infill buildings of varying style and quality were also inserted into the very coherent mid nineteenth century ensemble - which was stylistically very similar to other railway inspired outer London developments of that period.

9.5.2 The original town centre consisted of tight knit two to three storey brick built, slate roofed buildings, while the more generous villas in the adjoining Conservation Area were over four to five floors, as well as being more generous in plan. A number of the finer buildings were also parapeted. The prevailing façade material was originally London stock brick, with some red brick with stone dressing (such as the Bricklayer's Arms), and render. The standard of twentieth century infill was generously lower and has eroded some of the quality of the area. A range of different materials, such as pebble dash and painted render, engineering brick and timber cladding, were introduced. Window openings became more horizontal. The most visible building in the area, Miriam House, is a slab block clad in grey precast concrete panels, with punched windows openings to the end elevations, and glazing assemblies to the longer north and south facades. The more recently built Willow Business Park, which is immediately adjacent to the Appeal Site, displays a mixture of mirror glass and grey metal cladding as well as red painted render on a blue engineering brick plinth.



- 9.5.3 The approach on the Appeal Site was to introduce a calm, orderly aesthetic that will sit comfortably with the sensitive adjacencies to the east and establish a structure for the disintegrated area to the west. Therefore, instead of a range of colours and materials introduced to the area since the mid twentieth century, the choice has been to adopt a brick aesthetic which would respect the adjacencies to the east and create appropriate street context to the west that anticipated the more substantial buildings envisaged for Sites B, C and D. It would also weather gracefully. The use of different colour brickwork and the modulation of the façade, both in plan and elevation, has allowed an appropriate response to both flanks.
- 9.5.4 Similarly, an early decision was made to develop inboard rather than projecting balconies. This reflected the historic absence of large cantilever elements locally and also presented a more discreet face to adjacent properties, particularly to the east.
- 9.5.5 A fundamental architectural challenge was making the primacy of the workspace legible in the design of the building as a whole. The programme demanded a double height plinth to carry the workspace. This represented a dramatic scale change from all other buildings in the area. The solution was to develop a double height brick colonnade which would be visually robust enough to carry the range of different entrance requirements for different tenants, ground the building, and flag the primacy of the workspace element. It would also collect the entrances to the residential and the open route through to the rear of the building in one coherent order. This is capped by a separating band of four soldier courses and then the proportions of the workspace openings are taken up into the residential, by grouping the openings into sets over two floors. Apart from creating a workspace driven aesthetic that refers to brick built early twentieth factory building, it also creates vertical openings. This reconciles the need for wide windows and balconies in the residential element with the proportions of windows openings of most of the better buildings in the area.
- 9.5.6 The stepping of the proposed building and the presentation of acute angles on the leading corners to north and south, in tandem with balconies and substantial roof gardens, reduce the apparent scale of the building from both these approaches and create an animated, living roofline.
- 9.5.7 To the east, the removal of the boundary wall allows the retaining wall below to read as a plinth behind the substantial planting screen to the carpark, which will be reinforced by additional planting on the Appeal Site. The use of different colour brickwork then emphasizes the development of a more granular, layered and recessive façade.



- 9.5.8 The DRP stated that '*The architectural expression is calm and well mannered*'. They did however question whether the Proposals had recognised the local aesthetic and this explanation is intended to clarify the Appellant's position on this point. The Panel also stated that '*The refinement and development of materiality and detailing appeared promising..*', while advising that 1:20 and 1:5 details would be required to demonstrate the integrity of materials and detail. This is noted and can be provided by condition on any consent.
- 9.5.9 In respect of overall design, the DRP commented that the "*proposals seem rather generic rather than responding to the immediate varied context of the locale*", In response, the style of the better buildings in the area, built around 1850, can also be found in other railway inspired outer London suburbs of the time and this aesthetic has been followed. A key point that was missed by the Design Review Panel, was that the Appeal Site, bounded by what was then called 'High Street' always had a density and use mix use that distinguished it from the looser surrounding suburban streets. These points support the idea of a dense, granular, brick built development on the Appeal Site.

9.6 Apartment design

- 9.6.1 The north south orientation of the proposed building allows in principle for good sunlight and daylight for all units and the submitted daylight and sunlight report confirms that this is indeed the case. The DRP describes the layouts as '*well ordered*', but raised concerns over the amount of single aspect units. In fact 60% of the units are dual aspect and the remainder have dual outlook. There are no north facing single aspect apartments.

9.7 Landscape matters

- 9.7.1 A Landscape Addendum has been prepared to respond to the comments made by consultees and noted in the officer's delegated report. This is at Appendix 13 of this Statement of Case.

