

# VIP Trading Estate and VIP Industrial Estate, Charlton

## Appeal

## Statement of Case by the Mayor of London

### (Local Planning Authority)

<b>Applicant:</b>	Leopard Guernsey Anchor Propco Ltd
<b>At:</b>	VIP Trading Estate and VIP Industrial Estate, Anchor and Hope Lane, Charlton, SE7 7TE
<b>Local Planning Authority:</b>	The Mayor of London (the Mayor/the GLA)
<b>London Borough:</b>	Royal Borough of Greenwich (RBG)
<b>Council reference:</b>	16/4008/F
<b>GLA reference:</b>	GLA/3800
<b>PINS reference:</b>	APP/G6100/W/19/3233585
<b>Date:</b>	17 September 2019

## **CONTENTS**

- 1. The proposal**
- 2. Role of the Mayor of London**
- 3. Appeal site and surroundings**
- 4. Planning history and context**
- 5. The Development Plan**
- 6. Case for the Mayor**
- 7. Conclusion**
- 8. Documents to which reference may be made**

## 1. **The proposal**

- 1.1 The proposed development is as set out in the Application documents and the Representation Hearing Report, namely *“Demolition of existing buildings and erection of 11 buildings ranging from 2 to 10 storeys in height for Class C3 residential use (771 units), with flexible uses comprising Class B1 (Business), Class A1- A3 (Retail / Restaurant), Class D1 (Community) and Class D2 (Leisure) at ground floor and first floor level, alterations to existing vehicular access and creation of new pedestrian access from Anchor and Hope Lane and the riverside, creation of new areas of open space and landscaping together with the provision of associated car parking, cycle spaces, refuse and recycling storage, plant and all other associated works.”*.

## 2. **Role of the Mayor of London**

- 2.1 The Greater London Authority Act 1999 (as amended) (1999 Act) sets out the regional government arrangements in London. The statutory powers of the Greater London Authority (GLA) came into force on 3 July 2000 following elections for the Mayor and the London Assembly.
- 2.2 The power and functions of the Mayor and Assembly were amended through the Greater London Authority Act 2007 (2007 Act) and the procedures relating to this are set out in the Town and Country Planning (Mayor of London) Order 2008 (2008 Order) which replaced the Town and Country Planning (Mayor of London) Order 2000.
- 2.3 The 1999 Act sets out the roles of the Mayor and the London Assembly. It gives the Mayor the power to undertake any action calculated to further the ‘Principal Purposes’ of the Authority. These are:
- Promoting economic development and wealth creation in Greater London;
  - Promoting social development in Greater London; and
  - Promoting the improvement of the environment in Greater London.
- 2.4 In undertaking any action the Mayor is required to have regard to the health of persons in Greater London and the promotion of sustainable development in the United Kingdom.
- 2.5 The Mayor is also responsible for ensuring that the strategic planning interests of London as a whole are taken into account in the policies and decisions of central and local government and of relevant bodies – both within London, and in surrounding areas where these could have significant impact on the planning and development of the capital.
- 2.6 The 1999 Act sets out the detailed arrangements for strategic planning in London, in particular in relation to the London Plan and the Mayor’s role in decisions on planning applications of strategic importance.

- 2.7 In respect of plan-making, the Mayor is required to publish a spatial development strategy and keep it under review. The spatial development strategy is known as the London Plan. The 1999 Act stipulates that that the London Plan should only deal with things of strategic importance to Greater London, taking account of the ‘Principal Purposes’ of the Greater London Authority, as set out above.
- 2.8 In this regard, the provision of new business, retail and leisure uses relate to the first Principal Purpose, ‘promoting economic development and wealth creation in Greater London’. The provision of affordable housing and community uses relates to the second Principal Purpose, ‘promoting social development in Greater London’.
- 2.9 The 1999 Act gives the Mayor planning responsibilities and powers including in relation to planning applications which raise issues of strategic importance and which are contrary to the spatial development strategy (the London Plan) or good strategic planning in London, introducing a power to direct refusal of such applications. The 2007 Act has introduced a provision that allows the Mayor to ‘take over’ certain applications and issue a direction that he is to act as the Local Planning Authority for the purposes of determining the application.
- 2.10 The definition of the applications that must be notified to the Mayor is set out in the 2008 Order and comprises four main groups of developments proposals:
- Part 1: Large scale development;
  - Part 2: Major infrastructure;
  - Part 3: Development which may affect strategic policies; and
  - Part 4: Development on which the Mayor must be consulted by virtue of a direction of the Secretary of State.
- 2.11 These categories are designed to encapsulate developments, which through their size, location or nature, are most likely to be of strategic planning importance and relevant to the implementation of the London Plan.
- 2.12 The 2008 Order defines applications of strategic importance. The application was referred to the Mayor under Categories 1A, 1B and 1C(c) of the Order:
- “Category 1A: Development which comprises or includes the provision of more than 150 houses, flats or houses and flats;*
  - Category 1B(c): Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises the erection of a building or buildings outside Central London and with a total floorspace of more than 15,000 square metres;*
  - Category 1C(c): Development which comprises or includes the erection of a*

