

Comments to London Borough of Lewisham on Reserved Matters Application DC/18/107698 Convoys Wharf, Block 08 (Phase 1) and its surrounding environment Submitted in response to L B Lewisham's consultation ending 26th July, extended to 15th August, 2018

By **Voice 4 Deptford**: Address - c/o Pepys Community Forum, 1 Creek Road, Deptford, London SE8 3BT

EXECUTIVE SUMMARY:

The outline planning permission reference DC/13/83358 dated 10th March 2015 is out of time. The UK government in Town & Country Planning Act 1990 'Guidance on the Use of Planning Conditions' says, ref. Sections 91/92, that outline permission must be made subject to two types of time-limit for each phase of a large development. These limits have not been included in the Outline Agreement. Therefore the Outline Planning Consent timed out on 10th March 2018 by default, rendering it invalid.

The application for approval regarding reserved matters on Plot 08 is out of date. Three years have passed since Outline Planning Consent was granted. Phase 1, Plot 08 is an old design which does not reflect recent dramatic changes in financial, housing and environmental conditions.

An imaginative and powerful cultural strategy could bring about a better and more site specific design. One example of a different design which could bring people to London to visit Convoys Wharf is that it was a major base for the Royal Navy at a time when it first protected, then prosecuted, the international slave trade. Building and street design, memorials, art work on this theme could reflect the current mixed heritage population of Deptford. In addition Convoys Wharf could become an international focus for a timely re-evaluation of the slave trade and its contribution to the development of the United Kingdom.

There are substantial legal and procedural conditions which have not been met:

'Due process' on the Application has been inconsistent and incomplete. Reserved Matters Application for Phase 1, Plot 08 was posted on 20 June with more than 20 documents missing. Some have never been submitted e.g Cultural Strategy for Plot 08, documents DWG P10852-00-002-103 and DWGP10852-00-002-105. Hard copies were not provided which discriminates against people without a computer.

Section 106 (S106) conditions are not being met. Outline Planning Consent to build Convoys Wharf was granted to the developer Convoys Properties Limited (CPL) in 2015 in tandem with a Section 106 Agreement (10 March, 2015) signed by CPL, Lewisham and the GLA. An absence of evidence points to the fact that these legally binding S106 conditions, particularly those concerning housing and a Cultural Strategy, have not been honoured in this Application.

No Financial Viability Transparency. Repeated EIA requests to LBLewisham and the GLA have failed to make the any of the financial viability information entirely transparent to the public. Yet the Mayor of London has stated that FVS's should be made available in their entirety and, in a Greenwich Ruling of January 2015, a judge agreed.

Misleading documents. The Planning Statement is a generic document adapted for the Plot 08 application. (See references to Elephant Park.) It does not specify the planning history and what the outline permission states in relation to Plot 08. This shows contempt for the planning process.

Disregard for policies and regulations An outstanding example of a blatant disregard for regulation appears in the Design and Access Statement on Fire Precautions Phase 1, Block 08.

There are particular aspects of Application DC/18/107698 which warrant criticism:

A) Aesthetic and design: In accordance with Lewisham's Local Development Framework (page 137: 8.3) Plot 08 must be revised to create a straight line of travel 'from the anchor to the river'. The building should also be context-sensitive and site-specific with much more green vegetation and landscape all of which should reflect its historic significance.

B) Housing & Accommodation: Phase 1, Plot 08 is 100% private flats with no socially rented housing. LB Lewisham's target of 50% affordable housing and its Core Strategy Policy for 3-beds+ on sites with 10+ dwellings should be met via the S106 Affordable Housing and Review Mechanism (Schedule 5 Para 1). The Borough should also accept the Mayor of London's new funding for developments which meet, or exceed, 35% affordable housing provision without public subsidy.

C) Children and young people's needs: The interior design of the building on Plot 08 does not provide suitable space for children and young people. 'Inter-visibility' between them and their parents is also missing from this design. Convoys Wharf is expected to provide playable space on-site (SPG S4 London Plan) for older children. The young people themselves have not been consulted as they should have been.

D) Environment and Green Space: Plot 08 block needs to have much more vegetation on balconies, walls, roofs, at street level, in the podium to comply with Policy G5, Urban greening, Chapter 8 of the 2017 Draft London Plan. This is to ensure sustainability, biodiversity, mitigating climate change and making Deptford Greener.

e) Culture and heritage: Convoys Properties Ltd has failed to implement S106 obligations to establish an ongoing steering group to advise it on all cultural matters concerning Phase 1, Plot 08 and the whole site. LB of Lewisham must enforce CPL's legal obligations which will result in a higher quality cultural influence on the design, layout and details of the plan and better social cohesion.

Conclusion: Please refuse consent to the application to build Block 08 (Phase 1) unless CPL conform to the letter and spirit of planning legislation, the outline plan and the S106 Agreement.

FULL RESPONSE:

Contents

Section One. In this section we comment on the **entire application** DC/18/107698 for Block 08 (Phase 1) and its surrounding environment and the management of the application process by Convoys Properties Limited and the London Borough of Lewisham. The emphasis is on where changes can be made to bring about a development fit for the present and future demands of the economy, climate and society.

Section Two. In this section we make **Specific Criticisms on Aspects of Phase 1, Plot 08** in the following categories:

- A. Aesthetics and Design
- B. Housing & Accommodation
- C. Children and young people's needs
- D. Environment and green space
- E. Culture and heritage

Section Three: A Summary of our reasons to reject the entire application DC/18/107698, Block 08 (Phase 1).

Addendum – Voice 4 Deptford offers a more ambitious plan for Convoys Wharf to planners, CPL, politicians, the people of Deptford.

