

Anthology Kennington Stage Planning Statement Addendum

February 2023

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Introduction

1.1 This document acts as a further addendum to the Planning Statement in addition to that of August 2022. It should be read in conjunction with the Planning Statement and other submitted documents, rather than as a standalone document. Where necessary the planning documents have been reviewed and amended, however, given the nature of the proposed amendments the changes to the below are minor/ non-existent and only addressed in this Planning Statement addendum as necessary:

- Acoustics
- Arboricultural
- Archaeological
- CEMP
- Bat Report
- SoCI
- Whole life cycle
- Lighting
- Fire Strategy
- Travel Plan
- FRA
- Contamination
- Biodiversity
- Noise Assessment

Background

2.1 Following submission, a series of amendments were made to the scheme. These had been subject of extensive discussion with the LPA. The amendments came about in response to LBL comments with regard, in particular, to daylight and sunlight and residential amenity as a result of which the scheme has undergone substantial design development. There were two key areas of change:

- Block A has been cut back and changed in size so as to minimise the effect on adjoining residential properties, in particular daylight and sunlight on Wilmott House.
- Block B has been reduced in height and cut back.

2.2 These amendments were submitted in August 2022 and reduced the scheme by 29 units to 126 units. This remains unchanged by the further amendments covered here.

2.3 In January 2023 the Mayor instructed that all developments over 30 metres should have two stair cores after comments from the National Fire Chiefs; this was to apply immediately including to developments already in the process. As a result, there has been the introduction of a second stair in the development; there has been no reduction in units, however it has reduced to 306 habitable rooms (from 319).

2.4 There has been no change to the envelope of the development, and the amendment has been largely achieved through single bedroom units in the private element becoming studios.

2.5 Given the timing and nature of the intervention from the mayor, it is not unreasonable to prioritise the protection of the design and envelope of the development to achieve the overall aim. Such an approach protects the design integrity, while maximizing the affordable housing.

Context

3.1 This addendum has been produced as a result of the Mayoral intervention. It is not intended to address issues that are not affected by the changes as a result of this intervention, and these remain with the main body of the Planning Statement.

Description of Development

4.1 The description of development remains:

Redevelopment of the former Woodlands and Masters House site retaining the Masters House and associated ancillary buildings; demolition of the former care home; the erection of a central residential block ranging in height from 3 to 14 storeys, and peripheral development of part 1, part 2, part 3 and part 4 storeys, to provide 126 residential units, together with servicing, disabled parking, cycle parking, landscaping, new public realm, a new vehicular and pedestrian access, and associated works.

Site and Surrounding Area

5.1 The Site and surrounding area remain the same as per the main Planning Statement and this is not replicated here.

Planning History

6.1 The planning history remains as per the main Planning Statement, and this is replicated here.

Post Application Discussions

LBL

7.1.1 Subsequent to the August submission there has been extensive discussions with the LPA with regard to viability and given the changes these are ongoing and covered elsewhere. The affordable contribution however has increased slightly as a result of this amendment.

GLA

7.2.1 A GLA stage 1 report was issued offering support for the broad principles of the development subject to further detailed information:

Land use principles: The principle of the redevelopment of the under-utilised and well-connected site is supported. Confirmation on the terms of acquisition of the Cinema Museum for the current application is required prior to the Mayor's decision at Stage II.

Housing: 40% affordable housing by habitable room with a tenure split of 60% LAR and 40% intermediate shared ownership is proposed (offer subject to grant). The application does not meet the Mayor's threshold of 50% affordable housing on public land and must follow the Viability Tested Route. GLA officers are scrutinising the viability assessment to ensure the maximum quantum and affordability of the affordable housing.

Urban design and heritage: The overall massing strategy is broadly supported although comments should be addressed in relation to development form, residential quality and public realm. The scheme will result in less than substantial harm to the significance of designated heritage assets which will need to be outweighed by public benefits of the proposal once confirmed by Stage II.

Other issues on sustainable development, transport and environmental considerations also require resolution prior to the Mayor's decision making stage.

7.2.2 Where appropriate the detailed issues are addressed in the revised documents, otherwise these comments relate to the unamended scheme; however, the principles of utilizing an underused site, and the design and massing strategy remain the same.

7.2.3 Following the Mayor's London wide intervention the applicants have revisited the scheme to provide a second stair core. The application has not been through a resolution to grant and not been referred back to the GLA at Stage 2.