9.8 Heritage Matters

- 9.8.1 To support the planning application a heritage statement was prepared. Its objectives were to identify the built heritage resource within the Site and a study area extending to 500m from its boundaries, to assess the heritage significance (and thereby the heritage value) of that resource, to identify any impacts from the Proposals on the resource, and to recommend suitable measures to mitigate any such impacts.



9.8.2 There are no built heritage assets within the Site. As noted earlier in this Statement, in the study area there are 20 listed buildings, 19 of which are Grade II and one Grade II*. In addition, there are eight conservation areas either wholly or partly within the 500m study area, and 38 locally-listed buildings. There are no world heritage sites, scheduled monuments or registered parks and gardens within 500m of the Site.

9.8.3 A lack of intervisibility between the Proposals and a number of the heritage assets identified means that in these cases there are unlikely to be any impacts. A site visit, supplemented by views analysis, allowed a broad determination of which assets could be scoped out because of a lack of intervisibility. (NB. It is accepted that a lack of intervisibility will not automatically lead to the exclusion of a heritage asset from assessment, but may do so if augmented by other factors such as distance from the proposed development.) As a result, 20 built heritage assets were scoped in for assessment (see Table 9.1 below). For scoped out heritage assets, no further assessment was undertaken.

Table 9.1: List of scoped-in built heritage assets

Key: LB = listed building, LLB = locally-listed building, NDHA = non-designated heritage asset

Built heritage asset no.	Type	Name	Grade	Heritage value
001	LLB	Dietrich Bonhoeffer Church, Dacres Road	n/a	Low
005	LLB	2 Charlecote Grove	n/a	Low
006	LLB	8 Charlecote Grove	n/a	Low
008	LLB	149 to 151 Dartmouth Road	n/a	Low
009	LLB	165 to 175 Dartmouth Road	n/a	Low
011	LLB	Bricklayers Arms, 189 Dartmouth Road	n/a	Low
013	LLB	27-39 Halifax Street	n/a	Low
018	LLB	57 Bounds Cottage, Kirkdale	n/a	Low
019	LLB	Fox and Hounds public house, Kirkdale	n/a	Low
021	LLB	The Woodman public house, 110 Kirkdale	n/a	Low
030	LLB	2 to 10 Round Hill	n/a	Low
033	LLB	26 and 28 Sydenham Park	n/a	Low
034	LLB	37 to 43 Sydenham Park	n/a	Low
037	LLB	Park Cottage, 59 Sydenham Park Road	n/a	Low
043	LB	124-128, KIRKDALE SE26	II	Medium
056	LB	HIGH STREET BUILDINGS	II	Medium
059	LLB	89-91 Kirkdale	n/a	Low
061	CA	Sydenham Park conservation area	n/a	Medium
063	CA	Halifax Street conservation area	n/a	Medium
064	CA	Jews Walk conservation area	n/a	Medium



- 9.8.4 All of the scoped-in built heritage assets derive their heritage value from their architectural and historic interest.
- 9.8.5 The heritage statement concluded that there will be no direct impacts to built heritage assets as a result of the Proposals. It further concluded that minor changes to the setting of heritage assets will occur in a number of cases, but in none of these cases would those changes affect the heritage value of the asset in question. No heritage mitigation measures were recommended.
- 9.8.6 Comments on the planning application have been received from LB Lewisham's conservation officer. These do not refer to the heritage statement submitted in support of the planning application. The comments are reproduced (and augmented by the planning officer) in paragraphs 225 to 257 of the delegated officer's report (Appendix 5). A heritage addendum has been produced to provide an historic environment response to these comments (see Appendix 14).
- 9.8.7 The majority of the comments received from the conservation and planning officers relate to matters of design or townscape character and visual effects. A small residue of comments relate to matters of heritage significance, and these have been responded to in the heritage addendum (see Table 9.2 below for report paragraph numbers).

