

Town and Country Planning Act  
1990: Section 78 Appeal

21/57 Willow Way, London, SE26  
4AR

Proposed Demolition and  
Redevelopment to provide  
employment floorspace and  
residential units

Planning Inspectorate Ref:  
APP/C5690/W/23/3321935

Proof of Evidence of Paula Carney  
BSc.(Hons) MRICS of  
CarneySweeney

Date: 3 October 2023





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- (a) Engagement with LBL, the owners of Site B Willow Way
- (b) Correspondence with the owner of Site D

Appendix 2: Appellant's response to the Lewisham Local Plan Regulation 19 Consultation

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Appendix 4: Sunlight / daylight comments by BLDA Consultancy, in relation to Dartmouth Road properties, dated 3<sup>rd</sup> October 2023

Prepared by:	Paula Carney		
Checked by:	Rebecca Hall		
Issue Date:	3 <sup>rd</sup> October 2023	Revision Number:	0



## 1.0 Introduction

- 1.1.1 This Proof of Evidence has been prepared in advance of the Public Inquiry to be held under Section 78 of the Town and Country Planning Act 1990 in to planning proposals (the Planning Application or the Proposals) into the planning appeal by Kitewood Estates Ltd (the Appellant) against the decision by the London Borough of Lewisham (LBL) to refuse an application for planning permission (LBL ref: 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 stories accommodating 1,401 sqm 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 27-57 Willow Way, London, SE26”.*

- 1.1.2 This Proof of Evidence follows the submission, on 11 May 2003, of a Statement of Case on behalf of the Appellant (CD 5.3). It also sits alongside other proofs of evidence as follows:

Heritage: Andy Shelley

Employment Matters: Richard Kalmar

Transport and Highways: Mark Kirby

Masterplanning: Jason Flanagan

Design: Henrik Lonberg

- 1.1.3 Section 2 of this Proof of Evidence sets out my qualifications and experience. Section 3 refers to the Proposals (the subject of this Appeal), the Appeal Site and surrounding area. Section 4 sets out the main issues identified by the Inspector at the Case Management Conference on 29 August 2023 and clarifies which of these issues this Proof of Evidence covers. In Section 5, I undertake an assessment of the Proposals against the Development Plan. In Section 6, I deal with matters relating to the affordable housing mix within the Proposals. At Section 7, I set out the benefits of the Proposals. At Section 8, I assess the planning balance and draw conclusions. At Section 9 I provide my summary for the purposes of this Inquiry.



- 1.1.4 Throughout my Proof of Evidence, where relevant, I refer to Inquiry Core Documents by their given number. If documents are not in the Core Document List, I attach them as appendices to my Proof of Evidence and refer to them as such.



## 2.0 Qualifications and Experience

- 2.1.1 My name is Paula Carney. I hold a BSc. (Hons) in Land Management (Planning and Development) from the University of Reading and I am a member of the Royal Institution of Chartered Surveyors. I have over 30 years of experience as a town planning consultant and have held the posts of Senior Director at RPS, Planning Board Member at WYG (now Tetra Tech) and Equity Director at Signet Planning. Together with Gerald Sweeney, I founded planning consultancy CarneySweeney in 2019, which we have now grown to four offices with over 25 planning employees.
- 2.1.2 Over the last 30 years I have advised and acted for a wide variety of clients on town planning matters, predominantly in London and the South East. Clients range from the large and small development companies, house builders, commercial businesses, retailers, charities and householders. I also act as an Expert Witness at local plan inquiries and examinations, planning appeals, informal hearings and in court proceedings.
- 2.1.3 I confirm that I am familiar with the Application Site, the surrounding area and the Proposals. I was not involved in the pre-application discussions with LBL in advance of the submission of the Planning Application the subject of this appeal, but CarneySweeney were engaged to submit the Planning Application in December 2022.
- 2.1.4 I confirm that I have been instructed by the Appellant in writing, as an expert witness in relation to this Inquiry.
- 2.1.5 The views expressed in this Proof of Evidence are my own independent and professional opinions.
- 2.1.6 I confirm that my report complies with the requirements of RICS – Royal Institution of Chartered Surveyors as set down in the RICS practice statements (Surveyors acting as expert witnesses). I have made a Statement of Truth and Declaration at the end of this Proof of Evidence.



### **3.0 The Proposals, The Site and The Surrounding Area**

#### **3.1 The Proposals**

- 3.1.1 A description of the Proposals is set down within Chapter 4 of the Appellant's Statement of Case (CD 5.3) and I do not repeat this description here.
- 3.1.2 The plans for which approval is sought have been listed in a schedule which the Appellant and LBL have agreed. These are CD 1.4, 1.5, 1.6, 1.7 and 1.8.

#### **3.2 Planning History**

- 3.2.1 It has been agreed between the parties, within the Statement of Common Ground (CD 5.5), that the site has no particular relevant planning history.
- 3.2.2 It is also agreed that approximately 100sqm of space above Delta Motors on the Appeal Site is currently in residential use and may have established deemed consent permission. However, the Appellant is unable to verify this one way or the other at the present time.

#### **3.3 The Site and Surrounding Area**

- 3.3.1 A description of the Appeal Site and surrounding area is set out at Section 2 of the Statement of Common Ground (CD 5.5) and I do not repeat this here.
- 3.3.2 However, I wish to add to this with the following matters:

An Existing Floorspace Schedule for the Appeal Site is provided at Appendix 1 to the Appellant's Statement of Case, where the Appeal Site is referred to as Site A.

As referred to above, approximately 100sqm of space above Delta Motors on the Appeal Site is currently in residential use.

The Appeal Site is in easy walking distance of many local shops and services including leisure and health facilities. In the LBL Employment Land Study 2019 (CD 4.90), on page 115, LBL describe the access to amenities as 'Very good – immediate access to Kirkdale (A2216) and Dartmouth Road offer a range of amenities'.



## 4.0 Main Issues

4.1.1 At the Case Management Conference on 29 August 2023, it was agreed that the main issues are as follows:

1. Whether there is conflict with the employment policies of the development plan having regard to:

The loss of industrial capacity on the site;

The co-location of residential uses;

The acceptability of the proposed design for future occupiers.

2. Whether the proposal would cause harm to local heritage assets;
3. The extent to which the proposal would be of a high-quality design;
4. Whether the proposal would provide an appropriate affordable housing mix;
5. Whether the proposal would provide adequate arrangements for access and servicing;
6. Whether the proposal is acceptable in terms of the emerging masterplan area and the wider site allocation;
7. Other considerations that might amount to benefits of the proposal;
8. The extent to which the proposal is consistent with the development plan, and the weight to be attributed to the policies in the emerging development plan; and
9. Whether any harm and /or development plan conflict arising would be outweighed by other considerations.

4.1.2 Within this Proof of Evidence I cover planning matters in relation to issues 1 (also having regard to the Proof of Evidence of Richard Kalmar), 4, 7, 8 and 9.





## 5.0 Planning Policy Assessment

5.1.1 This section of my Proof of Evidence provides a planning policy assessment of the Proposals.

## 5.2 The Decision-Making Framework and Material Considerations

5.2.1 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).

5.2.2 The policies in these documents are considered below.

5.2.3 LBL is 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.

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

## 5.3 National Planning Policy Framework (2021)

5.3.1 The NPPF was revised in September 2023 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.

### Objectives

5.3.2 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.

5.3.3 In my opinion, the Appeal Proposals are in accordance with all three objectives.

#### **Status of the Development Plan**

5.3.4 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.

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

5.3.6 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.

5.3.7 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).



- 5.3.8 In this regard, the adopted Development Plan is the Lewisham Core Strategy 2011, the Site Allocations Local Plan 2013, the Lewisham Development Management Local Plan 2014 and the London Plan 2021. As the Lewisham documents pre-date the London Plan, they need to be considered and assessed in the context of the later London Plan.
- 5.3.9 The emerging Lewisham Local Plan has been subject to Regulation 19 consultation but has not yet been submitted for examination. It therefore only has limited weight but is a material consideration.

#### **Making Best Use of Brownfield Land**

- 5.3.10 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.
- 5.3.11 In my opinion, the Appeal Proposals make full, effective and appropriate use of brownfield land.

#### **Design of Buildings and Places**

- 5.3.12 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.
- 5.3.13 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.

5.3.14 Drawing on the evidence of Jason Flanagan, I conclude that all of these criteria are satisfied by the Appeal Proposals.

#### **Heritage Assets**

5.3.15 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.

5.3.16 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.

5.3.17 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.

5.3.18 Andy Shelley provides evidence on heritage assets, which I rely on in applying the planning balance later in my proof of evidence.



- 5.3.19 The Government has consulted on further 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 2023 NPPF applies and shall only be referred to within this Statement.

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

- 5.4.1 The Lewisham Core Strategy was adopted in June 2011. It is CD 4.26.
- 5.4.2 The Appeal Site is identified as site SA48 in the Site Allocations Local Plan, adopted in 2013 (CD 4.34). It is allocated as a Local Employment Location (LEL).
- 5.4.3 I will start with the strategic objectives of the core strategy, which are set out ‘*in order to accommodate growth and manage development in accordance with the vision of the Council*’. These are as follows:
- 5.4.4 **“Regeneration and growth areas**

### **Core Strategy Objective 1: Physical and socio-economic benefits**

*Regeneration and redevelopment opportunities in Lewisham, Catford, Deptford and New Cross, through the delivery of new homes and jobs, will be used to secure substantial physical and environmental improvements and socio-economic benefits throughout the area to improve deprivation”.*

- 5.4.5 The Appeal Proposals are not in Lewisham, Catford, Deptford or New Cross. Therefore, the Appeal Proposals are neutral in relation to this objective.

- 5.4.6 **“Providing new homes**

### **Core Strategy Objective 2: Housing provision and distribution**

*Provision will be made for the completion of an additional 18,165 net new dwellings from all sources between 2009/10 and 2025/26 to meet local housing need and accommodate the borough’s share of London’s housing needs. This aims to exceed the London Plan target for the borough.*

*Of these:*

- a. 2,600 will be distributed within the Lewisham Town Centre
- b. 1,750 will be distributed within the Catford Town Centre



c. *10,625 will be distributed within Deptford and New Cross*

d. *d. 3,190 will be distributed across the remainder of the borough*".

5.4.7 The Appeal Proposals will contribute to meeting these housing numbers. Covid has affected recent supply (for example, only 599 new homes were completed in Lewisham in 2021/22 against a London Plan target p.a. of 1,667 unit per year) and Lewisham has not been ahead of these targets over the last 10 years (annual average supply over the last 10 years has been 1,317 homes), according to the Lewisham Annual Monitoring Report 2021-2022 (December 2022) (CD 4.97). This report also acknowledges that market uncertainties are anticipated to continue to be exacerbated, in a situation where Lewisham can only show 5.03 years housing land supply.

5.4.8 The Appeal proposals would therefore positively meet this Strategic Objective.

5.4.9 **'Core Strategy Objective 3: Local housing need**

*Provision will be made to meet the housing needs of Lewisham's new and existing population, which will include:*

- a. *provision of affordable housing*
- b. *a mix of dwelling sizes and types, including family housing*
- c. *lifetime homes, and specific accommodation to meet the needs of an ageing population and those with special housing needs and*
- d. *bringing vacant dwellings back into use*'.

5.4.10 The Proposals provide a not insubstantial 60 new residential units, including 30 affordable units to directly contribute to meeting local housing needs. These include a mix of dwelling sizes and types including family housing. It is acknowledged that the Proposals do not provide 42% 3 bed units in the affordable tenure which is what Lewisham policies 'seek' (and I deal with this in section 6 of my Proof of Evidence), but they do provide 50% family units (2B4P plus) in the affordable tenure and this does not materially dilute the provision of much needed housing to meet local needs.