*building that is 30 metres high and is outside the City of London”*

- 2.13 In accordance with article 4 of the 2008 Order, RBG consulted the Mayor on the Application on 11 January 2017. As set out below, the Mayor provided initial representations on 20 February 2017 advising RBG and the Applicant that, whilst the principle of the development was supported in strategic planning terms, he concluded that the Application did not fully comply with the London Plan.
- 2.14 RBG planning committee resolved to refuse planning permission for the Application, against officer recommendation, on 9 July 2018 and, as required by article 5 of the 2008 Order, RBG formally referred it to the Mayor on 31 July 2018. After carefully considering the proposal, the Mayor, under article 7 of the 2008 order, directed that he would act as the Local Planning Authority for the purpose of determining the application.
- 2.15 On 29 January 2019, the Mayor resolved to refuse planning permission, against officer recommendation.
- 2.16 This statement of case is submitted by the Mayor and sets out the case that GLA officers will be making on his behalf in relation to the Appeal.

### **3. Appeal site and surroundings**

- 3.1 The Mayor will primarily rely on the documentation submitted by the Appellant with its appeal documentation and statement of case, and the Representation Hearing Report in respect of the description of the Application site and surroundings.

### **4. Planning history and context**

- 4.1 The Mayor will primarily rely on the documentation submitted with the application and, in respect of Planning History, upon the Representation Hearing report. It is anticipated that a description of the relevant planning history at the Appeal site will be agreed as part of a statement of common ground. However, the Mayor considers that regard should be had to the following matters of context.

#### **Current Application**

##### Pre-application stage

- 4.2 The Applicant initiated the GLA’s formal pre-planning application advice process in respect of the proposed scheme in 2015, with pre-application meetings held with the Applicant team on 15 October 2015 and 19 November 2016.
- 4.3 The advice provided by the GLA at the first meeting in October, and formally issued on 3 December 2015, was that the proposed development could be supported subject to further consideration of the Council’s emerging masterplan for the Opportunity Area to enable a proper assessment of the proposals within the changing land use and

urban design context. GLA officers strongly recommended that the applicant engaged with the Council to ensure that the proposals were developed in a cohesive manner.

- 4.4 Following the second pre-application meeting on 19 November 2016, an advice report was issued on 28 November 2016, which stated that the proposals have evolved positively but that further engagement was sought regarding the affordable housing offer, the transport strategy for the area and the site's energy strategy. The note also referenced that a standalone transport pre-application advice note was issued by TfL on 16 September 2016.

#### Mayor of London consultation (Stage 1)

- 4.5 RBG formally consulted the Mayor on the Application on 11 January 2017 and the Mayor considered a report on the Application on 20 February 2017. The Mayor's Stage 1 response advised that, whilst the principle of development was supported in strategic planning terms, it did not yet comply with the London Plan and required RBG to refer the Application back to the Mayor once it resolved to determine it.
- 4.6 With regard to the employment floorspace, the Stage 1 report noted, however, that the proposals would result in the loss of employment floorspace and that further information was required on the relocation strategy and on the employment densities to demonstrate the development's contribution towards job growth in the area. Further, it stated that opportunities to enhance the employment floorspace should be explored and that the applicant should seek to provide a greater range of spaces to accommodate various commercial uses and sizes, including affordable workspace.
- 4.7 GLA officers were generally supportive of the layout of the development within the Stage 1 report. Concern was raised regarding the overall quantum of development on Plot A, including the massing and height of building AES, as well as requiring further justification for the 28-storey building on Plot B, due to it being significantly taller than the local and wider context.
- 4.8 The Stage 1 report concluded that the affordable housing offer of 16% by habitable room was not acceptable and that the GLA would robustly interrogate the viability with the Council and the applicant to ensure that the maximum amount of affordable housing was delivered.

#### Post Stage 1

- 4.9 The Stage 1 report was issued on 20 February 2017. In December 2017 the applicant submitted revisions to Greenwich Council, reducing the number of residential units from 975 to 771, in addition to removing the 28-storey tower and other amendments to building heights, massing and layout across the site. A further set of revisions were subsequently submitted in February 2018 comprising a reduction in height of Building H on Plot A to three storeys, and an increase in height of Buildings C, E and F by one storey, amendments to address overlooking and privacy between buildings, minor changes to the residential mix and an increased affordable housing offer.

