

Committee	STRATEGIC PLANNING COMMITTEE	
Report Title	CREEKSIDE VILLAGE EAST, COPPERAS STREET, LONDON, SE8 EXECUTIVE SUMMARY AND BACKGROUND PAPER	
Ward	NEW CROSS	
Contributors	GARETH CLEGG	
Class	PART 1	17 NOVEMBER 2020

<u>Reg. Nos.</u>	DC/18/108548
<u>Application dated</u>	15 August 2018
<u>Applicant</u>	SC5 Planning on behalf of Kitewood (Creekside) Limited and Galliard Homes
<u>Proposal</u>	The demolition of existing buildings/ structures on land bound by Copperas Street and Deptford Creek SE8, and the construction of two blocks of 26 and 30 storeys comprising 393 residential units, 757m ² of commercial floor space (Use Class A1/A2/A3/A4/B1) and a 5 storey building incorporating cultural/ performance venue, dance studios and education space for Trinity Laban, underground car and cycle parking, open space, associated landscaping and Creekside walk.
<u>Background Papers</u>	(1) Case File DE/124/1/TP (2) Local Development Framework Documents (3) The London Plan

1 EXECUTIVE SUMMARY

Application proposal

- 1 The application proposes the demolition of the existing buildings on site and construction of a mixed-use development, comprising a 30 storey (Block 1), a 26 storey (Block 2) and a 5 storey (Block 3) building, which together comprise 393 residential units, a 7,319sqm extension to the Trinity Laban Conservatoire of Music and Dance (Use Class D1), 757sqm of flexible retail/office floorspace (Use Class A1, A2, A3, A4, B1), new public realm and landscaping, including a Creekside Walk, improvements to part of the creek wall, basement car parking, and landscaping.

Site description and current use

- 2 The application site comprises an area of 0.77 hectares, which is bounded by Copperas Street to the north, and Deptford Creek to the south. To the west of the site lies the Deptford Creekside faculty of Trinity Laban Conservatoire of Music and Dance. To the east, is a recently completed residential-led mixed use development known as Union Wharf, which comprises 249 residential apartments with commercial floorspace and a nursery, within two blocks rising to 12 and 23 storeys.
- 3 The western part of the site currently operates as a service yard and surface car park for Trinity Laban (accommodating approximately 55 car parking spaces), and also

accommodates a temporary building which provides additional dance studio space for Trinity Laban. The remainder of the site comprises a series of derelict buildings which were formerly used for light industrial and storage purposes.

- 4 The application site has approximately 110m of frontage to Deptford Creek along its southern boundary.
- 5 The application site lies adjacent to the borough's administrative boundary with the Royal Borough of Greenwich, which the land directly to the north and east of the application site lying within the Royal Borough of Greenwich.

Land ownership

- 6 The application site is in three ownerships, with approximately 47% in the ownership of the applicant (the central part of the site), approximately 33% in the ownership of the London Borough of Lewisham (the eastern part of the site), and approximately 20% in the ownership of Trinity Laban (the western part of the site). The broad location of the three ownerships across the site is illustrated on the diagram below.



Figure 1 – Land Ownerships

- 7 As the Council owns part of the application site, on the basis of a land sale agreement between the LB Lewisham and the applicant, the Council would receive a financial benefit associated with the delivery of the proposed development. In November 2016, a meeting of the Council's Mayor and Cabinet gave approval to the disposal of the Council's land to Kitewood in return for physical product (residential units), in lieu of a capital receipt. Under the terms of the disposal, the Council would receive an amount of floorspace equivalent to the value of its land that has been agreed with Kitewood. That equates to circa 1,045sqm of residential accommodation (which would broadly equate to 16 units, assuming a typical 65sqm 2 bed unit). In addition to this, the terms of the disposal include an overage mechanism whereby if the amount of private residential floorspace within the development increases beyond that envisaged at the time of the

land sale agreement, the Council would receive an overage payment. On the basis of the application proposal scheme, the Council would therefore receive a financial contribution of c. £500,000, in addition to the circa 1,045sqm of residential accommodation. The Council is free to do as it wishes with those units and would own them on 250 year leases. It is anticipated that the Council would let out these units on the open market at private rental levels, and direct income received towards the delivery of genuinely affordable housing.

