

## Kent Wharf and 24a Creekside Road, Deptford

in the London Borough of Lewisham

planning application no. DC/14/89953

### Strategic planning application stage II referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

### The proposal

Mixed use development at Kent Wharf and 24a Creekside for the construction of three buildings ranging from six to sixteen storeys comprising: 1,375 sq.m. of commercial floorspace; 143 residential units; public and private amenity space; landscaping; refuse stores; 184 cycle parking spaces; three car parking spaces; associated highways work; and plant.

### The applicant

The applicant is **Bellway Homes Ltd (Thames Gateway Division)**, the architect is **Stockwool** and the planning agent is **Savills**.

### Strategic issues

Strategic issues on **employment, housing, affordable housing, urban design, inclusive access, transport, flooding** and **climate change** are relevant to this application.

### The Council's decision

In this instance Lewisham Council has resolved to grant permission.

### Recommendation

That Lewisham Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

### Context

1 On 31 December 2015 the Mayor of London received documents from Lewisham Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 1C of the Schedule to the Order 2008:

1(c) *"the building is more than 30 metres high and is outside the City of London"*.

2 On 4 February 2015 the Mayor considered planning report D&P/3497/01, and subsequently advised Lewisham Council that while the application was broadly supported in

strategic terms, further information was required on the points set out in paragraph 68 of that report.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, further information has been provided in response to the Mayor's concerns (see below). On 30 April 2015 Lewisham Council decided that it was minded to grant planning permission and on 11 May 2015 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Lewisham Council under Article 6 to refuse the application or issue a direction to Lewisham Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 24 May 2015 to notify the Council of his decision and to issue any direction.

4 The decision on this case, and the reasons will be made available on the GLA's website [www.london.gov.uk](http://www.london.gov.uk).

## **Update**

5 At the initial consultation stage, Lewisham Council was advised that the application was broadly supported in strategic terms, however further information was required on the points set out in paragraph 68 of that report.

## **Principle of development**

### Employment

6 As explained at stage 1, Lewisham Council's Site Allocations document sets out that 20% of the proposed floorspace on this site should be employment, whereas the proposals include 13% employment floorspace. While GLA officers considered this to be acceptable in strategic terms, the Council was asked to confirm that this is acceptable in local terms.

7 The Council's committee report states that although the policy target is for 20% employment floorspace, the proposals at Kent Wharf are considered to make a valuable contribution to local employment and would importantly provide affordable workspace, designed to meet the needs of a specific art space provider while allowing flexibility for another arts provider. The Council also consider that to redesign the scheme to provide additional commercial floorspace is likely to adversely impact upon the layout of the scheme and there is no commitment that upper levels of commercial floorspace would be successfully let. The committee report recognises that vacant commercial units offer no economic benefit to an area and can have a significant adverse impact in terms of place making. The report concludes in terms of employment that it is considered reasonable for the applicant to demonstrate that a lower provision of commercial floorspace is appropriate.

### Conclusion

8 GLA officers are satisfied that the Council has thoroughly assessed the issue of the provision of employment floorspace and GLA officers share the Council's view.

## **Housing**

### Dwelling mix

9 The stage 1 report sets out that the proposals include a range of dwelling sizes, including family sized accommodation, however the Council was required to confirm that the dwelling mix is in line with local housing needs. The Committee report responds to this, stating that the inclusion of family sized units is in accordance with Lewisham's Core Strategy. The committee consider that the larger proportion of two bedroom units within the proposals is considered appropriate to the location, given the mixed use of the site with an emphasis on employment provision and also taking account of the location of the site bound by commercial uses.

### Children's playspace

10 While the proposals provide in excess of the Mayor's playspace requirement on site, the application was accompanied by a section 106 obligations calculator, which includes contributions towards open space. At stage 1, the Council was advised to secure any contributions towards these specific open spaces by section 106 agreement. This has been included in the draft heads of terms.

### Affordable housing

11 The proposed affordable housing provision at stage 1 was eighteen units or 13%. Since stage one, this has been increased to 22 units (15%). While this is a relatively low figure, the Council's independent assessment of the applicant's viability appraisal sets out that the offer of 15% affordable housing is reasonable, and that the proposals does not generate a sufficient return or surplus to provide any additional affordable housing. The independent appraisal recommends a review mechanism, which has been incorporated within the heads of terms. This would be triggered if no development commences within eighteen months of the date of the permission.

12 GLA officers are supportive of the increase in affordable housing since stage 1 and, based on the conclusions of the Council's independent appraisal and the inclusion of the review mechanism, are satisfied that the maximum reasonable amount of affordable housing would be achieved.

13 All affordable residential units at stage 1 were proposed as intermediate units, however GLA officers encouraged the applicant to provide a mix of social/affordable rented units as well as intermediate. The tenure of the affordable housing has subsequently been revised to 64% affordable rent and 36% intermediate housing. This is broadly in accordance with the London Plan and is strongly supported.

### Conclusion

14 GLA officers support the increase in affordable housing and the amendment to the proposed tenure. All housing and affordable housing issues from stage 1 have been addressed.

## **Workspace**

### Flexible commercial floorspace

15 The applicant has agreed to provide the commercial/workshop/artists' studios at a rental value below market rent, which is supported and this affordable workspace has been secured in the draft heads of terms. As set out above, the use of the ground floor units has been secured by condition for workshops/artist studios and art gallery space.