5.4.11 All homes meet the requirements for Building Regulations Part M4 (Categories 1 and 2). 10% of the units will meet Part M4 (Category 3) in accordance with requirements.



5.4.12 I can therefore conclude that the Appeal Proposals are consistent with this Strategic Objective.

5.4.13 ***'Growing the local economy'***

**Core Strategy Objective 4: Economic activity and local businesses**

*Investment in new and existing business and retail development will be facilitated to improve the physical environment for commercial enterprises, to result in a year on year sustainable increase in the size of the borough's economy through:*

- a. protecting and developing a range of employment and training opportunities in the borough*
- b. retaining business and industrial land that contributes to the industrial and commercial functioning of London as a whole, and/or which supports the functioning of the local economy including premises for the creative industries, green industries, business services and other employment growth sectors*
- c. ensuring the future growth of the local economy by the mixed use redevelopment of identified industrial sites that require extensive physical investment and improvement*
- d. developing Lewisham town centre to promote it to a Metropolitan town centre by 2026, and maintaining the status of Catford as a Major town centre, with a focus on quality design and development*
- e. protecting and enhancing the district shopping centres, local shopping centres, parades and the range of farmers' and street markets, as providers of sustainable local shopping facilities and services to continue to support basic community needs'.*

5.4.14 The Appeal Proposals provide investment in an existing employment area which is not meeting occupier requirements (see Richard Kalmar's Proof of Evidence) and comprise new fit for purpose employment premises to meet future occupier requirements. The Proposals increase employment floorspace provision, both quantitatively and qualitatively. The proposals incorporate a total of 1,401 sq m (GIA) of employment floorspace, providing an increase of 58 sq m (GIA) from the existing employment floorspace. It should be noted that the existing floorspace comprises both employment (1,242 sq m) and residential use (101 sq m), although it is not known whether the residential use is lawful. If the residential area is deducted from the total existing floorspace, the proposals provide an increase of 150 sq m of employment floorspace over and above existing employment provision. The proposed employment floorspace comprises three ground floor units and four mezzanine spaces, with the flexibility to further sub-divide some of these spaces should this be required by future occupiers.



5.4.15 The proposals provide long term protection and development of employment and training opportunities and re-provide employment premises in this location of Lewisham and London to the benefit of the local area and the capital. They also ensure the future growth of the local economy by the mixed-use redevelopment of identified employment sites that require extensive physical investment and improvement.

5.4.16 I therefore conclude that the Appeal Proposals are consistent with this Strategic Objective.

5.4.17 ***'Environmental management***

***Core Strategy Objective 5: Climate change***

*The Council with its partners will take action to ensure that climate change is adapted to and mitigated against, including those measures necessary to create a low carbon borough and reduce carbon emissions by:*

- a. promoting resource and water efficiency*
- b. maximising generation and use of renewable energy and locally distributed energy, particularly for major development sites*
- c. building to high standards of sustainable design and construction*
- d. reducing waste generation*
- e. supporting environmental protection and enhancement including establishing ecological networks*
- f. minimising the environmental impacts of development including water, noise and air pollution'.*

5.4.18 The parties agree that the Appeal Proposals meet this Strategic Objective.

5.4.19 ***'Core Strategy Objective 6: Flood risk reduction and water management***

*The Council with its partners will take action to protect the borough from the risk of flooding and reduce the effects of flooding from all sources, including the Thames, Ravensbourne, Quaggy and Pool rivers, and manage improved water quality by:*

- a. using the PPS25 sequential and exception tests to allocate land for development*
- b. requiring river restoration and appropriate flood defences as part of development proposals, where appropriate*





- c. *ensuring appropriate local flood defences are maintained and provided for and*
- d. *requiring sustainable urban drainage systems in new development, wherever feasible.*

5.4.20 The parties agree that the Appeal Proposals meet this Strategic Objective.

5.4.21 **‘Core Strategy Objective 7: Open spaces and environmental assets**

*The important environmental, ecological and biodiversity features of Lewisham will be protected and capitalised to promote health and well-being by:*

- a. *protecting all open space including Metropolitan Open Land*
- b. *protecting Sites of Importance for Nature Conservation and supporting and promoting local biodiversity*
- c. *requiring green roofs and walls where appropriate*
- d. *implementing the Street Tree Programme*
- e. *improving the quality of, and safeguarding access to, all public open space*
- f. *providing accessible and varied opportunities for health, leisure and recreational activities including the South East London Green Chain Walk, the Green Grid, the Waterlink Way and river and waterways network, and the Thames Path.’*

5.4.22 The Appeal Proposals are consistent with this Strategic Objective as far as they are able.

5.4.23 **Core Strategy Objective 8: Waste management**

*Deliver sustainable waste management by implementing the waste hierarchy of prevent, reuse, compost and recycle, and safeguarding sites within the Surrey Canal Strategic Industrial Location to meet Lewisham’s waste apportionment of 323,000 tonnes by 2020.’*

5.4.24 The Appeal Proposals provide acceptable waste provision and so are consistent with this Strategic Objective as far as they are able.

5.4.25 **‘Building a sustainable community**

**Core Strategy Objective 9: Transport and accessibility**

*Provision will be made to ensure an accessible, safe, convenient and sustainable transport system for Lewisham that meets people’s access needs while reducing the need to travel and reliance on the private car. This will:*



- a. *promote choice and better health*
- b. *facilitate sustainable growth in the key localities for regeneration and growth (Lewisham, Catford, Deptford, New Cross)*
- c. *improve integration, accessibility and connectivity within the borough and the London sub-region.*

*The Council will ensure that transport and accessibility within the borough:*

- a. *provides for a system of walking and cycling routes and strong links to town centres and public open space, including the Waterlink Way, and promotes the implementation of greenways*
- b. *improves accessibility in the Evelyn, Whitefoot, Bellingham and Downham wards*
- c. *facilitates the movement of freight while minimising the adverse impacts of traffic, noise and emissions*
- d. *delivers key infrastructure projects including Thameslink, the 'lower h' road at Lewisham, removal of the Kender gyratory system and safeguarding provision for the Surrey Canal station as part of the London Overground network'.*

5.4.26 The Appeal Proposals promote reduction of reliance on the private car, both on and off site, as referred to in the evidence of Mark Kirby, I therefore conclude that the Appeal Proposals are consistent with this Strategic Objective as far as they are able.

5.4.27 **'Core Strategy Objective 10: Protect and enhance Lewisham's character**

*Lewisham's distinctive local character will be protected through sensitive and appropriate design, in particular those areas requiring managed change and protection such as the borough's heritage assets and their settings, local rivers and landscape, and yet at the same time creating and improving the environment within the key regeneration and growth areas of Lewisham, Catford, Deptford and New Cross. This will mean:*

- a. *ensuring that new development achieves high standards of urban design and residential quality, and contributes to a sense of place and local distinctiveness informed by an understanding of the historic context*
- b. *ensuring that new development and alterations to existing buildings are sensitive, appropriate to their context, and make a positive contribution to the urban environment*



- c. *preserving or enhancing the condition and historic significance of the borough's heritage assets and their settings and the other identified elements of the historic environment*’.

5.4.28 The evidence of Jason Flanagan concludes that the design of the proposals are appropriate in their context and protect Lewisham’s distinctive local character, providing high standards of urban design and residential quality. I thus conclude that the Appeal Proposals meet this Strategic Objective.

5.4.29 **‘Core Strategy Objective 11: Community well-being**

*The Council with its partners will provide and support measures and initiatives that promote social inclusion and strengthen the quality of life and well-being for new and existing residents of the borough by:*

- a. *addressing deprivation and health inequalities particularly within the wards of Evelyn, New Cross, Lewisham Central, Whitefoot, Bellingham and Downham*
- b. *creating safer and stronger communities by reducing crime and the fear of crime through innovative design and land use policies*
- c. *providing physical, social and green infrastructure, including high quality health and education facilities, that are accessible and suitable to all of Lewisham’s residents, to foster independent community living.*’

5.4.30 The Appeal Proposals promote social inclusion and strengthen quality of life and wellbeing through their mixed use nature and diversity of tenures. They improve the physical environment and through modern design reduce the chances of crime. As such the Appeal Proposals meet this Strategic Objective.

5.4.31 I have concluded above that the Appeal Proposal are consistent with ten of the Core Strategy Strategic Objectives and are neutral in relation to one. I now turn to look at the policies which flow from these objectives.

5.4.32 **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.

5.4.33 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.

5.4.34 The Appeal Proposals provide 50% affordable housing, with 70% in the social rented tenure and 30% as intermediate housing. As affordable housing mix is identified as a separate Main Issue at the Inquiry, I deal with it separately in Section 6 of my proof.

5.4.35 **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.

5.4.36 The Appeal Proposals provide 1,401 sq m (GIA) of employment floorspace. This compares to 1,343 sq m (GIA) of existing floorspace on the Site at present, or 1,241 sq m if the existing residential element is deducted. The proposed employment floorspace comprises 922 sq m (GIA) at ground floor level, and 479 sq m (GIA) at mezzanine level. Whilst it is contended by LBL (in their Statement of Case, CD 5.4) that mezzanine floorspace does not constitute useable floor area, it is important to recognise that LBL consider this to be the case where the mezzanine areas are not substantial and are not serviced by lifts (as stated in the Industrial Intensification and Co-Location Study: Design and Delivery Testing, October 2018 – CD 4.72). The mezzanines incorporated into the Appeal Proposals will be both substantial and served by lifts, and therefore, as stated within the Proof of Evidence of Richard Kalmar, should be considered as usable employment floorspace. LBL also consider (again in their Statement of Case, CD 5.4) that ceiling heights of the proposed employment floorspace will be compromised by services running underneath the mezzanines, rendering the heights below too low to be usefully utilised for industrial uses. This is contested, with further details provided in Richard Kalmar's Proof of Evidence, as there are a number of examples where lower floor to ceiling heights are successfully utilised for industrial purposes. In addition to this, industrial



businesses often require differing heights for different parts of their business and can position their business requirements to adapt to different ceiling heights within a unit. Taking these matters in to consideration, the total employment floorspace within the Appeal Proposals can be successfully utilised by future occupants, and therefore an increase in floorspace on existing is provided.

- 5.4.37 **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.
- 5.4.38 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.
- 5.4.39 A Sustainability Statement and Energy Statement were submitted with the Planning Application and the LBL has agreed that the provisions meet the requirements of London Plan policies SI2 (Minimising greenhouse gas emissions), SI3 (Energy Infrastructure) and SI4 (Managing heat risk) and the London Plan SPG Sustainable Design and Construction. The Appeal Proposals meet BREEAM Very Good to shell and core and will look to achieve more if possible.
- 5.4.40 I have found a number of instances where LBL have accepted BREEAM Very Good, especially to shell and core and these include the following:
- Oxestalls Road (CD 8.3);
  - Sun Wharf, Creekside (CD 8.4);
  - Chiltonian Industrial Estate, Manor Lane (CD 8.5); and
  - Stanton Square Industrial Estate (CD 8.6).
- 5.4.41 **Core Strategy Policy 9 (Improving local air quality)** seeks to improve local air quality and minimise any negative air quality impacts.
- 5.4.42 It has been agreed between the parties that the Appeal Proposal is Air Quality Neutral.



5.4.43 **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.

5.4.44 The Appeal Proposals include visually pleasing and ecologically rich landscaping 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.

5.4.45 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.

5.4.46 **Core Strategy Policy 14 (Sustainable movement and transport)** promotes the safety and access of pedestrians and cyclists throughout the borough.

5.4.47 Mark Kirby's evidence concludes that the Appeal Proposals meet this policy.

5.4.48 **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.

5.4.49 Richard Kalmar's evidence is that the Appeal Proposals provide modern employment floorspace that is adaptable for the future.

5.4.50 The evidence of Andy Shelley identifies no harm to heritage significance.

5.4.51 **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.

