

APPEAL STATEMENT

On behalf of the

ROYAL BOROUGH OF GREENWICH



Town and Country Planning Act 1990 (as amended)

Appeal by: Leopard Guernsey Anchor Propco LTD
Site Address: VIP Trading Estate and the VIP Industrial Estate, Anchor and Hope Lane,
Charlton, SE7.
Pins Ref: APP/G6100/W/19/3233585
LPA Ref: 16/4008/F

September 2019

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1.0 INTRODUCTION

- 1.1 On the 31st July 2018 the Council of the Royal Borough of Greenwich (the Council) as Local Planning Authority (LPA) made a resolution to refuse the following application for planning permission:

Address: VIP Trading Estate and the VIP Industrial Estate, Anchor and Hope Lane, Charlton, SE7.

LPA Planning Reference: 16/4008/F

Description:

“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”.

- 1.2 The Council resolved that the application should be refused for the following reasons:

“Reason for Refusal 1

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.

Reason for Refusal 2

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)”.

Reason for Refusal 3

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.

Reason for Refusal 4

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 EAI 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).

Reason for Refusal 5

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.”

- 1.3 The Mayor of London (the Mayor) subsequently called in the application and acting as the local planning authority (LPA) issued his decision to refuse planning permission on 13th February 2019 for the following reasons:

- 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 DFI, Greenwich Local Plan Policies H3, EA(c), EI and IM1, the Mayor's Affordable Housing & Viability SPG and the Charlton Riverside SPD (2017).*
- 1.4 The Appellant has appealed against the LPA's decision to refuse the application for planning permission for the development. The Council has been granted Rule 6 status for this appeal as per the Planning Inspectorate's letter dated 13th August 2019.
 - 1.5 This Statement of Case (SOC) comprises the Council's written statement in support of its objection to the application and has been prepared in accordance with the Inquiries Procedure Rules (As Amended) and having regard to the Inspectorate's guidance 'Procedural guide: Planning appeals – England' (31 July 2015), in particular Annex J.
 - 1.6 The Appellant has prepared a Draft Statement of Common Ground (SOCG). The Council notes the content of a letter from the Case Officer dated 12 September 2019 in which a draft of the SOCG is sought by 17 September 2019 and has separately provided a review of that document, which will be submitted on a draft basis and then finalised by 9 October 2019.
 - 1.7 The Council has reviewed each of its reasons for refusal, in accordance with guidance. In order to ensure that its case is focused and to reduce the potential for duplication (bearing in mind its status as a Rule 6 party rather than the local planning authority in this case), it will not provide evidence in support of each of the reasons which underlay members' objection to the proposal. Instead, its evidence will address reasons 1 and 4 only (urban design and employment respectively).
 - 1.8 The Council therefore objects to the grant of planning permission on the basis of the following:
 1. 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.

3. 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.
4. 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 EAI 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).

2.0 THE SITE

- 2.1 The Council will rely upon the description of the site set out in section 3 of the Royal Borough of Greenwich (RBG) Planning Board Report (9th July 2018).

3.0 PLANNING HISTORY

- 3.1 The Council sets out the planning history of the site and adjoining properties in section 4 of the RBG Planning Board Report (9th July 2018).

4.0 PLANNING POLICY CONTEXT

The Development Plan

- 4.1 When determining an application for planning permission the decision maker is required by section 70(2) of the Town and Country Planning Act 1990 Act to have regard to the provisions of the development plan so far as the material to that application. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that a determination "must be in accordance with the plan unless material considerations indicate otherwise". The NPPF (2019) is a material consideration to which regard must be had. For the purposes of Section 38(6) the Development Plan for the Royal Borough of Greenwich, comprises The London Plan 2016 (the London Plan) and the Royal Greenwich Local Plan Core Strategy with Detailed Policies 2014 (the Core Strategy).