4.10 Following a deferral on 17 April 2018 to enable Members to visit the site, the RBC Planning Board resolved to refuse planning permission for the development on 9 July 2018, against the officer recommendation. On 31 July 2018, RBC advised the Mayor of this decision, citing the following reasons for refusal:

- i. Due to the excessive height of the buildings, together with their massing and design, the proposed development would result in the overdevelopment of the site and would fail to adhere to the vision for the redevelopment of the area set out in the Charlton Riverside SPD 2017. As such the proposal is contrary to policies 3.4, 3.5, 7.4, 7.6 and 7.7 of the London Plan (2016) and policies H5, DH1 and DH2 of the Royal Greenwich Core Strategy with detailed Policies (2014) and the guidance set out in the Charlton Riverside SPD 2017.*
- ii. The proposed proportion of family sized housing falls below that envisaged by the Charlton Riverside SPD 2017 and the application fails to demonstrate that the amount of family sized housing within the development has been maximised. The proposal is therefore contrary to policy H5 of the Royal Greenwich Core Strategy with detailed Policies (2014) and policy 3.8 of the London Plan (2016).*
- iii. The proposed development would fail to provide a safe and convenient vehicular access to the adjacent business premises at Imex House and, in the absence of a satisfactory scheme of soundproofing to Imex House, would introduce noise sensitive uses to the site with the potential to create conflict between the existing business and future occupants of the development. The proposed development is therefore contrary to policies DH1 and E(a) of the Royal Greenwich Core Strategy with detailed Policies (2014) and policies 7.6 and 7.15 of the London Plan 2016.*
- iv. The proposed development would result in the loss of existing employment floorspace and fails to make appropriate replacement employment floorspace provision which meets the needs of and which is affordable to small and medium sized businesses in the area. The proposal is therefore contrary to policy EA1 of the Royal Greenwich Core Strategy with detailed Policies (2014) and the guidance provided by the Charlton Riverside SPD 2017 (in particular section 5.4).*
- v. Due to the height of the proposed buildings and their proximity to existing residential properties the proposed development would result in an unacceptable reduction in daylight and overshadowing of external amenity spaces to properties in Atlas Gardens and Anchor and Hope Lane as well as a loss of privacy to properties in Derrick Gardens, Atlas Gardens and Anchor and Hope Lane through overlooking. In addition the proposal fails to provide adequate levels of internal daylight and sunlight to the proposed residential units within the development. As such the proposal would adversely affect the amenity of neighbouring occupiers and would provide a poor quality living environment for future occupants of the development contrary to policy 7.6 of the London Plan (2016) and policies DH(b) and H5 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies July 2014.*

### Mayor of London decision (Stage 2)

- 4.11 On 13 August 2018, the Mayor directed RBG that he would act as the Local Planning Authority for the purposes of determining the application, for the reasons set out in the Direction and accompanying Stage 2 Report. In accordance with Article 7 of the 2008 Order he considered that;
- i) the development would have a significant impact on the implementation of the London Plan; and
  - ii) there are sound planning reasons for his intervention.
- 4.12 In making his Direction, the Mayor noted that there were outstanding matters that needed to be resolved, including issues relating to affordable housing, urban design, climate change and transport.

### Mayor of London as Local Planning Authority (Stage 3)

- 4.13 Following the Mayor's Direction, the Applicant made amendments to the scheme, which were subject to public consultation between 3 December 2018 and 14 January 2019. These amendments are set out in detail in the Representation Hearing Report, but, in summary, comprised: a reduction in height of building G by two storeys; a reduction of Building J by two storeys; an increase in height of buildings D, E and F by one storey; increase in commercial floorspace; relocated car park entrance; and altered the residential unit mix.
- 4.14 On 25 January 2019, the Mayor undertook an accompanied site visit with GLA and TfL officers, representatives from the Council and the Applicant team.
- 4.15 On 29 January 2019, a public Representation Hearing was held at City Hall for the Mayor to consider the planning application and hear from third parties opposed and in favour of the scheme, as well as from RBG. At the Representation Hearing, the Mayor resolved to refuse planning permission for the development, against the recommendation of GLA officers. On 4 February 2019, the Mayor issued the detailed reasons for refusal as follows:
1. *The proposal does not constitute development of the highest quality as required by policy. Its poor design, layout and massing, gives rise to an overly constrained residential environment and to an inadequate and compromised public realm. The proposal would therefore not comprise sustainable development and would be contrary to the NPPF, London Plan (2016) Policies 3.5, 7.1, 7.4, 7.5, 7.6 and 7.7, draft London Plan Policies D1, D4, D6 and D7, Greenwich Local Plan Policies H5, DH1 and DH2 and the Charlton Riverside SPD (2017).*