5.4.52 As mentioned above, the evidence of Andy Shelley identifies no harm to heritage significance.

5.4.53 **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.

5.4.54 A Section 106 Agreement will be presented to the Inspector to deal with planning obligations. This will sit alongside CIL requirements.



## 5.5 Lewisham Development Management Local Plan (November 2014)

- 5.5.1 **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.
- 5.5.2 I have reviewed the Appeal Proposals against the NPPF earlier in my proof of evidence and concluded that they comply with it.
- 5.5.3 **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.
- 5.5.4 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.
- 5.5.5 Proposals must address how the development site relates to neighbouring properties and the surrounding area.
- 5.5.6 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.



- 5.5.7 A Masterplan (termed 'an Emerging Outline Masterplan') and Design and Access Statement were submitted with the Planning Application (CD 1.14 and 1.11). The Masterplan (CD 1.14) contains a plan referring to each of the plots within the allocation area as A, B, C, D & E. The preparation followed meaningful engagement with the landowners of the majority of the allocated area and attempts were made to engage with the landowners of Plot D. The ownerships and leases of Plot E are fragmented and the opportunity to redevelop this Plot are considered to be limited. The Appellant also engaged in the Council's consultation on the emerging Regulation 19 Local Plan and a copy of the representations are at Appendix 2 of my Proof of Evidence.
- 5.5.8 LBL are the owners of Site B and active engagement has been ongoing since June 2021, the details of which are set out at Appendix 1(a) of this Proof of Evidence. Kitewood control Site C. Letters to the owner of Site D are provided at Appendix 1(b) to this Proof of Evidence, which were not responded to. However, I have been advised by the Appellant that the owner did attend the pre-application public consultation and advised that he was not looking to vacate the site for the foreseeable future. Site E is more detached from the remainder of the allocation and is fairly intensively developed already. I understand that the owner of Willow Business Park (majority owner of Plot E amongst other non-employment uses) has previously spoken with Tranquil Homes (the party that previously controlled Site A) and explained that as a long-term investor renting out the industrial units with leases typically between 2 & 4 years, the site was not considered to be viable as a development opportunity with the owner instead not willing to consider a sale, based on the development value, and reflecting the desire to hold for the benefit of rental return.
- 5.5.9 There has been engagement with the existing occupiers of Site A (the Appeal Site) and a relocation strategy for these occupiers has been agreed with LBL (CD 5.3.1 Appendix 10).
- 5.5.10 Public consultation has also taken place, which is set out in the Statement of Community Engagement (CD 1.31) submitted with the Planning Application.
- 5.5.11 The approach taken and level of detail provided is comparable to that presented in the Trundley's Road application (CD 8.1), which LBL do not criticise in any way in the committee report recommending approval of this application. The application was approved and planning permission granted.





- 5.5.12 It is also notably different to the approach taken in the Creekside application and appeal (CD 9.1) where the Inspector commented that contact with adjoining owners fell short, that the lack of detail was insufficient and that there was no delivery strategy. It is also notable that seven years after this appeal decision, a revised planning permission has still not yet been issued for the Creekside site despite a revised planning application having been submitted in 2018, meaning that much needed housing has not yet been provided.
- 5.5.13 The evidence of Jason Flanagan explains how he is satisfied that the masterplan is appropriate from a design perspective.
- 5.5.14 **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.
- 5.5.15 The Appeal Proposals provide 50% affordable housing.
- 5.5.16 **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.

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.

- 5.5.17 The Appeal Proposals provide a total of 1,401 sq m (GIA) of employment floorspace across ground and mezzanine levels, which provide 922 sq m and 479 sq m (NIA) respectively in the form of new modern and flexible units to meet current occupier demands. The Proposals will be finished to shell and core to enable occupiers to finish their units to their exact requirements. This is explained in the evidence of Richard Kalmar.



- 5.5.18 It is notable that paragraph 2.64 of the Development Management Policies document (CD 4.18) which introduces DM Policy 10 defines LELs as 'small, well defined clusters of good quality buildings in office, industrial and warehouse uses, often within walking distance of town centres'. Page 152 of the Site Allocations Local Plan (CD 4.34) also states that the Willow Way LEL 'provides a valuable pool of good quality premises serving a local market for which there has been consistent demand'. The Willow Way LEL and especially the Appeal Site do not comprise 'good quality' buildings and premises; they are tired and no longer fit for purpose.
- 5.5.19 **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.
- 5.5.20 The Appeal Proposals will meet BREEAM Very Good to shell and core and will look to achieve more if possible. They also meet the requirements of LBL and London Plan policy in relation to energy and sustainability.
- 5.5.21 Above, I have already referred to several examples where LBL has accepted Very Good BREEAM rating at least to shell and core demonstrating flexibility in the application of this policy.
- 5.5.22 **DM Policy 23 (Air quality)** requires all major developments that have the potential to impact on air quality to submit an Air Quality Assessment.
- 5.5.23 An Air Quality Assessment was submitted with the Planning Application.
- 5.5.24 **DM Policy 25 (Landscaping and trees)** requires applicants for all major development to submit a Landscape Scheme.
- 5.5.25 A Landscaping Scheme was submitted the Planning Application.
- 5.5.26 **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.
- 5.5.27 A Noise and Vibration Assessment was submitted with the Planning Application and this matter has been agreed between the parties.
- 5.5.28 **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.

5.5.29 All new development will need to ensure that an appropriate number of bays have an electric vehicle charging point installed.

5.5.30 Mark Kirby's evidence assesses the Proposals in relation to parking matters.

5.5.31 **DM Policy 30 (Urban design and local character)** requires all development proposals to attain a high standard of design.

5.5.32 This is dealt with in the evidence of Henrick Lonberg and Jason Flanagan.

5.5.33 **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.

5.5.34 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.

5.5.35 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.

5.5.36 The London Plan standards will be used to assess whether new housing development provides an appropriate level of residential quality and amenity.

5.5.37 The Appeal Proposals meet the NDDS (see also Statement of Common Ground (CD 5.5) in relation to the smallest studio). Henrik Lonberg and Jason Flanagan's evidence explains that the Proposals are of a high quality design. The LBL committee report (CD 2.2) accepts that the levels of daylighting and the shadowing of amenity spaces are acceptable.

5.5.38 **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.

5.5.39 Henrick Lonberg's evidence covers matters in relation to public realm.

5.5.40 **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.

5.5.41 **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.

5.5.42 The evidence of Andy Shelley is that he has identified no harm to heritage significance.

## 5.6 London Plan 2021

5.6.1 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.



- 5.6.2 **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.
- 5.6.3 The Proposals comprise an employment-led mixed-use redevelopment of a brownfield site, providing an increased level of employment floorspace alongside new residential units, making best use of a site which is no longer fulfilling its potential and is ripe for environmental improvement.
- 5.6.4 **Policy GG4 (Delivering the homes Londoners need)** promotes the delivery of more homes with a strategic target of 50% of homes being affordable.
- 5.6.5 **Policy H1 (Increasing housing supply)** seeks to ensure housing targets are achieved through the optimisation of suitable and available brownfield sites.
- 5.6.6 **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.
- 5.6.7 The proposals deliver 60 new residential dwellings, of which 50% are to be affordable homes delivered on-site, split by tenure to meet the fast track process requirements.
- 5.6.8 **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.

- 5.6.9 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.
- 5.6.10 The Appeal Proposals provide 50% affordable housing without public subsidy and comply with the required tenure split. I do not agree with LBL's contention that the Appeal Proposals cannot be subject to the Fast Track Route because they don't comply with the LBL policy on the affordable housing mix. At Section 6 of my proof I undertake an assessment of the Proposals against the policy on housing mix.
- 5.6.11 **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. **Policy E2 (Providing suitable business space)** states that development of B Use Class business uses should ensure that the space is fit for purpose having regard to the type and use of the space. It adds that proposals for new B Use Class business floorspace greater than 2,500 sq.m. (or other locally set threshold) should consider the scope to provide a proportion of flexible workspace or smaller units suitable for micro, small and medium-sized enterprises.
- 5.6.12 The proposed employment space falls within Use Classes E(g)(i)(ii)(iii), allowing for a range of appropriate uses, which are agreed between the parties (see Appendix 3 to my Proof of Evidence for agreed minutes of a pre-application meeting). It replaces poor quality commercial units, yard space and shipping containers with high quality, flexible spaces. The proposed floorspace is divided into three separate units, alongside four mezzanine spaces, providing improved, flexible workspace for a variety of different sizes of businesses, including SMEs. The space has been designed to meet the identified needs of future employment occupiers, providing more floorspace with improved floor to ceiling heights. Further details on these matters are covered within the evidence provided by Richard Kalmar.
- 5.6.13 **Policy E6 (Locally Significant Industrial Sites (LSIS))** states that development plans should designate and define detailed boundaries for LSIS.
- 5.6.14 Pursuant to **Policy E4 (Land for industry, logistics and services to support London's economic function)**, **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.

5.6.15 The policy states that intensification can also be used to facilitate the consolidation of an identified SIL or LSIS or non-designated industrial sites 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.

5.6.16 The Site is not within a designated LSIS within an adopted plan. It is proposed to be allocated as such via the new emerging Lewisham Plan. The principle of a mixed use allocation (not from a LSIS basis) in the emerging Local Plan is supported by the Appellant, however in their response to the Regulation 19 Consultation (Appendix 2 to my Proof of Evidence), they have emphasised that the sites that make up the emerging allocation area are predominantly in employment uses in accordance with the adopted Local Employment Location (LEL); the sites are not predominantly industrial. They explained that the predominant surrounding uses are residential and the employment sites themselves were previously occupied by residential dwellings. This is supported by the LBL Employment Land Study 2019 (CD 4.90) which, inter alia, states that the existing employment across the allocation area is broken down as '14% industrial; 72% office; 0% Public; and 15% Customer.'

5.6.17 Part C of Policy E7 states that mixed-use or residential development proposals on Non-Designated Industrial Sites should only be supported where:

- 1) *there is no reasonable prospect of the site being used for the industrial and related purposes set out in Part A of Policy E4 Land for industry, logistics and services to support London's economic function; or*
- 2) *it has been allocated in an adopted local Development Plan Document for residential or mixed-use development; or*
- 3) *industrial, storage or distribution floorspace is provided as part of mixed-use intensification (see also Part C of Policy E2 Providing suitable business space).*



*Mixed-use development proposals on Non-Designated Industrial Sites which co-locate industrial, storage or distribution floorspace with residential and/or other uses should also meet the criteria set out in Part D below.*

Part D states that the processes set out in Parts B and C above must ensure that:

- 1) *the industrial and related activities on-site and in surrounding parts of the SIL, LSIS or Non-Designated Industrial Site are not compromised in terms of their continued efficient function, access, service arrangements and days/hours of operation noting that many businesses have 7-day/24- hour access and operational requirements*
- 2) *the intensified industrial, storage and distribution uses are completed in advance of any residential component being occupied*
- 3) *appropriate design mitigation is provided in any residential element to ensure compliance with 1 above with particular consideration given to:*
  - a) *safety and security*
  - b) *the layout, orientation, access, servicing and delivery arrangements of the uses in order to minimise conflict*
  - c) *design quality, public realm, visual impact and amenity for residents*
  - d) *agent of change principles*
  - e) *vibration and noise*
  - f) *air quality, including dust, odour and emissions and potential contamination.*

5.6.18 As an existing LEL (and not a LSIS), the Appeal Proposal meets this policy.

5.6.19 **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.