Table 9.2 Response concordance table

Officer's report paragraph no.	Response	Heritage addendum paragraph no.
241	The conservation officer's identification of an impact to the conservation area arising from 'uncharacteristic height' is at variance to the conclusions drawn in the heritage statement, specifically paragraph 8.15.3.	2.1.6
247	The conservation officer's statement 'On the basis of the information submitted so far, the proposal is likely to cause a moderate degree of harm to the setting of the CA (less than substantial in NPPF terms)' is at variance to the conclusions reached in the heritage statement, specifically paragraph 8.15.3.	2.1.6
249	The delegated officer's view is that there is a 'specific impact' to the Bricklayers Arms public house on Dartmouth Road in relation to views. The heritage statement (in paragraph 8.6.1) did not identify any potential impact to the Bricklayers Arms' heritage value.	2.1.10



250	The conservation officer's view is that 'The proposal will have some impact on the setting of the Kirkdale ASLC'. From a historic environment perspective there would be no adverse effect on the heritage value of the ASLC.	2.1.12; 2.1.13
256	The officer identifies harm to the character and appearance of Sydenham Park Conservation Area. Section 8.1.15 of the heritage statement, whilst identifying a proposed change to one part of the setting of the conservation area, did not identify any adverse effect on the conservation area's overall heritage value arising from the proposed development.	2.1.16
257	The officer states that they are unable to conclude, on the basis of the submitted information, that the proposal would preserve the setting of the listed buildings. The potential for impacts to the heritage value of listed buildings on Kirkdale is discussed in Sections 8.12 and 8.13 of the heritage statement.	2.1.17



10.0 Missing Information

10.1.1 LBL's Reasons for Refusal refer to the submitted noise, flood risk and ecology reports containing missing and conflicting information. Also, they comment that no townscape views have been submitted.

10.1.2 This information could have been requested by officers, however it was not done so.

10.1.3 We deal with each of these matters below.

10.2 Ecology

10.2.1 As mentioned in Section 5 of this Statement of Case, ecology surveys were not able to be submitted with the planning application as the application was submitted outside the appropriate window for undertaking such surveys. This window re-opened in May 2023 and so appropriate surveys have now been undertaken. These are provided at Appendix 2 to this Statement of Case, together with an Ecological Addendum.

10.2.2 As part of these surveys, carried out in accordance with the "Bat Surveys for Professional Ecologists - Good Practice Guidance", no bats were observed.

10.2.3 The addendum recommends no further action except consideration to the installation of enhancement measures e.g. bat boxes.

10.2.4 A biodiversity net gain assessment has also been undertaken using a metric calculation (Appendix 14) and this concludes that the Proposals will create a significant increase in biodiversity of over 80%.

10.3 Noise

10.3.1 In the LBL officer's report there is reference to typographical errors and conflicting comments in the noise report submitted with the planning application.

10.3.2 These matters are responded to within a Noise Addendum Report at Appendix 15 to this Statement of Case.

10.4 Flood Risk

10.4.1 A Surface and Foul Water Drainage Strategy – Technical Note (at Appendix 16 to this Statement of Case) has been prepared to respond to comments from the Lead Local Flood Authority (LLFA).



10.5 Views Assessment

10.5.1 A full Townscape and Visual Impact Assessment of the Proposals has been undertaken and is at Appendix 17 of this Statement of Case.



11.0 Housing Mix

- 11.1.1 The Proposals includes 60 residential dwellings of which 51% by habitable room/50% by unit number are to be affordable homes, split 70:30 social rented : intermediate.
- 11.1.2 The officer's delegated report (Appendix 5) accepts that the Proposals would contribute to the borough's housing delivery requirements, that the amount of development is in line with indicative guidelines and there are no objections to the proposed density in terms of connectivity and access to infrastructure.
- 11.1.3 The Proposals provide a wide and suitable mix of units appropriate for the Site's location and context, namely studio, 1, 2 and 3 bedroom homes.
- 11.1.4 All the proposed homes meet the requirements for Building Regulations Part M4 (Category 1) - Visitable dwellings; and Part M4 (Category 2) - Accessible & adaptable dwelling. 10% of the proposed dwellings will be built to wheelchair accessible standards as set out by Part M4 (Category 3). The wheelchair accessible units are distributed across the scheme and each will have a dedicated disabled car parking space within close proximity.
- 11.1.5 The proposed homes will also comply with the Nationally Described Housing Standards and Building Regulations, in accordance with requirements. LBL have raised an issue in the officer's report (Appendix 5) with regard to the studios being substandard but that is incorrect. The smallest studio (Flat Type 28) is 37 sq m and situated on the fourth floor to the south. Provided it has a shower instead of a bath it is compliant and this can be subject to a planning condition.
- 11.1.6 36 of the 60 apartments (60%) are proposed to be dual aspect. The remainder have some dual outlook via balconies. There are no north facing single aspect apartments.
- 11.1.7 It is accepted that 27% of the affordable housing by unit and 39% by habitable room are 3 bedroomed units which is below the 42% 'sought' within LBL Core Strategy Policy 1.
- 11.1.8 However, the proposed mix is considered to be appropriate having regard to the fact that the proposed residential units are to be co-located with commercial employment uses, and the nature of the amenity spaces provided. Providing a preponderance of social rented family units, which would contain many children, in such a location would not be ideal.



