

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015,
ARTICLE 37**

**APPEAL BY LEOPARD GUERNSEY ANCHOR PROPCO LTD AGAINST THE REFUSAL BY THE MAYOR OF
LONDON OF AN APPLICATION FOR PLANNING PERMISSION AT VIP TRADING ESTATE AND VIP INDUSTRIAL
ESTATE, LONDON BOROUGH OF GREENWICH**

APPELLANT'S STATEMENT OF CASE

1 INTRODUCTION AND CONTEXT

- 1.1 This Statement of Case (SoC) is submitted on behalf of Leopard Guernsey Anchor Propco Ltd ("the Appellant") and it sets out a written statement of the Appellant's case for why the appeal should be allowed and planning permission should be granted to enable the site to be redeveloped. It has been prepared in support of a planning appeal made by the Appellant under section 78 of the Town and Country Planning Act 1990 (as amended) and in accordance with the relevant legislative provisions, including the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Planning Inspectorate's Procedural Guidance for Planning Appeals in England (26 September 2018).
- 1.2 The appeal is submitted in response to the refusal by the Mayor of London of an application submitted to the Royal Borough of Greenwich ("RBG") on 6 December 2016, and allocated reference 16/4008/F. It relates to two linked sites: VIP Trading Estate and VIP Industrial Estate at Charlton Riverside (see the site location plan at **Core Document 2.1**). RBG's Planning Committee resolved to refuse the application on 9 July 2018. The Mayor, having issued a Direction under Article 7 of the Town and Country Planning (Mayor of London) Order 2008 that he would act as planning authority for this application, refused permission on 13 February 2019 following a hearing on 29 January 2019. In both instances, the decision was made contrary to officer recommendations.
- 1.3 The application sought permission for:
- "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."***
- 1.4 As part of this appeal submission the Appellant reserves its right to comment on changes of policy, as the Greater London Authority is in the process of revising its adopted policies, which may be given further weight as this appeal progresses.

- 1.5 This Statement should be read in conjunction with the application drawings and reports which accompany this appeal submission. These are set out in the List of Core Documents.
- 1.6 The Proposal is 'EIA development' under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (the Regulations) and the application was accompanied by an environmental statement (ES). Since the submission of the Application, clarification documents have been submitted, as well as an amended ES (**Amended ES: Core Documents 1.5-1.11**). The Amended ES was 'further information' under the EIA Regulations, and was processed as required by the EIA Regulations.

2 SITE AND SURROUNDINGS

- 2.1 The appeal site currently comprises poor quality low rise industrial buildings forming the VIP Trading Estate and the VIP Industrial Estate.

The appeal site

- 2.2 The appeal site is in need of regeneration. It is located within the wider Charlton Riverside, a predominantly industrial area stretching between Woolwich to the east and Greenwich Peninsula to the west, which is designated by the London Plan for significant residential growth and regeneration.
- 2.3 The site comprises two parcels of land referred to as 'Plot A' and 'Plot B', together extending to a total area of 2.53 hectares.
- 2.4 Plot A is the northern-most plot. It is bounded by commercial/industrial units to the north, east and south and residential properties at Atlas Gardens and Derrick Gardens and Anchor and Hope Lane to the west. Plot A currently comprises three large buildings of approximately three storeys in height with surrounding hardstanding. A number of businesses occupy the site and operate across a variety of Use Classes (B2, B8 and Sui Generis).
- 2.5 Plot B is bound by Atlas Gardens to the north; commercial/industrial units to the south and east; and Anchor and Hope Lane to the west. Plot B comprises a single building circa two storeys in height with surrounding hardstanding that is currently occupied by a van hire company (Sui Generis).
- 2.6 There is limited vegetation on site, indicative of its industrial use. There are 16 mature London Plan trees within the western boundary of the site which are subject to Tree Protection Orders (ref. TPO253). A small number of semi-mature and mature London Plane trees are also present at the site's south eastern boundary.
- 2.7 Currently, the only access to the site is via a single lane private road off Anchor and Hope Lane, which also serves adjacent industrial businesses to the east.
- 2.8 The site is approximately 350m from Charlton Station, with frequent services to Central London, including Cannon Street (24 minutes), Charing Cross (30-34 minutes) and London Bridge (17-20 minutes). Bus services run along Anchor and Hope Lane and provide regular access to North Greenwich, Woolwich and beyond. Woolwich Station will soon be served by Crossrail with 12 trains per hour to central London. There is also an aspiration to provide a new River Bus pier at Charlton Riverside. Plot A, being further from the station and bus routes, has a PTAL of 2-3. Plot B has a PTAL of 4. Overall, the site has a PTAL rating of 3 and there is an expectation that this will be increased in future as the wider area is redeveloped.

- 2.9 The site is not located within a conservation area and does not contain any listed buildings or structures, or any nationally designated heritage assets. It does lie adjacent to the Charlton Riverside Conservation Area, which was designated as such in March 2018 (see **Core Document 6.3**) for a map of the Conservation Area). This encompasses Atlas and Derrick Gardens as well as the riverside area north of Lombard Trading Estate. There are no listed buildings in the vicinity.

3 SITE HISTORY

Planning history

- 3.1 There are no consents on the site that are directly relevant to this appeal.

Consideration of the application

- 3.2 The proposals have been the subject of extensive consultation with officers at RB Greenwich and the GLA as well as with local business and residents. The following summarises the various stages of consultation with RB Greenwich and the GLA.