Appendix 1 – Detailed arguments regarding timing and procedure of the whole planning process.

Appendix 2 - Detailed arguments regarding the Financial Viability Study and the failure to disclose it.

Section One – Comment on the entire application DC/18/107698 for Block 08 (Phase 1) and its surrounding environment and the management of the application process.

It is **Voice 4 Deptford's** opinion that Outline Planning Consent has timed out (See point 1 below). Pending a legal ruling on this from LB Planning and the GLA legal team and given that comments on the first application for Reserved Matters for Plot 08 (Phase 1) are invited, we make detailed comments on this application from point 2 onwards.

1. The outline planning permission reference DC/13/83358 dated 10th March 2015 is out of time.

The legal explanation of the Town & Country Planning Act 1990, ref. Sections 91/92 given by the UK government in 'Guidance on the Use of Planning Conditions' says that outline permission should be made subject to conditions imposing two types of time-limit, one within which reserved matters must be agreed and a second within which the development itself must be started. In a large development like Convoys Wharf where it has been split into phases, the 2 types of time limit must be set for each phase. The two types of timing have not been set for each phase, so timing reverts to the default position which is for all reserved matters in Phase 1 to be agreed within 3 years from the date of granting the outline consent. The first application for approval of Reserved Matters has been presented after 10th March 2018 and therefore the entire Outline Planning Consent has timed out and is invalid. (See Appendix 1 for details).

2. The application for approval regarding reserved matters on Plot 08 is out of date

The proposals regarding Aesthetics, Housing, Children and Young People and Landscape are inappropriate for this time. During the three year period since outline permission was granted the proposals have been superseded by changes in financial, social and environmental conditions. At this stage it is possible to begin to remedy this by changes in the proposals put forward for Plot 08.

3. There are legal and procedural conditions which have not been met.

a. 'Due process' on the Application has been inconsistent and is incomplete.

Reserved Matters Application for Phase 1, Plot 08 was posted on 20 June with more than 20 documents missing. Some have never been submitted e.g Cultural Strategy for Plot 08, documents DWG P10852-00-002-103 and DWG P10852-00-002-105. Hard copies were never provided, as promised, which discriminates against people without a computer. No document from the Cultural Strategy Group regarding Phase 1, Plot 08 was ever submitted.

b. The Section 106 agreement must be enforced

Outline Planning Consent to build Convoys Wharf was granted to CPL in tandem with a Section 106 Agreement (10 March, 2015) signed by the company, the GLA and LBLewisham. The LB Lewisham should demonstrate that the obligations CPL agreed to in that 106 Agreement have been adhered to regarding addition 'affordable' housing and a cultural strategy.

i) 'Affordable' Housing: The S106 Agreement, P177, Fifth Schedule – Affordable Housing and Review Mechanism, Financial Review, Additional Affordable Housing and Viability Appraisal, 2.1 states that *'The provision of Affordable Housing Dwellings within the Development shall be subject to review ...2.2 The Owner shall not submit the first Reserved Matters Application in respect of a Phase until the date 30 Business Days after it has submitted the Initial Viability Appraisal as required by Paragraph 2.15.'*

Scope to introduce socially rented housing in every block and phase lies in the detail of this Mechanism (Para 1). **Voice 4 Deptford** has requested sight of the Initial Viability Appraisal (Para 2.15) so far without success.

ii) Cultural Strategy: The S106 Agreement, P 147, Section 5.5 states that *'Before submitting the first Reserved Matters Application in respect of each Phase, the Owner shall consult the Cultural Steering group and shall have regard to any representations received following such consultation ... each Updated Cultural Strategy to be submitted to the Council ... (should be accompanied by) ... a brief statement setting out the extent to which any representations made have been incorporated into the relevant submitted strategy...'*

To our knowledge, a cultural strategy has not been included in Reserved Matters Application DC/18/107698 Block 08 (Phase 1) and, despite a request to see it by **Voice 4 Deptford**, none has been forthcoming.

Conclusion on S106: Unless and until it can be demonstrated that the S106 conditions have been met, particularly in relation to the two following matters, permission to commence Phase 1, Block 08 should not be granted.

c. Financial viability

Despite EIA's to both the L B Lewisham and the GLA **Voice 4 Deptford** has been unable to see a copy of the original FVS in unredacted form and has asked the GLA and LB Lewisham for it, so far without success. We have also asked for sight of an unredacted copy of the FVS associated with Phase 1, Block 08. Yet the Mayor of London has stated that FVSs should be made available in their entirety to the public. Furthermore, in the case of Royal Borough of Greenwich Ruling 30 January 2015 the judge said, point 18.

We find it particularly hard to accept that the pricing and other assumptions embedded in a viability appraisal are none of the public's business. They are the central facts determining the difference between viability and non viability. Public understanding of the issues fails at the starting line if such information is concealed, and discussion of the "point in time" nature of the viability models is frustrated.

Since 2015, there has been more openness regarding financial viability statements. The Mayor of London has stated that FVSs should be available to the public and Greenwich the judgement ruled out confidentiality as a reason for withholding information from the public. V4D's repeated EIA requests for unredacted versions of the FVS from both the GLA and L B Lewisham must be made available. (See Appendix 2 for details)

d. Misleading documents

The Planning Statement is a generic document adapted for the Plot 08 application. (See references to Elephant Park.) It does not give details of the specific requirements for approval of reserved matters. This shows contempt for the planning process and should be rejected. For example:

7.13 The Plot 08 Development continues to accord with planning policy and guidance which seek to ensure the highest possible intensity of use compatible with the local context to deliver a scale of development which makes the most effective and efficient use of land.