- 5.6.20 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.
- 5.6.21 The Appeal Proposals have been designed to respond to the Site's location, with careful consideration being given to protect the relationship of the Site to the neighbouring Conservation Area. The Proposals will enhance Willow Way, providing active frontages in order to both enhance the area's character and to improve safety through passive surveillance. The Site's capacity and potential use has been optimised through the density, scale and massing of the buildings, whilst at the same time responding positively to, and respecting, the context of the area.
- 5.6.22 The Proposals are car-free, aside from the provision of two car parking spaces for blue badge holders, and provision is made for 107 long-stay cycle parking spaces for residents of the development. In addition, 6 long-stay cycle parking stands are provided for the commercial element of the scheme, alongside short-stay cycle parking for visitors being provided in two locations. Both its car-free nature and the level of provision for cycles is evidence of the Proposals encouraging active travel modes. The proposed removal of on-street car parking along the frontage of the Site on Willow Way provides for a widening of the pavement to the south, providing a significant improvement for pedestrians who will be able to better use the pavement. Servicing will take place using a dedicated servicing lay-by, allowing service vehicles to pull off the main carriageway of Willow Way, thereby impeding neither car nor pedestrian traffic. The introduction of double yellow lines along Willow Way will accommodate additional service vehicles, allowing for loading/unloading for a period of up to 40 minutes directly from the carriageway.
- 5.6.23 **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.



- 5.6.24 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.
- 5.6.25 The north-south orientation of the proposed building allows for good sunlight and daylight for all units. The submitted DAS (CD 1.11) states that 60% of the units are dual aspect. There are no north facing single aspect units.
- 5.6.26 **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.
- 5.6.27 The submitted Energy Statement sets out how the energy strategy has been developed to address the energy performance policy requirements of The London Plan, including Policy SI 4. The Proposals feature improved insulation standards (when compared against the standards required to comply with Part L of the Building Regulations) and incorporate mechanical ventilation with heat recovery.
- 5.6.28 **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.



- 5.6.29 **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.
- 5.6.30 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+.
- 5.6.31 Private amenity space is provided pursuant to Policy D6 and provision is made for play and informal recreation in accordance with Policy S4. Private balconies are provided for each residential unit plus 451 sq m of communal open space for residents at 4<sup>th</sup> floor level.
- 5.6.32 Three amenity spaces are proposed at 4<sup>th</sup> floor level, with play provision situated within each of these spaces. Access to the northern terrace is available to residents occupying the dwellings surrounding the north core, alongside play space for ages 0-4. The northern terrace provides 150 sq m of amenity space. The southern terrace, providing 142 sq m of amenity space, will be accessible to occupants of dwellings surrounding the south core, with play space provided for age 0-4. The central terrace is accessible to all residents of the Proposals, measuring 159 sq m, and play space is provided here for ages 5 – 11.
- 5.6.33 The roof terraces provide attractive spaces in which to sit and relax, alongside elements of play for the younger occupants of the Proposals. Raised planters with integral seating enclose the spaces, and the planted edge provides both shelter and wildlife and ecological benefits. Particular attention has been paid to the south eastern boundary of the southern terrace, where the depth and height of the planting is such that views will be obscured towards the private rear gardens of dwellings along Sydenham Park in order to preserve privacy to existing occupants of these homes.
- 5.6.34 The GLA Population Yield Calculator was used to determine the projected child yield of the development and play space has been provided in excess of the requirements generated by the calculator on each of the three 4<sup>th</sup> floor terraces. The calculated requirements alongside the proposed provision is set out below:



- Northern terrace (0-4yr playspace): Requirement 32 sq m. Provision 55 sq m;
- Central terrace (5 – 11yr playspace): Requirement 89 sq m. Provision 91 sq m;
- Southern terrace (0-4 yr playspace): Requirement 85 sq m. Provision 97 sq m.

5.6.35 Play space for ages 12+ is unable to be accommodated within the Proposals. An assessment of existing play provision within the vicinity of the Site determined that there were three publicly accessible green spaces within 800m walking distance of the Site, the maximum recommended travel distance for 12+ play, each with the potential to accommodate additional play equipment for ages 12+. As a result, a financial contribution of £18,000 towards the provision of additional play equipment is within the agreed S106 Heads of Terms.

5.6.36 **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.

5.6.37 The heritage assessment submitted with the planning application assesses the impact of the Proposals on identified heritage assets. Consideration was given to the Locally Listed Bricklayers Arms Public House, with massing views prepared looking south along Dartmouth Road to consider the setting of the public house in the context of the Proposals, alongside a sketch view from within Willow Way itself. The submitted Design and Access Statement also includes an assessment of architectural context, identifying the diverse character of surrounding streets, highlighting the Sydenham Park Conservation Area, the Bricklayers Arms Public house and the 8/9 storey Miriam House.

5.6.38 Andy Shelley's proof of evidence provides further explanation.

## 5.7 Draft Regulation 19 Lewisham Local Plan (January 2023)

5.7.1 The draft Regulation 19 Lewisham Local Plan has reached Regulation 19 stage but has not yet been submitted for examination. LBL advise that submission is expected to take place at the end of October 2023. Limited planning weight can be attached to it but it is a material consideration and shows LBL's direction of travel.



- 5.7.2 **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.
- 5.7.3 The draft policy re-allocates the Appeal Site as part of 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.
- 5.7.4 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.
- 5.7.5 Comment on the allocation has been provided above under the related London Plan policies.
- 5.7.6 **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.
- 5.7.7 As is stated above under London Plan Policy E1, the commercial space comprises three units and four mezzanine spaces, allowing for flexibility of use. The Employment and Marketing Strategy (CD 1.17) which was submitted with the planning application confirms that the units would be marketed, in the first instance, to local businesses, targeting local, start-up and small to medium-sized businesses.
- 5.7.8 **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.



- 5.7.9 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.
- 5.7.10 Whilst the Site is not within a designated LSIS within an adopted plan, it is proposed to be allocated as such via the new emerging Lewisham Plan. I have dealt with this issue above under London Plan Policies E4/E7. The Proposals provide an increase in employment floorspace above that which currently exists on the Site. Richard Kalmar's evidence sets out that, given the projected build costs of the Proposals, commercial uses alone are not viable and the provision of residential uses are required in order to subsidise these build costs.
- 5.7.11 **Draft Policy HO1 (Meeting Lewisham's housing needs)** seeks to significantly increase the delivery of new homes to help meet Lewisham's housing needs by proposals making the best use of land and optimising the capacity of housing sites.
- 5.7.12 Comment on the optimisation of the capacity of the site and the provision of new housing has been provided above under the related London Plan Policy and in design and masterplanning evidence.
- 5.7.13 **Site Allocation 9 Willow Way LSIS**, which includes the Appeal Site, is identified as having potential for 175 residential units and 6,705 sq m (gross) non-residential employment floorspace. Section 6 of the LBL Site Allocations Background Paper, Jan 2021 (CD 4.91) sets out with how the indicative site development capacities have been set and states that the starting point is the use of a standard methodology based on density assumptions in the London-wide SHLAA (2017) methodology, which informed the new London Plan 2021. This assessment considers:
- i. Site area
  - ii. Character of the setting (urban/suburban/central)
  - iii. Baseline assumptions on density in the character typologies
  - iv. PTAL
  - v. Mix of land uses
  - vi. Existing housing units and non-residential floorspace
- 5.7.14 The document contains an assumption that the split between employment and residential floorspace should be 33%/67%.



- 5.7.15 The document does add that the capacities given are only indicative and will be adjusted on a site by site basis where it is considered appropriate.
- 5.7.16 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.
- 5.7.17 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.
- 5.7.18 I have referred to the draft LSIS allocation above under my comments pursuant to London Plan policies E4/E7. The evidence of Jason Flanagan deals with masterplanning issues arising.



## 6.0 Affordable Housing Mix

6.1.1 The dwelling mix of the affordable housing within the Appeal Proposals is as follows:

Unit Size	Social Rent	Intermediate
Studio	-	1
1B2P	9	4
2B3P	1	0
2B4P	4	3
3B5P	5	1
3B6P	2	-
<b>TOTAL</b>	<b>21</b>	<b>9</b>

6.1.2 **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.

6.1.3 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.

6.1.4 The Appeal Proposals provide 50% affordable housing, with 70% in the social rented tenure and 30% as intermediate housing.

6.1.5 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.





- 6.1.6 It is accepted that the proposed 27% of the affordable housing by unit and 39% by habitable room being 3 bedrooomed units is below the 42% 'sought' within LBL Core Strategy Policy 1. However, the Proposals do provide 50% family units (2B4P plus) in the affordable tenure.
- 6.1.7 It is important to note that the Policy 'seeks' 42% 3 bed units and doesn't 'require' this, so implying flexibility in application. Indeed, LBL do apply this policy flexibly.
- 6.1.8 In the case of the Trundleys Road application (CD 8.1) 26% of the affordable units were 3-bed, with 41% of the proposed social rented units being 3 beds. The overall tenure split was also 64% London Affordable Rented accommodation / 36% shared ownership. Despite not being strictly in accordance with the policy, the planning officer's report concludes that the proposals are broadly in accordance with the requirements of Core Strategy Policy 1. The report states that the scheme provides an appropriate mix of dwellings and valuable contribution to provision of family housing.
- 6.1.9 In the case of the Blackheath Business Estate, Blackheath Hill application (CD 8.2), 40% of the affordable units were 3 bed units, again lower than the 42% referred to in the policy. The planning officer's report states that this mix is considered acceptable given the urban location of the development. It adds that whilst lower than policy quantum sought, the scheme provides an appropriate mix of dwellings and is a valuable contribution to family housing in the borough.
- 6.1.10 In the case of Catford Timber Yard (CD 9.3), the Inspector agreed to one of the ten affordable units being 3 bedrooomed.
- 6.1.11 Other examples where LBL has accepted a lower amount of 3 bed affordable units are as follows:
- Arklow Road (CD 8.7) – 20% 3 bed in the affordable tenure;
- Oxestalls Road (CD 8.3) – 35% 3 bed in the affordable tenure;
- Sun Wharf, Creekside (CD 8.4) – 21% 3 bed in the affordable tenure;
- Kent Wharf (CD 8.8)– 6% 3 bed in the affordable tenure.
- 6.1.12 The above examples are all in mixed residential/commercial developments, with similar context.
- 6.1.13 The proposed mix is considered to be appropriate having regard to all of the above.



## 7.0 The Benefits of the Proposal

- 7.1.1 The most substantial benefit of the Proposals is the provision of much needed housing including 30 units of affordable housing, 21 units of which will be in the social rented tenure and 9 units of which will be in the shared ownership tenure.
- 7.1.2 The Proposals will also provide modern, flexible floorspace to meet current employment demands, to replace outdated units which no longer meet the requirements of occupiers in their current state. The Proposals increase the employment floorspace from existing and provide qualitative improvements.
- 7.1.3 The Proposals will create additional employment, both by way of construction employment and higher operational employment numbers. Based on a construction cost of £50m and 24-month construction period provided by the Appellant, it is estimated that the gross impact generated by the implementation of the Proposals will be 408 person years of construction activity on-site<sup>1</sup>, which over the build period equates to 204 direct full-time equivalent construction jobs on-site annually.
- 7.1.4 Construction is a key contributor to economic activity and employment due to its heavy reliance on an extended and varied supply chain. As a result, construction activity has significant positive impacts that go well beyond the on-site jobs created and the capital expenditure invested in the Proposals.
- 7.1.5 Using the Input/Output Tables published by the Scottish Government in October 2022 (there is no equivalent data available from the ONS), indirect<sup>2</sup> and induced<sup>3</sup> effects can be calculated. This reveals that by applying the relevant employment multipliers, the Proposals will realise a total gross employment of 367 full time equivalent jobs (204 direct, 122 indirect and 41 induced) within the economy over the build period.
- 7.1.6 The Proposals will also significantly increase operational jobs from existing. It is estimated that the Proposals will create 54 (FTE) operational jobs, based on the Site area of 0.22 ha and a multiplier of 245.45 FTEs per ha (see CD 1.17, but using the correct Site area). This is in comparison to 19 (FTE) jobs currently on the site and represents an increase of 184%.
- 7.1.7 The agreed Section 106 Heads of Terms also include the submission of a Local Labour and Business Strategy to support local people into work by providing employment opportunity linked training during both the construction phase and operational phase, together with the

<sup>1</sup> The estimated construction cost is divided by the average employee turnover in the construction sector (ONS: Output in the Construction Industry, released September 2023, and Construction Statistics Great Britain: 2021)

<sup>2</sup> Indirect impact – increased output and income in the supply chain (real estate, architecture, surveying, manufacturing and transportation, etc). Multiplier of 1.6 for employment.