Planning Policy Context

8.1.1 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise in accordance with Section 38(6) of the Planning & Compulsory Purchase Act 2004.

8.1.2 The statutory development plan comprises the London Borough of Lambeth Local Plan (2021), Lambeth Council Proposals Map, and the London Plan (2021). The Lambeth Local Plan (2021) was under review during the consideration of the previous application and was adopted September 2021.

8.1.3 As before, it is worth acknowledging that the development plan has changed since the Inspector's decision, which while being made in 2021, was done so prior to the adoption of the new London Plan and the revised Lambeth Local Plan.

8.1.4 Other policy documents that are material planning considerations in the determination of this application includes: the National Planning Policy Framework 2021 (NPPF), National Planning Policy Guidance (NPPG), the London Plan Supplementary Planning Guidance (SPG), and the London Borough of Lambeth Supplementary Planning Documents (SPD).

8.1.5 The planning policy relevant to the consideration of the application therefore comprises three levels of policy – national, regional, and local. The policy context of the design revisions remains identical, and the Development Plan and Guidance are not revisited here except where needed. The statutory development plan remains unaltered since the initial submission of this application, and this is fully addressed in detail the main Planning Statement and not replicated here.

8.1.6 As before all of the policies in the London Plan are of strategic importance; however, the policies within which are considered particularly relevant to the proposed development on the Site are:

- Policy GG1 Building strong and inclusive communities
- Policy GG2 Making the best use of land
- Policy GG3 Creating a healthy city
- Policy GG4 Delivering the homes Londoners need

- Policy GG6 Increasing efficiency and resilience
- Policy SD4 The Central Activities Zone (CAZ)
- Policy SD10 Strategic and local regeneration
- Policy D1 London's form and characteristics
- Policy D2 Infrastructure Requirements for sustainable densities
- Policy D3 Optimising Capacity through the design led approach
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D6 Housing Quality and standards
- Policy D7 Accessible housing
- Policy D8 Public realm
- D9 Tall buildings
- Policy D11 Safety security and resilience
- D12 Fire safety
- Policy D14 Noise
- Policy H1 Increasing housing supply
- Policy H4 Delivering affordable housing
- Policy H5 Threshold approach to applications
- Policy H6 Affordable housing tenure
- Policy H10 Housing size mix
- Policy S4 Play and informal recreation
- Policy E10 Visitor infrastructure
- Policy E11 Skills and opportunities for all
- Policy HC1 Heritage conservation and growth
- Policy HC3 Strategic and Local Views
- Policy HC4 London View Management Framework
- Policy HC5 Supporting London's culture and creative industries
- Policy G5 Urban greening
- SI1 Improving Air quality
- Policy SI2 Minimising greenhouse gas emissions
- Policy SI3 Energy infrastructure
- Policy SI4 Managing heat risk
- Policy SI5 Water infrastructure
- Policy SI12 Flood risk management
- Policy SI13 Sustainable drainage
- Policy T1 Strategic approach to transport
- Policy T2 Healthy Streets
- Policy T4 Assessing and mitigating transport impacts
- Policy T5 Cycling
- Policy T6 Car parking
- Policy T6.1 Residential parking
- Policy T7 Freight and Deliveries, servicing, and construction

8.1.7 The key Local Plan policies which are considered particularly relevant to the proposals for the Site include:

- Policy D2 – Presumption in favour of sustainable development
- Policy D3 – Infrastructure
- Policy D4 – Planning obligations

- Policy H1 – Maximising Housing Growth
- Policy H2 – Delivering Affordable Housing
- Policy H4 – Housing Mix in New Developments
- Policy H5 – Housing standards
- Policy S2 – New or improved community premises
- Policy T6 – Assessing impacts of development on transport capacity
- Policy T1 – Sustainable Travel
- Policy T2 – Walking
- Policy T3 –Cycling
- Policy T4(d) – Public transport infrastructure
- Policy T6 – Assessing impacts of development on transport capacity
- Policy T7 – Parking
- Policy T8 – Servicing
- Policy EN1 – Open Space
- Policy EN3 – Decentralised Energy
- Policy EN4 – Sustainable Design and Construction
- Policy EN5 – Flood Risk
- Policy EN6 – Sustainable drainage systems and water management
- Policy Q1 – Inclusive Environments
- Policy Q2 – Amenity
- Policy Q3 – Community Safety
- Policy Q5 – Local Distinctiveness
- Policy Q6 – Urban Design: Public Realm
- Policy Q7 – Urban Design: New Development
- Policy Q8 – Design quality: construction detailing
- Policy Q9 – Landscaping
- Policy Q10 – Trees
- Policy Q12 – Refuse/recycling Storage
- Policy Q13 – Cycle Storage
- Policy Q15 – Boundary treatments
- Policy Q18 – Historic environment strategy
- Policy Q20 – Statutory listed buildings
- Policy Q22 – Conservation areas
- Policy Q23 – Undesignated heritage assets: local heritage list
- Policy Q25 - Views
- Policy Q26 – Tall Buildings
- Policy PN8 – Oval and Kennington