2. *The proposal fails to ensure a satisfactory relationship with the retained commercial building at Imex House. It fails to provide a safe and convenient access to the business. It introduces noise sensitive uses to the site without providing demonstrably appropriate, sufficient or deliverable mitigation measures contrary to the Agent of Change principles thus threatening the sustainability of this local business. The development would not constitute sustainable development and is contrary to the NPPF, London Plan (2016) Policy 7.15, draft London Plan Policies GG5, D12 and D13, the Mayor's Culture & Night-time Economy SPG (2017) and the Charlton Riverside SPD (2017).*
  3. *The proposal fails to provide any floorspace suitable for the relocation of existing established local businesses on the site and fails to provide a suitable and robust mechanism to secure suitable alternative premises for these existing occupiers. The development would not constitute sustainable development and would be contrary to the NPPF, London Plan (2016) Policies 4.4, draft London Plan Policies GG5, E4 and E7, and the Charlton Riverside SPD (2017).*
  4. *The proposal, in the absence of a S106 agreement to secure affordable housing and other obligations, would fail to provide the maximum reasonable level of affordable housing or adequately mitigate the other harmful impacts of the development, contrary to London Plan (2016) Policies 3.12, 3.18, 5.2, 6.2 and 8.2, draft London Plan Policies H6, S1, E2, S12, T3 and DF1, Greenwich Local Plan Policies H3, EA(c), E1 and IM1, the Mayor's Affordable Housing & Viability SPG and the Charlton Riverside SPD (2017).*
- 4.16 The decision notice, including the above reasons, was issued on 13 February 2019. It remains the Mayor's view that although he recognises the benefits of the scheme, particularly in terms of housing delivery, the quality of the scheme, which would be the first major development in the Opportunity Area, is not sufficiently high to allow him to grant planning permission for it.
- 4.17 Since the Mayor's resolution to refuse the application, GLA officers have engaged in discussions with the Appellant to ascertain whether any of the reasons for refusal could be resolved in advance of the public inquiry.

### Appeal

- 4.18 On 19 July 2019, an email was received from the Planning Inspectorate, confirming that an appeal had been received and, as per the notification on 24 July 2019, this would be heard at an inquiry.

## 5. **The Development Plan**

- 5.1 Planning applications must be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise (S.38(6) Planning and Compulsory Purchase Act 2004).

- 5.2 The Development Plan currently in force for the area comprises Greenwich Core Strategy with Detailed Policies Development Plan Document (2014), which collectively form the Greenwich Local Plan (and referred to accordingly hereafter), and the London Plan (2016). Paragraph 47 of the National Planning Policy Framework (NPPF) reiterates that statutory planning law requires that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.3 There are several emerging policy documents of relevance to the scheme. These are the Draft London Plan – Consolidated Suggested Changes Version July 2019 and the Council’s draft Site Allocations Preferred Approach (Regulation 18), August 2019 version. These do not form part of the development plan but are material considerations in the determination of the appeal.

## **6. Case for the Mayor**

### **The scheme fails to comply with the Development Plan**

#### **Development Plan Policy Summary**

##### The London Plan

- 6.1 The London Plan is the overall strategic plan for London, bringing together the spatial aspects of the Mayor’s other strategies. Below is what the Mayor of London considers to be the key policies relevant to this application. An extensive list of relevant policies is contained within the Representation Hearing Report.
- 6.2 London Plan Policy 3.5 states that, at a strategic level, “housing developments should be of the highest quality internally and externally and in relation to their context and the wider environment...to protect and enhance London’s residential environment and attractiveness as a place to live”. With regard to decisions, the policy states that all new housing developments should enhance the quality of local places, taking into account physical context; local character; density; tenure and land use mix; and in relationships with, and provision of, public communal and open spaces.
- 6.3 London Plan Policy 7.1 seeks to ensure that developments improve people’s access to social, economic and environmental infrastructure and create opportunities for diversity, inclusion and cohesion, whilst London Plan Policy 7.4 states that developments should have regard to the form, function and structure of an area as well as the scale, massing and orientation of surrounding buildings.
- 6.4 Policy 7.5 provides guidance on ensuring that public realm is secure, accessible, inclusive and connected. Policy 7.6 seeks developments of the highest quality architecture, whilst Policy 7.7 states that tall buildings should not have an unacceptably harmful impact on their surroundings.
- 6.5 London Plan Policy 7.15 provides guidance on how developments can reduce and

manage noise to improve health and quality of life.