The development makes the most effective and efficient use of land from CPL's perspective of building as many residential units as possible to maximise their profits. It squeezes out to the minimum required standards for public realm and play space for children. Standards for public space, especially play space, are set because this is what is required for healthy living. Therefore the most effective and efficient use of land for the people who live, work and visit there comes from a proper respect of the policy guidelines of the London Plan and Lewisham Core Policy.

11.5 The Development represents the first plot of the wider Convoys Wharf development, which will provide further regeneration benefits to the Convoys Wharf Opportunity Area and help deliver the regeneration objectives of the Council and the GLA for this strategic development site;

- Provides 456 high quality new residential homes that will make a significant contribution to overall London Plan targets for the Opportunity Area as well as local housing delivery for the Council;*
- Provides of generous, high quality residential accommodation with private and communal amenity spaces and high quality common parts, which represents exemplary design;*

The regeneration objectives of the Council and the GLA require family housing at affordable levels, that is, affordable to people earning below £40,000. The overall target has changed. There needs to be a balance and not an overabundance of expensive one and two bedroom units. We expect high quality all through the development. However this development in general and Plot 08 in particular lacks the imagination that so many architects and others could easily provide. The proposals accepted even as recently as 2015 belong to a different era. There is still time to remedy this, but it requires a different approach and a different business plan.

e. Disregard for policies and regulations

An outstanding example of a blatant disregard for regulation appears in the Design and Access Statement on Fire Precautions:

'Once outside an apartment, the recommended maximum distance to a protected escape stair should not exceed 15 metres. In areas of the building where this distance is exceeded, measured from the entrance floor of the most remotely located apartment to the door to the staircase, the mechanically-assisted smoke ventilation system serving the common corridor will be designed to maintain the tenability of the extended corridor. In parts of the building where this distance is not exceeded, the common corridors will be served by the same smoke ventilation described above.'

'In areas of the building where this distance is exceeded' implies that there are areas of the building where the recommended maximum distance to a protected escape stair does exceed 15 metres. In other words, fire safety measures are being disregarded. It also sounds as if this breach is mitigated by a mechanically-assisted smoke ventilation system which will be designed, but this mechanically-assisted smoke ventilation system will be fitted throughout. If there are recommendations relating to fire safety then they must be adhered to.

4. An imaginative and powerful cultural strategy would bring about a better and more site specific design.

Tom Turner, Landscape Architect's Association (LAA), comments that the architecture and landscape for CPL's Phase 1, Block 08'...*has an 'anywhere' quality: the blocks could be anywhere in the world, including Hong Kong...It is an off-the-shelf anywhere design. It is not a context-sensitive site-specific design for a great historic site in Deptford'* g (<http://www.landscapesharchitecture.org.uk/convoys-wharf-planning-application-plot-08/>)

Voice 4 Deptford suggests a more ambitious vision for Convoys, one which could add significant local character to the otherwise bland building design and could also make our citizens feel at home whatever their heritage and age group. National and international visitors might come to see us. Convoys Wharf has the potential to be a World Heritage site.

The Convoys site was a major ship building base for the Royal Navy at a time when British maritime power first protected, then prosecuted, the international slave trade. Building and street design, memorials, art work on this theme could reflect the current mixed heritage population of Deptford as well as be a big visitor attraction. Further, Convoys Wharf could become a national focus for a timely re-evaluation of the slave trade and its contribution to the development of the United Kingdom.

Work on such a vision could attract the many and various local artists, groups, interests, faiths and habits of the wonderful people who live, work and create in Deptford. It could also win the backing of other major UK artists and cultural groups. All of this could be decided by an active and powerful cultural steering group of the kind the London Borough of Lewisham signed up for in 2015.

Section Two - Specific criticisms of aspects of Reserved Matters Application DC/18/107698 Convoys Wharf, Block 08 (Phase 1) and its surrounding environment

A. Aesthetic and design:

i. The building in Phase 1, Plot 08 bifurcates the key direction of travel from the High Street to the river and so literally, and figuratively, intentionally breaks the connection between the development and the community on whose land it stands. Yet Lewisham's Local Development Framework, page 137, states in regard to Convoys Wharf (8.3) that *'a key feature of any Masterplan for the site should continue the main access route north/south of Deptford High Street/New King Street to the Thames frontage.'*

In addition, page 138, states that (8.14) *The site has the potential to ... for the first time in centuries to open up a major part of Lewisham's river to the public and provide a direct connection between Deptford High Street and the Thames.* This would improve accessibility and connectivity with better links across Deptford and New Cross and the potential to re-route the Thames Path along the river for all or part of the site's river frontage.

ii. The brick facade does not represent the traditional style of brickwork. The use of brickwork in the facade could bring a playful and artistic sense of heritage and quality design - for example, see the first stage of the Millennium Village in North Greenwich and the new development in St John's Hill which, without commenting on the scheme itself, shows an imaginative way of working with heritage, brick and the local community. http://www.wandsworth.gov.uk/news/article/13246/artwork_unveiled_at_peabody_s_st_john_s_hill_regeneration_scheme

iii. The building impinges the curtilage of the Olympia Warehouse. The colonnade is nondescript and the plan in the design process which has arches rather than lintels makes a stronger reference to the built heritage of the neighbourhood compared with what is being proposed. (Design and Access page 80 and Elevation Drawings)

iv. Regarding the interior design, the flats appear cramped, built to the minimum space standards. The front doors open into the kitchen, as does the bathroom door by the entrance. This is not a desirable design and could be problematic for someone cooking in the kitchen as people enter through the front door. The majority of people would not want to walk through the kitchen on leaving the bathroom. In some instances the front door opens across the bathroom door which could be dangerous for someone leaving the bathroom, especially children, elderly and disabled people. They are not designed with children in mind.

v. The design of the Plot 08 block requires much more green vegetation landscape: 1. at street level, 2. on the courtyard podium, 3. on balconies, 4. on walls and 5. on roofs. This is required as contributions to a. sustainability; b. biodiversity; c. to the grand objective of making a Greener Deptford and a Greener London.

vi. The experience of higher than average temperatures is predicted to become the norm. Due to these changes in climate circumstance, CPL should take building cooling measures, many of which are included in the list above, and conform to Policy G5, Urban

greening, in Chapter 8 of the 2017 Draft London Plan (see below). This should result in a much better building design.