- December 2015: pre-application advice provided by the GLA.
- June 2016: proposals were considered by the RB Greenwich Design Review Panel (DRP).
- November 2016: further pre-application advice from GLA officers.
- February 2017: following submission of the application in January 2017, the GLA issued a Stage 1 report on the application.
- February 2018: further consideration by the RB Greenwich DRP.
- July 2018: Officers at RB Greenwich published their report to the Planning Committee, which considered the application on 9 July 2018, refusing the application against officer advice.
- August 2018: GLA officers publish their Stage 2 report.
- January 2019: GLA officers publish their Stage 3 report ahead of consideration by the Mayor.

- 3.3 GLA officers, in their Stage 3 report, recommended that the Mayor approve the application. The eight reasons given for this are set out at paragraph 3 of the Stage 3 report and summarised below.

- i. The site lies within an Opportunity Area and the local policy framework supports the redevelopment of the site for housing and employment purposes. The report states: *“The principle of a residential led, mixed use development is strongly supported by both strategic and local planning policy.”* The design and proposed conditions and obligations would *“ensure the successful co-location of the development with surrounding land uses.”*
- ii. The scheme would provide 771 residential units, 292 of which would be affordable (at 40% by habitable room, 38% by unit). The housing would be high quality and the mix would respond to local need. *“Overall, the scheme would make a significant contribution to housing delivery targets for Greenwich.”*
- iii. The design, massing, landscaping, public routes and spaces were all considered to be high-quality. Less than substantial harm to setting of the Charlton Riverside Conservation Area was identified, but officers considered this to be outweighed by the other scheme benefits, notably housing delivery (including affordable housing), community facilities, the contribution toward new infrastructure, public realm and ecological enhancements.

- iv. The principles of inclusive access were considered to be “embedded” within the proposed development.
- v. The development would achieve a high standard of sustainable design and construction.
- vi. There would be an acceptable impact on neighbourhood amenity. Officers reported that, *“No neighbouring residential properties would experience unacceptable reductions to their daylight and sunlight. The proposals would not unacceptably reduce privacy to neighbouring residential properties and issues of noise and disturbance to adjacent premises would be adequately mitigated through planning conditions.”*
- vii. The proposed amount of car parking was acceptable.
- viii. Appropriate planning conditions and obligations were proposed that would mitigate the environmental impacts and ensure the development would be acceptable in planning terms.

3.4 For these reasons, officers concluded as follows:

“Taking the development plan as a whole, it is considered that the proposals accord overall with the development plan and it is not considered that there are any material considerations indicating that the proposal should be refused, notwithstanding its overall compliance with the development plan.”¹

The evolution of the appeal scheme

3.5 The proposal has been the subject of review and iteration and they have evolved as a result of engagement and guidance provided by officers at RBG and the GLA. The table below compares the key aspects of the originally submitted scheme and that ultimately considered and refused by the Mayor on 13 February 2019:

¹ GLA Stage 3 report, paragraph 365

Table 1: Evolution of the appeal scheme

Scheme aspect	Original submission (January 2017)	Final scheme (January 2019)
Units	975 (143 affordable – 14.6%)	771 (292 affordable – 37.8%)
Number of buildings and heights	9 buildings, 2 – 28 storeys	11 buildings, 2 – 10 storeys
Employment floorspace (B1) (GIA)	1,560 sqm	3,097 sqm
Commercial floorspace (A1-A5) (GIA)	690 sqm	149 sqm
Community floorspace (D1/D2) (GIA)	407 sqm	834 sqm (D1 and D2)

- 3.6 The most significant change has been to the building heights and the overall number of units. The original design included 975 residential units in nine buildings across the two plots, including a 28-storey tower at the southern end of Plot B and three 16-storey towers on Plot A. This height profile was reduced to a maximum of 10 storeys to satisfy the Council’s aspirations in relation to the Charlton Riverside Masterplan.. The collaborative design process allowed both RBG and GLA officers to support the proposals in their reports to the Planning Committee and the Mayor.
- 3.7 The remainder of this section expands on the evolution of the scheme.
- 3.8 On 19 November 2015 the applicant held a pre-application meeting with the GLA. The GLA strongly recommended further consultation with RBG and raised potential issues of building height, density and providing an appropriate mix of uses.
- 3.9 The first pre-application meeting with RBG was held on 19 January 2016. A scheme comprising buildings up to 28 storeys was discussed, with RBG recommending that the height of the buildings be significantly reduced, and the density lowered. The next pre-application meeting was held on 2 June 2016 at which the applicant sought to justify the height and density of the scheme with more detailed designs. Proposals for tall buildings were scaled back to a maximum of 21 storeys. RBG commented that they were still concerned about the height of the buildings and the density being above London Plan standards. Three further pre-application meetings were held with RBG on 11 August, 15 September and 20 October 2016 from which the proposals were further revised, including changes to siting, massing and layout.
- 3.10 A final pre-application meeting was held with the GLA on 19 November 2016. The report concluded that, *“Overall, the applicant has responded positively to the feedback provided on the subsequent versions of the scheme and as a result GLA officers are generally supportive of the design progress made to date.”* This support was caveated with advice that further reductions to massing should be made on certain blocks and that further consultation should be sought.
- 3.11 The application was submitted on 9 December 2016 and proposed:

“Demolition of existing buildings and erection of 9 buildings ranging from 2 to 28 storeys in height for Class C3 residential use, with Class B1 employment space and flexible uses comprising Class A1 (retail), Class A3 (Café/ Restaurant), Class D1 (Community Use) and Class D2 (Leisure) at ground floor and first floor level, alterations to existing vehicular access and creation of new pedestrian access from Hope and Anchor Lane and the riverside, creation of new areas of open space and landscaping together with the provision of associated car parking, cycle space, refuse and recycling storage, plant and all other associated works.”