8.1.8 In addition to the Development Plan, LBL have also published several relevant Supplementary Planning Documents (SPD's). Those most relevant in consideration of the proposals is:

- Lambeth Development Viability SPD (October 2017)
- Lambeth Draft Design Code SPD (unadopted)
- Lambeth Development Viability SPD (October 2017)

8.1.9 The Lambeth Development Viability SPD, adopted on 9 October 2017, sets out LBL's approach to assessing development viability in planning proposals. This states that policy requires the submission of a financial appraisal if the proposed affordable housing provision is below the applicable target level of provision (i.e., 50% where public subsidy is available or 40% without public subsidy) or where the

proportions of social and affordable rented and intermediate housing are not in accordance with policy. Developers are then required to supply viability information where necessary to demonstrate that a scheme is maximising affordable housing. The SPD goes on to conform with the GLA position stating that viability appraisals will not be required for applications that meet the criteria for 'Fast Track route' as set out in the Affordable Housing and Viability SPG (GLA).

The London Plan Fire Policy remains the same as before, nonetheless the Mayoral position on the interpretation of that policy has changed and this amendment addresses this issue.

Assessment

9.1.1 As outlined above, the application seeks planning permission for the following development:

Redevelopment of the former Woodlands and Masters House site retaining the Masters House and associated ancillary buildings; demolition of the former care home; the erection of a central residential block ranging in height from 3 to 14 storeys, and peripheral development of part 1, part 2, part 3 and part 4 storeys, to provide 126 residential units, together with servicing, disabled parking, cycle parking, landscaping, new public realm, a new vehicular and pedestrian access, and associated works.

9.1.2 This section of the addendum to the Planning Statement assesses the amendments against the policies of the Development Plan and other material considerations, where needed. The main issues remain as before and not all are fully addresses in this addendum:

- Principle of Development
- Loss of C2 Use
- Preservation of Cultural Use
- Housing
- Optimising Density
- Backland Development
- Tall Buildings
- Views
- Heritage
- Affordable Housing
- Dwelling Mix
- Design
- Residential Amenity
- Daylight and Sunlight
- Dual Aspect
- Landscaping
- Children's Play
- Balconies
- Highways and Transport
- Access and Servicing
- Energy and Sustainability
- Lighting
- Flood Risk
- SUDS
- Archaeology
- Contamination

- Biodiversity
- Air Quality
- Noise and Vibration
- Wind Modelling
- Construction Management

9.1.3 The addendum is not fully comprehensive and should be read in conjunction with the main Planning Statement.

Principle of Development

9.2.1 The principles around a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social, and environmental benefits, remain the same. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential and the seeking the optimal use of brownfield land in balance with housing need, viability, local character, and infrastructure.

9.2.2 In this context, subject to other planning considerations, as a site that is adjacent to the CAZ and an Opportunity Area, on brownfield land, within 50 m of a Major Centre, with a PTAL of 6A/ 6B, the principle of a high density residential development, through site optimisation remains robustly supported by national, regional, and local policy.

9.2.3 These issues are fully addressed in the main Planning Statement.

Loss of C2 Use and retention of Cultural Use

9.3.1 This is fully addressed in the body of the main Planning Statement and the position is not replicated here.

Housing

9.4.1 London's desperate need for more homes is well established at all levels of policy. The first Strategic Objective (Strategic Objective A) of the Local Plan is to increase the overall supply of housing by at least 13,350 additional dwellings and increase the mix and quality of housing to address the need for all types of housing, including affordable housing and the needs of different groups in the community.