- 4.2 The London Plan is the overall strategic plan for London covering the period up until 2036. The current version of the London Plan comprises a consolidation of the 2011 London Plan with alterations since 2011. A draft New London Plan was published for consultation in December 2017 and a further draft with minor suggested changes was published in August 2018. The Examination in Public (EiP) of the draft new London Plan concluded in May 2019, and in July 2019 the Mayor published a 'Consolidated Suggested Changes Version' of the draft Plan showing all of the Mayor's suggested changes following the EiP. All of the suggested changes will be considered by the EiP Panel whose examination report is expected to be submitted to the Mayor in September 2019.
- 4.3 The Royal Greenwich Local Plan: Core Strategy with Detailed Policies was adopted on 30 July 2014. This document is the primary planning document of the Royal Greenwich Local Plan. The Core Strategy outlines the spatial framework for future development and land use within Royal Greenwich. It also sets out more detailed policies to guide development. This document covers the period up until 2028. The timetable for review of the Core Strategy is set out in Appendix I of the current Local Development Scheme (LDS). Although adopted in 2014, the current Core Strategy is consistent with the current NPPF.
- 4.4 The Development Plan is complimented by supplementary planning documents (SPDs) and other guidance. The most relevant of these to this appeal is the Charlton Riverside SPD (the SPD), which underwent formal public consultation period from 22nd February -12th April 2017 and was adopted in June 2017. The SPD seeks to provide planning guidance for the sustainable regeneration and redevelopment of the Charlton Riverside area, which the appeal site is located within.

National Planning Policy Framework

- 4.5 Reference will be made to the National Planning Policy Framework (NPPF) which sets out the Government's national objectives for planning and development management, together with the online National Planning Practice Guidance (NPPG).
- 4.6 A revised version of the NPPF (originally published in March 2012) came into force in July 2018 and this version was referred to in the determination of the application. A further revised version of the NPPF was published in February 2019 which included minor clarifications to the version published in July 2018. However, the relevant paragraph numbers and parts of the text referred to in the decision notice and Planning Board report remain unchanged.
- 4.7 Supplementary Planning Documents published by the Royal Borough of Greenwich and Supplementary Planning Guidance published by the Mayor of London are also relevant to this appeal.
- 4.8 A full list of policies and guidance documents that are considered relevant to this appeal will be outlined in the SOCG.

5.0 MATERIAL CONSIDERATIONS – THE COUNCIL’S CASE

- 5.1 The Council objects to the grant of planning permission. Its grounds of objection are as set out in paragraph 1.8 above, and the points are explained in section 7 of this SOC.
- 5.2 The documents relevant to the Council’s case in this appeal include the following:
- The relevant development plan documents;
 - The complete list is set out within the SOCG.
 - The documents and drawings submitted with the application including any revisions;
 - The complete list is set out within the SOCG.
 - The third party Environmental Statement review and updated review prepared on behalf of the Council;
 - The GLA’s reports and decision notice; and
 - The relevant background documents:
 - Charlton Riverside Employment and Heritage Study
 - Creating Open Workspaces
 - Ramidus Small Office in Mixed Use CAZ
 - Service Offices Agile Occupiers
 - GLA Workspace Providers Directory
 - The affordability Crises: Business Rates Area no working for Lon’s Open Workspaces
 - Artist Workspace Study
 - Future Workplaces and Workstyles in the City
 - GLA Vacant Ground Floor

6.0 RESPONSE TO THE APPELLANT’S STATEMENT OF CASE

- 6.1 This section of the SOC sets out a summary response to the Appellant’s SOC.

Section 4: Planning Policy

- 6.2 In response to paragraph’s 4.10, 4.11 and 4.12 of the Appellant’s SOC the Council’s evidence will address the development’s excessive density in regards to the Charlton Riverside SPD and London Plan (2016). It would result in adverse impacts on the existing and emerging character of the area and would fail to respond adequately to the context of the site. Furthermore, the Council’s evidence will address whether the proposal complies with the emerging London Plan policy in relation to density/design; and will conclude that the development does not accord with that emerging approach.