3.12 Officers at RBG recognised the regeneration status of the area but expressed concern that the proposals conflicted with the emerging SPD for Charlton Riverside. The SPD was adopted in June 2017 and, after several meetings with officers and RBG members, the scheme was amended to reduce the height to no more than 10 storeys and increase the amount of non-residential floorspace. The number of residential units was reduced to 771.

3.13 These proposals were presented to the Charlton Stakeholder Forum on 29 November 2017 and formally submitted as revised proposals on 22 December 2017. The description of development was revised to the following:

“Demolition of existing buildings and erection of 11 buildings ranging from 2 to 10 storeys in height for Class C3 residential use, 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.”

3.14 Following this, the design was reviewed by CABE on 15 January 2018. Their comments led to further revisions including reducing the height of the buildings adjacent to Atlas and Derrick Gardens and increasing the heights of others, with the result that the number of units remained at 771. There followed a public exhibition of the proposals on 2/3 March 2018.

3.15 Further design changes arose following comments by TfL regarding the required width of the East-West route, for which 20 metres had been allowed, whereas TfL required 24 metres. This was accommodated by amending the design to Buildings J and MN, in April 2018.

3.16 RBG’s Planning Board considered a recommendation to approve the application on 17 April 2018 but deferred their decision. The proposals were again considered on 9 July 2018, again with a recommendation to approve. RBG officers set out their view at paragraphs 2.2 – 2.12 of their report, stating:

“The principle of mixed use development is in accordance with the relevant development plan policies and the vision set out in the Charlton Riverside Masterplan SPD.

The proposed replacement employment space is considered to be of a high quality and has the potential to increase the numbers of jobs on the site compared with the existing industrial uses. Appropriate provision is made through S106 clauses to address the

relocation of existing businesses and to ensure that the proposed employment space meets the needs of small and medium sized enterprises and start-ups. Appropriate provision is also made in terms of floorspace for community uses.

The proposal will provide 770 new homes of which 25% would be affordable. The mix of affordable units meets the policy requirement of providing a 70/30 split between social rented and intermediate units. The proposed level of affordable housing has been viability tested and is considered the maximum reasonable amount of affordable housing that can be delivered on the site.

The proportion of family units in the scheme is lower than that envisaged by the Charlton Riverside masterplan SPD as only 17% of units would be of family size. However, this is considered acceptable having regard to the likely impact that an increased level of family housing would have on the overall viability of the scheme.

Some units within the scheme would not achieve the recommended levels for internal daylight and sunlight. However, the provision of amenity space and play facilities exceeds the recommended standards. Overall the standard of amenity for future occupants is considered acceptable.

Parts of the scheme exceed the building heights envisaged by the Charlton Riverside Masterplan SPD however the revised scheme has addressed the relationship between the proposed development and adjacent buildings and it is considered that taller buildings can be supported in the less sensitive parts of the site. The architectural design is of a high quality and the scheme would bring about improvements to the townscape compared with the existing site conditions.

The overall density of the scheme also exceeds the recommended density levels set out in the London Plan and the SPD but is considered acceptable having regard to the site's location within an Opportunity Area and the need to bring forward regeneration.

An assessment of the impact of the scheme upon the significance of heritage assets concludes that any harm to the character and appearance of the recently designated conservation area and its setting and would be less than substantial and that the impacts upon locally listed buildings would not be such as to harm their significance.

Satisfactory standards of residential amenity would be maintained for neighbouring occupiers having regard to the assessment of impacts upon privacy, daylight / sunlight and wind conditions.

Subject to conditions in relation to noise the potential for conflict between the proposed residential use and the nearby safeguarded wharves will be minimised. S106 clauses will be secured to address noise impacts from adjacent commercial uses.

The proposed level of parking is considered appropriate having regard to the current level of public transport accessibility and a range of measures will be secured by condition / S106 to address the transport impacts of the development."

3.17 Despite this recommendation, the Planning Board resolved to refuse the application, should the Mayor of London not call the application in for his own determination. He did so on 13 August 2018. In his letter notifying RBG of his decision as well as the accompanying report, the Mayor explained that the main reasons for calling-in the application related to the site's potential for delivering housing (including affordable housing) in the context of a local authority that was under-delivering versus its targets. The Mayor stated at paragraph 28 of his Stage 2 report:

“As noted, Greenwich Council’s recent delivery of housing and affordable housing is below the minimum targets and the proposed development has the potential to make a substantial and positive contribution to the strategic housing and affordable housing targets of the London Plan by optimising the use of an accessible and underutilised site, thereby helping to address recent under-delivery both in the Borough and strategically. Furthermore, the Council’s targets for completions and approvals are expected to increase under the draft London Plan.”

3.18 He went on to state in his letter:

“I must also have regard to targets identified in development plans. As set out in the attached report, I recognise that Greenwich Council has taken a positive approach to approving new homes in the borough during the last three years, and is currently performing well in securing planning approvals for additional housing and affordable housing relative to its annual targets. Notwithstanding this, I note that the proportion of affordable housing secured relative to overall housing consented during this period is significantly below the Greenwich Local Plan 35% target and represents a significant undersupply of affordable housing in the pipeline.

