



**ANTHOLOGY
KENNINGTON STAGE**

Built from London

Planning Statement

August 2022

tp bennett

Anthology Kennington Stage Planning Statement Addendum

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Introduction

1.1 This document acts as an addendum to the Planning Statement (October 2021). It should be read in conjunction with the original Planning Statement and other submitted documents, rather than as a standalone document. All the planning documents have been reviewed and amended, however, given the nature of the proposed design amendments the changes to the below are minor 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 have been made to the scheme. These have been subject of extensive discussion with the LPA. The amendments have come 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 are 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.

As a result of these changes there has been a reduction of 29 units (from 155 to 126) and 81 habitable rooms (from 400 to 319). The affordable contribution has reduced from 40% to 20% by habitable room (18 units).

Context

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

Description of Development

4.1 The description of development has been amended to:

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 submission there has been extensive discussions with the LPA so as to secure officer support for the development. These have focused around:

- Residential amenity
- Daylight and sunlight
- Design
- Affordable housing

7.1.2 The amendments now submitted are the result of these discussions.

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 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
- S11 Improving Air quality
- Policy S12 Minimising greenhouse gas emissions
- Policy S13 Energy infrastructure
- Policy S14 Managing heat risk
- Policy S15 Water infrastructure
- Policy S12 Flood risk management
- Policy S13 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).

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.

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 20% affordable housing (by habitable room) 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, can provide 20% 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 As a result of the alterations to the design of the development there is a substantial reduction in the number of units from 155 to 126 and a change in mix of units. 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/ 319 HR comprising:

Private 109 units

- Studio 14 (14 hr)
- 1 bed 48 (96hr)
- 2 bed 45 (125 hr)
- 3 bed 2 (8 hr)

Affordable Intermediate 6 units

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

Affordable rented 11 units

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

9.6.3 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 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.

Design

9.7.15 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.

9.7.16 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.

9.7.17 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 (20%);
- 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 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.

9.9.2 Discussions with LBL have occurred at the very outset to secure agreement on a design approach placing optimisation at the centre of the design development process and allowing the exercise to then determine the form of development. As a result, the proposed development represents a fundamental rethink on the approach to height and building design, even more so through the amended design. This has underpinned the whole approach to design development and the current amendments.

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 now 455 hr/ ha (180 units per hectare). This would place the density well within the range for urban sites in previous London Plan density matrix.

9.10.2 A reassessed full townscape analysis has been submitted with the application, assessing the amended development from eight identified character townscape areas, including the immediate

environment, the Elephant and castle, the terraced housing, and mid – century environment. Each character area is assessed in turn, and conclusions properly drawn finding an enhancement to the character and appearance of the area. The new buildings will improve the way the area appears and functions through the complementary uses proposed, the introduction of high quality architecture, landscaping and public realm and the enhanced legibility of pedestrian routes through the Site. The architectural language of the scheme draws on the historical buildings within and immediately outside the Site boundary.

Protected Views

9.11.1 In accordance with London Plan guidance and in light of the site's location a revised Heritage Townscape and Visual Impact Assessment (HTVIA) is being submitted with the amendments, which assess a range of views. This will follow on from the initial submission but was scoped as per the original submission and assessed against the following:

- National Planning Policy Framework (2021) and Planning Practice Guidance (2014)
- The Lambeth Local Plan (September 2021)
- Lambeth Tall Building Study (2014)
- Lambeth Tall Building Topic Paper (2019)
- Lambeth Local Views Study (Final – July 2014)
- Elephant and Castle Opportunity Area, Supplementary Planning Document/Opportunity Area Planning Framework (March 2012)
- The Southwark Plan (July 2007)

9.11.2 The Site was reviewed against the London Views Management Framework (LVMF) 2012. The Site does not sit within any of the 13 protected vistas, as set out in the guidance. However, it does sit within the 'field of view' of the following designated views:

- London Panorama from Assessment Point 4A.1: Primrose Hill to St Paul's (11)
- River Prospect from Assessment Point 15A.2: Waterloo Bridge looking upstream from the Westminster bank (12)
- River Prospect from Assessment Point 17A.2: Hungerford Footbridge looking upstream from the Westminster bank (13)
- River Prospect from Assessment Point 18A.3: Westminster Bridge looking upstream from the Westminster bank (14)
- River Prospect from Assessment Point 20A: Victoria Embankment between Westminster and Hungerford Bridges (15)

9.11.3 The Site falls within several local view corridors as defined in the Lambeth Local Views Study (2012). The composition and character of these views are protected within the Lambeth Local Plan (2021) Policy Q25. The Site falls within the extent of the following key corridors:

- Millbank at gateway into triangular garden south of Lambeth Bridge (9)
- View SE and SSE along Westminster Bridge Road to Lincoln Tower (10)
- View North from Brockwell Park to the city (A)
- View North from Gipsy Hill (B)
- View NNE from Norwood Park to the city (C)

9.11.4 The previous submission agreed in discussion with the LPA that the view from Victoria Gardens across Lambeth Palace was particularly important in the preservation of the silhouette. It no longer appears in this view.

Heritage and undesignated views

9.12.1 The protection of heritage assets is a well-established planning principle through national, regional, and local policy, and needs to be carefully addressed as part of the planning process, particularly the way that this policy priority interacts with other policy priorities around, taller buildings and bringing forward accessible sites.

9.12.2 The policy background remains as covered in the main Planning Statement, with an assessment of harm against benefit at the heart. A full HTVIA was submitted with the application, and the proposed changes have been assessed in accordance with the relevant policies. An addendum is being submitted to the HTVIA, fully picking up the changes. It can be acknowledged that the changes in views are relatively modest, and in reducing the size of the buildings amount to a further reduction/minimising of the potential for harm.

9.12.3 It is therefore reasonable to suggest that the alterations, which involve a reduction in quantum of development have either no effect on the original conclusions of the HTVIA or small positive effect.

9.12.4 In this context, the Inspector previously concluded:

The planning and therefore public benefits of the proposal, some of which are substantial, outweigh, as a matter of planning judgement, the less than substantial harm, even though this is of high magnitude with regard to the Water Tower, that would be caused to the significance of heritage assets.”

9.12.5 The public benefits were explicitly determined to have outweighed the less than substantial harm, even though it be at the higher end of the scale in some instances.

9.12.6 The harm in this development is substantially less and very limited, while the public benefits remain substantial. For the purpose of this development, then the relevant public benefits are clear and supported by guidance:

- 126 units of housing
- 20% 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

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 It is not unreasonable to address this as a catch all policy and its individual elements are addressed under their relevant topic headings. The Inspector specifically raised the effect on residential amenity in the appeal:

“...substantial and unacceptable harm would be caused to the amenities of residents of dwellings around the site, and the proposed development would not optimise the housing use of the site, because it would cause unacceptable harm.”

9.13.3 Again, it is not unreasonable to relate these comments in particular to daylight and sunlight and overlooking and these are addressed under the relevant headings below. Nonetheless the issues have been embedded in the design process from the earliest stages and are fully explored across the submission.

9.13.4 The proposed alterations have come about as a result of LBL concerns in particular with regard to properties on Brook Drive and George Mathers Place, and daylight and sunlight concerns on Wilmot House. The revised proposals have reduced the height of the perimeter block adjacent to Brook Drive and the height of the central spur respectively to two and three stories, as a result the sense of enclosure is substantially reduced onto George Mathers Road and the overshadowing onto properties at Brook Drive is much reduced. This is addressed fully in the daylight and sunlight report.

9.13.5 The central building has been reconfigured to maximise daylight and sunlight onto Wilmot House, through an agreed approach with officers. These issues are fully addressed across the DAS and the daylight and sunlight report and addressed in a precis form below in the relevant sections .