Voice 4 Deptford concurs with the following comments by Tom Turner of the Landscape Architecture Association (<http://www.landscapearchitecture.org.uk/convoys-wharf-planning-application-plot-08/>):

The design of Phase 1, Plot 08 is not a context-sensitive, site-specific design for a historic site of great importance. It is an 'anywhere' design. English garden theorist John Evelyn and the Royal Naval Dockyard has not inspired the design.

The architectural and landscape design of Plot 08 has an 'anywhere' quality. The blocks could be anywhere in the world, including Hong Kong. Apart from the site plan, which extends to Greenland Dock, Greenwich and the Isle of Dogs, there is very little context information on the drawings. It is an off-the-shelf anywhere design. It is not a context-sensitive site-specific design for a great historic site in Deptford.

The balconies on the blocks are thoughtlessly insulting. They appear to have been designed as decorations to relieve the tedious boredom of the block facades. Instead, the balconies should be designed as social space and cultivation space for the residents. The high residential density of the development makes it impossible to follow the local tradition (of terrace housing in Deptford and elsewhere in London) of giving each house a private garden. But giving each resident a 'garden in the air' balcony is possible and should be done. Instead, the application drawings show small glazed 'ledges' suitable for little more than hanging washing and storing bicycles.

The design team have researched the history of Deptford. But they have made very little use of the information in the design process.

The over-arching point is that Convoys Wharf is not just any old bit of derelict land awaiting re-development. It is a historic site of great importance. The land once belonged to the leading English garden theorist of the seventeenth century. John Evelyn used his own estate to experiment and advance the art and science of gardening. He let some of the land become a naval dock because he cared about maritime affairs as much as he cared about gardens.

Evelyn's intellectual legacy should to inspire an urban landscape design approach which advances this art and practice.

Summary: The proposals for Plot 08 Aesthetic and Design do not live up to the promise made by CPL to provide a high quality design, sensitive to the culture and heritage of the site. It is not cost effective to use low specifications for materials or to create cramped and over dense conditions for people to live in, especially where health, safety and the well-being of the residents and public are concerned. The design does not meet the current needs for 'cool' and sustainable living space which mitigates against pollution and the likely increasing occurrence of hot weather episodes. Therefore the application for approval of reserved matters for Pot 08 should be rejected.

B) Housing & Accommodation

There is a legal obligation on CPL and L B Lewisham to engage in an Additional Affordable Housing and Viability Appraisal (S106 Agreement, 10 March, 2015, P 177, Fifth Schedule, Paras 1 and 2 Affordable Housing and Review Mechanism). No evidence of such a Review Mechanism taking place has been offered to **Voice 4 Deptford**, despite a request for sight of it.

In view of this lack of transparency it is impossible for the public to make meaningful comment on the nature of any agreements which might be being made about 'affordable' housing between CPL and L B Lewisham.

It is **Voice 4 Deptford's** view that until there is socially rented housing in every block and phase of Convoys Wharf the development will be socially divisive and discriminatory. The clear out of local people which will result from the 100% private flats of Phase 1, Block 08, will begin the destruction of the very neighbourhood which makes Deptford, with its High Street and Strand, socially and culturally unique. We demand that, until there is socially rented housing available in it, this Application should not be approved.

In addition **Voice 4 Deptford** believes that CPL must stand by its stated aims in their Sustainability Statement summed up in the Executive Summary:

... 'the aim is to deliver a mixed use development that contains residential dwellings that the local residents can afford to purchase or rent ...

i) What are V4D's specific housing objections to Phase 1, Block 08?

The application for Phase 1, Plot 08 contains 100% private apartments, 1-bed and 2-bed only, no family sized housing, no socially rented housing

This is not appropriate to the local housing need in Deptford, Lewisham, or London where the need is for social rented and larger properties for families, 3-bed, 4-bed or more

LB Lewisham's policy is to have 3-beds or more, on all sites with 10+ dwellings

LB Lewisham Core Strategy Policy 1 sets a strategic target of 50% affordable housing delivery across the borough (subject to an assessment of financial viability). This is not being met.

Across London, including in Lewisham, there has been an overproduction of private apartments by 120%. Whereas social rented is only just above 20% of target

The build out will be a long period, 12 to 15 years, too long to meet the immediate housing crisis if social housing is not in Phase 1

ii) The policies of the Mayor of London/GLA can help to achieve socially rented housing in every phase but only if new developments already contain 35% of appropriate housing.

New Mayor of London's recent Housing reports recognise the real need for socially rented housing in London. He has made new funding made available for it but only if developments meet or exceed 35% affordable housing provision without public subsidy.