- 6.6 London Plan Policy 4.4 seeks to adopt a rigorous approach to managing industrial land to ensure that a sufficient stock of land and premises is maintained to meet future needs.
- 6.7 London Plan Policy 3.3 sets out London's housing need as equating to an annual average of 42,000 net additional homes across London. Table 3.1 sets RBC's annual monitoring target at 2,685 homes. Policy 3.4 seeks to ensure that development optimises housing output and sets out a series of guidance density ranges.
- 6.8 London Plan Policy 3.12 states that "the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed-use schemes", having regard to a number of criteria. The policy is clear that affordable housing should normally be provided on-site, except in exceptional cases.
- 6.9 Annex 1 of the London Plan identifies Charlton Riverside as an Opportunity Area, with the potential to accommodate a minimum of 3,500 new homes and 1,000 new jobs. London Plan Policy 2.13 seeks to optimise residential and non-residential outputs in Opportunity Areas and provide necessary social and other infrastructure to sustain and enable growth. London Plan Policy 4.1 aims to promote and develop London's economy, whilst London Plan Policy 4.3 provides guidance on mixed-use development and offices and London Plan Policy 3.17 protects and enhances social infrastructure.

#### Local Plan Policy

- 6.10 RBG Local Plan forms the local element of the Development Plan and the key policies relevant to this application are set out below; this is not exhaustive, and a more detailed list is set out in the Representation Hearing Report.
- 6.11 Local Plan Policy EA2 states that Charlton Riverside is a Strategic Development Location and will include a new mixed-use urban quarter, which maximises land uses, whilst maintaining employment levels on the waterfront. It also notes that an SPD has been prepared for the area.
- 6.12 As set out in Policy EA1, the Council will support the expansion of existing businesses and increased employment opportunities, including at Charlton Riverside where it is planned to intensify existing employment land.
- 6.13 Local Plan Policy H5 provides guidance on housing design, stating that new development will be expected to be of a high quality and integrate into its environment. Local Plan Policy DH1 provides guidance on design generally, noting that all schemes should have regard to the existing and proposed urban context. Policy DH2 discusses Tall Buildings, defined as those buildings that are noticeably taller than their surroundings, have a significant impact on the skyline or larger than 30 metres, the threshold for referral to the Mayor in this location. Charlton Riverside is listed as an appropriate location for tall buildings.

- 6.14 Local Plan Policy H3 provides guidance on affordable housing, setting a local target of at least 35%, with the precise level determined through viability testing.

### **Other material considerations**

#### National Planning Policy Framework (NPPF)

- 6.15 National planning guidance is a material consideration in the determination of the appeal. The Mayor considers that the development proposals do not comply with national planning policy for the principal reasons set out in this statement. As such his resolution to refuse planning permission is consistent with and supported by the application of national planning policy.
- 6.16 The NPPF was first introduced by the Department of Communities and Local Government in March 2012, later amended in July 2018 and most recently in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. The chapters of particular relevance to this application are:
- 5. Delivering a sufficient supply of homes;
  - 6. Building a strong, competitive economy;
  - 7. Ensuring the vitality of town centres;
  - 8. Promoting healthy and safe communities;
  - 9. Promoting sustainable transport;
  - 11. Making effective use of land;
  - 12. Achieving well-designed places; and
  - 16. Conserving and enhancing the historic environment.

#### The Draft London Plan – Consolidated Suggested Changes Version July 2019.

- 6.17 The Draft London Plan has been subject to Examination in Public between January and May 2019. Following completion of the Examination in Public (EIP), the Mayor published his Draft London Plan – Consolidated Suggested Changes Version July 2019. It is a relevant material consideration and should be taken into account on the basis explained in the NPPF (paragraph 48).
- 6.18 It should be noted that the planning inspectors' panel report is expected in September. The Panel's written report will set out its findings in relation to the EIP matters and may include recommendations relating to the content of the draft London Plan published in December 2017 or associated matters. The Panel will take account of the written statements, the discussions at the EIP, and any changes to the draft Plan suggested by the Mayor. The Mayor may not publish the London Plan until after he has received the Panel report. The London Plan to be published by the Mayor may be in the form of the December 2017 draft or as modified to take account of the representations made about it, any direction by the Secretary of State, the Panel report, or any other material considerations.