Overlooking

9.14.1 LLP policy Q2 states that development will be supported if, amongst other things, adequate outlooks are provided avoiding, wherever possible, any undue sense of enclosure or unacceptable levels of overlooking (or perceived overlooking), acceptable standards of privacy are provided, and there are is no unacceptable impact on levels of daylight or sunlight on the host building and adjoining property.

9.14.2 The Mayor's Housing SPG specifically references overlooking, but only in the context of acknowledging that using a traditional 18 – 21m separation distance only be viewed as a 'useful yardstick' and should not unnecessarily restrict density or limit the variety of urban spaces.

9.14.3 While unspecified it is usual to take separation distances from original building facades, rather than from later extensions, which will have, inevitably, involved some degree of trade-off between increased housing size and reduced boundary distance. It is also acknowledged that where facades are not parallel there may be flexibility to be closer than 18m.

9.14.4 The Inspector's decision addresses overlooking in the context of the scheme in front of him, acknowledging that 20 metres is "*regarded to be an appropriate separation distance between two storey dwellings in new residential developments*", although he makes no specific reference to the relationship between existing and new developments, as here. He does go on to raise particular concern over balconies, which he believes would be heavily used, and concludes:

"It is worth noting that LLP policy Q2 recognises that perceived overlooking, as opposed to actual overlooking, can be harmful. It is undoubtedly true that the possibility of overlooking from six balconies and from four single aspect flats and two double aspect flats would contribute to the harm that would be caused by the proposed development to the amenities of residents of terraced dwellings on Renfrew Road. "

9.14.5 It is reasonable to suggest that overlooking and separation distances are linked but slightly separate issues. The relevant policy establishes a separation distance of 18 – 21m London wide and again it is reasonable to suggest that the 18m standard is more applicable to Inner London, with the 21m to suburban London. This position is supported on this site through an analysis submitted with the application demonstrating that 18m (or below) separation distances are not uncommon in the immediate area

9.14.6 The proposed separation distances remain the same, and internal layouts continue to have been designed so that only bedroom windows face onto surrounding residential properties, where there is a direct relationship, and that there are no facing balconies. This was fully

Daylight and Sunlight

9.15.1 The proposed amendments specifically involve a further iteration to address the relationship with the gardens at Brook Drive/ Castlebrook Close, the sense of enclosure with properties on George Mathers Close, and the daylight and sunlight on limited properties in Wilmot House; these have both been successfully resolved, albeit with the loss of 29 units.

9.15.2 A number of key principles surrounding daylight and sunlight have been established and agreed with the local authority, including principles derived from the Planning Inspectorate's appeal decision in January 2021. These include the acceptance that the site is located in an 'urban' area, that a degree of flexibility can be afforded to the application of the BRE daylight and sunlight guidance in respect of this site, and that appropriate alternative daylight target criteria can be applied; which were determined by the Planning Inspector in his decision.

9.15.3 In addition, it was established that the retained VSC levels within Wilmot House, derived from a notional 8 storey scheme on the site, were appropriate for that building, given the context and mitigating factors.

9.15.4 As a result, the Applicant, GRID and Point 2 have worked collaboratively with the LPA and have significantly altered the scale and bulk of the massing in order to limit impacts to Wilmot House as well as overshadowing to neighbouring amenity areas to the north of the site.

9.15.5 It has also been demonstrated that a rigid application of the BRE numerical targets would result in a significantly reduced massing form across the site that not only presents an unviable position but that fails to optimise the site in accordance with the development plan and would prevent the delivery of much needed housing on this site.

9.15.6 The Proposed Development generally performs very well against the daylight and sunlight assessment targets, with 98% of windows meeting the VSC criteria, either by meeting the default BRE targets or the agreed alternative targets. 97% of rooms meet the default BRE NSL daylight distribution targets, with 98% of southerly orientated rooms meeting the BRE sunlight recommendations. Where there are inevitably some deviations from the assessment criteria, these are generally isolated and in cases where there are mitigating factors that must be taken into consideration, such as the inherent self-obstructing nature of the neighbouring buildings and the existing restricted outlook from those affected windows.