Section 5: Planning Considerations

Scheme Benefits

- 6.3 In response to paragraph 5.2 the Council will demonstrate that the Charlton Riverside SPD does not set an overall minimum target for housing. Table 3.1 of Policy 3.3 of The London Plan 2016 sets a ten year housing target 2015-2025 for RBG of 26,850. This equates to an annual monitoring target of 2,685 additional homes per year. RBG Core Strategy Policy H1 supports new housing development within Strategic Development Locations to meet the London Plan target. RBG Core Strategy Policy EA2 identifies Charlton Riverside as a Strategic Development Location and the supporting text to the policy identifies the potential for the area to provide around 3,500 - 5,000 new homes. However, this is not a minimum target.
- 6.4 Furthermore, in regard to the context for housing need and in particular affordable housing, RBG Core Strategy Policy H3 requires that developments of 10 or more homes or residential sites of 0.5ha or more provide at least 35% affordable housing, with a tenure split of 70% social / affordable rented and 30% intermediate housing. The Council has a robust, deliverable five year housing land supply as demonstrated in RBGs 2017/18 Authority Monitoring Report, which covers the reporting period of 1 April 2017 to 31 March 2018. This identifies a supply of specific deliverable sites sufficient to provide a minimum of five years housing supply against the housing requirement set out in the London Plan, in line with the requirements of the NPPF/PPG.
- 6.4 Furthermore, the Council will demonstrate that the relevant policies seek to optimise development sites and that the appeal development does not achieve this objective but rather results in an overdevelopment of the site.
- 6.5 It is unclear what the Appellant means by what is said in paragraph 5.3 regarding the replacement of “poor quality employment space”. The Council will demonstrate that the policy objective requires the replacement development to be of a high quality and increase employment density through appropriate forms of employment space in order to justify the loss of the existing employment space, which the proposal fails to achieve. Part of this includes the expectation that a similar quantum of existing floorspace will be provided as replacement employment floorspace. Furthermore, it is expected that the existing businesses will be given support by the developer to relocate to available sites in the region and not because they are of poor quality.
- 6.6 In response to paragraphs 5.4 – 5.5 the Council will dispute the Appellant’s statement that the scheme will create “*a coherent development of significant architectural quality and townscape value*” as the design fails to respond appropriately to the existing and emerging context that is envisaged by the Charlton Riverside SPD.

Response to SPD’s Objectives

- 6.7 In response to paragraph 5.8, the Council will demonstrate that the proposal does not fully achieve the aim of the SPD area to be Economically Active. The amount of

replacement employment floorspace is much lower than that existing on the site, which is not overcome by the increased employment density, and it has not been demonstrated that the replacement floorspace meets the needs of small and medium sized businesses in the area. This point is discussed further in section 7.

- 6.8 In response to paragraph 5.9, the Council will contend that the scheme does not “match” the aspiration of the Charlton Riverside’s SPD objective for housing to be provided at a human scale. The proposed development conflicts with this objective as a result of the excessive height and massing of the taller elements, which compromises the adjoining public realm and open space areas. This point is discussed further in section 7.
- 6.9 In response to paragraph 5.11, the Council will demonstrate that the scheme’s intention to give primacy to pedestrians and cyclists over vehicles within the site conflicts with the retained access to Imex House, which is outside of the application boundary. The users of Imex House currently enjoy unimpeded and unrestricted access and the access is proposed to be retained through a “play street”, which raises safety concerns for the residents given that the vehicle movements of Imex House are out of the control of the developer. Furthermore, any restrictions placed upon Imex House to mitigate these safety concerns is likely to impact on the convenience of their access, which may adversely affect their business. This point is discussed further in section 7.
- 6.10 In response to paragraph 5.14, the Council will demonstrate that the proposal does not achieve the objective for development to be well designed as it exceeds the heights and density set out by the Charlton Riverside SPD and undermines the coordination it provides to the transformation of the wider area. The height and massing of the proposal result in a form of development which is monotonous in appearance and which fails to achieve the human scale of the low to medium rise development envisaged by the SPD. This point is discussed further in section 7.

The Reasons for Refusal

- 6.11 In paragraph 5.21, the Appellant states that the RBG reasons include the Mayor’s reasons plus 2 more; however this is incorrect. Whilst the RBG Planning Boards Reasons 1, 3 and 4 overlap with the Mayor’s reasons 1, 2 and 3, the wording of the reasons are different and can be interpreted differently. Therefore the Council will request that the Inspector considers the specific wording of the RBG Planning Board’s reasons for refusal separate to the Mayor’s.
- 6.12 The remaining paragraphs of section 5 of the Appellant’s SOC refer to the reasons for refusal issued by the Mayor and the Council, and the objection received from the Derrick and Atlas Gardens Resident’s association. The Council does not accept that the Appellant has accurately recorded the substance of the Council’s objections. The substance of the objections it raises is set out in the following section.