In my view the proposed development has potential to make an important contribution to housing and affordable housing supply in response to London Plan policies 3.3 and 3.11 and draft London Plan Policies H1 and H5. Having regard to the above, and noting the potential contribution of the proposed development, I wish to fully consider this case as the local planning authority.”

3.19 There followed a series of design changes as a result of detailed discussions with GLA officers. These are set out at paragraph 20 of the GLA Stage 3 report and were as follows:

- Reduction in height of Building G by two storeys and introduction of a set-back to create a part three, part four-storey building.
- Reduction in height of Building J by two storeys (to five storeys).
- Increase in height of Building D by one storey (to ten storeys).
- Increase in height of Buildings E and F by one storey to part eight, part nine and part ten storeys.
- Increase in the quantum of flexible commercial floorspace from 3,201 sqm to 3,250 sqm (GEA), 3,068 sqm to 3,097 sqm (GIA).
- Reduction in the number of car parking spaces by two and an increase in cycle parking from 1,323 to 1,400 spaces.

- Alteration to the residential mix to increase the number of one and two bedroom units (by two and five units respectively) and reduce the number of three and four bedroom units (by one and two units respectively).

3.20 The viability of the proposal was also re-appraised, in particular with regard to the availability of grant funding. Assuming that this grant funding would be available the affordable element was increased to 292 units (of 771): equivalent to 38% of the total number of units and 40% of the habitable rooms. Without grant funding the revised scheme was considered likely to be able to provide 35% affordable housing (by unit).

3.21 As a result of these changes, GLA officers were able to recommend approval of the application to the Mayor. In doing so they noted (at paragraph 3) that:

- the principle of redevelopment was acceptable given the Opportunity Area designation and the local policy framework, including the Charlton Riverside SPD;
- the proposal would provide much needed housing and a significant quantum of flexible employment floorspace;
- the design and mitigation measures to be secured by planning condition would ensure successful co-location with surrounding uses;
- the housing proposed would be of a high quality, would make a significant contribution toward housing delivery targets in Greenwich and the mix would respond to local need;
- the proposed level of affordable housing would comply with the policy target set out in the Draft London Plan and meet the requirements of the Mayor's Affordable Housing and Viability SPG, being the maximum amount the scheme could reasonably bear;
- the design and layout was well-considered and achieved a high quality of place-making;
- the massing responded to the site characteristics and the existing and emerging context;
- less than substantial harm would result to the setting of the Charlton Riverside Conservation Area;
- the proposal would provide ecological enhancements and significant public realm improvements;
- the proposal would contribute toward the provision of important infrastructure, including an east-west route through the area (as sought by the SPD);
- the proposal has the principles of inclusive access embedded in its design;
- a high standard of sustainable design and construction would be achieved; and
- the proposal would have an acceptable impact on neighbourhood amenity with no unacceptable reductions in neighbours' daylight and sunlight. Privacy and issues of noise and disturbance would be addressed via conditions.

3.22 Despite this recommendation, the Mayor refused the application at a hearing on 29 January 2019. His reasons were subsequently set out in the decision notice dated 13 February 2019:

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 and 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 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 PLANNING POLICY

4.1 Relevant development plan documents comprise:

- the London Plan (2016);
- RB Greenwich Local Plan, comprising the Core Strategy with Detailed Policies and Site Allocations.

4.2 In addition to these development plan documents, there are a number of relevant supplementary guidance documents:

- The Mayor's Housing SPG (2016);
- The Mayor's Play and Informal Recreation SPG (2012);
- Affordable Housing and Viability SPG (2017);
- Character and Context SPG (2014);
- Sustainable Design and Construction SPG (2014); and
- RB Greenwich's Charlton Riverside SPD (2017) ("the SPD").

4.3 Emerging planning policy is also relevant, notably the draft London Plan. The National Planning Policy Framework (2019) is also an important material consideration.

- 4.4 Charlton Riverside is designated as an Opportunity Area (OA) in the London Plan. Annex One to the Plan sets out the indicative employment capacity and minimum number of homes sought within all of the OAs. For Charlton Riverside the Plan suggests capacity for 1,000 jobs and a minimum of 3,500 new homes. The OA designation is retained by the draft London Plan. The importance of OAs to the implementation of the plan is made clear at paragraph 2.2.1:

“Opportunity Areas are the capital’s most significant locations with development capacity to accommodate new housing, commercial development and infrastructure (of all types), linked to existing or potential improvements in public transport connectivity and capacity.”