9.4.2 The policy position around this issue is fully addressed in the body of the main Planning Statement.

Density

9.10.1 Density has never been more than an indicator of the appropriateness of development and as such has always been acknowledged to be a blunt and imperfect tool. While the GLA density matrix no longer forms part of the London Plan, it was significant in the Inspector's mind and in this context, the proposed density is further reduced and now well within the range for urban sites in previous London Plan density matrix.

Affordable Housing

9.5.1 London Plan Policy H4 (also referencing H5, H6 and H7) sets a strategic target for 50 per cent of all new homes delivered across London to be genuinely affordable and establishes the threshold approach as the route to assessment, establishing a minimum pan-London threshold level of 35%

affordable housing (without grant) with a strategic target of 50%. London Plan Policies H5 and H6 introduce a specific threshold level for development on public sector land where there is no portfolio agreement with the Mayor, which is set at 50% affordable housing.

9.5.2 Where an application does not meet the requirements, it must follow the Viability Tested Route. This requires detailed supporting viability evidence to be submitted which will be scrutinised to ascertain the maximum level of affordable housing.

9.5.3 Lambeth Local Plan H2 links directly to the London Plan and the threshold approach and seeks a tenure mix of 70% of new affordable housing units as social and affordable rent and 30% as intermediate.

9.5.4 The policy also recognises that Lambeth Council will take into account the specific circumstances of the site and viability when considering the contribution towards affordable housing. It states a financial appraisal will be required if the affordable housing provision is less than the specified policy requirements or where the proportions of affordable rented and/or intermediate housing are not in accordance with policy which is consistent with Policy.

9.5.5 The development proposes 21% affordable housing (by habitable room, an increase on that previously) with a tenure split of 75% affordable rented and 25% intermediate.

9.5.6 The principle of this has been repeatedly tested with the LPA during the submission period. The initial submission and first amended approach both envisaged 40% affordable housing, the reduction only occurring at officer insistence. The resultant affordable quantum is then an outcome of the design constraints on the site, as interpreted and weighted by the LPA.

9.5.7 A full viability assessment has been submitted. The viability assessment takes a rigorous approach to establishing Benchmark Land Value and is clear about the underlying viability assumptions being tested.

9.5.8 The scheme then, in its reduced form, and with two stair cores, can provide 21% affordable units and this is fully justified through the viability process. Any increase in affordable units could only come through additional units on Site, a position tested through the optimisation process with the LPA, and in effect rejected.

9.5.9 This is then further tested against the tenure mix rigorously to demonstrate the maximum affordable provision is being provided at the relevant tenure mix.

Dwelling Mix

9.6.1 There is no reduction in the number of units from 126. As before, the clear thrust of policy in the London Plan goes further than merely stating that boroughs should not set policies or guidance that require set proportions of different-sized market or intermediate units to be delivered, into fully justifying why - linked to affordability, demand, location, and downsizing. This position is now reflected in the Lambeth Local Plan (2021), which limits unit size requirements to the low cost rented element of residential developments.

9.6.2 The proposed development now provides 126 units/ 306 HR comprising:

Private	109 units
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Submitted scheme:

- Studio 14 (14 hr)
- 1 bed 48 (96hr)
- 2 bed 45 (135 hr)
- 3 bed 2 (8 hr)

Amended scheme:

- Studio 26 (27 hr)
- 1 bed 36 (72hr)
- 2 bed 45 (135 hr)
- 3 bed 2 (8 hr)

Affordable Intermediate 6 units

Submitted and amended scheme.

- 1 bed 4 (8 hr)
- 2 bed 1 (3 hr)
- 3 bed 1 (5 hr)

Affordable rented 11 units

Submitted and amended scheme.

- 1 bed 1 (2 hr)
- 2 bed 4 (14 hr)
- 3 bed 4 (20 hr)
- 4 bed 2 (12 hr)

9.6.3 The intermediate and rented remain the same, the change occurs entirely within the private units. As before, there is no specific requirement other than mixed and balanced community for intermediate and market units.

9.6.4 The site is in Princes Ward. This has a high population density; the ward has a high number of household spaces, 85% of which are flats. Almost half - 47% - of households are social rented, and there is the lowest rate of private renting (20% of households). Home ownership is average for Lambeth at 27%. Nearly 40% of dwellings in council tax bands A or B, which is high. The Lambeth Joint Strategic Needs Assessment (2015) shows that Prince's Ward has a significantly lower than average proportion of 0 – 19 year olds and significantly higher 40 – 65 and 65+.