9.15.7 In terms of overshadowing to external neighbours surrounding the site, the extent of effect upon sun on ground has been greatly reduced, with 94% of gardens adhering to the BRE criteria. Where amenity areas do not meet guidance in March, they generally achieve good levels of sun-on-ground within the summer months. There would only be 3 gardens on Castlebrook Close and George Mathers Road that would experience a noticeable alteration in sunlight availability as a result of the Proposed Development, albeit three of those gardens have limited sunlight availability in the existing condition.

9.15.8 The design of the development has sought, wherever possible to limit the effect upon neighbouring gardens, however there will undoubtedly be some pinch points where a greater degree of change will be experienced given the relatively limited existing obstructions to sunlight on site presently.

9.15.9 For internal daylight analysis results, 76% of the habitable rooms across the scheme will achieve the recommended CBDM targets for their relevant room uses. This increases to 81% with the inclusion of the LKD's that achieve 150 lux or above, representing a very good rate of compliance for scheme of this nature. Where there are rooms that do not achieve the recommended values, they are generally single-aspect or north facing bedrooms or LKDs that are located beneath balconies, providing access to valuable external amenity for the residents.

9.15.10 Overall, whilst the Proposed Development will give rise to deviations from the BRE numerical targets in respect of the daylight and sunlight to neighbouring properties, the layout of the scheme has been well considered so as to limit the number of properties that would experience noticeable effects upon their amenity. In general, the vast majority of properties will retain good levels of daylight and sunlight availability for an urban location, despite some relatively high relative alterations in some instances. The future residents will have access to well sunlit open spaces, along with well daylight dwellings, with the vast majority of habitable rooms exceeding the internal daylighting recommendations.

9.15.11 Nonetheless, the previous Inspectors comments need to be addressed, in particular, the Inspector set a benchmark for assessment:

“A mid-teen VSC benchmark of 16% is appropriate for bedrooms but a VSC benchmark of 18% must be applied to living rooms and combined living/kitchen/dining rooms. It is also necessary to consider the percentage reduction in daylight distribution in a room, the NSL test, in an assessment of the degree to which there would be harm to residential amenity”

9.15.12 There are three issues here:

- how do the Inspector’s comments fit into the overall planning balance?
- Are any breaches reasonable (in the overall balance)?
- is it possible to develop the Site while having no non-compliant windows?

The Inspectors Comments

9.15.13 The Inspectors decision is clearly a material consideration, where planning guidance states that:

“A material planning consideration is one which is relevant to making the planning decision in question”.

9.15.14 The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided regard is had to all material considerations, it is for the *decision maker to decide what weight is to be given to the material considerations in each case* (my emphasis), and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

9.15.15 In this context the appeal decision, can be assessed against the specific context of the application and it is up to the decision maker to determine what weight to accord.

9.15.16 It is worth drawing attention in this context to other appeal decisions addressing comparable issues, in particular the Graphite Square, which makes it clear that loss of daylight/ sunlight should not be seen in isolation, particularly on developments that bring into use derelict and underutilised sites.

Are the breaches reasonable?

9.15.17 This is covered in detail in the attached Daylight and Sunlight note; however in effect, there are two residential blocks (Bolton House and Wilmott House) that would experience some effects, and whilst there would be windows within Bolton House that would retain VSC levels below the alternative benchmarks, in the main these deviations are fractional and in the majority of instances the rooms in question would continue to receive good daylight by reference to the NSL and ADF forms of assessment.