- 8 Members are advised that any financial benefit to the Council arising from the land sale agreement should not be accorded any weight in the planning balance.

Planning history

- 9 There is an extensive planning history in relation to the application site, which is key to understanding how the current application proposal has been developed.
- 10 In September 2006, two identical planning applications were submitted to both the London Borough of Lewisham and the Royal Borough of Greenwich for the mixed use redevelopment of a 1.3ha site which straddled the boundary between the two boroughs. The application site comprised the site which is the subject of this current application together with land which lies within the Royal Borough of Greenwich extending up to Creek Road. The application was for the demolition of existing buildings/structures on land bounded by Copperas Street, Deptford Creek and Creekside SE8 and the construction of 4 blocks of 9 to 22 storeys, to provide 11,466 m² of commercial floorspace, including a nursery and healthcare centre and uses within Use Classes B1, A1, A3, A4 and D1 and 9,000 m² of cultural/dance space, archive, exhibition areas and associated facilities for Trinity Laban and 430 residential units, underground car and cycle parking, open space, the reprofiling of the Creek walls and associated landscaping and Creekside walk (LB Lewisham planning application reference **DC/06/063352**, and RB Greenwich planning application reference 06/2062/F).
- 11 The application proposed a building on the Creek Road frontage rising to 12 storeys, and three triangular shaped buildings on the remaining part of the site to the south of Copperas Street, which would rise to 9, 16 and 22 storeys in height. The site layout plan and a computer generated image (CGI) of the 2006 application proposals are illustrated below.