- 6.19 It should also be noted that the Representation Hearing report and decision notice cite the Minor Suggested Changes Version of the draft London Plan, published in August 2018. The Consolidated Suggested Changes Version was published in July 2019. A number of policies have been amended in the Consolidated Suggested Changes Version (2019). Where relevant, these are discussed below.
- 6.20 The first chapter of the draft London Plan promotes Good Growth: draft London Plan Policy GG2 seeks to create successful, sustainable mixed-use places that make the best use of land, particularly in Opportunity Areas; and draft Policy GG5 seeks to enhance London's global economic competitiveness.
- 6.21 Draft Policy SD1 identifies Charlton Riverside as an Opportunity Area and seeks to ensure these areas realise their growth and regeneration potential. The draft Plan proposes to increase the minimum homes target for the Opportunity Area to 8,000 (from 3,500 in the adopted London Plan). Draft London Plan Policies E4 and E7 are also relevant with regard to industrial land, its maintenance and its redevelopment and co-location.
- 6.22 Chapter 3 of the draft London Plan provides guidance on design. Draft London Plan Policy D1 provides guidance on understanding an area's form, character and capacity for growth. Draft London Plan Policy D1B states that developments should optimise site capacity through a design-led approach; this policy was introduced in the July 2019 draft and replaces and supersedes draft Policy D6, which was referred to in the first reason for refusal and has now been deleted. In addition, draft Policy D1A has been introduced, which states that densities of schemes should consider, and be linked to, infrastructure and be proportioned to the site's connectivity and accessibility.
- 6.23 Draft London Plan Policy D2 requires all schemes to deliver good design, whilst draft Policy D4 states that housing development should be of the highest quality. Draft policy D8 provides guidance on tall buildings and Policy D7 seeks to create well designed, safe, accessible, inclusive, well-connected public realm that is connected to the local and historic context. In recognition of the proximity of working wharfs and active industrial and employment sites, including retained strategic industrial land, draft London Plan Policy D12 and D13 are also relevant.
- 6.24 Policy H1 identifies a need for an additional 66,000 additional homes in London per year and sets a new ten year housing delivery target for Greenwich of 32,040 homes (it should be noted that the annualised housing target for each borough has been deleted from the Plan to enable Councils the flexibility to deliver on the ten-year target in accordance with the national housing delivery test).
- 6.25 A complete list of all the relevant draft policies is set out in the Representation Hearing Report.

### Charlton Riverside Supplementary Planning Document (2017)

- 6.26 The Charlton Riverside SPD (2017) establishes a vision to substantially increase housing and employment delivery in the area and provides a set of development principles to achieve the regeneration of the area. Key objectives include the delivery of up to 7,500 new homes, in low to medium rise development, of which 50% should be family housing and 35% affordable housing, in addition to an extra 4,400 jobs over and above existing employment levels. The SPD identifies the central portion of the masterplan area, of which the application site is part of, as having the greatest development potential with it being envisaged that much of the existing commercial activity will be either replaced by mixed use or more intensive forms of commercial or industrial activity.
- 6.27 The SPD notes that development proposals will need to provide suitable alternative employment space on site, not only to replace existing job numbers/business but also to create opportunities for new employment and business development. In addition, paragraph 5.4 notes that developments are expected to maintain or re-provide the equivalent employment floorspace within Classes B1 and B2 and increase job densities, with existing creative industries to be retained.
- 6.28 It also identifies a new primary Neighbourhood Centre focussed on the southern stretch of Anchor and Hope Lane, and around the provision of a mix of retail, food and drink, commercial, leisure and community provision, as well as some employment space, that provides for the day-to-day needs of residents, employees and visitors to Charlton Riverside.

### Draft Site Allocations Preferred Approach

- 6.29 The Council's draft Site Allocations Preferred Approach is also a relevant consideration and aims to provide additional detail on specific sites that will deliver the Local Plan's priorities. The document was published for Regulation 18 consultation on 16 August 2019, running until 7 October 2019.
- 6.30 The site lies within the CR2 Charlton Riverside allocation, where it is proposed to create a mixed-use development, including flexible workspace/studios/light industrial, residential, education, healthcare, community facilities, ancillary retail/leisure uses, public open space and new east-west road with Bus Rapid Transit (BRT) provision. The allocation also notes that developments are expected to re-provide, as a minimum, the equivalent amount of B-class use floorspace that is appropriate for local demand. It goes on to state that, where existing businesses will be displaced by developments, there is the expectation that these will be subject to relocation support from applicants, prior to commencement of developments.

### Other Supplementary Planning Guidance/Documents, Strategies and other documents

- 6.31 A comprehensive list of supplementary planning documents/guidance, strategies and

other relevant documents is set out in the Representation Hearing Report. Those of particular relevance to this proposal are referred to in more detail below.

- 6.32 The Mayor published his Affordable Housing & Viability SPG in August 2017 which, amongst other things, confirms the circumstances where viability information is expected to accompany planning applications and provides clarity over the use of viability review mechanisms. The SPG must be read in conjunction with the decision in *R v McCarthy & Stone*.
- 6.33 The Mayor published his Culture & Night Time Economy SPG in November 2017. Whilst generally geared towards the protection of music venues, it does include specific guidance around the Agent of Change principle.

