



Planning Service
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Date: 23 March 2023

Property Ref: PP-11767232

Our Ref: DC/22/129789

Miss P Westwood
CarneySweeney Planning
Office 3.18, Scott House
Suite 1, The Concourse
Waterloo Station
London
SE1 7LY

Dear Miss Poppy Westwood,

**REFUSAL OF PERMISSION TO DEVELOP
Town and Country Planning Act 1990 (as amended)**

Notice is hereby given that the London Borough of Lewisham, in pursuance of its powers as local planning authority under the above Act, Regulations, Rules & Orders made thereunder, refuses to permit the development referred to in the Schedule below as shown on the plans submitted.

Your attention is drawn to the Statement of Applicant's Rights endorsed overleaf.

SCHEDULE

Application Valid Date: 22 December 2022

Application No: **DC/22/129789**

Plan Nos: KTW034-DCR-EX-OS-A-0100;KTW034-DCR-00-DE-A-0001;KTW034-DCR-EX-EL-A-0001;KTW034-DCR-EX-EL-A-0002;KTW034-DCR-EX-PL-A-0002;KTW034-DCR-EX-PL-A-0003;KTW034-DCR-EX-PL-A-0004;KTW034-DCR-EX-SE-0001;AC22260-ABS-XX-XX-D R-C-5100 Rev P01;
KTW034-DCR-01-PL-A-FT1;KTW034-DCR-01-PL-A-FT2;KTW034-DCR-01-PL-A-FT3;KTW034-DCR-01-PL-A-FT4;KTW034-DCR-01-PL-A-FT5;KTW034-DCR-01-PL-A-FT6;KTW034-DCR-01-PL-A-FT7;KTW034-DCR-01-PL-A-FT8;KTW034-DCR-01-PL-A-FT9;KTW034-DCR-01-PL-A-FT10;KTW034-DCR-01-PL-A-FT11;KTW034-DCR-01-PL-A-FT12;KTW034-DCR-01-PL-A-FT13;KTW034-DCR-01-PL-A-FT14;KTW034-DCR-01-PL-A-FT15;KTW034-DCR-01-PL-A-FT16;KTW034-DCR-01-PL-A-FT17;KTW034-DCR-01-PL-A-FT18;KTW034-DCR-01-PL-A-FT19;KTW034-DCR-01-PL-A-FT20;KTW034-DCR-01-PL-A-FT21;KTW034-DCR-01-PL-A-FT22;KTW034-DCR-01-PL-A-FT23;KTW034-DCR-01-PL-A-FT24;KTW034-DCR-01-PL-A-FT25;KTW034-DCR-01-PL-A-FT26;KTW034-DCR-01-PL-A-FT27;KTW034-DCR-01-PL-A-FT28;KTW034-DCR-01-PL-A-FT29;KTW034-DCR-01-PL-A-0101;KTW034-DCR-02-PL-A-102;KTW034-DCR-03-PL-A-103;KTW034-DCR-04-PL-A-104;KTW034-DCR-05-PL-A-105;KTW034-DCR-GF-PL-A-0100;KTW034-DCR-GF-PL-A-0100;KTW034-DCR-00-SE-A-0200;

KTW034-DCR-00-SE-A-0200_CL;KTW034-DCR-00-EL-A-301;KTW034-DCR-00-EL-A-300-CL;KTW034-DCR-00-EL-A-301;Planning Statement which also includes reference to affordable housing, open space and planning obligations (CarneySweeney);Design and Access Statement (DC Architecture + Design); Emerging Outline Masterplan for the Employment-led Mixed Use Redevelopment of Willow Way (DC Architecture + Design);Statement of Community Involvement (London Communications Agency);Daylight, Sunlight and Overshadowing Assessment (BLDA Consultancy); Employment and Marketing Strategy (Kitewood Estates Ltd);Landscape Design Statement including General Landscape Management Plan, CDM Designers Risk Assessment and Urban Greening Factor Assessment (Davis Landscape Architecture); Surface and Foul Drainage Strategy Report (Abstruck Consulting);Drainage Layout (Abstruck Consulting);Preliminary Ecological Appraisal (ECOSA);Energy Statement (Achieve Green);Sustainability Statement including BREEAM Pre-Assessment (Kent Sustainability);Phase 1 Desk Study and Site Reconnaissance (LEAP Environmental);Noise and Acoustic Assessment (24 Acoustics);Air Quality Assessment (Air Quality Consultants);Archaeological Desk-Based Assessment (PCA Heritage);Heritage Statement (PCA Heritage);Fire Statement (SWECO);Arboricultural Report including Tree Survey, Tree Protection Plan and Method Statement (Southern Beeches Ltd); Healthy Streets Transport Assessment (Velocity Transport Planning);Framework Residential Travel Plan (Velocity Transport Planning);Framework Employment Travel Plan (Velocity Transport Planning);Outline Delivery and Servicing Management Plan (Kitewood Estates Limited);Outline Construction Management Plan (Kitewood Estates Limited);GLA Carbon Emission Reporting Spreadsheet;Compliance with England Building Regulations Part L 2021.