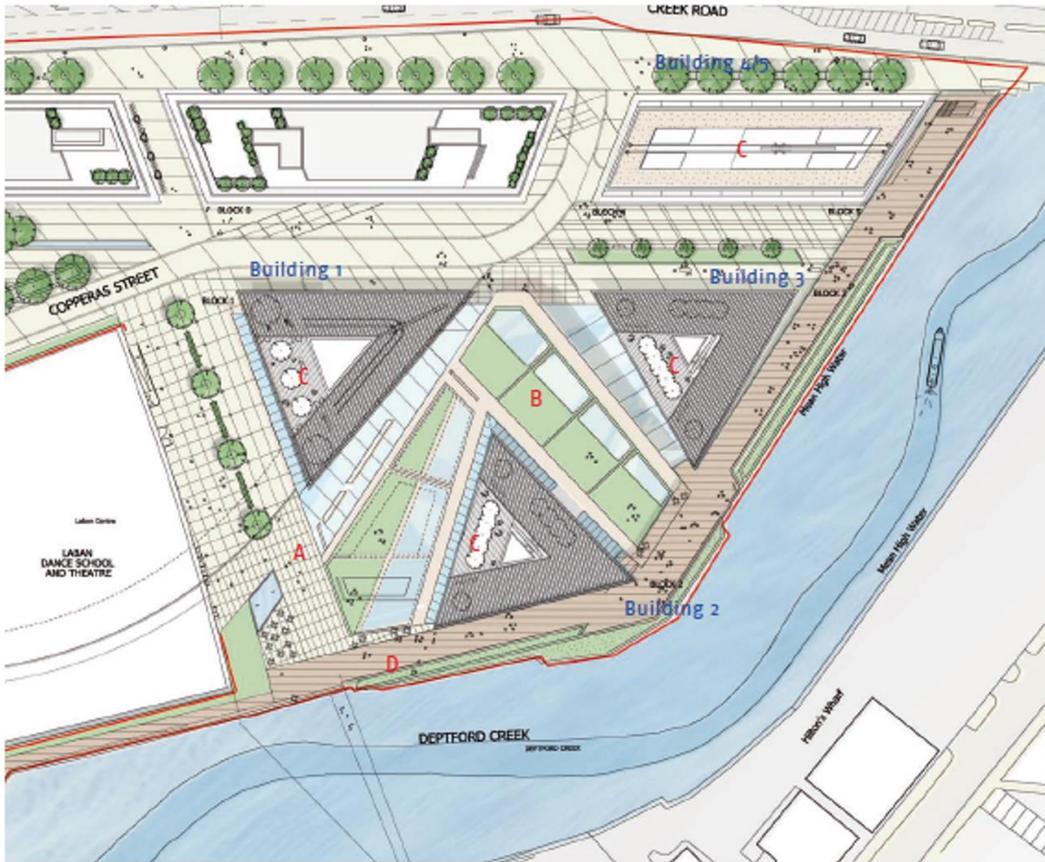


Figure 2 – Proposed Site Layout: September 2006 applications to LB Lewisham (DC/06/063352) and RB Greenwich (06/2062/F)



Figure 3 – Proposed CGI: September 2006 applications to LB Lewisham (DC/06/063352) and RB Greenwich (06/2062/F)

- 12 On 1 November 2007, Lewisham's Strategic Planning Committee resolved that it was minded to grant planning permission subject to the completion of a Section 106 Agreement. The applicant, Ampurius Nu Homes Investments Ltd, subsequently went into receivership. The Section 106 Agreement was therefore not completed and as such the permission was not issued. In relation to the application to the Royal Borough of Greenwich for that part of the site lying within its administrative boundary, the Section 106 Agreement was signed and planning permission was granted on 12 December 2007. This part of the site has subsequently been built out by Essential Living in accordance with a subsequent planning consent granted on 14 December 2015 (RB Greenwich planning application reference 14/3795/F), and comprises two towers of 12 and 23 storeys with a total of 249 residential units, commercial floorspace and a day nursery. This recently completed development is known as Union Wharf.
- 13 That part of the site which lies within LB Lewisham remained vacant, in the absence of planning permission having been granted. Kitewood acquired part of this site from the Receiver acting on behalf of Ampurius Nu Homes Investments Ltd.
- 14 In January 2015, Kitewood submitted a planning application to LB Lewisham relating exclusively to that part of the site within Kitewood's ownership (application reference **DC/15/090768**). This application was for the construction of two buildings of 10 and 24 storeys incorporating 216 residential units and 2,198sqm of commercial floorspace (Flexible A1, A2, A3, A4, B1 and D1 Uses) together with public realm and private amenity space, 55 basement car parking spaces, 349 cycle parking spaces, access, servicing and plant. The applicant lodged an appeal against non-determination of this application. A public inquiry was held between May and July 2016, and the Planning Inspector dismissed the appeal and planning permission was refused on 31 August 2016.
- 15 The site layout plan and a computer generated image (CGI) of the 2015 application proposal is illustrated below.