"To support this policy, the Mayor has taken, or will take, the following actions in the coming years: require a minimum of 35 per cent affordable housing in developments

for them to benefit from a Fast Track route through the planning system, or 50 per cent affordable housing on public land and industrial sites. Any proposed development that delivers below this threshold will be subject to detailed scrutiny”

London Housing Strategy Implementation Plan May 2018, Greater London Authority

https://www.london.gov.uk/sites/default/files/2018_lhs_implementation_plan_rev1.pdf

iii) What are V4D's objections to the housing model for Convoys Wharf as a whole?

The Convoys Wharf Outline Planning permission (2014) offers, overall, 85% private luxury apartments and just 15% 'affordable', that is only 500 out of the 3,500 units

'Affordable' is a disputed descriptive term. Even of the 'affordable', the greater part 70% is intermediate housing (shared ownership – part buy, part rent) and the smaller part 30% affordable rent. Yet the LB Lewisham's stated policy is for the reverse – 30% intermediate and 70% affordable rent

The average income in Lewisham is around £25K per annum. New private apartments have starting prices from £400K to £500K. A Lewisham resident would need 14 times or more of their income to 'afford' to buy a private home. Yet even they are beyond most people in Lewisham, with low incomes of up to £15,000 a year

The affordable rent model, is not suitable, as it is tied to the 'market rate'

The entire Convoys Wharf housing model is out of date scheme, it is only 15%. The housing need is for social/council low rents following national guidelines, to give a lifetime of secure tenancy

Around London, there are 50+ development schemes, where the Phasing excludes having any 'affordable' housing in the first Phasing. An example is in LB Haringey.

Summary: Reserved Matters Application DC/18/107698 Block 08 (Phase 1) should not be passed unless and until socially rented housing is included in it. The L B Lewisham should actively work to ensure the rest of the scheme conforms to the up to date model of socially mixed housing with socially rented housing above 35%. This would enable the borough to apply for housing funding from the Mayor of London.

C) Children and young people's needs are being ignored

'The amount of time children spend playing outdoors, their ability to get around independently, and their level of contact with nature are strong indicators of how a city is performing, not just for children but for all generations of city dwellers.' (From a report by Arup - Cities Alive: Designing for Urban Childhoods, www.arup.com/perspectives/publications/Research/Section/Cities-Alive-Designing-for-Urban-Childhoods)

i. The indoor space in Block 08 is inadequate to meet the needs of children. Although the 2 bedroom flats are just over the 70 sq m minimum floor space recommended by the London Plan it is questionable whether the layout of the flat and bedrooms provides the space children and young people need to have a private place to play, have friends round and do homework. Is there sufficient space for a table to do homework, storage for toys and space to sit on the floor and play? Is there space overall to socialise with parents? There is a need for larger family units of 3+ bedrooms in this block, which should be found no higher than the fifth floor.

ii. It is proposed to provide a play area for under 5's on the podium, in Phase 1, Plot 08, and this comes with the caveat in the Application that the under 5's must be supervised

to prevent injuries because, according to its Design and Access statement, page 121: 'Young kids can't always gauge distances properly and aren't capable of foreseeing dangerous situations by themselves.' Voice 4 Deptford would like to point out that this is a misconception and can be harmful to the development of the children. Children of all ages learn by taking risks in a secure environment where parents and carers are on hand but not interfering and not being anxious about the child's ability to take risks. See Design for Play page 10 (<http://www.playengland.org.uk/media/70684/design-for-play.pdf>). A risk benefit assessment should be carried out if this has not already been done.

iii. The outdoor space for children over 5 years is unsuitable and insufficient for their needs. When at play children need to have visual contact with where they live and parents also need the reassurance they can see their children at play. This inter-visibility and also free access between home and outside is important for children to establish confidence and independence. The two bedroom flats in Phase 1, Plot 08, where a family with children could live, are on the outside of the block. No plans have been submitted for playable space around the outside of the Plot 08 block. The issue could be resolved by introducing playable streets, bearing in mind that it is proposed that one of the streets is a bus route and the main axis through the site and also that the steps from the podium lead down to that street. See Lewisham Council's DM Policy 30 (Urban Design and Local Character), point d and Design for Play <http://www.playengland.org.uk/media/70684/design-for-play.pdf>, page 65 Street Play. This is a serious design flaw if children are being expected to live in Phase 1, Block 08.

iv. There is a lack of communal play space for older children. The Phase 1, Block 08 Application states that children over 5 years are expected to play off-site. Does this mean that if they play on the podium space they will be told to go elsewhere? Policy S4, London Plan SPG Play and Recreation (www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance/play-and-informal) states that in a large development children and young people should be accommodated on site. The rationale for this is related in part to the need for inter-visibility as explained in paragraph 3 above, especially for children under 12 years. If it must be that off-site provision is called for, use of local playgrounds and parks should be balanced against the existing use of local playgrounds and parks and not result in a net loss play space. It follows that there should be an assessment of the consequences for the local community of the increased use of their parks. Voice 4Deptford considers this is essential for the harmonious integration of the new community and if it has not been carried out then must be before any permission is granted on reserved matters.

v. There is no space planned for teenagers. Nowhere in Reserved Matters Application DC/18/107698 for Block 08 (Phase 1) has Convoys Properties Limited identified places where older children or teenagers might assemble with their friends without interference from adults. It is common knowledge that young people need places to go where they can develop skills, feel welcome, form relationships and absorb a sense of culture and belonging to society. The alternative is alienation, loss of hope, which can lead to the kind of violence prevalent now amongst young people. See the UN Charter for the Rights of the Child, in particular Article 12 on respect for the views of the child, Article 15 on freedom of association and Article 31 on leisure, play and culture. Voice 4 Deptford understands that according to the UN Charter it is the right of young people of Deptford to be involved in creating their own spaces. They are the future of our community. They should be consulted, involved and included in every decision about the

site that affects them. The proposal for a Youth Forum, required under Annexe 3 of the Section 106 Agreement Cultural Strategy, is a suitable means of including them and is a requirement of the S106 agreement that this is in place before the first application for approval of reserved matters.