16 At stage 1, GLA officers required the affordable commercial units to remain affordable in perpetuity, secured through the section 106 agreement and suggested that should the affordable

commercial units revert to market rates at any point, the affordable housing provision should be reviewed. The affordable workspace has been secured in the draft heads of terms, with conditions restricting the use of these units to workshops/artist studios and art gallery space. The Council has confirmed that the provision of the affordable workspace is critical to the overall acceptability of the development. GLA officers are satisfied that the restrictions imposed would allow the Council to require a reappraisal of the affordable housing should the use be varied in the future.

### Conclusion

17 The issues regarding the flexible commercial floorspace from stage 1 have been addressed and GLA officers welcome the steps taken to secure the affordable workspace.

## **Urban design**

### Layout

18 At stage 1, the applicant was asked to confirm whether the route along Deptford Creek had been agreed with Trinity Laban, or to explain how this could be achieved in the future. GLA officers also considered that the part of the route which falls within the site should be secured by section 106 agreement. The committee report sets out that this route needs to remain as a public benefit and that the site accessibility would be secured by way of a public access and site security management plan, which is secured in the draft heads of terms.

19 The committee report explains that the proposals provide access along the Creek frontage at the Kent Wharf site, with the indicative masterplan proposing that when Sun Wharf is developed in the future, a connection would be made in order to allow continuous Creek access south towards the railway viaduct. The opening up of the Creek frontage, together with the removal of the existing chain-link fence, is supported by both GLA and Council officers. However, as set out in the committee report, with the removal of the fence, this potentially leaves Laban unsecure. It is therefore proposed to construct an enclosure/ gates at the Copperas Walk frontage. The applicant has committed to ensuring these remain open at the same times as Trinity Laban, but would then close at the same time the building closes. After hours access for residents or those in the workshops would be available by key fob. A condition requiring details of site security and the enclosures (to be discussed with Trinity Laban) has been included on the draft planning permission.

20 GLA officers are satisfied that the Council has taken sufficient steps to secure this route while maintaining the security of the site, and are supportive of the discussions with Trinity Laban. GLA officers are also supportive of the aspirations to allow continuous Creek access south in the future.

### Appearance

21 The stage 1 report set out that the appearance of the proposals is well considered, but that critical to the appearance of the building is the quality of detailing. The Council was advised to secure these details by condition. The Council has addressed this through condition eight of the draft planning permission, which requires the submission of details and samples of materials.

### Conclusion

22 All urban design issues from stage 1 have been addressed.

## **Inclusive access**

23 The design and access statement accompanying the application states that all units would meet the sixteen lifetime homes criteria where applicable. At stage 1, the applicant was asked to

provide a schedule confirming that all sixteen criteria have been met for each residential unit. While this schedule has not been received, the applicant has provided a series of plans demonstrating how each of the unit types would be laid out, and condition 40 of the draft planning permission requires each of the dwellings to meet 'Lifetime Homes' standards. This will ensure that all units would meet the 'Lifetime Homes' standards.

24 At stage 1, GLA officers advised that any seating within the communal areas should include seating with arm and back rests for disabled users, which should be secured by condition. The committee report states that the proposed sculptural decking negates the need for traditional street furniture, however further detail of street furniture is required by condition nine of the draft planning permission. The Council should ensure when discharging this conditions that there is an element of inclusive seating in the courtyard area.

### Conclusion

25 The 'Lifetime Homes' query raised at stage 1 has been addressed through condition. The Council should ensure through the detailed design process that the courtyard includes an element of inclusive seating. On balance, the proposals are acceptable in terms of inclusive access.

## **Transport for London's comments**

26 At stage 1, Transport for London acknowledged that the proposed cycle parking is in accordance with the then London Plan minimum standards. However, given the improvements to be made to the local cycle network and the forthcoming introduction of the new higher standards, the applicant was encouraged to consider additional cycle parking provision. While the number of cycle parking spaces has not been amended, as noted in the Council's committee report, the proposed number of spaces was in line with the adopted London Plan standards at the time of submission and, as such, this is acceptable in this instance.

27 In response to stage 1 comments, conditions have been included on the draft planning permission requiring: the provision of an on street car club space; electric vehicle charging points; a parking management plan; a delivery and service plan; and a construction management plan. This is welcomed.

28 While the applicant offered to provide free membership of the car club and driving credit to residents, this has not been included in the s106 heads of terms. The Council should confirm that this will be secured through the Travel Plan if not as a specific part of the section 106 agreement.

29 In line with TfL's revised requests the section 106 heads of terms include a £24,000 contribution towards bus stop improvements and a £35,000 contribution towards the consultation and implementation of a controlled parking zone. They also secure that occupiers of the development would be excluded from obtaining permits for the CPZ.

30 It is welcomed that the riverside route on the frontage of the site has been secured by conditions. When details are submitted TfL would expect this route to be designed and made available to cyclists as well as pedestrians. Negotiations should also continue with the Laban Centre adjoining to enable a continuation of the route between the application site and Creek Road through the Centre's grounds.

### Conclusion

31 While it is disappointing that cycle parking levels have not been increased for these proposals, on balance the issues raised by TfL at stage 1 have been adequately addressed and the proposed development is acceptable in strategic transport terms.