12.0 Impact on Wider Masterplan and Co-Location Issues

12.1 Design

- 12.1.1 A draft masterplan for Sites A – E prepared by the Appellant titled ‘Emerging outline masterplan for the employment led mixed use redevelopment of Willow Way’ was submitted with the planning application. This demonstrates how the wider masterplan can be developed in line with the principles and capacity set out in Site Allocation 9 (6,705 sq m of employment floorspace and 175 residential units) in the Regulation 19 draft Lewisham Local Plan. This also accords with adopted Lewisham Policy DM3.
- 12.1.2 The submitted draft masterplan was underpinned by an analysis of access, servicing and scale of space available, and was presented alongside the Appeal Proposals at the pre-application public consultation (see Statement of Community Involvement submitted with the planning application).
- 12.1.3 Willow Way is currently considered to be too narrow and constricted for the types of uses under consideration. The problem is compounded by the lack of traffic management. In the absence of parking controls, the road is being used as a staging post by commuters and cars are parked up on the pavement; the only option for much of the servicing is simply to stop delivery vehicles in the middle of the road. Servicing for the shops on Kirkdale also takes place from an unadopted road at the southern end of the masterplan area. It has similar problems. The road is too narrow, the turning area at its end is used for parking, and it suffers from fly tipping. A key aspect of the masterplan study was to assess what the existing parking and servicing requirements for the masterplan area, such as the rear of Kirkdale, actually were, to identify the servicing and parking requirements for the masterplan, and to ensure that they could all be accommodated. The plan identified that TROs and a management plan would be required to ensure that the strategy was deliverable.
- 12.1.4 In order to optimize the use of the masterplan area, the plan envisages widening Willow Way itself to 20 m, in order to be able to accommodate roadway, pedestrians and cyclists, in tandem with the access requirements of the workspace, as well as disabled resident and visitor parking. The DRP stated that : *‘The widening of the public realm to 20m was welcomed by the Panel as were the proposals for shared surface and more limited vehicle movements. However, a considerable amount of further detail is required to convince that this space will prove successful.’*



- 12.1.5 In tandem with this, the access road at the back of Kirkdale is envisaged to be similarly widened, to create a mews that could also provide fire escapes and access for the deeper space units on Site B.
- 12.1.6 To the north, the masterplan envisages rebuilding the disintegrated terraced frontage onto Dartmouth Road and then providing single level workspace in the tighter triangle of space behind it, that respects the scale of the adjacent Bricklayers Arms. The plan anticipates service access from the widened Willow Way.
- 12.1.7 While the width of Willow Way provides the space required for access, it also allows for the development of a 20 m wide avenue with generous tree planting, along which most of the accommodation sits. The DRP stated that: *It is noted the masterplan envisages reinstating a pedestrian path off Dartmouth Road and road widening to create a new central public realm which are welcomed.*
- 12.1.8 The masterplan proposes a pedestrian priority one way traffic system, although it is not contingent on this. The avenue's north south orientation along the historic line of Willow Way will provide legibility and optimize workspace opportunities as well as providing the best orientation for residential accommodation above from a sunlight and daylight point of view. This spine offers the best opportunity for developing some scale, since the buildings are relatively remote from the existing local context. The DRP commented that: *The positioning of blocks is dictated by the site and the layout is well resolved leading to an orientation which also seems to be very good in terms of basic access to sunlight and daylight.*
- 12.1.9 To the west, as the ground level rises by some 3m, the scale of the development is reduced to relate comfortably to Dartmouth Road. The workspace is then slid underneath the podium garden for the residential accommodation above. This change in level also creates the opportunity for an active mezzanine onto the rear mews, that will bring light into the workspace, allow for M & E to be arranged remotely from the housing accommodation, and provide an appropriately scaled 5m high façade to the fragmented rear of Dartmouth Road.
- 12.1.10 To the east, the Site A proposals similarly respond to the local context, and in particular William Wood House and Sydenham Park.
- 12.1.11 It is recognised that the proposals for Sites B, C and indeed D, to the west of Willow Way require design development, but it is considered that the principles for them in the masterplan are strategically sound. Furthermore, it is not envisaged that any proposals for Sites B, C and D, which are consistent with LBL's vision for the masterplan area, would materially impact upon the Appeal Proposals. As has already been explained in this Statement of Case, Site A has been designed to a set of very specific site constraints. It is self-contained in that, while



development of the overall masterplan will clearly enhance Site A's context in many ways, the Site A proposals are not contingent upon any amenity or facility being provided by other areas in the masterplan. The parking and servicing requirements for Site A are met either on site or immediately adjacent and its amenity space is all provided on site. A concern was raised by the DRP that developing Site A in advance of the rest of the masterplan would place greater stress on the already stressed streetscape, however a TRO would address this concern.