7.0 PLANNING CONSIDERATIONS – THE COUNCIL’S CASE

- 7.1 It is the Council’s case that the proposed development is unacceptable for the reasons set out in section 1.8 of this SOC. The substance of the Council’s case in relation to each of the five reasons for refusal is set out below.

Reason for Refusal 1 – Design, height and massing

- 7.2 The Council will adduce expert evidence in support of the Council’s putative reason for refusal 1. The Council’s evidence will establish that the proposed heights of the buildings would exceed the guidance within the Charlton Riverside SPD. Further, their massing and design would relate poorly to the surrounding existing context; and the Council does not consider that it would relate well to the planned growth of the area, expected to occur in accordance with the SPD.
- 7.3 The Council’s evidence will establish that the appeal development would undermine the coordination of heights and intensity of development the SPD seeks to achieve in the area and that it would fail to achieve the aims for the relevant SPD Character Areas. The proposed height, massing and design of the appeal development results in the overdevelopment of the site, which is intrinsically linked to the proposed density, and exceeds the SPD guidance and the London Plan (2016). Furthermore, the Council will set out that as a result of these issues the appeal development would fail to adhere to the vision for the development of the wider area as set out within the SPD. The Council considers that for the above reasons the proposal is contrary to policies 3.4, 3.5, 7.4, 7.6 and 7.7 of the London Plan (2016), Draft London Plan policies D1B, D2, D4, D7, D8, and policies H5, DH1 and DH2 of the Royal Greenwich Core Strategy with detailed Policies (2014).
- 7.4 The Council will dispute the Appellant’s suggestion that “the appeal scheme is well-designed” and will set out that good design responds positively to its context, which is not the case in the appeal development.
- 7.5 The Council will provide justification to demonstrate that the appeal development does not respond to or meet the relevant policy requirements and that the density of the site is not optimised, but instead that its excessive density results in the overdevelopment of the site. Draft London Plan Policy D1B requires that the determination of optimal residential density be based on the site context, including surrounding built form, uses and character. The Council will set out that the appeal development does not demonstrate a clear understanding of the context, and this lack of understanding is evident in its proposed height, massing and design.
- 7.6 In reflection of the Appellant’s SOC paragraph 5.27 part 3, the Council will set out that the height, massing and design of the proposed development does compromise the public realm and is contrary to the relevant policies. London Plan (2016) Policy 7.5 provides detailed requirements to inform the design of the public realm in relation to movement routes. It expects development to make the public realm

comprehensive at a human scale, using gateways, focal points and landmarks as appropriate. Policy 7.6 expects buildings to be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm. Policy 7.7 states that tall and large buildings should only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building, and tall buildings must relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm, particularly at street level. Furthermore, draft London Plan (2019) Policy D1, part B(1) requires developments to have due regard to existing and emerging street hierarchy, and part (2) expects development to include convenient and inclusive pedestrian routes, with legible entrances to buildings, that are aligned with people's movement patterns and desire lines in the area.

- 7.7 In response to Appellant's SOC paragraph 5.27 part 4c, the Council will demonstrate that the appeal development does not respect the Charlton Riverside SPD's aims for an increase in both density and quality. The density of Plot A clearly exceeds the SPD guidance and the proposed heights, massing and design are contrary to the aims of the SPD. Furthermore, the relationship of massing and scale to the garden/courtyard within Plot B does not appear to be well balanced. The result of this would obstruct the achievement of the aspirations of the SPD in terms of creating a sense of place and character.
- 7.8 The Council will therefore maintain an objection to the grant of planning permission.