Development: Demolition of existing buildings and redevelopment of the site comprising a block rising to 5/6 storeys accommodating 1,401sqm of employment floorspace (Use Classes E(g)(i)(ii)(iii)) at ground and mezzanine floors and 60 residential units (Use Class C3) above, with associated landscaping, amenity areas, cycle, car parking and refuse/recycling stores at 21- 57 Willow Way, London, SE26

REASON (S) FOR REFUSAL

1. The proposal would result in a loss of industrial capacity on the site which would be a departure from the adopted local plan and no exceptional circumstances are demonstrated to show that this would be compliant with the direction of the draft Local Plan. The proposal would therefore fail to comply with Policy 3 in Lewisham's Core Strategy (2011), Site Allocation 48 in the Site Allocations Local Plan (2013), Policy D7 in the London Plan (2021) as well as emerging policies (Site Allocation 9: Willow Way, EC2, EC3, EC6) in the Lewisham Local Plan Proposed Submission Document- Regulation 19 Stage (January 2023).

2. The lack of detail on the proposed uses across the masterplan site results in a failure to demonstrate that the intensified co-location of uses can function at the proposed capacity of the masterplan site. Furthermore, it results in officers being unable to conclude that the proposal would meet the relevant transport, design, public realm or environmental policy (noise, air quality as well as sustainable urban drainage, energy and biodiversity) requirements. The granting of this application in absence of these

details would fetter the development opportunity of the adjoining sites and undermine the objectives of the wider site allocation and masterplan area. The proposal would therefore fail to meet policies D3, D13, E6, E7 and SI 11 in the London Plan (2021), Policy E3 in the Lewisham Core Strategy (2011) as well as emerging policies (Site Allocation 9: Willow Way, EC2, EC3, EC6) in the Lewisham Local Plan Proposed Submission Document- Regulation 19 Stage (January 2023).

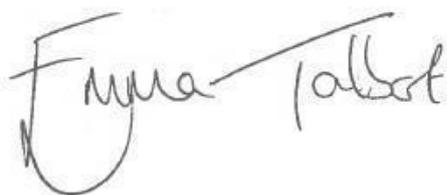
3. The proposals would result in the closing of existing businesses on site with no justification/ relocation package proposals and there is insufficient detail in the submission on whom future occupants might be and how the space, servicing and fit out requirements will attract a range of businesses within the target market. Combined with the lack of detail to show that the site itself can be adequately serviced or that the wider masterplan area won't be impacted by the proposed servicing arrangements, this could impact the quality and uptake of employment spaces and undermine the continued function of the employment location. The proposal is therefore contrary to policies D3, D13, E2, E3, E6, E7, T7 of the London Plan, Policy 14 in the Core Strategy (2011) as well as emerging policies (Site Allocation 9: Willow Way, EC2, EC3, EC6) in the Lewisham Proposed Submission (Regulation 19 Plan).
4. No townscape views have been submitted and the proposal does not demonstrate a context based design that responds to local character, including surrounding heritage assets. Furthermore, the building heights in the masterplan area are excessive and without additional information, officers cannot conclude the proposals would result in high quality design or preserve local heritage assets. The proposal is therefore contrary to policies D3, D6 and HC1 in the London Plan (2021); paragraph 126 in the NPPG and paragraphs 127, 130, 199, 200 and 203 in the NPPF (2021) and; sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
5. The proposal fails to provide a housing mix in line with the requirements of the boroughs Strategic Housing Market Assessment and the applicant has provided no design feasibility or viability justification for this. The proposal would therefore be contrary to policies H4 and H6 in the London Plan (2021), Policy 1 in Lewisham's Core Strategy (2011) and Policy 7 in Lewisham's Development Management Local Plan (2014).
6. The submitted noise, flood risk and ecology reports have missing and conflicting information and therefore officers cannot confirm the proposals meet the requirements of the relevant policies. The proposal is therefore contrary to policies G1, G5 and GG6 of the London Plan (2021) as well as paragraphs 8c, 159, 170, 174 and 185 of the NPPF.

I N F O R M A T I V E S

- A. **Positive and Proactive Statement** : The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application pre-application advice was sought and advice was given regarding the proposal being unacceptable. No discussions took place during the consideration of the application as it was considered that further discussions would be unnecessary for all parties. An informative has been added to the decision offering a meeting to discuss the refusal and next steps for pre-application should the applicant wish to submit a revised scheme.

- B. If the applicant would find it beneficial, officers would be willing to meet to discuss the reasons for refusal and next steps for pre-application engagement should the applicant wish to submit a revised scheme.

Yours sincerely



Emma Talbot
Director of Planning

Statement of Applicant's Rights arising from Refusal of Planning Permission:-

Appeals to the Secretary of State

- If you are aggrieved by the decision of the London Borough of Lewisham to refuse planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate, Room 3/13, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, Tel No. 0303 444 5000, Email: enquiries@pins.gsi.gov.uk or fill in a form online via <https://www.gov.uk/appeal-planning-decision>
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Planning Inspectorate that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Planning Inspectorate.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the London Borough of Lewisham. This notice will require the London Borough of Lewisham to

purchase the owner's interest in the land in accordance with the provisions of Chapter 1 Part VI of the Town and Country Planning Act 1990.