Summary: Reserved Matters Application DC/18/107698 for Block 08 (Phase 1) should be deferred until it pays adequate attention to the needs of children and young people. What is healthy for children is healthy for the whole community. The proposals for Plot 08 do not serve the developmental needs of children and young people nor do they meet the terms of the S106 agreement and they contravene the policies of both London and Lewisham. The plans must include an assessment of the impact of the many new young people arriving to play in Deptford's existing parks and conform to the stated intent of CPL to serve the needs of the local community. These are the reasons that the application for reserved matters should be rejected.

D) Environment and Green Space

i. These plans for Phase 1, Plot 08 depend too heavily on existing green space in the surrounding parks for the building's for the coming children to play in and for outdoor recreation for all ages. In a development this size more green space should be created around and on the building in Plot 08.

Moreover, it does not comply with the Mayor's SPG on Play and Recreation relating to large developments. Developers are expected to make play provision **on site** for all children and include space for young people. This policy is based on the professional advice of experts on play and is being flouted by the Phase 1, Plot 08 design. The reason for provision to be on site is that this is what is needed for children to flourish and be healthy. Green spaces should be created within sight of children's homes, especially for those under 12. They prefer to play around their homes and otherwise might not make the effort to play elsewhere. Lack of playable space can lead to health problems such as obesity and social isolation and deprives children of the opportunity to develop through the opportunities that play brings. Denying what is actually a right under the UNCRC is to do harm and leads to the probability of future mental health and developmental problems in later life.

ii. With the prospect of increasing temperatures being more recurrent, a greater tree canopy is necessary, so there should be a corner where a 'pocket park' could be planted.

iv. Design and Access para. 7.1.14 Streetscape Material Palette states '*Cost effective concrete standard units, granite kerbs and asphalt carriageway will be applied [according to?] the master plan.*' CPL are using the lower quality levels of the specification in the name of 'cost effectiveness' including square edged kerbs. Rounded edge kerbs are preferred because they are safer, easier for bikes, pushchairs wheelchairs, etc.

v. Much more design work, and information, is required for the green roofs. Like the balconies, the roofs should be planned and designed as social space and cultivation space. The area should be a community skypark for residents.

vi. As a contribution to flood prevention, more effort on the design of the roofspace would make it possible for much of the rainwater to be stored, used and evapo-transpired (so that it does not have to be taken off site in underground drains).

vii. It is good that the blocks have shops with street frontages at ground level and the street trees are welcome. But the design of the street spaces is crude, bland and people-unfriendly.

viii. The overall design of the Plot 08 blocks requires much more vegetation: (1) at street level (2) on the courtyard podium (3) on balconies (4) on walls (5) on roofs. This is required as contributions (1) to sustainability (2) to biodiversity (3) to mitigating climate change (4) to the grand objective of making a Greener Deptford and a Greener London.

Summary: Plot 08 requires more attention to the creation of green space and be less dependent on the existing parks to provide it. Green space and space to relax and play gives rise to a healthier community and is increasingly important in today's world. CPL should provide a higher specification of materials and introduce details and street furniture which reflect the culture and heritage of the site. It should find ways of using ecological measures to prevent flooding and introduce more vegetation to the plot. Lewisham Council should reject the current application and require the developers to comply with Policy G5, Urban greening, in Chapter 8 of the 2017 Draft London Plan.

E) Culture and heritage

It is the opinion of **Voice 4 Deptford** that Reserved Matters Application DC/18/107698 Block 08 (Phase 1) should be deferred until CPL engages in a satisfactory and ongoing dialogue with the local community about Phase 1, Plot 08 as was promised in the 106 Agreement, 2015.

Background: Outline Planning Consent to build Convoys Wharf was granted to CPL in 2015 in tandem with a signed 106 Agreement (10 March, 2015) in which the developer made specific commitments to maintain and enhance the cultural life of Deptford and the site's historic legacy through ongoing dialogue with local people. Part of this commitment was to support Sayes Court Garden and Build the Lenox. The other part was to establish a Cultural Steering Group to ensure that there was wider community involvement in every block and phase of how the site looked, the values and cultures it reflected and who felt at home and comfortable in it. This steering group was to meet quarterly (106 Agreement, 6.6 , P 149)

What happened:

A Cultural Steering Group was established by the consultancy Fourth Street at the developer's invitation. Participants included representatives from Trinity Laban, Goldsmith's, Lewisham Council and 2nd Wave Youth Arts. No other groups, for example from Pepys estate area were invited to join. Co-Pepys, a community arts project which has been working with art and culture on Pepys estate and surroundings areas for more than 30 years, was left out. So were *Build the Lenox* and *Sayes Court Garden*. This steering group met once, on 25th January, 2017, at which Fourth Street submitted their vision and took comments from participants afterwards. That turned out to be what CPL thought of as the 'consultation' aspect the S106 Agreement. The group has never met again, let alone to discuss cultural matters for Phase 1, Block 08.

What should have happened:

P 147, Section 5.5 of the S106 Agreement states that '*Before submitting the first Reserved Matters Application in respect of each Phase, the Owner shall consult the*

Cultural Steering Group and shall have regard to any representations received following such consultation ... each Updated Cultural Strategy to be submitted to the Council ... (should be accompanied by)...a brief statement setting out the extent to which any representations made have been incorporated into the relevant submitted strategy...’.