## **Flooding**

### Surface Water Run-off

32 At stage 1, the Council was advised that all surface water, including from ground floor surfaces, should be directed toward the Deptford Creek, possibly with the provision of either pumping or a storage tank to enable discharge during the high tide phase. The committee report explains that the elements of the proposal which would be drained to the public sewer have been limited to those which are physically not possible to drain to the Creek, other than through pumping and this is the EA's preferred method. A condition (condition 12) has been included on the draft planning permission by the Environment Agency, which states that development shall not commence until a surface water drainage scheme for the development has been submitted to and approved by the Council. It sets out that disposal of surface water shall be direct to Deptford Creek and that for those parts of the site where this cannot be achieved, the drainage strategy shall follow the SuDS hierarchy and seek to achieve reductions surface water run-off rate to greenfield rates. GLA officers welcome the inclusion of this condition.

### Conclusion

33 The surface water drainage issue from stage 1 has been addressed through condition.

## **Climate change mitigation**

34 In response to stage 1 comments, the applicant has reviewed the overheating strategy. While this is acceptable, it is recommended that, as the design progresses, the overheating strategy is assessed using dynamic overheating modelling in line with CIBSE Guidance TM52 and TM49.

35 As set out at stage 1, the applicant has provided a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available, and this would also allow the site to connect to a future district heating network in the surrounding area. Officers are supportive of condition 21 of the draft planning permission, which requires details relating to this.

36 It was suggested at stage 1 that the applicant should refine the CHP engine sizing as the design progresses, as the installed capacity appears high relative to the carbon savings claimed. Officers welcome the inclusion of condition 22 of the draft planning permission, which requires details of the proposed CHP system.

37 The applicant is proposing to install a site heat network, supplied from a single energy centre in block C. At stage 1, officers requested that the applicant should confirm that all of the apartments as well as the artists' studios/flexible commercial space would be connected to the site heat network. In response, the applicant has explained that all apartments will be connected to the heat network. For the non-residential units, the applicant has stated that the units will be connected where technically appropriate and that this will be determined when the end use of each unit is finalised. The applicant has confirmed that capped pipes will be delivered to each unit to allow the end user the choice of connection when appropriate and this approach is welcomed.

### Conclusion

38 All climate change mitigation issues from stage 1 have been addressed.

## **Response to consultation**

39 The application was advertised by press and site notice and letters were sent to 641 residents and businesses in the surrounding area, as well as the local amenity societies.

40 Eleven letters of objections were received from local residents. They raised the following concerns:

- **Design:** buildings are two tall; should be a maximum of eight storeys; loss of views; materials are not sympathetic when viewed next to Laban; too close to children's playground; negative impacts on surrounding conservation areas; significantly taller than surroundings and opposite side of the Creek; canyon effect on the Creek.
- **Amenity:** overshadowing of Laban, Ferranti Park, other green spaces and residential areas.
- **Social infrastructure:** capacity of schools, healthcare and drains.
- **Transport:** Congestion; construction traffic; lack of parking; trains are already at capacity.
- **Environmental:** wind tunnelling; impact on drains; more planting and trees are required.
- **Housing:** insufficient levels of affordable housing; no social housing; housing would not be available to local people; proposals are too dense.

41 The amenity groups responded as follows:

- **Crossfields Estate Tenants & Residents Association:** The proposals fail to factor in closer proposed developments; all construction projects should be considered; there is an urgent requirement for a construction traffic masterplan taking all projects into account; the number of HGVs has been underestimated; pollution figures are not accurate; air quality figures do not take cumulative impacts into account; it should be mandatory for the Creekside developments to use Deptford Creek for construction; traffic congestion; no justification for increase in height and the development will not mark the north end of the creative zone; the development does not respect the scale of neighbouring buildings and no consideration is given to low rise housing; the applicant states they only had one adverse comment from local people regarding building heights whereas they had nine; Trinity Laban would be overshadowed; the Creekside road would be overshadowed; Creekside would be canyonised; Creekside becomes a wind tunnel and would become windy, dark and inhospitable; the buildings should be required to be set back from the road; the level of affordable housing is inadequate; parking has been considered in isolation; stress on bus and trains; insurance for creative tenants due to flood risk at ground floor; demands on sewerage, transport, schools etc.;
- **Greenwich Society:** welcomes the redevelopment of the site, in particular the Copperas Path, Creekside Way and inclusion of a masterplan for the wider area; concerns over documents available online; concerns over density, which exceeds London Plan guidance; proposed height at sixteen storeys is far too high for the area; overdevelopment of the site; maximum height should be eight storeys; level of affordable housing is unacceptable and would not lead to a balanced community; lack of family homes; support the ground floor studios, however concerns that these may remain vacant in which case these should become family dwellings; welcome the masterplan, however concerns over the limited amount of amenity space.
- **Greenwich Conservation Group:** welcome the regeneration of the site and the adjacent site in principle; object to high density; object to height of tallest elements which is excessive at sixteen storeys; the height has increased from eight to twelve to sixteen storeys; block D/E should be reduced by one floor to relate better to the smaller scale of development in Creekside as a whole; the tower should be around ten storeys would could help overcome density concerns; too few family dwellings; residents in block A would not have access to the roof of their block for communal outdoor space; concern that the communal outdoor space would only benefit residents of block D/E and not Kent Wharf community as a whole; support proposals for ground floor spaces; broadly support landscaping but have concerns about boundary treatment with Copperas Walk and Laban.

42 Responses were received from Cllrs Dromey and Dacres, both setting out support for housing in this location, however raising concern over noise impact on future residents of blocks D and E from neighbouring company Jones Hire. The responses sought reassurance that the development would go ahead in a way that would not jeopardise the operating of Jones or cause conflict between future residents and the business.

