

Catford Green**in the London Borough of Lewisham****planning application no. DC/15/93128****Strategic planning application stage II referral**

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

The proposal

Erection of a 7 storey building and an 8 storey building (Blocks T & U) to provide 179 residential units together with landscaping, public realm, car and cycle parking, refuse storage and associated works at the former Catford Greyhound Stadium (amended scheme to approved masterplan to include 47 extra units).

The applicant

The applicant is **Barratt London Aldgate**, and the architect is **Glenn Howells Architects**.

Strategic issues

The provision of **179 residential units** is strongly supported. Further information regarding **affordable housing, energy** and **transport** has been submitted to address the strategic issues raised in the Mayor's earlier representation.

The Council's decision

In this instance Lewisham Council has resolved to grant permission.

Recommendation

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

Context

1 On 24 September 2015 the Mayor of London received documents from Lewisham Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 1A of the Schedule to the Order 2008: *"Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats"*.

2 On 4 November 2015 the Mayor considered planning report D&P/1723b/01, and subsequently advised Lewisham Council that the application did not fully comply with the London Plan, for the reasons set out in paragraph 53 of the above-mentioned report; but that the possible remedies set out in that paragraph could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, the application has been revised in response to the Mayor's concerns (see below). On 21 January 2016, Lewisham Council decided that it was minded to grant planning permission. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Lewisham Council under Article 6 to refuse the application or issue a direction to Lewisham Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 11 February 2016 to notify the Council of his decision and to issue any direction.

4 The decision on this case, and the reasons will be made available on the GLA's website www.london.gov.uk.

Update

5 At the consultation stage Lewisham Council was advised that the application did not fully comply with the London Plan, for the reasons set out in paragraph 53 of the above-mentioned report; but that the possible remedies set out in paragraph 53 of that report could address these deficiencies:

- **Housing:** The increase in housing provision is welcomed in principle, and the increased residential quality compared to the approved scheme is strongly supported. The scheme is proposing 14 affordable units, which equates to 29.4% of the uplift. This is in line with the approved scheme, and could be acceptable, subject to demonstrating that this is the maximum reasonable amount that can be achieved.
- **Design:** The design is of a high quality with appropriate layout that improves on the extant scheme.
- **Inclusive design:** The inclusive design provisions are welcomed. The 100% Lifetime Homes and 10% wheelchair flats should be secured by condition.
- **Climate change:** The approach to energy is acceptable, however, further information is required in order to verify the carbon dioxide savings proposed and ensure compliance with the London Plan. The approach to surface water drainage is acceptable, and appropriate sustainability measures should be secured by way of condition.
- **Transport:** Whilst acceptable in principle, to ensure fully conformity with relevant London Plan transport policies, a number of matters will need to be addressed and secured by condition/s106 agreement, including increased cycle parking, car park management plan, Blue Badge and electric vehicle parking, construction and logistics plan, Legible London. Further discussion regarding improvements to Ladywell Fields, Waterlink Way and public access within Catford Green will be necessary to promote walking and cycling.

6 Since the Mayor made these initial representations, additional information has been provided. An updated assessment against the issues raised previously is provided under the corresponding headings below.

Housing

7 At stage I, the principle of increased housing provision was welcome as being supported in strategic planning terms.

8 However, in order to ensure compliance with London Plan policies further information was requested with regard to the tenure mix and any contributions required for the improvement and maintenance of open space.

9 Lewisham Council has confirmed in its Committee Report that the tenure mix is supported and will provide an improvement to the housing choice within the borough. Contributions for the improvement of Ladywell Fields have been identified and will be secured through the s106 agreement.

10 At the consultation stage it was noted that the applicant was intending to provide 14 affordable units (29.4% of the uplift) and evidence was required that this was the maximum reasonable amount that could be provided on site. Lewisham Council undertook an independent assessment of the applicant's viability appraisal and the report concludes that the development is not able to fund any additional affordable housing units.

11 It is proposed that the existing review mechanism will apply to 132 units and a new review mechanism will apply to the additional 47 units with a methodology that mirrors the existing. Lewisham Council considers this to be appropriate approach to capturing and delivering any contribution from an uplift in value from the proposed units. This approach would be secured through the s106 agreement. This method for the review mechanism is supported.

Inclusive Design

12 In line with London Plan Policy 3.8, the application proposes that 18 of the 179 units will be wheelchair accessible or easily adaptable. As requested at Stage 1, the compliance with Building Regulation M4(2) and M4(3) has been secured by the Council.

13 The Council has secured 18 of the approved 32 car parking spaces to be reserved as blue badge parking via condition.

Climate change adaptation and mitigation

14 At stage I further information was requested to verify the carbon dioxide savings. The applicant submitted an updated energy strategy that addressed most of the issues raised at the consultation stage. The applicant has confirmed that the development will be connected to the existing energy centre on site and further details regarding the sizing of the CHP element and applicable projected carbon dioxide savings have been checked.