9.6.5 The SHMA further picks up under-occupation rates as being much higher than overcrowding rates, Prince's ward specifically has one of the highest under occupation rates (as indicated by an excess of one bedroom or more). This suggests, as per the London Plan, that there is significant capacity for downsizing across Lambeth, but in the Princes ward in particular.

9.6.6 It is further identified that over 80% of Lambeth households are 3 person or below, and while this isn't broken down by ward, it is reasonable to assume that, particularly in the intermediate and market sector, the vast majority of households containing greater than 3 people are in the southern, more suburban, part of the borough.

9.6.7 The London Plan specifically references the nature and location of the sites as a factor in this, with a higher proportion of one and two bed units generally more appropriate in urban locations which are closer to a town centre or station or with higher public transport access and connectivity.

9.6.8 The position is in effect acknowledged by the Inspector who recognises that:

“There is a tension, in this case, between ensuring mixed and balanced communities by requiring a mix of housing units and, given the site’s location and PTAL score, the indication in policy documents that smaller households should be focused on areas with good public transport accessibility This tension is encapsulated in IPLP policy H10 ‘Housing size mix’ which, in section A, states that “Schemes should generally consist of a range of unit sizes” but “To determine the appropriate mix of unit sizes...applicants...should have regard to...”, amongst other things, “...2) the requirement to deliver mixed and inclusive neighbourhoods...6) the nature and location of the site, with a higher proportion of one and two bed units generally more appropriate in locations...with higher public transport access...”. Critically, however, the IPLP policy makes provision for ‘a higher proportion’ of 1 and 2-bed units not the absence of larger units”.

9.6.9 The IPLP is now the adopted London Plan (2021) and afforded greater weight.

9.6.10 It is within the context of all the above that the SHMA (2017) highlights the mix of different dwelling sizes required within the borough through an analysis of projected household growth, indicating that the highest proportion of market housing need relates to 2 bed and studio/1 bed units.

9.6.11 The new low cost rented provision comprises:

- 1 bed 1 (2 hr) (10%)
- 2 bed 4 (14 hr) (36%)
- 3 bed 4 (20 hr) (36%)
- 4 bed 2 (12 hr) (18%)

9.6.12 Policy seeks the low cost rented element of residential developments to reflect the preferred borough-wide housing mix set out below.

- 1-bedroom units not more than 25%
- 2-bedroom units 25–60 %
- 3 + bed up to 30%

9.6.13 The development then complies with policy for the purpose of 1 bed units and 2 bed units, but provides, in effect, three additional three/ four bed units over policy requirements. In the context of the above, it is worth establishing what if any harm is caused by the over provision of three/ four bedroom units, particularly as solely applied to affordable rented accommodation in this location.

9.6.14 The changes in unit mix are specifically driven by the LBL approach to the constraints on the site, while attempting to maximise affordable housing as a totality. This is supported by a viability assessment. In this context it is not unreasonable, given the PTAL, and the relative need for three/ four bed units, that there is no harm.

9.7.1 There are some minor external design changes as result of this amendment, and these are picked up in the addendum to the DAS, but no change in the envelope.

9.7.2 As before, as a mid-rise building, the specific policies around tall buildings do not apply; nonetheless the London Plan places great weight on good design. Policy D4 places great importance on design scrutiny, particularly on developments with a density in excess of 350 units per hectare, or a tall building, with the supporting text quantifying what might be scrutinised as part of the process, including layout, scale, height, density, land uses, materials, architectural treatment, detailing and landscaping.

9.7.3 Given that there is a threshold, it is not unreasonable to suggest that the threshold has meaning and that 350 units per hectare is a benchmark of density reasonableness, with the corollary that while design scrutiny is important on all buildings, the test is less so on buildings not defined as tall, or below the density benchmark. This development does not come within the definition of a tall building and is below 350 units ha, and therefore the lesser test applies. Of course, this is not to say that all development proposals should not be subject to a level of scrutiny appropriate to the scale and/or impact of the project, and this is a proposal of the highest design quality.

9.7.4 The main policy tests are outlined in the initial Planning Statement and not replicated here, however, the Design and Access Statement fully details the approach taken to design issues, and the measurable standardised elements of this are dealt with under the relevant topic headings, however, internal standards, access, open space and play space, all meet the relevant standards.