43 An objection was also received on behalf of Jones Hire, setting out the following concerns: noise report in support of the application is deficient as it does not demonstrate how the proposed residential accommodation would be at an acceptable level; application is contrary to the NPPG and Development Plan and should be refused; without redesign and controls there would be issues of statutory nuisance arising from proximity of living space to industrial/distribution use; sound insulation and acoustic ventilation does not present realistic examples of construction to demonstrate actual performance and feasibility of the scheme; noise report only provides a general indication of levels with limited published sound insulation data which is of little relevance to final performance of scheme for several reasons; number of conditions required; all residents must fully informed.

44 A concern was raised by the Creekside Education Trust, that the planning documents did not reference the advice given by the Trust; no reference to Creek Signage or ongoing habitat or ecology roof maintenance; disappointing level of section 106 money for the Trust's ongoing community benefit for the Creek and for their residents.

45 The other statutory consultees responded as follows:

- **Royal Borough of Greenwich (objection):** excessive scale, bulk and height of the proposed development and the detrimental impact it would have on the protected vista from Blackheath Point including St Pauls Cathedral and the towers; sixteen storey part of development would be distinct in the foreground contrary to Royal Greenwich Core Strategy with Details Policies and the Revised Supplementary Planning Guidance, View Management Framework; views of English Heritage and Mayor of London should be sought.
- **Environment Agency:** no objection subject to conditions (secured).
- **English Heritage:** no objection subject to conditions (secured).
- **Thames water:** no objection subject to conditions (secured).

46 The strategic issues raised have been considered in this report and the Stage 1 report. The Council has thoroughly assessed the design and impact of the proposals in the Committee report, including issues of height and overshadowing. The Council has also responded to the concerns raised by statutory consultees, including Stage 1 comments, and appropriately worded conditions, informatives and section 106 obligations have been secured where necessary.

## **Article 7: Direction that the Mayor is to be the local planning authority**

47 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at stage I, therefore there is no sound planning reason for the Mayor to take over this application.

## **Legal considerations**

48 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The

Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

## **Financial considerations**

49 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

50 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

51 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

## **Conclusion**

52 Further information has been provided and revisions made to the proposals which address the outstanding issues that were raised at Stage 1. Having regard to the details of the application, the matters set out in Lewisham Council's committee report, its draft decision notice and the draft section 106 agreement, the scheme is acceptable in strategic terms.

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for further information, contact Planning Decisions Unit:

**Colin Wilson, Senior Manager (Planning Decisions)**

020 7983 4783 email colin.wilson@london.gov.uk

**Justin Carr, Strategic Planning Manager (Development Decisions)**

020 7983 4895 email justin.carr@london.gov.uk

**Katie Walker, Senior Strategic Planner (Case Officer)**

020 7983 4976 email katie.walker@london.gov.uk

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**Kent Wharf and 24a Creekside Road, Deptford**

**in the London Borough of Lewisham**

**planning application no. DC/14/89953**

**Strategic planning application stage 1 referral**

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

**The proposal**

Mixed use development at Kent Wharf and 24a Creekside for the construction of three buildings ranging from six to sixteen storeys comprising: 1,375 sq.m. of commercial floorspace; 143 residential units; public and private amenity space; landscaping; refuse stores; 184 cycle parking spaces; three car parking spaces; associated highways work; and plant.

**The applicant**

The applicant is **Bellway Homes Ltd (Thames Gateway Division)**, the architect is **Stockwool** and the planning agent is **Savills**.

**Strategic issues**

Strategic issues on **housing, affordable housing, urban design, inclusive access, transport, flooding** and **climate change** are relevant to this application.

**Recommendation**

That Lewisham Council be advised that while the application is broadly supported in strategic terms, further information is required on the points set out in paragraph 68 of this report.

**Context**

1 On 31 December 2014 the Mayor of London received documents from Lewisham Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 10 February 2015 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor’s use in deciding what decision to make.

2 The application is referable under Category 1C of the Schedule to the Order 2008:

(c) *“the building is more than 30 metres high and is outside the City of London”.*

3 Once Lewisham Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4 The Mayor of London's statement on this case will be made available on the GLA website [www.london.gov.uk](http://www.london.gov.uk).

## **Site description**

5 The site is 0.4 hectares and is bounded to the north by the open space associated with Trinity Laban. The site is bounded to the west by Creekside, the south by Sun Wharf, in commercial use, beyond which is the national rail line serving Deptford station with links to Greenwich and London Bridge, and to the east by Deptford Creek. The Sue Godfrey Nature Reserve is to the west of the site, on the other side of Creekside.

6 The majority of the site is currently vacant, however 24a Creekside is occupied by a Volkswagen parts and servicing use. The site is within the Deptford Creek/Greenwich Riverside Opportunity Area and is identified in the London Plan as a regeneration area. The surrounding area is a mix of residential and commercial uses. The recent development on Creek Road, to the north of the site, comprises buildings of eight to seventeen storeys with double height commercial units at ground floor and residential units above.

7 The site is part of an area designated in Lewisham's site allocations document as a mixed use employment area, together with the Cockpit Arts and Sun Wharf sites to the south of the proposals. The allocation is for creative industries, offices and workshops with housing. As required by local policy, an indicative masterplan demonstrating how the proposals might fit in with the wider site has been submitted with the proposals. The proposals also fall within the area of the emerging Deptford Creekside SPD for which a scoping report was published in 2012 and which is anticipated to be carried forward later this year.