A cultural strategy has not been included in Reserved Matters Application DC/18/107698 Block 08 (Phase 1) and, at the request of Voice 4 Deptford, LB Lewisham has requested an update from the developers.

What could happen:

We support any actions LB Lewisham takes to legally enforce the obligations CPL agreed to in the S.106 Agreement of 2015, including taking out an injunction against CPL until it honours its S106 commitments. This could ensure that a community agreed Cultural Strategy was put in place for Phase 1, Block 08.

Planning Obligations (Section 106 Agreements)...are legally enforceable obligations entered into under section 106 of the Town and Country Planning Act 1990 (as amended). A House of Commons: Briefing Paper (House of Commons Library, Number 7200, 24 May 2016) states:

If the s106 is not complied with, it is enforceable against the person that entered into the obligation and any subsequent owner. The S106 can be enforced by injunction. Local Government Association: <https://www.local.gov.uk/pas/pas-topics/infrastructure/s106-obligations>.

Another alternative is a dispossessed and alienated local community.

Young people from 2nd Wave Youth Arts were asked their views of Convoys Wharf in 2011/12.

Rachelle, 15 years old, lived in Dacca Street said

“I think Deptford doesn’t have enough safe spaces where young people feel comfortable and relax”

“My nightmare scenario would be a place where I live but I don’t feel I belong anymore”

Martins, 21 years old.

“The section 106 Agreement needs to offset the negative impact of this development. But how can young people be involved throughout...?”

“My nightmare scenario would be a growing crime rate and divisions in the community”.

The young people of 2nd Wave Youth Arts have not been asked for their views about Phase 1, Block 08 by the statutory S106 established Cultural Steering Group. This is because such a steering group does not exist.

Summary: It is the opinions of **Voice 4 Deptford** that the S.106 Agreement and the Outline Planning Consent (2015) should be considered together, as they appear to be in law. As a minimum, evidence of ongoing and meaningful dialogue between the CPL and the local Cultural Steering Group about Phase 1, Block 08 should be produced. Until that happens Reserved Matters Application DC/18/107698 Block 08 (Phase 1) should not be approved.

Section Three - A Summary of our reasons to reject the entire application DC/18/107698, Block 08 (Phase 1).

Convoys Properties Limited has submitted an application to L B Lewisham which is inaccurate and sloppy in its attention to detail, has timed out, is out of date in its aesthetic and design, has produced a 100% private housing at a time of national housing crisis, is unsustainable in a world of climate change, ignores the needs of children and young people, ignorant of local culture and heritage and, at times, flagrantly in breach of the planning procedures. Therefore it should be rejected.

Addendum:

Voice 4 Deptford offers a few ideas for an alternative Convoys Wharf based on our consultations. We think these begin to better meet the needs, aspirations and interests of local people. They might be the basis for a new vision for the site which could also benefit CPL, the GLA and L B Lewisham.

- Housing for all - a special 'Lewisham model' for Council rented homes; Density through sensitive design; dividing into plots for different architectural groups to come up with designs, including self-build, which conform to the local vernacular, as in example of Swedish model. <https://www.homesandproperty.co.uk/property-news/the-new-swedish-town-offering-innovative-solutions-to-londons-housing-crisis-a116751.html>
- Children and young people - enough space to play, move, feel safe and at home, be creative and be listened to.
- Long term security for *Sayes Court Garden* and the *Lenox Project*.
- A culture strategy which includes considering the environment, oceans, horticulture, climate change, heritage from slave trade, co-operation between nations.
- Engage the Royal Navy, National Trust, English Heritage etc to promote cultural aspects of the unique Royal Naval site.
- Make it an international heritage site
- Provide 'proper jobs' and apprenticeships
- Extend Deptford High Street and its market to the river
- Provide income over the long term for Lewisham and a Community Trust, retaining wealth in the local community

Appendix 1: Legal questions over the timing and procedures of the Outline Planning Permission for Convoys Wharf.

The text from **Voice 4 Deptford**'s email to Lewisham Planning, 25th May 2018 and the GLA thereafter.

We have received no reply to date.

“We in Voice 4 Deptford doubt that the London Borough of Lewisham and Convoys Properties Limited are working to the correct planning procedures and time frames. In our view this lack calls into question the validity of the outline planning consent.

Our reasons for believing this are as follows:

1) In the Town & Country Planning Act 1990 Section 92, amendments were made in 2005 which omit paragraph 2 (b) (i) of the Act. This refers to a period of 3 years from the date of granting permission for the scheme for the beginning of construction. Yet the Outline Planning Consent Decision Notice for Convoys Wharf (10 March 2015), Time Limits, page 1, paragraph 1. (ii) (a) still refers to such a period of 3 years from the date of granting permission. Hence the current agreement is not aligned with the 2005 amendments to the Act. These two important planning documents ought to conform. The Town & Country planning amendments were made, as shown, to bring the Act into line with the Planning and Compulsory Purchase Act 2004 (C.5) ss 51(2)(a).

2) The legal explanation relating to the Town & Country Planning Act 1990, ref. Sections 91/92 given by the UK government in ‘Guidance on the Use of Planning Conditions’ says that outline permission should be made subject to conditions imposing two types of time-limit - one within which the application for approval of reserved matters must be made, - the second within which the development itself must be started. It is clear that all Reserved Matters must be agreed before the development can begin. As the guidance shows, the two types of time-limit ought to be clear and in the Outline Planning Consent decision Notice for Convoys Wharf and they are not.