Optimising Development

9.8.1 Considering London's housing need, optimising new development is a strategic matter for London. The London Plan explicitly recognises that the appropriate density of a site is an output of a process of assessment, rather than an input and that the appropriate density of a site should be arrived at through a design-led approach, taking account of the site context and infrastructure capacity. The iterative process followed by this development is precisely in the service of this aim, specifically with the aim of minimising harm. This will optimise an existing brownfield site to provide high quality residential accommodation and associated amenity space and have the following headline public benefits:

- Regenerating and optimising a large, highly accessible, brownfield, site in central London for mixed-use development, integrating it into the surrounding neighbourhood;
- Create 126 new homes
- Create new affordable housing (21%);
- Enhance the setting of the Masters House.
- Provide high-quality architecture, with buildings ranging in height between 14 storeys and a 3/4 peripheral block, entirely in keeping with local and strategic views;
- Create significant improvements to the urban grain and improvement to street frontages;
- Create new pedestrian and cycle routes and better local connections;
- Create safe streets for pedestrians and cyclists;
- Create a car free development;
- Contribute towards Mayoral and Lambeth CIL;
- Contribute jobs and apprenticeships during the construction and operational phases of the proposed development.

9.8.2 In this context the definition of optimisation as specified by the Inspector has underpinned the process: “*the maximum amount of housing without causing unacceptable harm*”; this does not of course state ‘no harm’, rather it establishes the concept of ‘acceptable harm’ as the converse to ‘unacceptable harm’. A cautious approach to ‘harm’ has underpinned the whole approach to design development and the current amendments.

9.8.3 The Development Plan approach, then, moves away from a prescriptive density matrix and to a design based approach underpinned by a strong locational/ accessibility component, and a site by site analysis to inform what might be appropriate on any given site. This explicitly acknowledges density as being a secondary tool to good design.

9.8.4 In this context, optimisation and an assessment of harm are indivisible, and the absence of *unacceptable* harm is essentially the test against which a development be judged.

Tall Buildings

9.9.1 The height of the building remains the same and the previous Planning Statement should be referenced; nonetheless the definition of a tall building in Lambeth Local Plan in this area is 45m, and the building remains mid-rise within the established policy, this is fully addressed in the main Planning Statement. The proposal is therefore a ‘mid-rise’ development. Nonetheless the design addresses the appropriateness of the form in relation to the Site, and only then determines precise building height, while having regard to the impact on heritage assets, composition, scale and character of the area to demonstrate that this is an appropriate solution to the Site.

Density

9.10.1 Density has never been more than an indicator of the appropriateness of development and as such has always been acknowledged to be a blunt and imperfect tool. While the GLA density matrix no longer forms part of the London Plan, it was significant in the Inspector’s mind and in this context, the proposed density is further reduced by this amendment and now well within the range for urban sites in previous London Plan density matrix.

Protected Views

9.11.1 There is no change in the envelope of the development as a result of these amendments and the previous Planning Statement should be referenced.

Heritage and undesignated views

9.12.1 There is no change in the envelope of the development as a result of these amendments and the previous Planning Statement should be referenced

Residential Amenity

9.13.1 The London Plan and SPD establish expectations for housing quality and amenity, and these standards are essentially replicated in the Lambeth Local Plan. LLP Policy Q2 places amenity at the centre of assessment:

Development will be supported if:

- i. visual amenity from adjoining sites and from the public realm is not unacceptably compromised;*
- ii. acceptable standards of privacy are provided without a diminution of the design quality;*

iii. adequate outlooks are provided avoiding wherever possible any undue sense of enclosure or unacceptable levels of overlooking (or perceived overlooking);

iv. it would not have an unacceptable impact on levels of daylight and sunlight on the host building or adjoining property including their gardens or outdoor spaces;

v. the adverse impact of noise is reduced to an acceptable level through the use of attenuation, distance, screening, or layout/orientation in accordance with London Plan policy D14;

vi. adequate outdoor amenity space is provided, practical in layout, free from excessive noise or disturbance, pollution or odour, oppressive enclosure, unacceptable loss of privacy, wind/downdraught and overshadowing; and

vii. service equipment (including lift plant, air handling/extract, boiler flues, meter boxes, gas pipes and fire escapes) is fully integrated into the building envelope or located in visually inconspicuous locations within effective and robust screening/enclosures, and does not cause disturbance through its operation.

viii. it addresses London Plan policy D13 on the agent of change.

9.13.2 There is no change in the envelope of the development as a result of these amendment and the previous Planning Statement should be referenced.