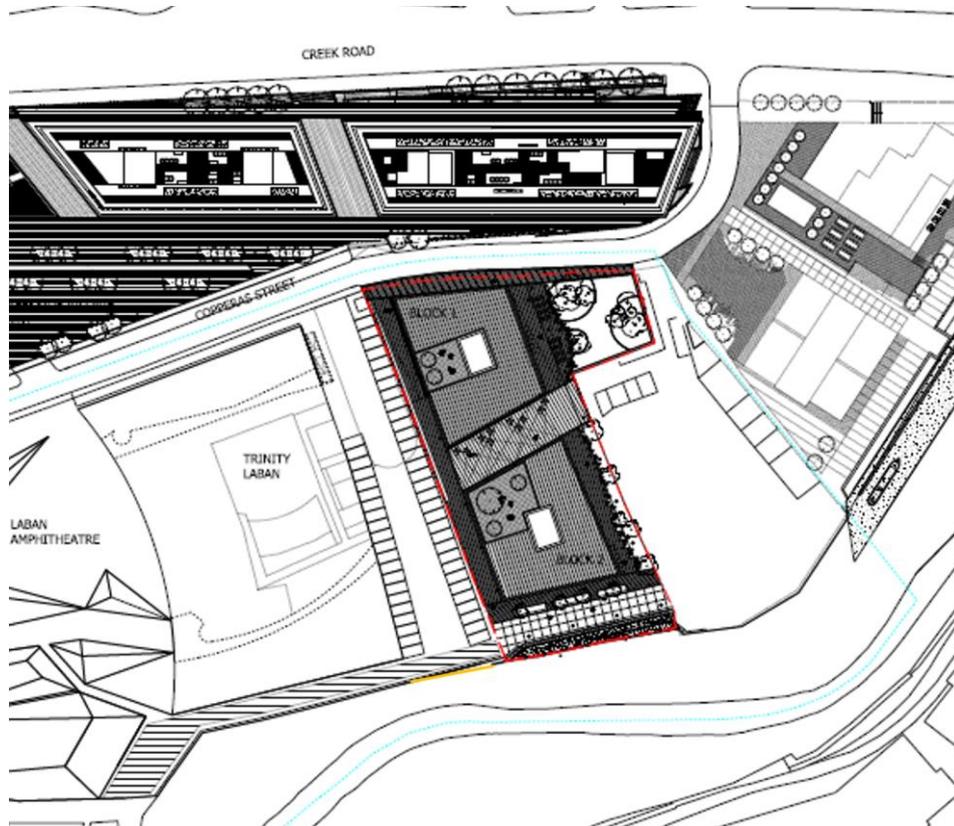


Figure 4 – Proposed Site Layout (DC/15/090768)



Figure 5 – Proposed CGI (DC/15/090768)

- 16 As part of this appeal, it was common ground between the Council and the appellant that the previous scheme (planning application reference DC/06/063352) that LB Lewisham's Strategic Planning Committee was minded to grant permission for subject to the completion of a Section 106 Agreement was a material consideration in this appeal. The Inspector supported this view.
- 17 The Inspector considered that the main issues in the appeal were as follows:
- (a) the effect of the proposed development on the area's character and appearance*
- 18 The Inspector noted that it was common ground between the parties that the appeal site is suitable in principle for tall buildings, given its location within an Opportunity Area, and taking into account its planning history and surroundings (including the Essential Living scheme which was under construction on the adjacent site). The Inspector did not share the Council's objections regarding the detailed design of the new buildings, however he did conclude that resulting from the scheme's layout and public realm arrangement, the overall effect of the development on the area's character and appearance would be unacceptably harmful, and in conflict with the relevant policies.
- (b) whether the proposal would result in a comprehensive approach to the development of the Thanet Wharf Mixed Use Employment Location (MUEL), bearing in mind its effect on the living conditions of potential neighbouring occupiers*
- 19 The Inspector found that the submitted information fell short of the requirements of Core Strategy Policy SSA1, which specifically states that the preparation of a site masterplan is a requirement for each strategic site allocation. The Inspector considered that it is implicit from the requirements of Core Strategy Policy SSA1 that the submitted masterplan should be capable of being delivered, however he resolved that this had not been suitably demonstrated having regard to the deliverability of development on that part of the site which lay within the ownership of LB Lewisham. As such, the Inspector concluded that the scheme would not result in a comprehensive approach to the

development of the Thanet Wharf Mixed Use Employment Location (MUEL), contrary to the relevant policies.

(c) whether the proposal would enable the continued employment functioning of the Mixed Use Employment Location

20 The Inspector concluded that the scheme would enable the continued employment functioning of the MUEL, sufficient to justify an exception to the requirements of Core Strategy Policy 4 and DM Policy 9 which require the comprehensive redevelopment of MUELS to provide employment uses within the B Use Class amounting to at least 20% of the built floorspace of any development as appropriate to the site and its wider context.

(d) whether satisfactory living conditions would be created for occupiers of the proposed development

21 In relation to the proposed separation distances between the windows of facing units, the Inspector concluded that in some cases satisfactory living conditions would not be created for occupiers of the proposed development, conflicting with the relevant policies in this respect. He did however acknowledge that this would apply to a small minority of rooms and units within the development and that this therefore reduced the weight that could be afforded to this policy conflict.