<sup>3</sup> Induced impact – increase in household income as a result of increased employment/income in construction and other sectors which leads to increase in spending and demand. Multiplier of 1.8 for employment.



payment of a Local Labour and Business Strategy of £60,420.

- 7.1.8 The delivery of the Appeal Proposals as a first phase of development at Willow Way will act as a catalyst for delivering the further phases, without prejudicing their delivery.
- 7.1.9 The Proposals will provide beneficial public realm improvements and healthy streets contributions as set out in the proposed Section 106 Agreement.
- 7.1.10 Introducing the proposed TRO referred to within the proof of evidence of Mark Kirby will resolve on-kerb Willow Way parking and contribute towards the national, London and Lewisham-wide objectives of reducing private car ownership and encouraging sustainable transport alternatives.
- 7.1.11 It is agreed between the parties (see Statement of Common Ground (CD 5.5)) that the biodiversity net gain of the Proposals is over 80%, which is a significant benefit.
- 7.1.12 The Proposals are Air Quality Neutral. This, together with the removal of traffic from the Site and surroundings, will lead to air quality improvements.



## 8.0 Planning Balance and Conclusions

8.1.1 This section of my Proof of Evidence provides an assessment of the planning balance, having regard to the matters covered above and also covered by other witnesses.

8.1.2 I assess the Proposals in the following manner:

Do the Proposals comply with the 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?

8.1.3 As part of this assessment each of the relatives benefits and harm are graded using the key below:

Scale		
<div>Benefit</div> <div>↓</div> <div>Harm</div>	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	

## 8.2 Do the Proposals Comply with the Development Plan?

8.2.1 The Proposals are in compliance with all the relevant objectives of the Lewisham Core Strategy.



- 8.2.2 The Proposals make best use of brownfield land where the premises are no longer meeting occupier requirements. They replace and increase employment floorspace, provide much needed housing (including 50% affordable housing) and bring about environmental improvements. As such, the Proposals are in compliance with many adopted Lewisham policies and the London Plan (including London Plan policies GG2, H1 and H4).
- 8.2.3 The Proposals are not strictly in compliance with Lewisham Policy DM10 which is a protectionist LEL policy, but the policy was designed to protect good quality employment buildings, which are not on the existing Site, and the Proposals do replace and increase employment floorspace. The Proposals are however in compliance with London Plan E7 which is a more up to date and progressive employment policy.
- 8.2.4 The proposed employment floorspace has been designed to be flexible so that SMEs can take space and the Proposals are not required by any adopted policy to provide any 'formal' affordable workspace.
- 8.2.5 Lewisham Policy CS1 seeks (not 'requires') 42% 3 bed units in the affordable tenure. The Proposals do not provide 42%, and neither do many other mixed use proposals in the borough, as I have demonstrated earlier in my evidence. However, they do provide 27% 3 bed units and 39% 3 beds by habitable room in the affordable tenure and 50% family units (2B4P plus) in the affordable tenure.
- 8.2.6 Pursuant to Lewisham Policy DM3, the Proposals for the Appeal Site have been presented alongside a Masterplan for the wider allocation, which explains that the Proposals are appropriate in their wider context. This is explained in Jason Flanagan's evidence.
- 8.2.7 The design of the Proposals has been appropriately explained and justified against Lewisham's urban design policies, and those in the London Plan.
- 8.2.8 In the context of Lewisham Policy DM22, the commercial element of the Proposals will meet BREEAM Very Good and will look to achieve more if possible. This is similar to many other commercial proposals in the borough as I have explained earlier in this proof.

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

- 8.3.1 The evidence provided by Andy Shelley concludes that he has identified no harm to heritage significance as a result of the Proposals.



#### **8.4 Do the Proposals give rise to any other Harm?**

8.4.1 I have not found that the Proposals would give rise to any other harm.

#### **8.5 Are there material considerations which should be weighed in the balance?**

8.5.1 The Proposals are in accordance with the NPPF which sets out a clear strategy to re-use and optimise the use of brownfield land. The Proposals deliver against all three key objectives of the NPPF through reinvestment in economic development, the provision of much needed housing and environmental improvements.

8.5.2 In relation to employment protection and intensification via mixed use development, the Proposals are in accordance with London Plan policies (especially Policy E7), which post date the older Lewisham policies (especially Policy DM10 which also is designed to protect good quality employment buildings which are not present on the Appeal Site. The Proposals are also in accordance with the direction of the emerging Lewisham Local Plan which is a material consideration.

8.5.3 Some local residents have commented that their properties at the western end of Dartmouth Road should have been included in the daylight/ sunlight report. However, the Appellant's daylight/sunlight consultant and the planning officer have both concluded that these properties would not be impacted by the Appeal Proposals (CD 1.15 and CD 2.2). The Appellant's daylight/sunlight consultant has provided further clarity on the points made by some local residents (see Appendix 4 of this Proof of Evidence).

8.5.4 Residents' comments also referred to heritage impacts, trees and height, matters which are covered in the officer's report (CD 2.2) and in the evidence presented to this Inquiry.

8.5.5 Finally, one resident commented that the masterplan cannot be built out without Site D. However, the Appellant's position is that Sites A, B and C are ready to come forward and the masterplan that has been presented shows how those sites can be built out now. Site D can be built out later as and when the landowner is ready, but the other parts of the masterplan are not dependent on it.

#### **8.6 Do the Benefits of the Proposals outweigh any harm that has been identified?**

8.6.1 The NPPF supports the presumption in favour of sustainable development and 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.

- 8.6.2 Each significant matter associated with the 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 including 50% affordable housing	Substantial Benefit +
Provision of modern, flexible and additional employment space to meet identified occupier needs in place of (and an increase in floorspace over) old employment units no longer meeting occupier needs	Substantial Benefit +
Redevelopment of sustainable, urban, brownfield site, optimising the site's capacity	Substantial Benefit +
Improvement of air quality, a key objective of the London Plan, by providing an air quality neutral development and removing existing vehicles from the site and surroundings	Limited Benefit +
Improvements to the physical appearance of the Site through good quality design of buildings and public realm	Moderate Benefit+
Provision of healthy streets contributions	Moderate Benefit
Resolution of on-kerb parking on Willow Way	Limited Benefit
Provision of construction employment opportunities, a significant increase in operational employment levels on	Moderate Benefit +





Site, a Local Labour and Business Strategy and payment of a Local Labour and Business Contribution of £60,240	
Significant bio-diversity net gain	Limited Benefit
Creating a catalyst for other sites in the masterplan area to come forward for redevelopment, especially Site D	Moderate Benefit

8.6.3 The benefits of the redevelopment of the Site are many as referred to above and cumulatively are substantial.

8.6.4 Andy Shelley has not identified any harm to heritage significance. 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.

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

8.7.1 I have explained that the Appeal Proposals meet the economic, environmental and social objectives of the NPPF, re-use brownfield land and comprise good design. I have also explained my views on the status of the various development plan policies and how they should be applied. This brings me to the conclusion that the Appeal Proposals should be permitted and this appeal allowed.



## 9.0 Summary

9.1.1 Within this proof of evidence I have covered the following Issues, as identified by the Inspector at the Case Management Conference on 29 August 2023. These are as follows:

1. Whether there is conflict with the employment policies of the development plan having regard to:

The loss of industrial capacity on the site;

The co-location of residential uses;

The acceptability of the proposed design for future occupiers.

(This issue is also covered by the evidence of the Appellant's employment witness, Richard Kalmar)

4. Whether the proposal would provide an appropriate affordable housing mix;
7. Other considerations that might amount to benefits of the proposal;
8. The extent to which the proposal is consistent with the development plan, and the weight to be attributed to the policies in the emerging development plan; and
9. Whether any harm and /or development plan conflict arising would be outweighed by other considerations.

## 9.2 The NPPF

9.2.1 The Proposals are in accordance with the NPPF which sets out a clear strategy to re-use and optimise the use of brownfield land. The Proposals deliver against all three key objectives of the NPPF through reinvestment in economic development, the provision of much needed housing and environmental improvements.

## 9.3 Planning policy assessment

9.3.1 I have found that the Proposals are in compliance with all the relevant objectives of the Lewisham Core Strategy. The Proposals make best use of brownfield land where the premises are no longer meeting occupier requirements. They replace and increase employment floorspace, provide much needed housing (including 50% affordable housing) and bring about environmental improvements.



- 9.3.2 The Proposals are in compliance with many adopted Lewisham policies and the London Plan (including London Plan policies GG2, H1 and H4).
- 9.3.3 The Proposals are not strictly in compliance with Lewisham Policy DM10 which is a protectionist LEL policy, but the policy was designed to protect good quality employment buildings, which are not on the existing Site, and the Proposals do replace and increase employment floorspace. The Proposals are however in compliance with London Plan E7 which is a more up to date and progressive employment policy. The Proposals are also in accordance with the direction of the emerging Lewisham Local Plan which is a material consideration.
- 9.3.4 Lewisham Policy CS1 seeks (not 'requires') 42% 3 bed units in the affordable tenure. The Proposals do not provide 42%, and neither do many other mixed use proposals in the borough, as I have demonstrated in my evidence. However, they do provide 27% 3 bed units and 39% 3 beds by habitable room in the affordable tenure and 50% family units (2B4P plus) in the affordable tenure.
- 9.3.5 Pursuant to Lewisham Policy DM3, the Proposals for the Appeal Site have been presented alongside a Masterplan for the wider allocation, which explains that the Proposals are appropriate in their wider context.
- 9.3.6 The design of the Proposals has been appropriately explained and justified against Lewisham's urban design policies, and those in the London Plan.
- 9.3.7 In the context of Lewisham Policy DM22, the commercial element of the Proposals will meet BREEAM Very Good and will look to achieve more if possible. This is similar to many other commercial proposals in the borough as I have explained in my evidence.

## 9.4 Planning benefits

- 9.4.1 The Proposals bring the following benefits:

Provision of much needed housing including 50% affordable housing

Provision of modern, flexible and additional employment space to meet identified occupier needs in place of (and an increase in floorspace over) old employment units no longer meeting occupier needs

Redevelopment of sustainable, urban, brownfield site, optimising the site's capacity



Improvement of air quality, a key objective of the London Plan, by providing an air quality neutral development and removing existing vehicles from the site and surroundings

Improvements to the physical appearance of the Site through good quality design of buildings and public realm

Provision of healthy streets contributions

Resolution of on-kerb parking on Willow Way

Provision of construction employment opportunities, a significant increase in operational employment levels on Site, a Local Labour and Business Strategy and payment of a Local Labour and Business Contribution of £60,240

Significant bio-diversity net gain

Creating a catalyst for other sites in the masterplan area to come forward for redevelopment, especially Site D

## 9.5 Harm

- 9.5.1 The Appellant's heritage witness, Andy Shelley, has not identified any harm to heritage significance. 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.

## 9.6 Conclusions

- 9.6.1 The Appeal Proposals meet the economic, environmental and social objectives of the NPPF, re-use brownfield land and comprise good design. I have explained my views on the status of the various development plan policies and how they should be applied. This brings me to the conclusion that the Appeal Proposals should be permitted and this appeal allowed.



## 10.0 Statement of Truth and Declaration

### 10.1 Statement of Truth

10.1.1 I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a full statement in a document verified by a statement of truth without an honest belief in its truth.