- 4.5 Table 2.1 of the draft London Plan provides a guideline of 8,000 homes and 1,000 jobs for the Charlton Riverside OA².
- 4.6 At local level the site itself is classed as non-designated industrial land – i.e. existing industrial land that does not form part of a Strategic Industrial Land (SIL) site or a Locally Significant Industrial Site (LSIS).
- 4.7 The Charlton Riverside area is designated as a Strategic Development Location, Policy EA2 of the Core Strategy stating that it is to *“include a new mixed-use urban quarter.”* That policy does not specify a homes or jobs target but supporting paragraph 4.2.7, states that 3,500 – 5,000 new homes will be sought (as does paragraph 3.3.11). The Charlton Riverside SPD, at paragraph 2.1, includes a vision for the area that includes 5,000 – 7,500 homes and 4,400 new jobs.
- 4.8 There is, therefore, consistency across the development plan and its supplementary guidance that Charlton Riverside is an appropriate location for comprehensive, high density redevelopment and that fundamental change must bring about significant housing and employment growth.
- 4.9 The housing and employment growth is to be achieved through a plan-led release of industrial land for higher-density mixed-use development. At a detailed level, the SPD’s aspirations for VIP Trading Estate and VIP Industrial Estate are for the southern part to form part of a new local centre around Charlton Station and the northern part to form part of a green link stretching west to east and connecting to a future Charlton Riverside Park. Redevelopment of the site is required to provide for a new east-west road connection, which is necessary to open up the regeneration of the wider area to the east.
- 4.10 The proposal is for an overall density of 305 units per hectare, though this masks differences between plots A and B. Plot A would have a density of 263 units per hectare whereas plot B would have a density of 391 units per hectare. Although these exceed the SPD’s guidelines they are only marginally above the draft London Plan thresholds for additional design scrutiny. The table at paragraph 138 of the GLA’s Stage 3 report shows how the site density compares to the London Plan, draft London Plan and SPD density guidelines and is reproduced below:

² We also note that RBG did not object to the revised housing target in their consultation response on the draft New London Plan, submitted 28 February 2019.

Table 2: Comparison of proposed density against policy guidance

	Proposed	London Plan	Draft London Plan scrutiny threshold	Charlton Riverside SPD
Plot A	263	45-170 (+55%)	240 (+9.5%)	201-250 (+5%)
Plot B	391	45-260 (+50%)	405 (-3%)	251-300 (+30%)

4.11 Officers at both RBG and the GLA supported the proposed density. GLA officers commented:

“It is considered that the site is suitable for high density development given it is within an Opportunity Area where residential densities are expected to be optimised. Importantly, the application site is currently well connected to existing public transport services compared to those other sites in the Opportunity Area which are reliant on significant, and as yet unfunded, public transport infrastructure enhancements required to unlock their development potential. In this context, the density appropriate to the application site is unique amongst those other sites within the Opportunity Area. In addition, the proposed land uses and building form on Plot B are appropriate to this specific site as they would directly contribute towards the SPD objective of creating a new Neighbourhood Centre at the southern reaches of Anchor and Hope Lane.”³

4.12 In other words, the generic density guidelines set out by the SPD are not fixed limits; there is scope for individual site assessment. In this case the specific characteristics of the two plots make the optimal density higher than the general guideline.

4.13 The appeal scheme responds directly to the aspirations of the SPD and the identification of the site within the London Plan as an Opportunity Area. The scheme and these documents respond to the significant pressure for housing growth in London and the need to intensify the use of existing low-density previously developed land. The scheme will deliver a significant number of new homes, including affordable homes, modern employment floorspace, community uses and high quality public realm in a sustainable location that is currently of very low environmental quality. The density of the scheme is consistent with the range provided by the SPD. It will contribute toward the SPD’s other aspirations, notably the local centre, green links and future east-west road. Building heights are aligned with the SPD’s aspirations. Support for the proposal exists at all levels of planning policy.

5 PLANNING CONSIDERATIONS

5.1 This chapter sets out the main issues upon which this appeal should be considered, and should be read in conjunction with the draft Statement of Common Ground. In the first instance the main benefits of

³ GLA Stage 3 report, paragraph 139

the scheme should be recognised. These relate to housing delivery, economic and environmental benefits.

Scheme benefits

Housing

- 5.2 The proposal will provide 771 units, including 292 affordable units. This represents a significant contribution toward the Charlton Riverside SPD's overall minimum target of 5,000 homes. This also needs to be seen in the context of the critical need for more housing, in particular affordable housing, in London as a whole. The designated Opportunity Areas are a key part of the London Plan's strategy for addressing the shortage of housing and so it is important that their potential is maximised.

Economic Benefits

- 5.3 The proposed scheme will fulfil an economic role by replacing poor quality employment space with modern new facilities. The regeneration of the site will also create significant number of jobs during the construction process by providing local building firms and apprentices with work, both on the site directly and throughout the construction supply chain. The completed development will support approximately 212 jobs over the long term through the provision of 4,110 sqm of B1, A1-A3, D1 and D2 floorspace.

Environmental Benefits

- 5.4 Regeneration of the site is overdue. It currently has a very poor quality appearance which detracts from the local area.
- 5.5 The scheme will be environmentally beneficial by creating a coherent development of significant architectural quality and townscape value. The buildings will be completed to contemporary design and construction standards and so will be water, waste and energy efficient, taking all reasonable steps to decrease the carbon footprint and create an environmentally sustainable development. The proposed development's energy strategy has been developed in accordance with the London Plan's Energy Hierarchy and demonstrates very high carbon performance.
- 5.6 The potential for CO2 emissions savings achievable by the proposed development have been maximised via incorporation of passive design and energy efficiency measures. 'Lean' measures incorporated within the detailed design include improved fabric efficiency and communal gas boilers. A natural gas CHP is also proposed, which would satisfy Part L and London Plan targets.

Response to the SPD's objectives

- 5.7 The SPD sets out seven objectives for Charlton Riverside. The appeal scheme will make a major contribution towards their achievement. The relevant objectives are set out at section 2 of the Charlton Riverside SPD and are summarised below.
1. *An economically active Charlton Riverside*
- 5.8 The proposal will facilitate renewed employment growth through the provision of flexible new workspace units. This will encourage a wide spectrum of people to work in Charlton Riverside, diversifying the type of employment in accordance with the SPD's objectives.