8 The site lies adjacent to, but not within, the Deptford Creekside Conservation Area and near, but not within, the Strategic Viewing Corridor of Black Heath Point to St Paul's Cathedral.

9 The site is located 100m south of the A200 Creek Road, which forms part of the strategic road network, and around 600m north of the A2 Blackheath Road, which forms part of the Transport for London road network. Deptford national rail station is located around 400m west of the site and Greenwich DLR/national rail station is around 600m from the site, via a footbridge across Deptford Creek. The site currently has a public transport accessibility level (PTAL) ranging from 3- 4 (on a scale of 1 to 6 where 6b is the most accessible), indicating the site has moderate to good accessibility.

## **Details of the proposal**

10 The proposals are for the residential-led redevelopment of the site, comprising three blocks, with artists' studios at ground floor (up to 1,375 sq.m) and up to 143 residential units above.

11 The eastern block (block A) , fronting Deptford Creek, would be seven storeys with the seventh floor set back. The northern block with frontages onto both Copperas Street and Creekside (block B/C) would be part six storey and part sixteen storeys, with the taller element on the corner of this block. The western block, situated on Creekside (block D/E), would be six storeys, with the sixth floor set back.

12 The three blocks would surround a central courtyard, intended for amenity space for residents and work/exhibition and amenity space for the artists' studios. There would also be residential amenity space on the roofs of all of the blocks except for the sixteen storey element.

## Case history

13 The proposed development was subject to a pre-application meeting on 14 October 2014. At this meeting the principle of the development was supported. The applicant was asked to consider the entrances to the buildings to ensure vibrancy and activity in all of the public realm. Further information was also required regarding housing number and mix, density, affordable housing, children's playspace, inclusive access, transport and climate change mitigation.

## Strategic planning issues and relevant policies and guidance

14 The relevant issues and corresponding policies are as follows:

- Housing *London Plan; Housing SPG; Housing Strategy; draft Revised Housing Strategy; Shaping Neighbourhoods: Play and Informal Recreation SPG; Shaping Neighbourhoods: Character and Context, draft SPG*
- Affordable housing *London Plan; Housing SPG; Housing Strategy; draft Revised Housing Strategy*
- Density *London Plan; Housing SPG*
- Urban design *London Plan; Shaping Neighbourhoods: Character and Context, draft SPG; Housing SPG; London Housing Design Guide; Shaping Neighbourhoods: Play and Informal Recreation SPG*
- Mix of uses *London Plan*
- Regeneration *London Plan; the Mayor's Economic Development Strategy*
- Transport
- Parking *London Plan; the Mayor's Transport Strategy*
- Access *London Plan; Accessible London: achieving an inclusive environment SPG; Planning and Access for Disabled People: a good practice guide (ODPM)*
- Culture *London Plan; Mayor's Cultural Strategy*
- Tall buildings/views *London Plan, London View Management Framework SPG*
- Blue Ribbon Network *London Plan*
- Safeguarded wharves *London Plan; London Plan Implementation Report "Safeguarded Wharves on the River Thames"; Safeguarded Wharves review 2011; Safeguarded Wharves Review 2011/2012 – Further Consultation*

15 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is: the **Lewisham Core Strategy (2011)**; **Lewisham Site Allocations Local Plan (2013)**; **Lewisham Town Centre Local Plan (2014)**; Lewisham Development Management Local Plan (2014); and the 2011 London Plan (with 2013 Alterations).

16 The following are also relevant material considerations:

- The National Planning Policy Framework and Technical Guide to the National Planning Policy Framework (2012); and

- Draft Further Alterations to the London Plan, intend to publish version as submitted to the secretary of state (2014).

## Principle of development

### Loss of employment uses

17 The proposed development includes the redevelopment of 24a Creekside, which is currently occupied by Volkswagen, for car parts and servicing. The planning statement sets out that this site is largely vacant, and in the pre-application meeting the applicant explained that Volkswagen has alternative premises to move to. Given that the occupier has arrangements for relocation in place, and as the site is within a regeneration and opportunity area as well as having a local site allocation for redevelopment, the loss of the existing use is acceptable.

18 Lewisham's Site Allocations document also sets out that 20% of the proposed floorspace on this site should be employment. The proposals include 13% employment floorspace. This floorspace will be provided at an affordable rate and has been designed with a specific provider in mind. GLA officers understand that the lease on these units would be ten years, and that the affordable rate would remain in perpetuity. This is acceptable in strategic terms. The Council will, however, need to confirm that this is acceptable in local terms.

### Residential

19 The principle of residential development on this site is supported. Policies 3.3 and 3.4 of the London Plan recognise the need for housing in London and table 3.1 of the London Plan sets an annual target of 1,105 new homes for Lewisham in the period 2011-2021, increased to 1,385 new homes per annum in the Further Alterations to the London Plan (FALP) for the period 2015 – 2025. The proposed 143 units would contribute over 10% of the FALP's annual target for Lewisham and is welcomed.

### Commercial floorspace

20 The proposed flexible commercial floorspace (use classes B1/D1/D2) is appropriate for the site, in line with the site's allocation for creative, office and workshop uses with residential.

21 Overall the principle of a residential-led, mixed-use development is supported on this brownfield site in an opportunity and regeneration area.