## **Assessment**

### **Principle of development**

- 6.34 The brownfield site is located in the Charlton Riverside Opportunity Area and is allocated for mixed-use redevelopment. The development would provide affordable housing, which is a strategic priority set out in the London Plan. As such, the principle of the land uses, namely housing-led, mixed-use redevelopment, is in line with national, strategic, and local policy.
- 6.35 The Mayor recognises London's housing crisis and has a range of programmes designed to tackle this and enhance the provision of housing, and affordable housing, throughout the capital. Greenwich Council has fallen short of the aggregated London Plan and Local Plan annual monitoring targets for housing delivery over the 2014 – 2017 period, as set out within the Mayor's Stage 2 report. It was also noted within that report that, should delivery continue at the same pace, the borough would also fall short of the draft London Plan targets.
- 6.36 It is, however, acknowledged that the Council's 2017-2018 Annual Monitoring Report suggests that the borough has a deliverable five-year land supply, meaning the RBC's housing policies remain up to date.
- 6.37 The delivery of 771 homes is recognised as a benefit of the development; however, the Mayor is clear that he is not seeking to provide housing at any cost. In this regard, the Mayor recognises the strategic benefits that the redevelopment of the site could bring; however, he notes the need for Good Growth, that exhibits exemplar design quality and includes local people in the decision-making process. Further, the NPPF is clear that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. The Mayor therefore considered that the scheme was not of a quality that should warrant the approval of planning permission notwithstanding its benefits and recommended that the applicant reconsider its proposals for the site.

### Employment land

- 6.38 The development fails to provide any floorspace suitable for the relocation of existing, established local businesses or a suitable mechanism to secure alternative premises for these occupiers. The London Plan, Local Plan and draft London Plan are clear that industrial land should be managed to maintain a sufficient stock of land and premises to meet the future needs of different types of industrial uses. The SPD states that development proposals will be considered against various factors, including how existing buildings can be suitably accommodated. The Mayor recognises that this site does not lend itself well to the provision of replacement industrial floorspace. Plot A backs onto existing residential uses, whilst Plot B is identified in the SPD as forming part of the new neighbourhood centre, where retail and office/workspace uses would be more appropriate.
- 6.39 However, without a robust strategy for the relocation and re-provision of the existing businesses, the Mayor considers that the scheme fails to comply with London Plan Policy 4.4, draft London Plan Policies GG5, E4 and E7 as well as the Charlton Riverside SPD. Furthermore, it is noted that the draft Site Allocations document explicitly references the need to aide existing businesses that are not proposed to be, or cannot be, retained on site to find alternative premises. The Appellant has not made sufficient commitments to aiding existing tenants to find alternative premises, which is contrary to the SPD and risks undermining London Plan and draft London Plan policies with regard to safeguarding the needs of London's economy.

### **Agent of Change and access for Imex House**

- 6.40 The Mayor also considers that the scheme has not adequately ensured a satisfactory relationship with the adjacent Imex house, a recording studio, as the development will introduce noise sensitive residential uses into the site without providing demonstrably appropriate, sufficient or deliverable mitigation measures between the retained Imex house and the residential units. The development therefore fails to comply with the Agent of Change principle, set out in the NPPF and the draft London Plan.
- 6.41 The Charlton Riverside SPD notes that many land uses in Charlton are more 'mixable' than other industrial sites in London, but is also clear that proposals will be considered against the compatibility of the existing land uses with the proposed land uses. In this regard, the proposals fail to comply with the NPPF, London Plan Policy 7.15, draft London Plan Policies GG5, D12 and D13 as well as the Charlton Riverside SPD.

### **Design**

- 6.42 The development is not considered to represent the highest quality of design, as required by London Plan Policy 7.6, Local Plan Policy H5 and DH1 as well as draft London Plan Policy D4. The scheme is comprised of 11 buildings, arranged broadly linearly, which result in a constrained residential environment and compromised public realm.

- 6.43 The current scheme has reduced the height of some of the buildings on the appeal site, while increasing the height of others from the original submission. Buildings G and H, which lie to the immediate east of Atlas Gardens, range from 2 – 6 storeys. Buildings D, E and F, which lie on the eastern side of the site, rise from 7-9 storeys; buildings A, B and C are all 10 storeys; and on the southern plot, buildings J rises to 7 storeys, whilst K, L, M, N and O are all 10 storeys. The scheme, therefore, features limited variation in terms of its overall height with the resultant effect of a relatively uniform massing. When viewed from Atlas Gardens, building G appears overbearing. The uniform and monolithic massing approach also has a detrimental impact on the quality of the spaces between the buildings, both public and private, in terms of light penetration and enclosure. This is particularly evident on Plot A which should have a more low-rise residential character in line with the objectives of the SPD, which sets a maximum building height of 4-5 storeys in this area. The impact on residential quality is further exacerbated by the amount of single aspect units within buildings on Plot A. As such, at present, the scheme does not comply with London Plan Policies 7.4, 7.6 and 7.1, Local Plan Policies H5, DH1 and DH2 and draft London Plan Policy D1, D2, D4, D1a, D1b, D7 and D8, or the Charlton Riverside Masterplan SPD. Furthermore, London Plan Policy 3.5 states that the design of new housing developments should enhance the quality of local places, taking into account, inter alia, physical context, local character, density and open spaces.
- 6.44 The access to Imex House, which lies to the north of the site, is via the central ‘play street’, therefore further limiting the usability, security and safety of this public realm, which is contrary to London Plan 7.5 and draft London Plan Policy D7. Further, without sufficient mitigation for Imex House, the residential units adjacent to the studio may not benefit from high quality indoor spaces, which fails to comply with London Plan Policy 7.6
- 6.45 The Charlton Riverside Masterplan SPD was developed in consultation with key stakeholders, including local residents and landowners. In addition to formal consultation carried out in February-March 2017, a number of pre-consultation events were held over the summer of 2016. These identified a number of key themes, including building heights and density. The SPD is a material consideration and the only piece of detailed planning guidance for the area. It was shaped through engagement with local people, in line with the objectives of the NPPF, London Plan Policy 7.1(G) and draft London Plan Policy D2.