### 10.2 Declaration

10.2.1 I confirm that my report has drawn attention to all material facts which are relevant and have affected my professional opinion.

10.2.2 I confirm that I understand and have complied with my duty to the Inquiry as an expert witness which overrides any duty to those instructing or paying me, that I have given my evidence in partially and objectively, and that I will continue to comply with that duty as required.

10.2.3 I confirm that I am not instructed under any conditional or other success-based fee arrangement.

10.2.4 I confirm that I have no conflicts of interest.

10.2.5 I confirm that I am aware of and have complied with the requirement of the rules, protocols and directions of the Inquiry.

10.2.6 I confirm that my report complies with the requirements of RICS – Royal Institution of Chartered Surveyors, as set down in the RICS practice statement (Surveyors acting as expert witnesses).

Signed:



Paula Carney BSc.(Hons) MRICS

3 October 2023





## APPENDIX 1




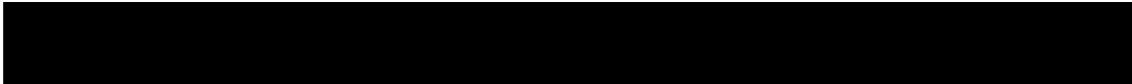
## **Willow Way: Summary of Kitewood's Engagement with LBL, the landowner of Site B**

Several meetings have taken place between Kitewood and LBL from **June 2021- present** to discuss the a development agreement for Site B and the masterplan for the allocated Willow Way area, including the delivery of 50% affordable homes across Sites A – C (Kitewood already control Sites A & C). A summary of these meetings and key actions is set out below.

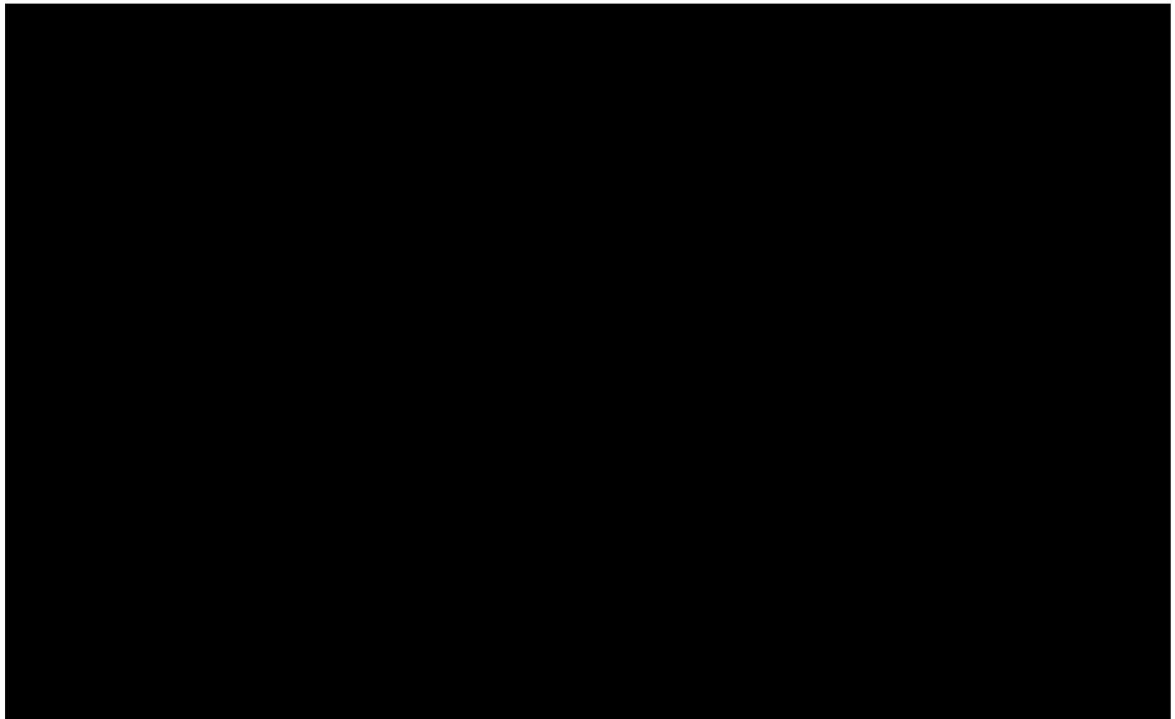
- **11 June 2021** (*note: 18 month prior to submission of planning application in relation to site A*): First meeting between Kitewood & representatives of LBL Estates/Development team and the Agenda included '**Scheme/Planning Background**' and '**Proposed Masterplan: Lewisham, Selkent & Kitewood**'. (NB. Selkent is owner of Site C albeit Kitewood control the site.)
- **22 June 2021** (following the 11 June 2021 meeting): Kitewood wrote to LBL setting out a draft Development Agreement between Kitewood and LBL.
- **23 June 2021** (in response to the 22 June 2021 correspondence): LBL representative set out their delivery intent for Site B; "[REDACTED]"  
[REDACTED]
- **Correspondence and meetings during August and September 2021 including 6<sup>th</sup> August 2021** correspondence from Kitewood stating: [REDACTED]  
[REDACTED]
- **7<sup>th</sup> October 2021**: Kitewood wrote to LBL (subject; 'Willow Way. Masterplan'): stating [REDACTED]  
[REDACTED]





- **26<sup>th</sup> October 2021:** workshop between Kitewood and LBL.
- **January – March 2022:** ongoing correspondence and meetings between Kitewood and LBL.
- **18<sup>th</sup> March 2022:** Kitewood wrote to LBL to summarise the further discussions that had taken place in relation to the structure of the agreement between Kitewood and LBL and to set out their aspiration to commence pre-application discussions with the LBL planning team:
- **24<sup>th</sup> March 2022** (LBL in response to Kitewood email dated 18<sup>th</sup> March);   

- ***April 2022 – May 2022:*** *correspondence and meetings between Kitewood and LBL.*
- **7<sup>th</sup> June 2022:** Kitewood suggest regular professional meetings in relation to preparation for Pre-application planning discussions.
- **25<sup>th</sup> July 2022:** Kitewood send LBL draft pre-application document for comment.
- **27<sup>th</sup> July 2022:** Correspondence received from LBL with suggested amendments and suggested timetable for way forward.
- **3<sup>rd</sup> August 2022:** Workshop to discuss the masterplan/draft pre-application document. LBL comments incorporated.
- **4<sup>th</sup> August 2022:** Kitewood advise LBL of contractual obligation to submit a planning application (on Site A) by the end of 2022.

- **9<sup>th</sup> August 2022:** Kitewood provided draft pre app document to LBL for comment. LBL provided comment on the **10<sup>th</sup>/ 11<sup>th</sup> August** marking up the documents and a bullet point summary of proposed amendments to the Pre-App Document that would be submitted as part of the formal Pre-app process.
- **11<sup>th</sup> Aug 2022:** Kitewood wrote to LBL to document the content of [REDACTED] in which LBL advised Kitewood to [REDACTED]
- **31<sup>st</sup> August 2022:** Kitewood wrote to LBL and set out the strategy to ensure the delivery of Sites A, B and C;



- **8<sup>th</sup> and 13<sup>th</sup> September 2022:** Kitewood sent LBL a copy of the Pre-application submission Document.
- **15<sup>th</sup> September:** LBL confirmed they were content with pre-app document.

- **27<sup>th</sup> September 2022:** Kitewood provide revised Heads of Terms for the Development Agreement with LBL with the following commentary; [REDACTED]  
 [REDACTED] reflect discussions that have been held with LBL on the masterplan.
- **October 2022:** various correspondence and discussions with regard to the masterplan and Heads of Development Agreement.
- **8<sup>th</sup> November 2022:** LBL accepted [REDACTED]  
 [REDACTED]
- **November 2022 – May 2023:** ongoing correspondence and meetings between Kitewood and LBL with regard to masterplan delivery (with all recorded via minutes) including on 9<sup>th</sup> December 2022 when LBL provide an updated indicative offer (without prejudice) in relation to the 50% Affordable Homes across Sites A,B,C of the Masterplan area.
- **25<sup>th</sup> May 2023:** LBL confirm legal contract details in relation to drafting of the Development Agreement between Kitewood and LBL.

# KITEWOOD

[REDACTED]

21 February 2023

Dear [REDACTED]

**RE: EMERGING ALLOCATION AT WILLOW WAY**

I hope you received my letter at the start of the year.

I would be grateful if you can give me a call on mobile [REDACTED] to discuss further or send me an email: [REDACTED] to acknowledge receipt of my letters.

Yours sincerely,

[REDACTED]

*Senior Planning & Development Manager*

10 January 2023

Dear [REDACTED]

**RE: EMERGING ALLOCATION AT WILLOW WAY**

It was good to meet you at our public consultation event relating to the emerging proposals for 'Site A' at Willow Way.

We submitted our planning application towards the end of December, and it is now awaiting validation.

As I discussed with you when we met, the expectation from the Council and the emerging policy is that there is a Masterplan for the entirety of the area that is proposed for allocation, and this includes your site.

We submitted an emerging Masterplan document (enclosed for your information) with our application to demonstrate how the other parcels could come forward within the context of a masterplanned approach. This is in our view a working document and has the flexibility to change as discussion evolve.

We would welcome the opportunity to meet with you to discuss this with you further and establish if there may be the opportunity to work together moving forward.

Please let me know when would be convenient to meet. My mobile number is: [REDACTED] and my email is: [REDACTED]

Yours sincerely,

[REDACTED]  
*Senior Planning & Development Manager*

## APPENDIX 2



Planning Service  
Laurence House  
1 Catford Rd  
London  
SE6 4RU

Delivered via email only to: [localplan@lewisham.gov.uk](mailto:localplan@lewisham.gov.uk)

25<sup>th</sup> April 2023

Dear Planning Service

## RE: Local Plan Regulation 19 Consultation

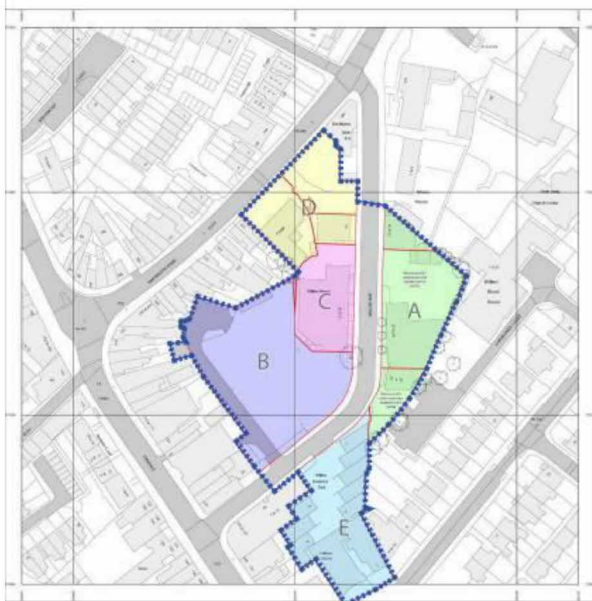
Kitewood Estates Limited ('Kitewood') write to provide our comments relating to:

- *Lewisham Local Plan: Proposed Submission Document January 2023*; and
- *Proposed Policies Map and Schedule of Proposed Changes to the Adopted Policies Map December 2022*

Kitewood is a privately owned development company, and we specialise in delivering high quality developments in London and the South East of England.

We control land adjacent to Willow Way, Sydenham and our comments predominantly relate to this site and the wider proposed allocation and masterplan area, edged by a broken blue line on **Fig 1.1** below.

**Fig 1.1 Location of proposed LSIS (Emerging Site Allocation No. 9)**



Location of Locally Significant Industrial Site (LSIS)

The land adjacent to Willow Way is proposed to be allocated as a Locally Significant Industrial Site (LSIS) for an employment-led mixed-use development in the emerging Local Plan.