12.1.12 Planning officers have raised a concern that the '*...masterplan shows ground floor amenity space which relies on third party land coming forward in order to be deliverable.*' If this refers to the land in Site D, which is under separate ownership, we assume that it refers to the new pedestrian route from Dartmouth Road, which would run completely through that ownership. However, while clearly of benefit and commended by the DPR, this route – or the development of Site D as whole - does not impact upon the proposals for Sites A, B & C at all.

12.2 Transport

12.2.1 A number of Reasons for Refusal (RfR) relate to highways and transport matters in the context of the wider Masterplan. These are summarised below, and details are provided as to how the Proposals and the draft Masterplan adequately address these matters.

12.2.2 RfR2 refers to a failure to demonstrate that the Proposals would meet the relevant transport requirements when considered in the context of the masterplan site. Whilst not specified in RfR2, these transport requirements are considered to include Access, Permeability, and Parking Requirements.

12.2.3 RfR2 also mentions that officers are unable to conclude that the Proposals would provide suitable public realm improvements to the benefit of the occupiers of the Application (Appeal) Site, or the wider masterplan.

12.2.4 RfR3 refers to insufficient detail being provided in relation to the servicing requirements of the Application (Appeal) Site or the wider masterplan area.

12.3 Access

12.3.1 Vehicular access to the Appeal Site is to be from a single vehicle crossover arrangement that will provide access to a rear parking court that has been identified to accommodate two disabled parking spaces from the outset, with the capability to provide a further three disabled parking bays within the rear parking court, should the parking demand require the use of these additional spaces in the future.



12.3.2 The vehicular access will also provide a means of cycle access for the commercial uses via the secure gate to six secure and covered dedicated cycle parking spaces for the commercial uses. Access to the dedicated residential cycle parking spaces is to be provided directly from the Willow Way frontage at the identified access points.

12.3.3 Pedestrian access to the Proposals is identified on the ground floor plans submitted with the planning application and is considered to be appropriate.

12.4 Permeability

12.4.1 The Proposals for Site A would accommodate a suitable means of permeability to the wider masterplan site for pedestrians and cyclists. Improvements are proposed along the frontage of the Appeal Site through the introduction of double yellow lines on both sides of Willow Way, which would restrict the opportunity for cars to park on either side of Willow Way within the proximity of the Appeal Site, thus enhancing the opportunity for pedestrian and cyclists associated with the Appeal Site to cross from the eastern side of Willow Way to the western side of Willow Way and the wider masterplan site.

12.4.2 Details of the routes for pedestrians and cyclists to pass through the wider masterplan area will be subject to further details associated with the masterplan, expected to be the subject of future planning application/s.

12.5 Parking

12.5.1 Car parking for the residential element of the Appeal Proposals are to be provided in accordance with the current London Plan (July 2021) requirements, which identify that 3% of dwellings should be provided with disabled parking spaces from the outset (two dedicated spaces), with the opportunity for a further 7% of dwellings to be provided with disabled parking spaces, should the demand be identified over time (up to four additional dedicated spaces).

12.5.2 The Transport Assessment (TA) submitted with the planning application identified at section 3.7 that a Parking Design and Management Plan (PDMP) would facilitate the monitoring of the parking demand for the dwellings and the Proposals include an indication of how the additional demand for disabled parking associated with the residential dwellings could be met. The PDMP is expected to be the subject of a suitably worked planning condition.

12.5.3 Car parking for the commercial uses of the Proposals could be accommodated within an on-street disabled parking bay. Whilst the Proposals identify the opportunity for a single disabled parking bay to be provided adjacent to the proposed loading bay, this had been identified as being provided as part of the 7% of the additional residential demand, if required. The provision



of this on-street disabled bay could be provided in relation to the commercial use from the outset, and if additional residential demand is identified through the monitoring of the PDMP, a further on-street disabled bay could be provided in due course. This would be the subject of a Traffic Regulation Order (TRO), and therefore is not considered to be necessary to be identified within the Appeal Site as it is located within the adopted highway.

12.5.4 Cycle parking for both the Proposals' residential and commercial uses is provided in accordance with the current London Plan (July 2021) requirements and has been designed in accordance with the London Cycling Design Standards (LCDS) 2014 edition.

12.5.5 It is noted that TfL accepted the overall provision of residential and commercial cycle parking provision in their consultation response.