(e) the adequacy of the intended arrangements for access, parking and servicing

22 On this matter, the Inspector concluded that the scheme's arrangements for access, parking and servicing would be adequate and would accord with relevant development plan policies.

(f) whether the mix of affordable housing that is proposed would accord with development plan requirements

23 On this matter, the Council did not seek to challenge the appellants' viability evidence or the overall level of affordable housing provision, but the Council's objection related to the proposed mix of the affordable units specifically in terms of the proportion of units that would be family dwellings (3+ bedrooms). The Inspector concluded that the proposed mix of affordable housing would not accord with development plan requirements, however that this breach would not be of a significant scale and that the mix that had been proposed was supported by an undisputed viability assessment. As such, the Inspector found that these factors reduce the weight that could be attached to this particular policy conflict.

24 In weighing the overall planning balance, the Inspector found that the effect of the development on the area's character and appearance would be unacceptably harmful and that the scheme would not result in a comprehensive approach to the development of the Thanet Wharf Mixed Use Employment Location (MUEL), contrary to relevant policies. The Inspector found that these conflicts were significant and that this harm was not outweighed by the scheme benefits, and as such the appeal was dismissed and permission refused.

25 The planning history therefore establishes a series of principles which set the context within which this current planning application must be considered. Firstly, the 2006 application scheme that LB Lewisham's Strategic Planning Committee was minded to grant permission for is a material consideration. This established the principle of mixed use development on this site, comprising tall buildings rising to 22 storeys. The decision in relation to the 2015 appeal scheme also established the site is suitable in principle for tall buildings, given its location within an Opportunity Area, and taking into account its planning history and surroundings. The other key implication of the appeal decision was

the need for a comprehensive approach to development across the various landownerships, in accordance with the principles set out within the site allocation.

- 26 The appeal decision is included at Appendix 3.
- 27 Following the appeal decision, the applicant engaged with the Council through detailed pre-application discussions to bring forward a proposal for comprehensive redevelopment of the entire site allocation.
- 28 A guiding principle of the emerging proposals was to deliver a new facility for Trinity Laban. The Council had previously helped to facilitate the delivery of the existing Laban Centre at Creekside through contributing land, and it has been a long standing Council aspiration that the Council would where possible use its land to enable or facilitate a further expansion of the Laban Centre, recognising the educational, cultural, economic and wider community benefits that the presence of Laban brings to the local area and the wider borough. This aspiration was reflected within Policy SA12 of the Site Allocations Local Plan which allocates the site as a Mixed Use Employment Location providing a range of employment uses, including provision for cultural and creative industries. The policy states that this site allocation provides the opportunity to “enhance one of the borough’s landmarks, forming part of a wider comprehensive approach to regenerating the area, thereby complementing and supporting the Laban Centre and relating to nearby areas for regeneration”. As part of the pre-application discussions, Trinity Laban therefore agreed to include part of its landownership (its existing service yard and car park) in order to increase the size of the application site and facilitate a comprehensive redevelopment. Trinity Laban would be contributing its land to the development at no cost, recognising that it would receive a new building to a shell and core specification as part of the proposed development.
- 29 The Council played an active role in facilitating these discussions between Kitewood and Trinity Laban, to ensure a comprehensive approach to development that addressed the requirements of the site allocation. As part of this, in November 2016, a meeting of the Council’s Mayor and Cabinet gave approval to the disposal of the Council’s land to Kitewood to facilitate the comprehensive redevelopment of the site. The terms of the land sale agreement between Kitewood and the Council provide that the Council would receive residential units within the proposed development in lieu of a capital receipt for the land. It is anticipated that the Council would let out these units on the open market at private rental levels, and direct income received towards the delivery of genuinely affordable housing. In addition to the units that the Council would receive, the Council would also receive a financial contribution of c. £500,000 as an overage payment. Details of the land sale agreement between Kitewood and the Council are set out within the ‘Local Finance Considerations’ section of the main report.