Reason for Refusal 3 – Relationship with Imex House

- 7.9 The Council acknowledges the strategic direction of the relevant London Plan and Core Strategy policies, which identify Charlton Riverside as an opportunity area for redevelopment. However, each application must be assessed on its own merits and in the context of the constraints that are unique to each site. In this case the appeal site surrounds Imex House, which is a recording studio that operates independently from the adjoining existing businesses on the appeal site, yet gains its only access through the appeal site. This is a constraint on the development of the site and therefore requires a comprehensive solution to prevent conflicts between the existing and proposed uses in accordance with the agent of change principle.
- 7.10 Policy D12 of the draft London Plan introduces the Agent of Change principle, which places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. London Plan Policy 7.15 and draft London Plan Policy D13 seek to reduce and manage noise to improve health and quality of life and support the objectives of the Mayor's Ambient Noise Strategy. Core Strategy policy DH1 requires developments to achieve a high quality of design and expects developments to provide a positive relationship between the proposed and existing urban context. Part of this includes patterns of activity, movement and circulation particularly for pedestrians and cyclists, and acceptable noise insulation and attenuation. Core

Strategy policy E(a) states that housing or other sensitive uses will not normally be permitted on sites adjacent to existing problem uses, unless ameliorating measures can reasonably be taken and which can be sought through the imposition of conditions.

- 7.11 The Council will demonstrate that the proposal fails to provide safe and convenient vehicular access to Imex House, which is proposed to be via a 'play street'. Imex House currently enjoys unimpeded and unconstrained access and the Council will set out the reasons why the proposed 'play street' and its nature as a place space for children conflicts with the access requirements for Imex House. The Council will also identify the poor relationship that will be created for the future residents of the proposed units closest to Imex House and its access, including the vehicle manoeuvring area and unloading area.
- 7.12 The Council will also respond to the Noise Assessment Technical Note, which was only provided on 10th September 2019, in regards to the noise generated by Imex House and its impact on future residents within the proposed development. Given that Imex House can operate with unrestricted hours it is likely to cause disruption to adjoining residents, which would lead to complaints to the local authority and consequently pressure on the business's normal operations.

Reason for Refusal 4 – Employment

- 7.13 The Council's evidence will establish that the proposal does not adequately meet the planning policy requirements. The Council will highlight that the proposed scheme would provide a much smaller amount of employment floorspace than currently exists on the site whereby the expectation is that an equivalent amount of floorspace should be re-provided unless it can be sufficiently justified otherwise in order to meet the objectives of policies EA1 and EA2 and the guidance within the Charlton Riverside SPD and the RBG's draft Site Allocations Preferred Approach. Section 5.4 of the SPD states that new development will be expected to maintain or re-provide equivalent employment floorspace within B1 and B2 Use Classes and significantly increase job densities within B Use Classes.
- 7.14 Whilst it is noted that the proposed employment floorspace has the potential to create a greater number of jobs than the existing floorspace it has not been demonstrated that the replacement floorspace would meet the needs of small and medium sized businesses in the area. In particular, it has not been demonstrated that the proposed floorspace would be suitable for the types of businesses currently operating in the area nor that it would be affordable to local businesses or that it would be marketed appropriately.
- 7.15 Paragraph 5.31 of the Appellant's SOC states that the workspace "will be developed in consultation with specialist workspace providers so that it suits the requirements of different tenants"; however this detail wasn't provided at the application stage within an employment strategy nor was it provided during Stage 3 or even with the

appeal. The Council will demonstrate that successful employment floorspace is designed in conjunction with the preparation of an employment strategy so that the needs of businesses are considered at the design stage rather than requiring businesses to adapt to the design.

- 7.16 The Council will address the Appellant's Business Relocation Strategy, which was only provided on 10th September 2019. Whilst this did not form part of RBG Planning Board's reason for refusal it will be given consideration in relation to the loss of employment floorspace as a result of the proposal and the overall compliance that the appeal development has with policies EA1 and EA2.