12.6 Public Realm

12.6.1 Public realm improvements are identified along the frontage of the Appeal Site through the introduction of the double yellow lines proposed along both sides of Willow Way. The current parking arrangements along the frontage of the Appeal Site on Willow Way reduce the available footway widths along both sides to as little as 1.25m in places. By removing the opportunity for on-street parking to take place along the frontage of the Appeal Site along Willow Way, the available footway width would increase to a minimum of 2.3m along the frontage of the Appeal Site to as much as 4.6m. The removal of the on-street parking on the western side of Willow Way as part of future planning application/s on other sites in the Masterplan would enhance the public realm provision within this area.

12.7 Servicing

12.7.1 The introduction of a single dedicated loading bay has been identified along the frontage of the Appeal Site, measuring 12m (length) by 3m (width). However, the introduction of the double yellow lines along Willow Way would accommodate additional service vehicles associated with the Appeal Site and the wider Masterplan that would be afforded the opportunity to load/unload for a period of up to 40 minutes directly from the carriageway. The supporting Technical Note (Appendix 18) identifies the swept path assessment of up to three service vehicles utilising Willow Way simultaneously in a configuration that would still facilitate through movements for other vehicles.

12.7.2 Due to the current on-street parking arrangements, which it is noted reduce the available width of the Willow Way carriageway along the frontage of the Appeal Site, if a single service vehicle were to currently service either side of Willow Way, there is the potential to completely block the opportunity to allow for vehicular through movements along Willow Way.



12.7.3 It is considered that the Proposals would provide for an enhanced servicing arrangement than is currently provided along Willow Way.

12.8 Noise

12.8.1 A Noise Addendum has been prepared and is at Appendix 15 to this Statement of Case. This concludes that there would be no conflict in noise terms between the Appeal Proposals on Site A and the proposed uses across the masterplan area.

12.8.2 24 Acoustics' Noise impact Assessment report R9784-1 Rev 1 for Site A (submitted with the planning application) has demonstrated that the proposed residential and commercial uses are able to co-locate without material noise impacts.

12.8.3 The remaining sites within the masterplan are expected to comprise similar uses and relationships to those proposed on Site A, as evidenced by the Employment Report at Appendix 11 to this Statement. With appropriate design and mitigation including layout, internal separation, glazing, ventilation and limiting plant noise criteria, co-location of residential and commercial uses can be achieved without conflict in noise terms. Therefore, there is no reason why similar co-location cannot take place.

12.9 Air Quality

12.9.1 As detailed in the air quality assessment submitted with the planning application, the Appeal Proposals on Site A will be 'car-free' and will not provide any car parking spaces beyond the potential for six blue-badge holder spaces, with only two provided from first occupation of the Proposals. Consequently, traffic generation associated with the Appeal Proposals on Site A will be minimal; total annual average daily traffic (AADT) flows for the Site will be less than 25 AADT for HDVs and 12 AADT for LDVs. There will also be no onsite emissions of air pollutants as heat and hot water at the Site will be provided by a combination of air source heat pumps and solar power.

12.9.2 It was therefore concluded there would be no significant effects upon local air quality with regards to development-generated emissions from Site A during operation, nor would there be significant effects during the construction phase with the implementation of appropriate mitigation measures. The air quality assessment also concluded that, based on the baseline air quality in the area and lack of emissions generated by operation, Site A would be suitable for the proposed residential use. Furthermore, as the Proposals are car-free and have no onsite combustion sources, they have been concluded as air quality neutral, complying with Policy SI1 of the London Plan. No objections were raised by the Environmental Health Officer responsible for Air Quality at LBL based on the findings of the air quality assessment.