2. *A residentially diverse Charlton Riverside*

5.9 The proposal includes a variety of housing types and tenures, including a significant proportion of family housing. This housing has been designed to be of a human scale, which the SPD defines as “typically varying between 3 and 6 storeys, allowing for 10 storeys in some areas”. Through extensive consultation with officers and residents, the scheme has evolved to match this aspiration.

3. *A connected and accessible Charlton Riverside*

5.10 The SPD seeks the creation of new, public-transport accessible routes and walkable neighbourhoods. More specifically, a “core requirement” is the delivery of a new east-west route from Bugsby’s Way and Anchor and Hope Lane to the junction of Warspite Road and Woolwich Road without which wider regeneration cannot take place. This would be the primary movement corridor for public transport. The appeal scheme delivers a key part of this route: the connection to Anchor and Hope Lane. The appeal scheme also includes significant financial contributions via a planning obligation:

- £2,100,000 towards delivery of the east-west route;
- £830,000 towards bus services;
- £231,300 towards provision of a car club scheme, plus the costs of making a traffic order and remarking car club parking bays;
- £10,000 towards the cost of investigating the feasibility of extending the CPZ zone;
- £150,000 towards improving pedestrian and cycle connections;
- £15,420 towards cycle training.

5.11 The appeal scheme gives primacy to pedestrians and cyclists over vehicles within the site, providing an attractive, exemplary and permeable public realm.

4. *An integrated and lifetime ready Charlton Riverside*

5.12 This objective of the SPD seeks appropriate provision of schools, community facilities and open spaces within the regenerated Charlton Riverside. The proposal is aligned with this objective in that it will:

- contribute toward education provision through the Community Infrastructure Levy;
- Provide 834 sqm (GIA) of community facilities;
- Provide 11,727 sqm of open space designed to meet the needs of all age groups.

5.13 The SPD also looks for space within development blocks to be flexible enough to accommodate changes of use over its lifetime to accommodate changing needs of the community. The proposed community space has been designed with flexibility in mind and it can be put to a variety of uses.

5. *A well designed Charlton Riverside*

5.14 The SPD requires the design and layout, including building heights, to be appropriate to the topography and character of the area. This will be the case, with the appeal scheme complying with the SPD’s aspirations for height, and the density and design being appropriate for the emerging character of the area. The appeal proposals have been meticulously designed to meet policy requirements but also to provide a very high quality contribution to the transformation of the wider area.

6. *A sustainable and resilient Charlton Riverside, capable of adapting to change.*

5.15 The SPD looks for public spaces to be “carefully located, and well designed and managed, consisting of a combination of new public open space, enhancement of existing open space and provision of

accessible private open space.” The appeal scheme includes a significant amount of public space which has been designed to provide an attractive environment but also to improve movement through the site and to provide a “working landscape”. The Design and Access Statement (section 10.1) sets out the design process and shows how the scheme will:

- be permeable to pedestrian and cycle movement;
- provide a green link (the Eco-walk) that responds to the SPD’s aspirations for east-west green connections through the site, ultimately connecting to a new riverside park to the east of the site;
- provide a landscaped north-south route connecting the site to the river and a future new Thames Clipper stop;
- have environmental improvement measures embedded in its design, including boosting biodiversity, attenuating surface run-off, absorb pollution and improve air quality and reduce the heat island effect.

5.16 The public spaces will be actively managed as part of the wider development, with this financed through the residential and commercial service charges. Regarding open space, there is currently none in this location and so the provision of new open spaces, notably adjacent to the Play Street and between blocks A, B, C and D, E, F on Plot A, will significantly enhance open space availability.

7. A viable and deliverable Charlton Riverside

5.17 This objective seeks “A programme of phased development” to ensure that the required infrastructure is provided to support the intensification of Charlton Riverside. Evidence will be provided demonstrating that the proposal will ensure delivery of the required infrastructure and will contribute toward delivery of future infrastructure requirements. In particular, the proposal will contribute toward delivery of the east-west link road through a financial contribution and safeguarding of land (see paragraph 5.10 above). It will also provide the immediately required infrastructure to support the proposed housing, including roads, utilities, drainage and internet connections.

Agreed Matters

5.18 A draft Statement of Common Ground has been prepared setting out the matters that are agreed between the parties.

5.19 It is agreed between the Appellant and the LPA that the **principle of the proposed development and the proposed land uses is acceptable**, and that they each in turn would meet a defined need as set out in the Development Plan. This is supported by the Stage 1 response issued by the Greater London Authority and the Stage 3 representation hearing report, paragraph 3 of which stated:

“The principle of a residential led, mixed use development is strongly supported by both strategic and local planning policy.”

5.20 The long term environmental impact of the development, and the shorter term construction impacts are also agreed subject to the use of appropriate conditions.

The Reasons for Refusal and Other Issues Raised by Objectors

5.21 This section addresses the issues raised by the Mayor in his reasons for refusal, by RBG in its reasons for refusal and, finally, by third parties. The issues raised by the Mayor in his decision notice are as follows:

- Design quality (the Mayor's first reason for refusal);
- Relationship with Imex House (the Mayor's second reason for refusal);
- Relocation strategy for existing businesses (the Mayor's third reason for refusal);
- Section 106 agreement related to affordable housing (the Mayor's fourth reason for refusal).