Planning balance

- 30 The proposed development would deliver substantive public benefits. Key amongst these would be the delivery of a new facility for Trinity Laban, and the associated educational, cultural, economic and community use benefits that this expansion of the Laban Centre would facilitate.
- 31 The site lies within the Deptford Creek / Greenwich Riverside Opportunity Area, and would deliver 393 new dwellings which represents 28.4% of the borough’s current annual housing target, and 23.6% of the borough’s annual housing target on the basis of the Intend to Publish London Plan. This would represent a substantive contribution to the annual target for Lewisham, and therefore significant weight is accorded to this in planning terms. The residential blocks are well designed and would afford a high standard of amenity for future occupiers, in terms of internal and external space standards, outlook, aspect, and the provision of generous external communal amenity space and playspace.

- 32 59 (15%) of the new dwellings would be provided as shared ownership tenure affordable housing. Whilst this would not meet the Council's definition of genuinely affordable housing these units would make a contribution to meeting housing need within the borough, and the development would be fully tenure blind with the units pepper potted throughout both residential blocks. Moderate weight is therefore accorded with regard to the provision of 59 shared ownership units as part of the proposed dwelling mix. The submitted Financial Viability Assessment has been robustly interrogated by the Council's appointed independent viability consultant, and by the GLA's viability expert. This demonstrates that 10% shared ownership affordable housing provision is the maximum provision that the scheme can support in viability terms, given the c. £13m cost of providing the Trinity Laban facilities to shell and core. Notwithstanding this, the developer is prepared to accept a reduced financial return in order to increase the affordable housing provision to 15% in order to secure planning permission.
- 33 The proposed development would achieve an excellent design quality befitting its prominent setting fronting Deptford Creek and adjacent to the striking Laban Building. The development would deliver approximately 3,738sqm of high quality public realm comprising three main spaces. The substantial area of public realm that would be created adjacent to the Creek would be an exceptional new public space providing substantive public benefit for local residents and visitors to the area. The scheme would also deliver a new stretch of publicly accessible Creekside route of approximately 190m in length, which would facilitate a continuous stretch of Creekside route between Kent Wharf and Union Wharf, and make a substantive contribution towards achieving a continuous and publicly accessible route along this stretch of Deptford Creek. The public realm and Creekside route are major benefits of the scheme to which significant weight is attached in planning terms.
- 34 Other benefits of the proposed development include the provision of 757sqm GIA of flexible commercial floorspace which would support job creation and economic benefits, and a substantive financial contribution of £264,000 would be secured to deliver highway and public realm improvements to Copperas Street create a high quality environment for pedestrians and cyclists. The development would also facilitate works to replace two stretches of the existing Creek Wall that have been designed to account for the 2100 flood levels and would allow for future raising to a level of 6.2m AOD to meet enhanced flood resistance. The development would also deliver net gains in biodiversity terms through the provision of new landscaping and planting, biodiverse living roof areas, and tidal terraces within the Creek environment.
- 35 As detailed within this report, the proposed development would result in some harm to designated heritage assets, including to the Outstanding Universal Value of the Maritime Greenwich World Heritage Site to the setting of the Grade I listed St Paul's Church. In the context of NPPF paragraph 196 it is considered that the public benefits of the proposed development would outweigh this harm, and having regard to the statutory duties in respect of listed buildings and conservation areas in the Planning (Listed Buildings and Conservation Areas) Act 1990, officers are satisfied that the proposal would accord with the various provisions and requirements. The proposed development would also result in harm to occupiers of neighbouring apartments through reductions in daylight and sunlight, and overshadowing of a number of amenity spaces. Whilst the degree of harm to particular units will be significant, in weighing this harm against the public benefits of the scheme, it is considered that the substantive benefits that the scheme would deliver do outweigh this harm.
- 36 Members are advised that any financial benefit to the Council arising from the land sale agreement between the applicant and the Council should not be accorded any weight in the planning balance.