### Dwelling mix

22 London Plan Policy 3.8 requires different sizes and types of dwellings to meet different needs. The proposed dwelling mix is as follows:

	Private	Intermediate	Total
1 bedroom	41	4	45 (31%)
2 bedroom	66	13	79 (55%)
3 bedroom	18	1	19 (13%)
Total	125 (87%)	18 (13%)	143

23 The proposals include a range of dwelling sizes, including family sized accommodation, however the Council should confirm that the dwelling mix is in line with local housing needs.

#### Density

24 The site is urban in character and therefore, given the site's PTAL rating of 3, the density guideline set out in table 3.2 of the London Plan is for 45 - 170 units per hectare, or 200 - 450 habitable rooms per hectare. The planning statement sets out that the proposals have a net density of 411 dwellings per hectare, or 1,158 habitable rooms per hectare, based on the calculation in paragraph 1.3.47 of the Mayor's Housing SPG.

25 While the density is higher than the guidance in the London Plan, the site is within an opportunity area and a regeneration area. Given the high quality of the residential accommodation, including the size of the units, their orientation and the provision of amenity space as explained below, the higher density of the proposals is acceptable.

#### Residential standards and quality

26 The quality of the residential accommodation is high. All of the units would meet the space standards set out in the London Plan and the Mayor's Housing SPG, which is welcomed. There is a maximum of eight units per core, however this occurs only on level six of block A. The remainder of block A has six units per core, as does block C. Blocks B and D have only three units per core, which is particularly commended. The low number of units per core would increase a sense of ownership within the communal areas. The scheme includes 75% dual aspect units with no north facing, single aspect units, which is also strongly supported.

#### Children's play space

27 The proposals would generate an anticipated child yield of fifteen children, nine of which would be under five years old. This would generate a requirement for 150 sq.m. of playspace on site in line with the Mayor's 'Shaping neighbourhoods: Play and recreation' SPG, which requires ten sq.m. of playspace per child on site. The proposals include 397 sq.m. of children's playspace across the roof top gardens and Copperas Walk, which is in excess of the requirements. The landscape proposals document sets out that naturalistic areas for play would be provided along Copperas Walk and in the rooftop gardens, intended as informal play areas for the under fives. This approach is supported and the play areas should be secured by condition.

28 The planning statement sets out that local and neighbourhood play for older children would be provided off-site in the play area on the opposite side of Creekside and that the development would benefit from its proximity to the existing open space at the Trinity Laban centre. While the proposals provide in excess of the Mayor's playspace requirement on site, the application has been accompanied by a section 106 obligations calculator, which includes contributions towards open space. The Council should secure any contributions towards these specific open spaces by section 106 agreement.

#### Amenity space

29 The applicant has set out an amenity schedule, demonstrating that there would be 1,445 sq.m. of private amenity space across the development, with each residential unit being provided with a balcony. There would be 749 sq.m. of communal roof terrace space, as well as 927 sq.m. of amenity space in the courtyard. This provision of amenity space is supported and would contribute to the high residential standards of the proposals.

## **Affordable housing**

30 The proposed affordable housing provision is eighteen units or 13%. While this is a relatively low figure, the planning statement explains that increased affordable housing on the site would render the scheme unviable, given the site constraints and the significant provision of affordable commercial units. A viability assessment is required to demonstrate that the maximum reasonable amount of affordable housing has been provided, in line with Policies 3.11 and 3.12. The viability assessment will need to be independently verified by the Council or an appointed consultant, and supplied to the GLA prior to the stage II referral, together with a copy of the Council's independent report. GLA officers will expect the independent assessment to scrutinise the development finances to understand the financial constraints inputted into the toolkit and how this has impacted on affordable housing provision. If the assessment demonstrates that the scheme can afford to deliver a greater amount of affordable housing, any additional affordable housing should be provided on site, in line with London Plan Policy 3.12C.

31 The affordable commercial units should remain affordable in perpetuity, secured through the section 106 agreement and should the affordable commercial units revert to market rates at any point, the affordable housing provision should be reviewed.

32 London Plan policy sets out that affordable housing should be provided at a ratio of 60:40 social rent to intermediate housing, whereas proposals show that all of the affordable units would be intermediate units. The planning statement sets out that the mix of units has been designed with regard to the local need for units of this tenure, however the applicant is encouraged to provide a mix of social/affordable rented units as well as intermediate. Should the Council consider that the provision of intermediate units is acceptable, this should be confirmed and fully justified by demonstrating that this is in line with local needs in the committee report.

## **Flexible commercial floorspace**

33 The planning statement sets out that the commercial floorspace is intended to be used for artists' studios, which is supported in line with London Plan Policy 4.6, which seeks to support and enhance arts and culture uses. While the intended provider for the flexible commercial floorspace is Second Floor Studios, the planning statement sets out that as yet the commercial terms have not been agreed and therefore the permission should allow for a different provider. While this is acceptable, the applicant is encouraged to continue to work with a specific provider for the workspace to ensure that it meets the needs of future occupiers. GLA officers understand that the intended lease for the commercial units would be ten years.

34 The applicant has agreed to provide the commercial/workshop/artists' studios at a rental value below market rent, which is supported and should be secured in section 106 agreement. Any impact that this has on affordable housing should be factored into the viability appraisal, detailed above.

## **Urban design**

### Layout

35 The application is accompanied by an indicative masterplan for the wider site, incorporating Sun Wharf and Cockpit Arts. The proposals have, therefore, been informed by a range of options of how adjacent sites could come forward and this would ensure the site would not prejudice future development.