Overlooking

9.14.1 There is no change in the envelope of the development as a result of these amendments and the previous Planning Statement should be referenced.

Daylight and Sunlight

9.15.1 There is no change in the envelope of the development as a result of these amendments and the previous Planning Statement should be referenced.

Transport

9.16.1 There are no transport implications, and the previous Planning Statement should be referenced.

Servicing

9.17.1 There is no change in the envelope of the development as a result of these amendment and the previous Planning Statement should be referenced.

Landscaping

9.18.1 There is no change in the envelope of the development as a result of these amendments and the previous Planning Statement should be referenced.

Flood Risk

9.19.1 There is no change in the envelope of the development as a result of these amendment and the previous Planning Statement should be referenced.

Wind Modelling

9.20.1 There is no change in the envelope of the development as a result of these amendment and the previous Planning Statement should be referenced.

Dual Aspect

9.21.12 There is no change in the envelope of the development as a result of these amendment and the previous Planning Statement should be referenced.

Children's Play

9.22.1 The children's play strategy remains the same, the GLA's child play space calculator has been used to determine the quantum, which is apportioned to under 5s, ages 5-11 and 12 plus; this takes into consideration the tenure of the units.

9.22.2 The play strategy for the application follows the approach outlined in the Mayor's SPG which stresses "a new approach: from play areas to playable spaces". This guidance also states: "*where open space provision is genuinely playable, the open space may count towards the play space provision*".

9.22.3 Lambeth Local Plan links across to the London Plan for the purposes of play space. Policy H5 of the London Plan SPG requires 10sqm dedicated play p/child, with outdoor amenity space taking precedence over parking provision.

Wheelchair Accessible Housing

9.24.1 There is no change in the envelope of the development as a result of these amendment and no change in the number of wheelchair units. The previous Planning Statement should be referenced.

9.24.2 The requirements, layouts and locations of the wheelchair user dwellings are outlined in the Design and Access Statement; two have been increased in size.

Energy

9.25.1 There is no change in the envelope of the development as a result of these amendment and the previous Planning Statement should be referenced. The Energy Assessment, carried out by Griffiths Evans has been reviewed and amended in accordance with the design development. The principles of the energy strategy have been developed in consultation with Lambeth Council and the GLA and adopt the Local Plan and London Plan policy hierarchy be lean, be clean, be green. The overriding objective in the formulation of the strategy has been to maximise the reductions in CO2 emissions through the application of this hierarchy with a cost-effective, viable and technically appropriate approach.

Sustainability

9.26.1 There is no change in the approach to Sustainability as a result of these amendment and the previous Planning Statement should be referenced.

Air Quality

9.27.1 There is no change in the approach to AQ as a result of these amendments and the previous Planning Statement should be referenced.

Fire Statement

9.28.1 Policy D12 of the London Plan states:

All major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor. The statement should detail how the development proposal will function in terms of:

1) the building's construction: methods, products and materials used, including manufacturers' details

2) the means of escape for all building users: suitably designed stair cores, escape for building users who are disabled or require level access, and associated evacuation strategy approach

3) features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans

4) access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these

5) how provision will be made within the curtilage of the site to enable fire appliances to gain access to the building 6) ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures.

9.28.2 The original submission included a fire statement that covered all of these issues and raised no objection from stakeholders. Nonetheless in December 2022 the National Fire Chiefs released a statement and in January 2023 the Mayor confirmed that all planning applications for new buildings above 30m must now have second staircases before going to the Greater London Authority (GLA) for final sign off. The fire safety measure has been brought in with immediate effect. While this strictly sits outside of policy, the proposed development has been amended accordingly, resulting in this amendment.

Planning Obligations

10.1 The Town and Country Planning Act 1990 (as amended) provides measures within section 106 that allow developers to enter into a planning obligation to provide services and facilities connected with the proposed development. Para 56 of the NPPF states that:

10.2 Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

10.3 The applicant is willing to enter into a legal agreement with the London Borough of Lambeth to offer suitable mitigation measures. The Applicants will seek to agree the wording of the agreement during the course of the application; it is anticipated that the following are likely to come forward as S.106 heads of terms and these will be discussed in further detail as part of the submission process:

- On site affordable housing
- Carbon Offset Contribution
- Employment and Skills
- Local Procurement
- Permit free parking
- Car Club Membership
- Travel Plan

- Legal and Monitoring Costs

The Planning Balance

11.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for the purpose of any determination, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.