5.22 RBG's reasons for refusal included the matters above and two further issues:

- The proportion of family-sized housing;
- Daylight, sunlight and overshadowing.

5.23 Third parties raised the following additional issue:

- Heritage, in particular the impact upon the Charlton Riverside Conservation Area.

5.24 The remainder of this section addresses these issues.

Design quality

5.25 The Mayor's first reason for refusal states:

"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)."

5.26 The Appellant will give evidence addressing the specific criticisms set out in the first reason for refusal. Evidence will also be provided that the appeal scheme addresses the design aspirations of the Charlton Riverside SPD and is policy compliant.

5.27 With regard to the specific criticisms in the first reason for refusal, evidence will be provided on design, daylight, sunlight and planning to demonstrate the following:

1. The appeal scheme is well-designed and will not lead to an "overly constrained residential environment." Evidence will be presented demonstrating that the residential development will of an appropriate standard.
2. The appeal scheme responds to and meets policy requirements, including optimising density.
3. The appeal scheme will not lead to an "inadequate and compromised public realm". Evidence will be presented that demonstrates that the public realm is well-designed, generous in size and will be adequately sunlit in the context of its urban environment.
4. The appeal scheme responds to the site-specific constraints. In particular:
 - a. The desire for east-west movement is served by excellent permeability through the site for pedestrians and cyclists;

- b. The buildings adjacent to Atlas and Derrick Gardens (which lie within the conservation area) are well-designed and are of appropriate height. That height has been reduced significantly following consultation with residents and discussions with RBG and GLA officers;
- c. The appeal scheme respects the SPD's ambition for an increase in both density and quality.

Relationship with Imex House

5.28 The Mayor's second reason for refusal states:

"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 and Night-time Economy SPG (2017) and the Charlton Riverside SPD (2017)."

5.29 This reason for refusal must be seen in the context that a strategic decision has been taken to support redevelopment of the appeal site for residential-led regeneration. However, in any event the relationship with Imex House will be entirely satisfactory, having regard to the following;

1. The appeal scheme will ensure access to Imex House is maintained, that the access will be safe, appropriate in the context of the SPD and supported by highways officers. Access will be via the Play Street which will provide an access that is at least as good as that currently provided. In this way, no vehicle that can currently access the site will be prevented from doing so by the proposed scheme. Access by service vehicles to the development will not prejudice access to Imex house and will be the subject of a service management plan, agreement of which will be required by condition.
2. The Noise Mitigation Strategy will demonstrate that impact upon Imex House from construction noise can be successfully mitigated. The appellants are committed to working with the owners of Imex House to agree soundproofing measures and the offer to implement the Noise Mitigation Strategy can be the subject of a planning obligation. The applicants have taken all reasonable steps to protect the operation of the existing business.
3. The Noise Mitigation Strategy will also address the impact of noise emanating from Imex House on new residents. The soundproofing measures (details of which are proposed to be agreed with the owners of Imex House) will ensure that residential amenity will be respected and the current operation at Imex House can continue. The fact that Imex House currently operates without

adversely affecting the amenity of its existing residential neighbours (which are closer than the proposed units) suggests that the relationship with the new units can be at least as successful.

Relocation strategy for existing businesses

5.30 The Mayor's third reason for refusal states:

“The proposal fails to provide any floorspace suitable for the relocation of existing established 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).”

5.31 The Appellant will give evidence on planning policy requirements and the employment market to demonstrate that the proposal meets all relevant policy tests in this context and includes employment floorspace that is appropriate to the scheme and aligned with the policy framework for Charlton Riverside as a whole. 3,097 sqm of employment space is to be provided. Although this replaces 6,341 sqm of existing B2 and B8 floorspace, the overall number of jobs is expected to increase as the industrial and warehousing floorspace is replaced by flexible workspace that supports higher employment densities. This type of workspace is appropriate for co-location with a residential scheme and will be developed in consultation with specialist workspace providers so that it suits the requirements of different tenants. This consolidation of employment space is explicitly supported by Policy EA2 of the Core Strategy and the SPD at paragraph 3.2.

5.32 Although the displacement of existing occupiers is a consequence of the land's planning policy designation, the Appellant has committed to a business relocation strategy. The relocation support package proposed includes:

- A bespoke relocation package on the development website connecting to commercial agents in the area and commercial property websites;
- Guidance on the relocation process;
- An email service advising tenants of suitable and available alternative premises;
- Flexible rolling tenancies allowing tenants to vacate once they have secured alternative premises;
- Relocation of tenants from early phases of the development to vacant premises in the later phases, if feasible;
- Provision of professional advice, with a contribution equivalent to 10% of the annual rent of relocation premises, up to a maximum of £1,500 plus VAT;
- Provision of details of reputable local solicitors and contacts.

- 5.33 This evidence and the relocation package proposed is more than sufficient to satisfy the requirements of policy, as GLA officers agreed⁴.

Section 106 agreement related to affordable housing

- 5.34 The Mayor's fourth reason for refusal states:

"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)."

- 5.35 The Appellant will provide planning obligations that deliver all necessary mitigation that cannot be secured by planning conditions. It will continue to work with the GLA and the Royal Borough of Greenwich through the Statement of Common Ground to achieve an agreed form of obligations, a full draft of which is included with the draft Statement of Common Ground.