The area that is proposed for allocation comprises multiple ownerships / land control. For reference purposes, the sites are distinguished by referring to; **Site A**; **Site B**; **Site C**; **Site D**; and **Site E** on Fig 1.1.

Emerging Willow Way LSIS	Ownership/ land control
Site A	Kitewood Estates Limited
Site B	LB Lewisham
Site C	Kitewood Estates Limited
Site D	Private Individual
Site E	Private Individual(s)

Kitewood submitted a full planning application to the Council in December 2022 (application Ref: DC/22/129789) relating to Site A (21-57 Willow Way) for 1,401sqm flexible employment floorspace and 60 homes (including 50% Affordable Homes) in the context of an emerging masterplan. This planning application was refused by the Council on 23 March 2023.

Whilst we have not been directly approached by the Council to provide comment on the proposed emerging allocation LSIS at Willow Way, we have significant experience in delivering sites of this nature and we welcome the opportunity to comment on the emerging Local Plan (Regulation 19) to ensure the emerging site-specific policy “...is **aspirational but deliverable**” as set out in Para 16 of the NPPF.

We understand that this Submission Draft Local Plan consultation requires representations to specifically focus on the following issues:

- **Is the plan legally compliant?** - Does the Plan comply with the relevant legislation and regulations in the way it has been prepared, and in its content?
- **Does the plan comply with the ‘Duty to Cooperate’?** - Has the local planning authority engaged constructively, actively and on an ongoing basis with neighbouring authorities and other prescribed bodies during the preparation of the Plan?
- **Is the plan ‘sound’?** - Has the Plan been ‘positively prepared’? Is it robustly justified and evidence-led? Will it be effective in what it sets out to achieve? Is it consistent with regional and national planning policy?

#### Lewisham Local Plan: Proposed Submission Document January 2023

This letter will focus on matters relating to **soundness**.

Para 35 of the NPPF States that Plans are ‘Sound’ if they meet the following tests of soundness:

*“a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*

*b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*



c) *Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*

d) *Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.”*

Kitewood’s comments relate to principally to the following matters; Justified and Effective.

## **Justified**

### **Principle of Development for LSIS**

**Kitewood consider that the proposed allocation of Willow Way as an LSIS is unjustified.**

The redevelopment opportunity at Willow Way to make the best use of Previously Developed Land (PDL) to deliver a viable mixed use scheme exists.

However, the sites adjacent to Willow Way that make up the emerging allocation area are predominantly in employment uses in accordance with the adopted Local Employment Location (LEL); the sites are not predominantly Industrial. The predominant surrounding uses are residential and the employment sites themselves were previously occupied by residential dwellings.

**Kitewood consider that the Policy for Willow Way should seek an employment led mixed use development, not an LSIS mixed-use development.**

The Local Plan evidence base, namely, the Employment Land Study 2019 (ELS) supports this.

Willow Way (stated as 1.2ha) Local Employment Location (LEL) is identified as cluster No.C20 in the ELS. It sets out that the primary type of employment is mixed B uses and the **recommendation is for employment-led mixed-use redevelopment (through a masterplan process)** *(our emphasis added)*. The text relating to the site at para 5.52 and para 5.53 of the document is set out as follows:

*“5.52 Willow Way (C20) – is an industrial area in Forest Hill with a mix of B class occupiers. Commercial units are located on either side of Willow Way which runs between Kirkdale and Dartmouth Road. The site benefits from being in close proximity to amenities; located less than 100m from the majority of the site. The site has been developed in a number of phases on a piecemeal basis. There are modern small industrial units in close proximity to Kirkdale Road which are in reasonable condition and appear to be well occupied. Further south west along Willow Way the office and small industrial units are more dated but still well occupied.*

*5.53 There is vacant land in the centre of the site that was previously occupied by the council. The land is still in the council’s ownership and a masterplanning exercise was undertaken in 2013/14 which produced plans to provide residential units along with a school, commercial, and mixed-use space. These should be considered positively, if they do not reduce employment floorspace, but intensify the existing offering. Currently, there is no planning application for this land but if these plans go ahead it may encourage intensification of other parts of the site. Though there may be scope to provide a mix of uses on the site. The existing amount of employment floorspace should be protected to ensure that demand in the area is met over the plan period.*

Furthermore, in terms of 'Layout, parking, servicing, landscaping etc.' the site scores 'Reasonable'; "Reasonable amount of yard space at Willow Business Centre given the type of units. The industrial units at the centre of the site have varying amounts of parking space and as a result, there are significant numbers of cars parked along Willow Way. Willow Way is not suitable for large HGVs, but this does not appear to be an issue for most current occupiers. There is no landscaping on the site."

Table A2.1 at page 132 of the ELS indicates the Employment Profile of the site generates 80 Jobs (66 jobs per ha). Of the 80 jobs, they are broken down in the ELS as follows: **14% industrial; 72% office; 0% Public; and 15% Customer.**

The ELS, sets out very clearly that only 14% of the existing jobs are industrial. The ELS does not specify if these uses are light or heavy industrial uses, however Kitewood consider them to be light industrial uses.

Kitewood consider that industrial uses in this location are not appropriate, nor in demand in this location and this is reflected by the existing composition of employment uses and along Willow Way and in the surrounding area, as outlined in the ELS above.

The ELS recognises that the site is sustainability located and benefits from being in close proximity to local amenities. The benefits of the sustainable location and low visibility of the site from the surrounding street makes Willow Way a key opportunity site for a comprehensive mixed-use redevelopment comprising:

- a) **Improved employment (use Class E) floorspace on the ground floor level:** *The provision of flexible and creative commercial floorspace proposed is considered to be appropriate to generate quality employment opportunities and higher job yield; and is important in the context of providing active ground floor uses to animate the public realm.*
- b) **Delivery of homes to meet growing needs:** *the provision of a full range and mix of quality housing is considered to be appropriate in this predominantly residential location.*
- c) **Placemaking and enhanced public realm:** *improving walking and cycling routes to public transport services and local facilities, a high quality and accessible public realm, landscaping (note there is no existing landscaping), biodiversity, the provision of amenity and public open space, and children's play areas, and high quality architecture and design that will contribute to raising the architectural quality of the area.*

### **Quantum of Development**

**Kitewood are not aware of any massing studies that have been undertaken to inform the emerging allocation and specifically, the proposed quantum of employment and residential floor areas.**

However, as it has been recognised, the emerging allocation site is hidden from the surrounding roads and the site topography would allow for an intensified proposal with greater height and mass than the existing development without creating any detrimental visual impact on the surrounding streets.

Notwithstanding the fact that industrial uses are not considered appropriate in this location, Kitewood are not aware of any evidence that has been published that sets out how the quantum of employment of floorspace could be accommodated. Kitewood consider that the types of uses would likely only be considered appropriate and deliverable at ground floor level with ancillary mezzanine space above. Therefore, the potential maximum quantum of employment floorspace would be limited to the extent of the developable ground floor area with ancillary mezzanine space above.



Kitewood has tested the scenario where the emerging allocation area is built out in accordance with a masterplan approach, and specifically where the employment floorspace is situated at ground floor level, with limited ancillary mezzanine above. We consider that this form of development would deliver more than the existing level of employment floorspace, whilst also meeting the allocation target of 6,705sqm. This includes retaining the existing quantum of floorspace on Site E. This approach therefore complies with London Plan Policy E2.

**Kitewood therefore do not consider that the quantum of development as set out in the emerging allocation is justified, specifically in relation to the employment areas that would reasonably be expected at ground floor only, unless the Council can demonstrate that it has considered an outline massing and layout study of the emerging allocation area, or the existing levels of employment floorspace could contribute towards meeting the allocation aspirations.**

### **Effective**

### **Emerging boundary for LSIS and Masterplan Area and Deliverability**

Kitewood support the mixed-use allocation that seeks the delivery of an employment-led development (6,705sqm) that would be co-located with 175 new homes, but it is not clear as to how the Council arrived at the proposed allocation boundary.

Through an assessment of the opportunities and constraints, Sites A, B and C have the greatest potential to deliver the policy aspirations; It appears that Site D can accommodate a modest uplift of development; and Site E is already maximised and has limited potential to accommodate further development as part of a masterplan redevelopment.

**Kitewood therefore do not consider that the emerging policy boundary is effective, and it should be revised to exclude sites D and E from the emerging masterplan area unless the Council can demonstrate that it has liaised with the landowners of these respective sites and know they are available for redevelopment within the plan period, and therefore deliver the deliver the aspirations of the policy to maximise employment provision together with residential.**

**Furthermore, Kitewood consider that Sites A, B and C can be delivered within 1-5 Years, not 6-10 years as set out in the consultation document. This should be updated in the Plan to ensure that delivery is not unduly delayed.**

Should the boundary of the emerging allocation remain unchanged, it is considered that the Emerging Willow Way LSIS can come forward in phases that could be delivered individually or simultaneously without prejudice to the other sites coming forward for development.

Development Phase	Site
Phase 1	Site A
Phase 2	Site B and Site C
Phase 3	Site D [and Site E]

Site A is physically separated from Sites B and C by Willow Way, and it therefore considered to be well located to deliver the first phase of development.

The proposals for Site A seek to maximise the employment floorspace on the ground floor levels as would reasonably be expected in this location, whilst delivering homes above. Sites B and C also have the potential to maximise the employment floorspace on the ground floor and homes above along with potential to improve the public realm.



### **Quality of Employment Floorspace**

Kitewood consider the quality of the existing employment floorspace across the emerging allocation areas, except for Site E, to be sub-optimal. This is reflected in the increased rate of vacancies within some of the units, as well as the quality of the existing buildings and floorspace.

Policy EC2 of the emerging Local Plan (Protecting employment land and delivering new workspace) supports the delivery of new and enhanced workspace. Kitewood consider that an appropriate employment-led mixed use development would create an ideal opportunity to deliver much improved, upgraded and more efficient workspace, in line with Policy EC2.

### **Growth Node and Growth Corridor**

The Proposed Policies Map and Schedule of Proposed Changes to the Adopted Policies Map December 2022 identify the emerging allocation area within a 'Growth Node' and adjacent to a 'Growth Corridor' that runs along Kirkdale to the west, and Dartmouth Road to the north.

Kitewood support the aspiration of the Growth Nodes and Growth Corridors as areas that are prioritised to deliver redevelopment of previously developed land to ensure green and open spaces are protected within the Borough.

Kitewood also recognise the role that Willow Way has in connecting the Growth Corridors along Kirkdale and Dartmouth Road and therefore consider the delivery of high-quality employment led redevelopment, with residential above is even more critical to meet the objectives of the Spatial Strategy.

Should you require any further information, please do not hesitate to contact myself or my colleague [REDACTED]

Yours faithfully,

[REDACTED]  
Planning Manager

**KITEWOOD ESTATES LIMITED**

## APPENDIX 3



**Pre-Application Meeting 1: Meeting Minutes**  
**In connection with Redevelopment at Willow Way in the**  
**London Borough of Lewisham**

**13 July 2023**  
**10:30-12:00 via Teams**

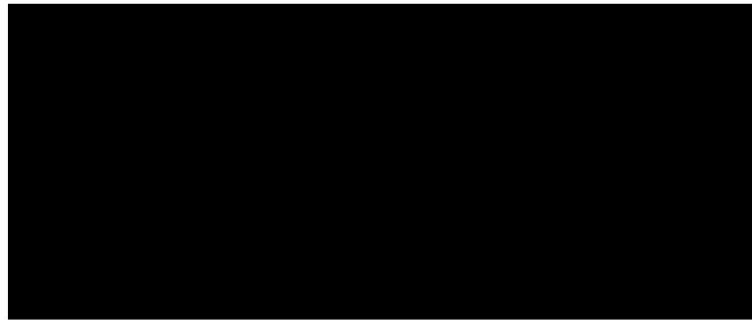
**In Attendance:**

**London Borough of Lewisham:** Michael Forrester (MF) – Planning  
Gareth Clegg (GC) – Planning  
Antigoni Gkiza (AG) – Planning  
John Bennett (JB) – Economic Development (note: JB joined the meeting at 11.00 am)

**at 11:00)**

Joanna Ecclestone (JE) – Conservation  
Beth Stevens (BS)– Urban Design

**For Kitewood Estates:**



**Pre-App Meeting 1 Purpose:** To discuss the baseline in relation to townscape, heritage, and employment matters.

**Note:** In advance of the Pre-App Meeting 1, PC sent GC extracts of reports that had been produced in relation to the matters above to support the Application and Appeal submission on Site A. Although the purpose of this meeting was not to discuss the Appeal on Site A – it was to discuss redevelopment of the allocation area, the reports provide information and baseline analysis applicable to the Masterplan Site.