11.2 The application site is currently underused, semi vacant, brownfield, and in a highly accessible location (PTAL 6A/B) adjacent to the Elephant and Castle Opportunity Area, the CAZ boundary and the Elephant and castle Major Centre. Irrespective of borough boundaries, and whether the Site is primarily characterised by Kennington or the Elephant and Castle, the Development Plan as expressed in the London Plan (2021) and Lambeth Local Plan (2021) is clear that such sites in such locations are appropriate in principle for the optimisation of residential development as tested against 'unacceptable harm'.

11.3 The proposed development has been through significant design change at the borough's request, specifically around the daylight and sunlight effects on Wilmot House, a process which has refocused the design on what site optimisation might look like. In this context the definition of optimisation as specified by the Inspector has underpinned the process: "*the maximum amount of housing without causing unacceptable harm*"; this does not of course state 'no harm', rather it establishes the concept of 'acceptable harm' as the converse to 'unacceptable harm'. A cautious approach to 'harm' has underpinned the whole approach to design development and the current amendments.

11.4 The proposal now incorporates two stair cores in accordance with the Mayoral guidance. Given the discussion around the design of the building and daylight and sunlight, the decision was taken not to alter the envelope of the building and this alteration has been achieved while respecting the agreed constraints. This has resulted in a change to the dwelling mix; however, careful design has limited this to the private provision and the affordable mix and quantum remains the same.

11.5 In terms of planning balance, it is clear that the redevelopment of the site provides significant benefits, including housing provision in itself, affordable housing provision at 21% by HR, an increase on the unamended scheme, the regeneration of a previously developed site and its highly sustainable location, and the substantial economic benefits for the Borough. Improvements to the immediate surroundings and setting of The Master's House can be weighted to be of modest benefit. Environmental improvements to the site, increasing permeability around The Master's House and the Water Tower Development, and the car free credentials of the development, would be further benefits of moderate weight. Further in accordance with the Inspector's decision the retention of the Cinema Museum use of The Master's House, for social reasons also, is also to be afforded moderate weight.

11.5 In this context, the quantum of development, its design, layout, and respective heights have been tested against all relevant planning policy requirements and gained officer support, and do not in themselves raise issues of harm, other than of the lowest form in the heritage balance.

11.6 The key question as placed at the centre of the development plan, comprises has optimum development capacity been achieved, a position emphasised as the relevant test again and again, and placed centrally in the NPPF:

"Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being

built at low densities, and ensure that developments make optimal use of the potential of each site”

11.7 The Inspectors definition has been the context for this exercise whereby “*optimisation is defined as achieving the maximum amount of housing without causing unacceptable harm*”, and some balance must be struck between the need to deliver market and affordable housing, in particular, and any harmful impacts that may result.

11.8 The precise delineating of what comprises ‘acceptable’ and ‘unacceptable’ harm and the balance sits with the decision maker, and within this, it is possible to consider daylight and sunlight quantitatively and qualitatively with this a two-stage process: first, as a matter of calculation, whether there would be a material deterioration in conditions; and second, as a matter of judgment, whether that deterioration would be acceptable in the particular circumstances of the case.

11.9 In this context the issue has been fully interrogated by officers as to whether alternative site layouts, or reasonable alterations to the design could be carried out that would significantly change these results. These exercises can be presented to Cllrs, and this is not the case; it has been demonstrated to officers that there are particular daylight and sunlight constraints which should they be they be prioritised would result in a built form that is at odds with the accessibility and character of the Site. Notwithstanding the specific policy issues, given these sensitivities, it is possible the Site would in effect be rendered undevelopable.

11.10 In the circumstances the balancing exercise in accordance with guidance and the development plan must fall in favour of the benefits of the scheme whereby the identified significant and multiple benefits outweigh the limited harm:

- 126 units of housing
- 21% affordable housing
- the regeneration of a previously developed site and its highly sustainable location,
- economic benefits for the Borough
- improvements to the immediate surroundings and setting of The Master’s House
- Environmental improvements to the site
- increasing permeability around The Master’s House and the Water Tower Development
- car free credentials of the development
- retention of the Cinema Museum

11.11 This proposal is in accordance with national and local policies and as such, in terms of the overall planning balance, there are clear and compelling reasons to justify the granting of planning permission and there are no overriding material considerations that weigh against the granting of planning permission. Accordingly, we conclude that there are sound planning grounds to grant planning permission.