36 As set out at pre-application stage, the layout of the scheme is generally well thought out. Once a provider for the workspace has been secured, the Council is encouraged to request information on the how the artists' studios would work, for example whether privacy screens will be used, to ensure that the site's surroundings, particularly Creek Road, would feel active and well used.

37 At pre-application stage, officers were concerned that activity would be largely focused on the central courtyard due to the position of the entrances to the studios. The applicant has responded positively to these concerns by redesigning the layout of the buildings, locating a gallery/reception area in block A, accessed from Copperas Walk, which would add to levels of activity and overlooking on Copperas Walk. The applicant has also increased the number of entrances to the artists' studios in block D and provided a more prominent corner entrance to block B.

38 Officers raised concerns at pre-application stage that the entrance to block A would be hidden from Copperas Walk. The applicant has sought to address this by removing the link between blocks C and A so that the entrance is more visible and clearly identifiable, reinforced by the gallery entrance, which is welcomed.

39 The continuation of the route along Deptford Creek was discussed at pre-application stage, which would potentially extend to the Trinity Laban site. The applicant should confirm whether this route has been agreed with Trinity Laban, or how this could be achieved in the future. The part of the route which falls within the site should be secured by section 106 agreement.

#### Height and massing

40 The site is also close to strategic viewing corridor 6A.1, Black Heath Point to St Paul's Cathedral. This viewing corridor is position to the south of Sun Wharf. The overall height of the proposals, stepping down to six and seven storeys on either side of the sixteen storey tower, would ensure that the proposals would not impact on this viewing corridor. Similarly, the indicative masterplan for the wider site has also been designed to ensure that there would not be an adverse impact on the viewing corridor. However, any proposals for the wider site would be assessed on their own merits at application stage.

41 The site is adjacent to, but not within, the Deptford Creek Conservation Area. The existing derelict buildings and garages on site would be demolished, replaced with a high quality, well designed proposal which would not have an adverse impact on the Conservation Area, and the proposals would be in keeping with the existing and emerging context of the surrounding area.

42 As stated at pre-application stage, the sixteen storey building is in the right place within the development and is slender with few units per core, ensuring a low dependency on external management and security and a high proportion of dual aspect units, which is welcomed. The general massing of the proposals is simple and elegant as demonstrated in the submitted drawings and presents no strategic concerns.

#### Appearance

43 The appearance of the proposals is well considered and officers welcome the use of brick as the primary material. Critical to the appearance of the building is the quality of detailing. The Council should secure these details by condition, and the applicant is strongly encouraged to secure the same architect to construction stage.

## **Inclusive access**

44 London Plan Policy 3.8 is concerned with housing choice. The design and access statement states that all units would meet the sixteen lifetime homes criteria where applicable. The applicant should provide a schedule confirming that all sixteen criteria have been met for each residential unit. The design and access statement confirms that thirteen of the proposed units would be wheelchair accessible, with a further fifteen units provided as easily adaptable for wheelchair units. This is in excess of requirements and is supported. The location of the wheelchair accessible units has been set out in the design and access statement.

45 The design and access statement sets out that the majority of artists' studios would have level access, with lifts and stairs leading to upper levels. Level access would also be provided to all communal amenity spaces, which is welcomed. Any seating within the communal areas should include seating with arm and back rests for disabled users, which should be secured by condition.

46 The proposed development would be car free apart from three blue badge spaces which would be provided in the internal courtyard. The applicant has submitted a car parking management plan as requested at pre-application stage which states how the blue badge spaces would be managed and that, should additional disabled parking demand be identified at Kent Wharf, the Developer would investigate the potential to dedicate further bays on-street.

47 The proposals include improved public realm adjacent to Deptford Creek. As requested at pre-application stage, the applicant should provide details of how this path would be accessible to disabled users.

## **Transport for London's comments**

### Car and cycle parking

48 The proposed cycle parking is in accordance with the London Plan minimum standards. Given the improvements to be made to the local cycle network, the applicant is encouraged to consider additional cycle parking provision.

49 TfL welcomes the proposal for a car free development, bar the blue badge spaces which would have electric vehicle charging points. These, together with the proposed car club space, should be secured through condition and the associated initial free membership of the car club for occupiers should be secured through the section 106 agreement.

50 To support the car free nature of the scheme, TfL recommends that funding for a controlled parking zone is secured within the section 106 agreement. This agreement should also include provisions whereby residents and other occupiers of the development, except Blue Badge holders, are exempt from acquiring CPZ permits.

### Public realm and access

51 A discussed, clarification is required on whether the adjoining Laban Centre has agreed to the continuation of the proposed route along Deptford Creek, which would then link the site with Creek Road. The part of this route that falls within the site should be secured by condition or section 106 agreement.

52 TfL requests £32,000 for bus shelters to improve the bus stops which will serve the development.

## Servicing and Construction

53 The provision of a deliveries and service management plan is welcomed and should be secured by way of condition. The construction management plan should be similarly secured.

## Travel Plans

54 TfL welcomes the submission of travel plans, which should be secured, enforced, monitored and reviewed as part of the section 106 agreement.