1. MF highlighted that the purpose of this meeting and the subsequent pre-application meetings which form part of the draft PPA programme is to discuss a revised scheme within the context of a masterplan across the wider LEL / LSIS site allocation. As such, MF confirmed that the Council would not be discussing the application proposal (planning application reference DC/22/129789) which is the subject of the forthcoming planning inquiry. MF clarified that it was important for all land parcels/plots to “*pull their own weight*” “*make sense*” and *be deliverable*, ie. that they should all comprise employment and residential uses, their own open space, car parking etc.



2. There was some discussion as to whether the masterplan should cover Plots A-D or A-E, as there appeared to be no immediate prospect of development on Plots D and E, especially the latter due to multiple ownerships. GC agreed to look into the history of Plots D and E being included in the emerging allocation boundary and come back with Lewisham's position on which plots should be within the masterplan. Note: the reference to 'the Masterplan Site' for the purpose of these Meeting Minutes means sites A-E until the position on this matter is clarified by Lewisham.
3. Kitewood clarified that they control sites A and C by way of agreements with the landowners and terms have been with the Council in relation to Site B. Kitewood has made several approaches to the owners of Site D and to date there has been no response.

## Masterplan Approach

4. BS explained that it was important to start the masterplanning exercise from the basis set out in London Plan Policy D3. She commented that the first masterplan session should provide a clearer baseline consideration of the existing site and surrounding area, including an understanding of the value of the Masterplan Site, its local context, its special elements, what elements should be open to change etc. From this starting point, optioneering should then follow, to understand the whole "*journey*".
5. BS would like to see "shapes on the page" to show how the opportunities to maximise the employment floorspace have been tested.

## Townscape Viewpoints

6. A definitive set of viewpoints have not yet been formally agreed between the parties. However, JE noted that the additional views she had requested previously had been provided.

**Agreed Action:** In relation to townscape, GC agreed (along with JE and BS) to consider the viewpoints that had previously been set out and advise whether any further view points needed to be considered.

## Heritage

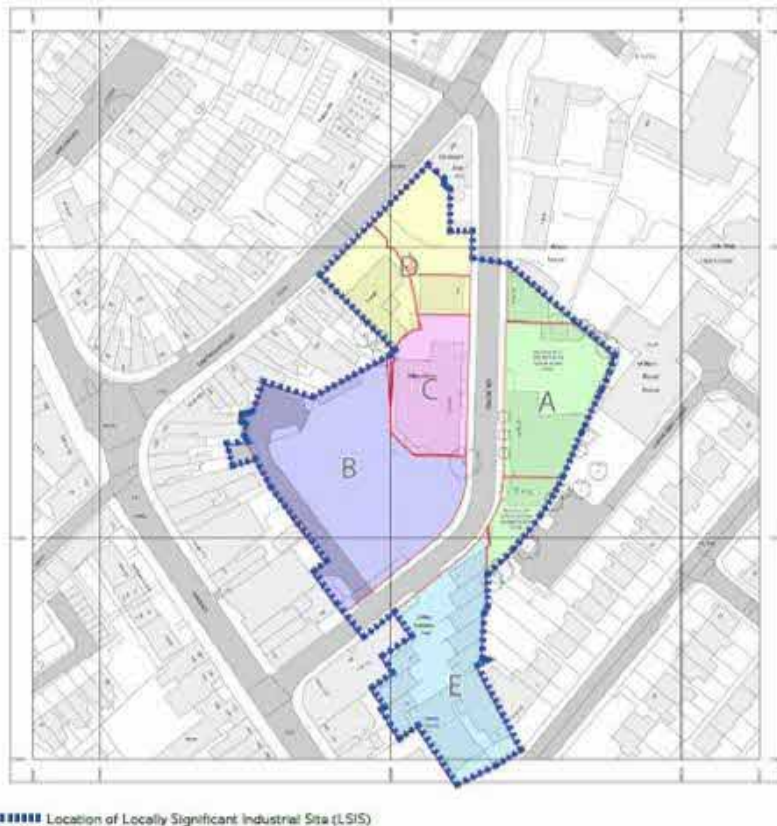
7. JE explained that it was important to ensure that the Kirkdale Area of Special Local Character was taken into consideration in identifying the TCA areas and that the relationship between the two was clear.
8. JE clarified that the Area of Special Local Character has not yet formed part of any consultation but it would be consulted on in due course. There is therefore no adopted Statement of Significance currently available relating to the Area of Special Local Character.
9. JE asked for the impact on Sydenham Hill/ Kirkdale Conservation Area and its setting to also be assessed, particularly focused on views from its South East Corner (view out to the North Kent Downs etc).
10. **Agreed Action:** The various heritage assets, together with the Area of Special Local Character were considered and again GC agreed to confirm if any further assets needed to be considered.





## Employment and Co-Location Issues

11. GC clarified that Lewisham would like to see a wide range of uses catered for (including light industrial) at Willow Way, to give flexibility for the future. The Council are not necessarily seeing a change in policy direction from the uses currently located here or afforded protection under the current adopted Local Plan policy.
12. WdC ran through Sites A-E within the Masterplan Site (the plan below was shown on screen) in turn setting out the intentions of each occupier.



### Site A

Delta Motors – would like more yard space and therefore their intention is to move to achieve this.  
Hallmark (catering company) required improved accessibility to the wider South East and they seek increased eaves heights for fork lifts etc. On this basis their intention is to relocate.  
Drinks/Beverage Machines Operator – want to relocate due to location of customers.

### Site B

Vacant.





**Site C (Controlled by Kitewood and there is an obligation to submit a planning application by the end of Dec 2023)**

Sellkent (freeholder) – needed to accommodate HGVs and extent of yard space was a problem, so they relocated five years ago. They have a short-term lease with Blue Tiger Catering, the current occupier)

**Site D**

MOT Garage in operation and it is understood that there are no immediate plans to relocate.

**Site E**

Multiple ownerships and uses. It is understood that there is a good occupancy rate.

13. GC explained that it was important for the masterplan and subsequent application proposals to be employment led, providing suitable floor to ceiling heights, yard space, back of house space and sufficient separation with other uses. It was very important that there was no net loss of employment capacity and that proposals should deliver net gains where possible. In terms of co-location of uses, the expectation is that the employment and residential cores would maintain separate accesses that are designed to operate cohesively and minimise potential conflicts between uses.
14. JB added that it was important to consider light levels into units and provide suitable access for loading. He ideally wished to see employment growth in this location via additional floorspace or increased densities of employment provision. JB added that co-working space was also supported, which can include office space through to creative studio space within its scope.
15. RK and JB agreed that 6m ceiling heights should dictate the ground floor and that they envisaged employment uses on the ground and first but not above that level; ground floor employment space was at a premium.
16. RK listed the types of uses demanded in this location:
  - Food creation (not for consumption on these premises)
  - Building services
  - Maker craftsmen eg knitters
  - Office services
  - E deliveries
  - Maintenance
  - Artists
  - Hi tech
  - Storage and distribution
  - Training
  - Leisure
  - Medical vet
  - Health
  - Gyms
  - Nursery
  - Co working office



17. JB and RK were in agreement in terms of the demand for employment space in this location (albeit vets, health, gyms, nurseries are not appropriate for this site) and this would be subject to how compatible those uses would be with residential uses above. RK explained that hours of operation, servicing movements and the associated noise (internal noise is not usually the issue) from deliveries are fundamental considerations for schemes where employment and residential uses are proposed to be co-located.
18. RK commented that access for HGVs and large yard spaces were currently limiting factors. BS requested that one option of the masterplan evolution should be to accommodate these factors, so that it could be understood what this would mean for the site and area.
19. GC confirmed that he would look into how hours of operation have been dealt with in other co-location schemes and come back to the team.
20. There was agreement between RK and JB that employers were increasingly concerned in relation to the security of their units and that residents can bring some security comfort, rather than there being no surveillance out of hours.
21. JB commented that it was important to consider relocation support for those occupiers moving off-site.

## **Next Meeting**

22. PC and GC agreed to liaise with regard to the date of the next meeting. GC commented that it would be good to discuss best practice examples, street activation, the interaction at ground level between residential and commercial uses.



## APPENDIX 4





6529/JP/DW



3<sup>rd</sup> October 2023

Dear 

**RE: 21-57 Willow Way (Site A), Sydenham, SE26 4QP – Daylight and Sunlight**

This letter is in response to the objections raised in relation to the planning application for the above development (planning ref. DC/22/129789).

We are aware that the following objection has been raised:

*341. It is noted that several properties at the western end of Dartmouth Road objected to the planning application on the basis that their properties should have been included in the daylight/ sunlight report. It is considered likely that these properties would not be impacted by the development proposed within the red line boundary. However, the applicant would need to clarify that these do not meet the 25 degree rule as set out in the BRE guidelines. Had the application been recommended for approval, this would have been sought prior to determination but as the application will be refused, this is a point of clarification the applicant will need to address if a revised scheme is submitted or if the applicant chooses to appeal the decision.*

Our response is as follows:

***The Dartmouth Road properties were not considered for the daylight and sunlight assessment in relation to the planning application for 'Site A' (except for the residential accommodation at The Bricklayers Arms PH and at Nos. 179 and 185 Dartmouth Road) due to their sufficient distance away from the site as well as the relatively modest scale of the proposed development itself. Those properties were initially reviewed during the scoping process for the assessment, and we concluded that the development overall complies with the BRE 25° angle rule. This means that the development subtends 25° angle to the horizontal at the level of the lowest habitable windows of the Dartmouth Road properties. As per the BRE guide, this means that the development is "unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building" (para 2.2.5 BRE Report "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice", latest 3<sup>rd</sup> Edition, June 2022). Furthermore, we formed a professional view that not only skylight reaching the neighbouring windows but also distribution of light within the habitable rooms behind them will not be adversely affected by the development.***

In addition, we are aware that the following objection has been also raised:

*342. It is also noted that these properties are likely to be impacted by the wider masterplan development and as noted in other sections of this report, neither the impact of the assumed massing on neighbouring properties nor the cumulative impacts of the proposed development and masterplan massing have been tested. This needs to be carried out to ensure the deliverability of the masterplan approach and to test that the proposed development as part of this current application does not undermine future comprehensive redevelopment of the site.*

Our response is as follows:

***When we consider the wider masterplan for the area, including 'Site B-C' and 'Site D', the Dartmouth Road properties would need to be considered at the time of a planning application for the masterplan or/and planning applications for individual sites. The daylight and sunlight assessment would then include those properties to fully consider potential adverse impact on current surrounding amenity levels. At the same time, it needs to be emphasised here that careful design of the future phases forming the masterplan would ensure that any adverse impact on neighbouring properties is minimised. Finally, in terms of the relationship between the phases themselves, the collaborative work on 'Site A' has ensured that the development minimises not only the impact on the current light levels to the neighbouring properties but also on future light levels to Sites B-C and D.***

I hope the above clarifies the matters. Should you have any queries regarding the above, please do not hesitate to contact me.

Kind regards,



Associate Director  
BLDA Consultancy