8.0 SECTION 106 OBLIGATIONS

- 8.1 If the Secretary of State is minded to allow this appeal, it will be submitted that planning permission should not be granted unless there is in place an agreement under Section 106 of the Act to secure the following planning obligations which are considered by the Council to be necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind:

Affordable housing

Clause / Contribution	Details / Amount
Number of affordable units / % of total units	292 units (37.9%) on a grant funded basis with a fall-back position of 35% should a grant not be forthcoming.
Number of social rented, affordable rent, intermediate units	165 London Affordable Rent (56.5%) 127 shared ownership (43.5%)
Rent levels	Rents are to be secured at London Affordable Rent levels, which are set annually by the Mayor
Early review mechanism if development not commenced within 2 years	
Late stage review upon sale of 75% of units	

Transport

Clause / Contribution	Details / Amount
Provision of land / contribution towards delivery of East West access road	£2,100,000 (estimate)
Improvements to local cycle routes and nearby junctions / pedestrian improvements	£150,000

Re-provision of footways along site frontage if not covered by above	S278 agreement
Financial contribution towards cycle training	£15,420
Setting up or extension to existing car club	£3,000 Traffic Order £500 Road markings for each set of bays provided on street
Payment of car club membership for future occupants for 5 years	£231,300
Review of Charlton CPZ to implement on-street parking restrictions, on both sides of Anchor and Hope Lane	£10,000
Traffic Order amendments to restrict access to parking permits for future occupants	£3,000
Improvements to bus services / infrastructure	£830,000
Travel Plan monitoring contribution	£1,260
A car parking management plan, including monitoring and review of usage with a review to reducing provision.	

Employment and Training

Clause / Contribution	Details / Amount
Commitment and participation towards GLLaB and business support, including financial contribution	Residential £771,000 Commercial £40,690
Marketing plan for non-residential space to include details of how and where the units will be marketed and rental levels to ensure these are being marketed at a reasonable rate	Details to be agreed
Affordable workspace provision / engagement of workspace provider	The following to be included in the workspace lease: <ul style="list-style-type: none"> • Long lease between the developer and the workspace provider • Agreed affordable price point for the workspace provider and the target licensees/ end users • Rent increase pegged to RPI • Co-design to ensure the scheme design meets the requirements of the end user

	• Support for fit out costs
Business relocation strategy	Details to be agreed
Scheme for establishing links with local education establishments	Details to be agreed

Environment

Clause / Contribution	Details / Amount
Carbon offset contribution	To be calculated following the submission of a revised energy strategy secured by condition.
Off-site noise attenuation measures at Stone Foundries / Imex House	Provision of attenuation device at Stone Foundries site Provision of soundproofing to recording studio at Imex House

Other

Clause / Contribution	Details / Amount
Police facilities	17sqm allocated within building on Plot B
Agreement to community use of spaces within Plot A	Details to be agreed
Payment of legal, engineers cost	Details to be confirmed
Payment of S106 monitoring costs	Details to be confirmed

8.2 The S106 clauses outlines above shall be subject to the following specific triggers:

- The employment space within plot B shall be constructed to shell and core on a block by block basis prior to first occupation of the residential units.
- No development shall commence on plot A, other than blocks A and B (and excluding site clearance, preparatory work and construction of the basement) until the land shown on plan [XX] is within the control of the applicant or the applicant has underwritten the costs of the Council undertaking a CPO of the land.
- Not to occupy more than 50% of the residential accommodation within Plot A until 100% of the affordable housing is disposed of to an RP.
- Prior to occupation of blocks E, F, G and H the developer shall pay the financial contribution required for the delivery of the East-West route.

8.3 The Council will seek to reach agreement with the appellant on the detail of the above heads of terms and will report these within the statement of common ground. If agreement cannot be reached, the Council's requests will be expanded upon and evidenced within the proof of evidence.

9.0 CONDITIONS

- 9.1 If the Inspector is minded to allow this appeal, it will be submitted that planning permission shall be subject to the draft conditions put forward by the GLA. These are addressed in the GLA hearing report GLA/3800/03 (29 January 2019).
- 9.2 If the Inspector is minded to allow this appeal, it will further be submitted that Informatives put forward by the GLA in their hearing report GLA/3800/03 (29 January 2019) are also included.

10.0 CONCLUSION

- 10.1 In summary, it is the Council's view that the RBG Planning Board's decision to refuse the application for the reasons set out in section 1.8 of this SOC are fully justified as demonstrated above. Further robust evidence to justify this position will follow within the expert witnesses' proofs of evidence.
- 10.2 The inspector is therefore respectfully requested to uphold the Council's Decision for the reasons set out in section 1.8 of this SOC.