- 12.9.3 The draft masterplan is expected to deliver 6,705sqm of Class E(g) employment floorspace and 175 homes which is consistent with emerging Local Plan policy.
- 12.9.4 It is anticipated that there will be three phases of the masterplan (with Site A being phase 1) which could be delivered individually or simultaneously with the other sites/phases in the masterplan. The construction phase of Site A could therefore overlap with the construction phases of the other sites in the masterplan, resulting in cumulative construction impacts. However, these impacts can be mitigated through the inclusion of the measure within the Site Construction Environmental Management Plan (CEMP) to hold regular liaison meetings with other construction sites within 500m¹. This would help ensure plans are co-ordinated to minimise emissions. Construction vehicles on all sites within the masterplan would also be required to comply with the relevant London emission standards for Non Road Mobile Machinery (as outlined in the GLA's Control of Dust and Emissions During Construction and Demolition SPG). With the implementation of these measures (in addition to the other measures recommend in the air quality assessment), the cumulative construction phase air quality impacts would not be significant.
- 12.9.5 With respect to the cumulative operational impacts, other developments would be required to be air quality neutral with respect to building and transport emissions to comply with Policy SI1 of the London Plan. Furthermore, these sites would need to comply with other requirements of the London Plan such as restricting the total number of car parking spaces, promoting car-free development and the installation of electrical vehicle charging, which would further reduce the cumulative operational impact.
- 12.9.6 The Proposals on Site A will have no onsite emissions to air, but it is possible that other nearby developments might include onsite plant (for example emergency-use diesel generators) and remain air quality neutral. If any such plant is included in future planning applications, it is expected that their siting and design would take account of receptors within Site A and thus ensure that there would be no significant impacts on the Site A residential uses.
- 12.9.7 As the Proposals on Site A will generate no onsite emissions and minimal traffic, it is judged that its potential to significantly exacerbate any effects on air quality from other nearby development can safely be discounted. On this basis, unless other nearby developments would already have significant air quality effects in and of themselves, there will be no significant cumulative operational effects.

¹ This measure is recommended within the IAQM "Guidance of the assessment of dust from demolition and construction"



12.10 SUDS

12.10.1 The drainage hierarchy set out in the Building Regulations (Part H3) states in what order surface water should be disposed of.

- To ground via infiltration.
- To open surface water feature (pond, river, ditch, etc)
- To surface water sewer
- To combined sewer
- To foul sewer

12.10.2 The area is underlain by London Clay and as such is not likely to support infiltration techniques. There are no surface water features in the local area, and the sewer records show no surface water sewers, only combined water. Therefore, surface water will be discharged to the Thames Water combined sewer.

12.10.3 The SUDS Manual, Ciria C753 also has a hierarchy for considering the use of Sustainable Urban Drainage Systems (SUDS).

- Rainwater Capture for reuse
- Treatment at source
- Infiltration to ground
- Reduced rate discharge with temporary storage

12.10.4 The Proposals will result in large areas of the Masterplan area being developed with large buildings, and smaller areas of parking. This limits some of the SUDS options available due to a lack of space for large scale open features.

12.10.5 Where appropriate, suitable SUDS components are proposed to be utilised. These being;

- Intensive planting within the amenity spaces on the roofs. This includes features to harvest rainwater for irrigation of the intensive planting.
- Extensive planting on non amenity areas of the roofs (approximately half the roof areas), this will capture rainwater at source.



- Permeable paving within the parking areas to capture surface water runoff from the parking areas and treat at source.
- Reduced outflow rates and temporary storage provided as infiltration to ground is not likely to be feasible as the Proposals are underlain by London Clay.

12.10.6 Therefore, it can be seen that the Masterplan area and design is informed through the use of the two drainage hierarchies, and the SUDS components selected are appropriate for Site A.

12.11 Sustainability/Energy

12.11.1 A Sustainability Addendum has been prepared (Appendix 19) to respond to relevant masterplan issues.

12.12 Conclusions

12.12.1 Evidence has been presented that the granting of planning permission for the Appeal Proposals would not fetter the development opportunity of the adjoining sites and undermine the objectives of the wider site allocation and masterplan area.



13.0 Compliance with Development Plan and Planning Balance

13.1.1 This section of this Statement of Case sets out whether the Proposals comply with the Development Plan and also provides an assessment of the planning balance, having regard to the matters addressed in earlier sections of this Statement.

13.1.2 I assess the proposals in the following manner:

- Do the Proposals comply with Development Plan?
- Do the Proposals give rise to any harm to heritage assets, having applied a heritage balance?
- Do the Proposals give rise to any other harm?
- Are there material considerations which should be weighed in the balance?
- Do the benefits of the Proposals outweigh any harm that has been identified?
- Considering the Development Plan and the NPPF as a whole, are there factors to bring about a different conclusion?

13.1.3 As part of this assessment, each of the relative benefits and harms are graded using the key below:

Scale		
Benefit ↓ Harm	Very substantial benefit	
	Substantial benefit	
	Moderate benefit	
	Limited benefit	
	Very Limited benefit	
	Neutral	
	Very Limited harm	
	Limited harm	
	Moderate harm	
	Substantial harm	
	Very substantial harm	



13.2 Do the Proposals Comply with the Development Plan?

- 13.2.1 The Proposals make optimal use of the Site by retaining and maximising employment use, as required by adopted (and emerging) planning policy, together with the provision of much needed residential accommodation (including 50% affordable housing) which is a key objective of the London Plan 2021.
- 13.2.2 The Proposals for the Appeal Site have been presented (alongside a draft Masterplan) which has been the subject of public consultation, in line with planning policy.
- 13.2.3 The design of the Proposals including the proposed housing mix and aspect have been appropriately explained and justified in line with design and housing policies.
- 13.2.4 The commercial element of the Proposals will meet BREEAM Very Good and will look to achieve Excellent through further detailed design and at fit out.