### **Legal agreement**

- 6.46 The absence of a S106 agreement to secure affordable housing and other obligations means that the scheme fails to provide the maximum reasonable level of affordable housing or adequately mitigate the other harmful impacts of the development, which is contrary to London Plan Policies 3.12, 3.18, 5.2, 6.2 and 8.2, draft London Plan Policies H6, S1, E2, S12, T3 and DF1, Greenwich Local Plan Policies H3, EA(c), E1 and IM1, the Mayor’s Affordable Housing & Viability SPG and the Charlton Riverside SPD.

- 6.47 GLA officers will engage with the Appellant and RBG with a view to having an agreed S106 agreement in place in time for the Inquiry, to address this reason for refusal.

### **Balance of considerations and assessment conclusion**

- 6.48 The site is underutilised, brownfield and lies within the Charlton Riverside Opportunity Area, where the regeneration and the intensification of residential and non-residential uses are encouraged and promoted; however, on balance, it is considered that the poor design of the proposals, unsatisfactory relationship with the adjacent Imex House and lack of a relocation strategy for existing occupiers render the proposed development contrary to the Development Plan. Furthermore, it is not considered that the proposed development represents Good Growth, as set out in the draft London Plan or sustainable development as set out in the NPPF.
- 6.49 The Mayor acknowledges that Section 38(6) of the Planning Act (2004) requires that planning applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Whilst the principle of the development broadly complies with the Development Plan, the scheme does not accord with the Development Plan as a whole and the adverse impacts of the scheme outweigh its benefits.
- 6.50 Furthermore, the Mayor considers that the Charlton Riverside SPD is a material consideration in the determination of this appeal. The Charlton Riverside SPD was consulted on with the local community and sets a clear expectation in terms of design. Therefore, it is considered that even if the scheme were found to comply with the Development Plan as a whole, the SPD remains a relevant material consideration which would justify refusal of planning permission in this case.

### **S106 agreement and conditions**

- 6.51 Prior to the Mayor's resolution to refuse planning permission, drafting of the S106 agreement between the GLA, the Appellant and RBG was at a relatively advanced stage. The GLA has continued to engage with the Appellant and RBG on the drafting with a view to having an agreed draft in time for the Inquiry, without prejudice to the Mayor's case.

## **7. Conclusion**

- 7.1 As set out above, the Mayor considered all relevant matters when he took his decision to refuse planning permission for the Application, in particular the need to balance the economic, environmental and social impacts of the proposal.
- 7.2 The Mayor's decision is consistent with relevant national policy and he remains of the view that the Application does not comply with the statutory Development Plan when considered as a whole. The Mayor called this application in to subject it to further scrutiny. He acknowledges London's housing need and wants to deliver housing, but unfortunately this scheme was not of a high enough quality when fully considered.

The Mayor acknowledges the benefits of the scheme but these are outweighed by the disbenefits, particularly the design, and the Mayor notes that the NPPF makes it clear that “good design is indivisible from good planning”.

7.3 As such the appeal should be dismissed and planning permission refused.

## **8. Documents to which reference may be made**

8.1 The Mayor reserves his right to add to or otherwise amend this list.

- The London Plan (2016)
- The Draft London Plan – Consolidated Suggested Changes Version (July 2019)
- The Mayor’s Transport Strategy (2018)
- The Mayor’s Affordable Housing & Viability SPG (August 2017)
- RBG Local Plan (2014)
- Charlton Riverside SPD (2017)
- Draft Site Allocations Preferred Approach document (2019)
- National Planning Policy Framework (2019)
- The Application documents
- Documents referred to in the Rule 6 statements of parties to the Inquiry and other relevant sources of information or documents that arise as a result of the production of third parties’ or the Applicant’s statements of case, proofs of evidence and rebuttal proofs etc.

These documents will be made available to members of the public to read at the GLA offices at City Hall, The Queen’s Walk, LONDON SE1 2AA, and on the City Hall website: [www.london.gov.uk](http://www.london.gov.uk)