## **Flooding**

### Surface Water Run-off

55 The proposals include the provision of some areas of green roof and the discharge of roof water to the adjacent Deptford Creek. These aspects are in line with London Plan Policy 5.13. The flood risk assessment states that other ground floor surfaces will be connected to the local combined sewer. The surface water from these areas, however, should also be directed toward the Deptford Creek, possibly with the provision of either pumping or a storage tank to enable discharge during the high tide phase. This would enable the proposals to comply with London Plan Policy 5.13.

## **Climate change**

56 A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include mechanical ventilation with heat recovery. The demand for cooling would be minimised through solar control glazing, overhangs and cross ventilation. The applicant has stated a commitment to ensuring that the dwellings are not at risk of overheating, however the Part L compliance checklists provided suggest a medium risk for some of the dwellings. Further passive measures should be considered in line with London Plan Policy 5.9 to avoid the risk of overheating now and in future climate. Dynamic overheating modelling in line with CIBSE Guidance TM52 and TM49 is recommended.

57 The development is estimated to achieve a reduction of 16 tonnes per annum (8%) in regulated CO<sub>2</sub> emissions compared to a 2013 Building Regulations compliant development.

58 The applicant has identified that the SELCHP proposed district heating network is within the vicinity of the development and has contacted SELCHP to assess opportunities for connection. The correspondence suggests that the site is currently too far and too small to make extension of the network viable at this stage. The applicant has, however, provided a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available. This will also allow the site to connect to a future district heating network in the surrounding area.

59 The applicant is proposing to install a site heat network, supplied from a single energy centre in block C. The applicant should confirm that all of the apartments as well as the artists' studios/flexible commercial space would be connected to the site heat network.

60 The applicant is proposing to install a CHP unit as the lead heat source for the site heat network. The CHP is sized to provide the domestic hot water load, as well as a proportion of the

space heating. A reduction in regulated CO<sub>2</sub> emissions of 42 tonnes per annum would be achieved through this second part of the energy hierarchy. The intention is to use most of the electricity generated by the CHP for communal uses on site, exporting any excess to the grid. The applicant should refine the CHP engine sizing as the design progresses as the installed capacity appears high relative to the carbon savings claimed.

61 The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install photo voltaics on the roofs of the buildings. A plan showing the proposed installation has been provided. A reduction in regulated CO<sub>2</sub> emissions of 17 tonnes per annum would be achieved through this third element of the energy hierarchy.

62 A reduction of 75 tonnes of CO<sub>2</sub> per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected, equivalent to an overall saving of 35%.

63 Overall, the proposed development would achieve 35% CO<sub>2</sub> savings compared to a 2013 building regulations compliant development, which would meet the target in Policy 5.2 of the London Plan and this is supported. The applicant should, however, address the above comments and demonstrate that the proposals would still achieve 35% carbon savings once these have been taken into account.

### **Community Infrastructure Levy**

64 Mayoral CIL will be payable at a rate of £35 per sq.m. (see Community Infrastructure Levy Charging Schedule – Mayor of London, February 2012). Lewisham will introduce its own Borough CIL later this year.

### **Local planning authority's position**

65 The Council's position is currently unknown.

### **Legal considerations**

66 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

### **Financial considerations**

67 There are no financial considerations at this stage.

### **Conclusion**

68 The application is broadly acceptable in strategic terms, however further discussion is required on the points below before it can be confirmed that the application complies with the London Plan:

- **Commercial floorspace:** the applicant is encouraged to continue working with a specific provider; the Council should confirm that 13% employment floorspace is acceptable.
- **Housing:** the residential quality of the proposals is high; the Council should confirm that the proposed housing mix is in line with local needs; playspaces should be secured by condition; any necessary contributions to open space generated by the development should be secured by section 106 agreement.
- **Affordable housing:** and workspace; a copy of the viability assessment will need to be independently verified by the Council or an appointed consultant, and supplied to the GLA prior to the stage II referral, together with a copy of the Council's independent report; the applicant should provide some social rented accommodation; the affordable workspace/artists' studios should be secured in perpetuity by section 106 agreement.
- **Urban design:** Overall the design of the proposals is supported; the Council should secure high quality detailing of the proposals.
- **Inclusive access:** the applicant should explain how the Creekside path would be fully inclusive; the Council should secure seating with arm and back rests; the applicant should confirm that each residential unit meets all sixteen lifetime homes criteria.
- **Transport:** the applicant is encouraged to provide a higher level of cycle parking; electric vehicle charging points and car club membership should be secured by condition; TfL recommends that a contribution towards a controlled parking zone is secured through the section 106 agreement; TfL requests a £32,000 contribution towards bus shelters; the delivery and servicing plan and the construction logistics plan should be secured by condition; the travel plan should be secured, enforced and monitored through the section 106 agreement.
- **Flooding:** all surface water run off should be directed towards Deptford Creek.
- **Climate change:** further passive measures should be considered to avoid the risk of overheating; all of the apartments as well as the artists' studios/flexible commercial space should be connected to the site heat network; the applicant should refine the CHP engine sizing.

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for further information, contact the GLA planning unit (Development & Projects team):

**Colin Wilson, Senior Manager – Development & Projects**

020 7983 4783 email [colin.wilson@london.gov.uk](mailto:colin.wilson@london.gov.uk)

**Justin Carr, Strategic Planning Manager (Development Decisions)**

020 7983 4895 email [justin.carr@london.gov.uk](mailto:justin.carr@london.gov.uk)

**Katie Walker, Senior Strategic Planner (Case Officer)**

020 7983 4976 email [katie.walker@london.gov.uk](mailto:katie.walker@london.gov.uk)

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