3) The Outline Planning Consent has set the two types of time-limits for the development as a whole (13 years and 2 years). However the development has been split into separate periods or phases. The Town and Country Planning Act 1990 states that the authority concerned may do this under Para (2) (a) of Sect 92 in relation to the separate parts of the development to which the planning consent relates and that the condition required by Para (b) of that subsection ‘shall then be framed correspondingly by reference to those parts instead of by reference to the development as a whole.’ Therefore the agreement should show the two types of time-limits for the parts of the development and not the development as a whole.

4) Condition 22 of the Outline Planning Agreement gives only indicative development phases and construction phasing. It does not show the timing for agreement of reserved matters for each phase, which in any case needs to be set out in Paragraph 1, as explained in 3) above. In the timing shown for construction to be carried out for Phase 1, there is a valid argument that by implication the time-limit for agreement of reserved

matters is three years from the date that outline approval was granted and this means that the development has timed out and is no longer valid.

With the documentation we have to date, on the website etc, the Outline Planning Consent is failing to stand by the letter and spirit of the 1990 Town & Country Planning Act. It is our opinion that the drawing up of the original agreement was not sufficiently rigorous and this has led to the invalidation of the Consent.

It is important that if this has timed out, the GLA confirms that the permission no longer stands. To do otherwise leaves this important piece of land in abeyance when more suitable alternatives should be considered immediately. Please inform the GLA of our view, and send them a copy of this letter.

As you know V4D is unhappy with the outline planning permission as it stands because it fails to provide socially rented housing in every block or phase or take into account the needs of children and young people. Surely the Borough could make a far better financial return from a development which is more imaginative and meets the housing and employment needs of local people.”

Appendix 2: The text of a letter **Voice 4 Deptford** wrote to the Mayor of London on 3rd July 2018 challenging the GLA’s assertion that it could not allow financial information to be given to us because it was not in ‘the public interest’.

We have had no reply to date.

GLA Point 6. As noted in the ICO guidance on the public interest test, there is a public interest in ensuring fair commercial competition in a mixed economy. This would be harmed by disclosing information which would be likely to adversely affect fair commercial competition.

V4D See Confidentiality of commercial or industrial information (regulation 12(5)(e)) Environmental Information Regulations ico.org.uk/media/for-organisations/documents/1624/eir_confidentiality_of_commercial_or_industrial_information.pdf

34. It is not enough that disclosure might cause some harm to an economic interest. A public authority needs to establish (on the balance of probabilities – ie more probable than not) that disclosure would cause some harm.

GLA Point 7. This should be given weight in this case because the plans concern the proposal for 3,500 new homes (including affordable housing).

V4D In the view of **Voice 4 Deptford** it is not in the public interest to deliver 3,500 homes that are unaffordable to the majority of people including nurses, doctors, firemen, other professionals and some at management level. In our estimation even the affordable currently set at 15% of the development require a household income of approximately £45,000, well above the means of most of Deptford’s current inhabitants. In addition there will be no socially rented homes. This means that the younger generation of Deptford’s local families will be forced to leave the area and, thereby, our area’s unique mix of people and heritages will be destroyed.

In the view of **Voice 4 Deptford** it is also not in the public interest to build luxury units which take very little account of the acknowledged needs of children and young people. Research points to their need for play area near to home, space to roam and access to

mature natural environments. Podium play areas and gated yards are unsuitable for play even for the children of the wealthy.

Furthermore, in the view of **Voice 4 Deptford**, it is not in the public interest to build housing/retail directly over an archaeological site of national and international significance. The Lenox Project and Sayes Court Garden, though valuable in their own right, are insufficient acknowledgement of Deptford's unique maritime history. The Royal Navy enforced Britain's power in the world at a time when the country grew rich on the produce from, and labour of, its overseas dominions. The effects of that, for both good and ill, are still seen in London's, and the country's, infrastructure, financial institutions and peoples. It is in the interest of the public that the site's history be enhanced rather than obliterated, both literally and figuratively.

Voice 4 Deptford believes that we are at a turning point in public attitude to housing developments of this kind. The recent economic downturn and the known needs of the local community weigh against it as it is currently framed. It is in the developers' interests, as well as the public's, that they release their financial information, listen to the local community and start all over again.

GLA Point 9. We acknowledge that there is a public interest in transparency, however, the GLA understands that Convoys Properties Ltd has held public consultation events within the local area on the 7th and 8th of July 2017 which as part of the overall open planning application process, demonstrates their commitment to the high degree of transparency and engagement already in operation.

V4D At the consultation events referred to by the developer on 7/8 July 2017 there was no financial transparency despite our questions. Consequently we have had no information about the genuine affordability of 'affordable housing', where and when these affordable homes are proposed to be built and where and to whom they are being marketed. As an exercise in consultation on financial viability these meetings were failures.

In addition, the developers attended two special consultations at the invitation of Voice 4 Deptford. Again no financial information was made available to us.

Regrettably therefore Convoys Properties Ltd is giving a partial view of the content of their engagement with us. Their purpose at these events appeared to be to tell us what they planned to do and ignore our views and concerns.

Voice 4 Deptford is the latest in a long line of community and specialist groups to have questioned the suitability of the design, massing and cost aspects, and the social consequences for the local community, of Convoys Properties Limited's plans for Convoys Wharf. Consistently over the years, despite the constructive objections, valid criticisms and ongoing arguments against their particular approach, nothing has stopped the developers from proceeding. What the local community wants is the opportunity to contribute to a unique development, of world wide significance, in an area renowned for its creativity and innovation. It should provide real jobs for local people, place greater value on the heritage of the site and produce decent homes on a human scale for local people and the whole spectrum of people who need them.

Any real consultation over the years would have taken these concerns seriously.

End of document