13.3 Do the Proposals give rise to any Harm to Heritage Assets, having applied a Heritage Balance?

- 13.3.1 The Heritage Statement that accompanies the Planning Application concludes that there will be no harm to identified heritage assets as a result of the Proposed Development.
- 13.3.2 The conservation officer comments that there is a moderate degree of harm to the setting of the adjacent Conservation Area, which is less than substantial.

13.4 Do the Proposals give rise to any other Harm?

- 13.4.1 The Proposals do not give rise to any other harm.

13.5 Are there material considerations which should be weighed in the balance?

- 13.5.1 The Proposals will maximise employment floorspace and also provide much needed housing in line with key objectives of the NPPF. Further to this, Paragraph 11 of the NPPF supports the presumption in favour of sustainable development, whereby for decision-taking this means approving development proposals should be approved that accord with an up-to-date development plan without delay.



13.6 Do the Benefits of the Proposals outweigh any harm that has been identified?

13.6.1 The NPPF supports the presumption in favour of sustainable development, for decision-making the NPPF states that where the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

13.6.2 Each significant matter associated with this Proposals has been considered and given an appropriate weighting in our overall consideration of the planning issues in the table below:

Issue	Weighting
Provision of much needed housing	Very Substantial Benefit +
Provision of modern, flexible and additional employment space to meet identified occupier needs	Very Substantial Benefit +
Redevelopment of sustainable, urban, brownfield site and optimising the site's capacity	Very Substantial Benefit +
Improvement of air quality, a key objective of the London Plan	Very Substantial Benefit +
High quality design, including creating a beautiful and successful place	Substantial +
Provision of construction employment opportunities	Substantial +



13.6.3 The benefits of the redevelopment of the Site to provide modern, flexible and additional employment space to meet identified occupier needs, much needed high quality housing, the redevelopment of under-utilised brownfield land and the improvement of air quality, a key objective of the London Plan, are Very Substantial Benefits in favour of the development.

13.6.4 The high-quality design of the proposals in a sustainable location and the provision of construction employment opportunities are Substantial Benefits in favour of the Proposals.

13.6.5 No harm has been identified by the Appellant. The LBL conservation officer comments that there is a moderate degree of harm to the setting of the adjacent Conservation Area, which is less than substantial. Even if the LBL conservation officer's comments are accepted, which the Appellant disagrees with, the benefits are such to clearly outweigh this applying the approach in paragraph 202 of the NPPF.

13.7 Considering the Development Plan and the NPPF as a whole, are there factors to bring about a different conclusion?

13.7.1 The assessment above already concludes that the Proposals are in accordance with the Development Plan and the NPPF. For these reasons, the Proposals should be permitted and this appeal allowed.



14.0 Conditions and S106 Matters

14.1.1 It is accepted that any consent for the Proposals will need to be subject to planning conditions and the signing of an appropriate legal agreement. We deal with each of these matters below.

14.2 Planning Conditions

14.2.1 Planning conditions should require the submission and approval of further detailed information on the following matters:

- Parking Design and Management Plan
- Detailed Construction Logistics Plan
- Detailed Delivery and Servicing Plan
- Refuse Strategy
- Full Travel Plan
- Charging points
- Lighting
- Security Measures in line with SBD standards
- Ecological enhancements, eg bat boxes
- Site Construction Environmental Management Plan
- A Bio-diversity Net Gain Management Plan
- Ventilation Strategy
- A Noise Protection Scheme
- Information on Mechanical Services Noise Control
- A Noise Impact Assessment on Structurally Adjoining Properties/Premises
- WSI and subsequent archaeological matters
- Details of materials with 1:20 and 1:5 details



- Studio of 37 sq m to be constructed with shower room
- Surface water details
- BREEAM assessment
- Delivery of TRO

14.2.2 As part of the appeal process, we look forward to receiving suggested planning conditions from LBL for comment.

14.3 Legal Agreement

14.3.1 It is anticipated that a legal agreement will need to be signed covering the following matters:

- Affordable housing;
- Restriction of purchase of carparking permits with exception of blue badge holders;

14.3.2 As part of the appeal process, an appropriate legal agreement will be submitted to the Inspector in accordance with the required timescales.