15 The proposal is not meeting the required 35% in regulated carbon dioxide emissions compared to a Part L 2013 building regulations compliant development. However, it is understood by GLA officers that in order to secure compliance with London Plan Policy 5.2 additional evidence will be submitted to the Council of further measures to meet the required 35% carbon dioxide emissions reduction. If it is evidenced that further on-site savings are not feasible, a carbon offset payment for the outstanding amount should be made to the Council and secured via the section 106 agreement and should be based on the shortfall against the Part L 2013 baseline. The shortfall is currently calculated at 7.79 tonnes per annum.

Transport for London's comments

16 At stage I, TfL raised a number of transport issues, which have largely been addressed by the proposed conditions and through s106 provisions.

17 TfL welcomes that cycle parking has been increased over and above the provision in the original consent so as to comply with the London Plan 2015 standards whilst car parking has been slightly reduced. There is also to be current policy compliant Electric Vehicle Charging Point provision and Blue Badge Parking. These have all been secured by condition together with a Car Parking Management Plan and a Delivery and Servicing Plan, as requested at stage I.

18 The s106 agreement for the original permission has been carried forward and includes a contribution of £20,000 towards the implementation of a Controlled Parking Zone in the surrounding streets and restrictions on new residents from obtaining CPZ permits. These provisions are welcomed in underpinning a low car development. Additionally, an extra contribution of £63,135 will provide a link across the park from the proposed new park entrance from Catford Green to the existing park routes in Ladywell Fields. This will particularly benefit residents and visitors to Blocks T and U which adjoin the new entrance and will enable direct access to Ladywell Station and town centre and Lewisham Hospital as well as the park itself.

19 Overall, TfL is satisfied that the proposal together with the conditions and s106 provisions agreed by the Council accords with London Plan transport policies, and consequently has no objection to planning permission being granted.

Response to consultation

20 The application was subject to statutory formal consultation; with the application publicised by sending notifications to addresses in the vicinity of the site, and issuing site and press notices. The relevant statutory bodies were also consulted. The representations received in response to the local consultation process are considered in detail within the Council's committee report of 21 January 2016. Furthermore, copies of all responses to public consultation, and any other representations made on the case have been made available to the Mayor in their original form.

21 The Council received four written responses in regard to the planning application from residents, all of which objected to the proposal. The following objections were made:

- The proposed blocks are out of context with the location and will dominate the openness and space of Ladywell Fields.
- The provision of cycle storage spaces is insufficient. Cycle storage should be located within the building.
- The development would reduce the sunlight levels to Ladywell Fields.
- The increase in unit size to be in accordance with the Mayoral standards should not result in the increase in height.
- There will be a detrimental impact on services; such as public transport, schools and medical care.
- Homes should be affordable to local residents.

22 The Environment Agency stated that the site is located in flood zone 2 and is therefore covered by their flood risk standing advice. The applicant was encouraged to follow the guidance contained within the Environment Agency website.

23 The Metropolitan Police Designing Out Crime officer expects that a Designing Out Crime Certificate would be applied for in the future.

24 Network Rail requested that the developer ensure the proposal, both during construction and after completion of works on site, does not:

- Encroach onto Network Rail land
- Affect the safety, operation or integrity of the company's railway and its infrastructure
- Place additional load on cuttings
- Adversely affect any railway land or structure
- Over-sail or encroach upon the airspace of any Network Rail land
- Cause to obstruct or interfere with any works or proposed works of Network Rail development both now and in future.

25 Thames Water requested that the applicant ensure that storm water flows are attenuated or regulated into the receiving public network through on or off site storage. If the applicant proposes to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

26 Thames Water requested two additional conditions in regards to undertaking impact studies of the existing water supply infrastructure, identifying any new additional capacity required in the system, prior to development; and a condition requesting that no impact piling shall take place until a piling method statement has been submitted for approval to protect the underground water utility infrastructure.

27 Historic England raised no objections to the proposal.

28 The issues raised above have been considered in this report, the stage I report and the Council's committee report.

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

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

Legal considerations

30 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

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

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

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

Conclusion

34 Further information and clarification has been provided regarding housing, inclusive design, transport and sustainable design; which together with conditions and planning obligations imposed by Lewisham Council address the outstanding issues that were raised at stage I. On this basis there are no sound reasons for the Mayor to intervene in this particular case.

35 Having regard to the details of the application, the matters set out in Lewisham Council's committee report and draft decision notice, this scheme is acceptable in strategic planning terms.

for further information, contact Development & Projects:

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