The proportion of family sized housing

- 5.36 RBG's resolved reasons for refusal included the following:

"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)."

- 5.37 The proposal includes an amount of family-sized housing that is appropriate to the area and is aligned with emerging demand. The proposal includes 120 three-bedroom units (15.6% of the total) and 3 four-bed units (0.4%). It is acknowledged that this falls short of the RBG target of 50% of new housing to be family-sized, as set out in Policy H2 of the Greenwich Local Plan and the Charlton Riverside SPD. However, GLA officers recognised that Policy H2 is flexible depending upon the location of the development and that, in this case, there were good reasons to deviate from the policy:

"While it is acknowledged that the overall quantum of family sized accommodation proposed is significantly below the SPD and borough wide Local Plan target of 50%, Greenwich Local Plan Policy H2 recognises that the exact residential mixes on sites will vary according to the location of the development. As described above, the application site is within the Neighbourhood Centre and Charlton Park SPD character areas, which seeks a more civic character based around a transport and movement hub, and medium-rise apartment blocks linked to open spaces. It is also located within the area of Charlton

⁴ GLA Stage 3 report, paragraphs 85-94

Riverside which is currently more accessible by public transport and not reliant on significant transport interventions. On this basis, the proposed residential mix, while not meeting the SPD and borough-wide Local Plan family housing target, appropriately acknowledges the need for some larger family sized accommodation, whilst balancing the strategic need for affordable housing delivery, in a currently accessible location, in a form that responds positively to the character areas envisaged by the Charlton Riverside SPD guidance, and lends itself to smaller, apartment-based typologies.”⁵

5.38 It was also recognised that an increased proportion of larger units would affect the viability of the scheme and consequently the amount of affordable housing, which was considered to be optimal. GLA officers concluded that:

“...having regard to the strategic and local policy contexts, and the particular characteristics of this site, notably its currently accessible location and its location within the Charlton Riverside masterplan area, it is considered on balance and based on the considerations above, that the housing mix is acceptable and in general accordance with London Plan and draft London Plan and Local Plan Policies.”⁶

5.39 Evidence will therefore be provided that the amount of family-sized housing is appropriate to the scheme and the location and was supported by officers. It was not a reason for refusal supported by the Mayor.

Daylight, sunlight and overshadowing

5.40 RBG’s resolved reasons for refusal also included the following:

“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.”

5.41 This reason for refusal was not supported by officers or the Mayor. Nevertheless, as set out above in connection with the Mayor’s first reason for refusal, evidence will be provided demonstrating that the

⁵ GLA Stage 3 report, paragraph 133

⁶ Ibid, paragraph 134

design allows for good provision of daylight and sunlight to the residential units and communal spaces, having regard to the urban context. GLA officers recognised this in their Stage 3 report:

“Where losses do occur these are within acceptable levels, and any exceedance of the BRE targets are generally marginal in nature and reasonable within an urban regeneration environment.”

Heritage

- 5.42 An objection was received from the Derrick and Atlas Gardens Residents’ Association which related to (inter alia) the perceived impact upon the Charlton Riverside Conservation Area. Similar concerns were expressed by local ward members and the Charlton Together group. This did not form the basis of a reason for refusal by either RBG or the Mayor. Historic England were consulted on the application and made no comments with regard to designated heritage assets. Impact on the Conservation Area was assessed, with “less than substantial harm” being identified. This harm was acknowledged by GLA officers in their Stage 3 report but considered to be outweighed by the scheme’s benefits:

“GLA officers consider the less than substantial harm to the setting of the Conservation Area and locally designated heritage assets is however, clearly outweighed by the public benefits of the scheme, principally the delivery 771 new homes, including 292 genuinely affordable housing units with the potential for this to be further enhanced through early and late stage viability reviews, enhancements to the appearance of the site, along with wider regeneration benefits for the Opportunity Area, a policy compliant mix of uses including community facilities, and significant public realm enhancements.”⁷

- 5.43 The appellant will argue that the GLA’s conclusions are correct. Relevant considerations in this respect include the high quality, respectful design of the appeal proposals and the beneficial transformation they would achieve compared with the existing environment of the appeal site.

6 PLANNING CONDITIONS AND OBLIGATIONS

- 6.1 The Appellant will continue to review the draft planning conditions in the light of matters which arise through this appeal. The Appellant is prepared to accept, in principle, the conditions set out at Annex A and the terms of the draft planning obligation set out at Annex B.
- 6.2 The planning conditions were agreed with RBG and GLA officers in advance of decisions being taken. The list shown at Annex A is agreed with GLA officers and includes 81 conditions. These include conditions relating to environmental measures, such as the energy performance of the buildings, water efficiency, on-site renewable energy technology and ecology surveys and strategies. The conditions also address amenity issues by controlling light, noise and dust emissions both during and post-construction.

⁷ GLA Stage 3 report, paragraph 202

- 6.3 Planning obligations include the matters of soundproofing Imex House, provision of a business relocation strategy, provision of a local workspace strategy (intended to ensure the proposed employment space is affordable to small and medium sized enterprises), a carbon offset financial contribution and provision of floorspace within Plot B for use as Police facilities. Obligations are also proposed in relation to affordable housing and transport matters. As with the draft planning conditions, these planning obligations were agreed with GLA officers in advance of the Mayoral hearing.

July 2019

ANNEX A
DRAFT PLANNING CONDITIONS

July 2019

ANNEX B
DRAFT PLANNING OBLIGATION