9.15.18 In respect of Wilmott House, an approach has been agreed with the LPA, as this property demonstrates a number of key constraints to the site - it contains four single-aspect north facing flats, which in effect have been designed to enjoy all of their light from across the Site, meaning that any material change in massing would likely lead to alterations beyond BRE guidance. In addition, the ground floor LKD has a restricted outlook to the west as (a result of the wall adjoining wall of Masters House), blocking out a notable portion of the sky. To the east of the window is the Osborne Water Tower, which again restricts part of the view of available sky. Both of these limiting factors make this flat susceptible to greater reductions in daylight as a result of any changes to the skyline opposite

9.15.19 As a result of the above constraints, it is very difficult to design a scheme for the site which allows the windows serving this building to achieve even the alternative target values outlined within the Appeal decision dated 7th January 2021 and the Applicant has therefore sought to create an appropriate massing for the site that seeks to limit the daylight impacts to this property as far as possible whilst maintaining a viable scheme

9.15.20 Quantitatively the number of affected properties is low and clearly acceptable; the issue becomes a qualitative one of how many of the d&s failures are serious, how serious are they, and is that enough in the planning balance to merit a refusal set against the benefits of the development?

9.15.21 As a matter of principle then, the specifics of the units affected are included in the weighing of the balance.

9.15.22 These specifics of the affected windows are dealt with in detail in the attached note; however, in reality the properties in Bolton House have mitigating circumstances and the properties under discussion comprise three single aspect north facing units in Wilmott House, and the Daylight and Sunlight issues are limited and specific.

9.15.23 The planning process and the planning policies exist to provide a framework for the assessment of this issue and the weight to be accorded in that balancing decision.

Is it possible to develop the Site while having no non-compliant windows?

9.15.24 It has been demonstrated through various studies that an alternative form of massing that seeks to adhere fully to the BRE Guidelines/alternative VSC benchmarks would sterilise that western edge of the site, and even a relatively modest 5 storey block would give rise to BRE transgressions and rooms that do not meet the alternative benchmark criteria. In this context, any development that met BRE standards in full with regard to these dwellings would in effect render the site undevelopable and while an alternative density or unit count has not been produced by officers or the applicant, it is reasonable to assume that it would be a low density scheme, that would not meet aspirations or current policy requirements for the Site.

Transport

9.16.1 An updated TA been submitted picking up the change in the number of units picking up LBL comments where appropriate. It is now proposed to provide a reduced number of units (total of 126), and as a result the number of cycle parking spaces associated with the proposals will reduce. The development remains car-free. This is in accordance with the adopted London Plan parking standards, which state that “...*Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport*”.

9.16.2 In accordance with the London Plan standards, the development will provide 5 Blue Badge spaces. In addition, a Parking Management Plan will be included as part of the Framework Travel Plan. This will set out how the Blue Badge parking spaces will be managed and controlled.

9.16.3 With regard to cycle parking, the development will accord with the London Plan parking standard. Cycle stores are designed to meet the London Cycle Design Standards. The total cycle spaces provided in each block are designed to meet the provision as follows:

- 1 bike per studio
- 1.5 bikes per 1bed flat
- 2 bikes per 2 and 3 bed flats

9.16.4 The proposed development will be providing a total of 212 long-stay in accordance with the cycle parking standards. The number of short-stay cycle parking spaces will be increased to 11 in order to accord with the cycle parking standards.

Servicing

9.17.1 An updated delivery and servicing assessment has been submitted, picking up LBL comments where appropriate. The servicing strategy remains the same, with Servicing trip rates provided by TfL during the pre-application stage for the previous larger scheme have been used to establish the likely number of servicing movements associated with the proposed uses at the site. The methodology has been accepted by LBL officers, with sufficient on-site provision for deliveries as per the expectations of Local Plan Policy T7: Servicing.

9.17.2 A refuse store is provided for each building at ground floor level. These have been sized to provide sufficient space for all the bins required based on Lambeth standards. Residents will access the bin stores from outside via their entrance lobby. The refuse truck will drive through the site and stop in front of each refuse store so that the bins can be collected and returned to the stores. Refuse collection will take place on-site and vehicles will arrive at the site via Renfrew Road and will depart via Dante Road. Swept path analysis, including a 300mm error margin, has been undertaken. Subject to an appropriately worded condition requiring a waste management plan, this has been accepted by LBL officers.

Landscaping

9.18.1 Lambeth policy H5 states that for new flatted developments, amenity space should be provided at 10m² per flat either as a balcony/terrace/ private garden or consolidated with communal amenity space; and for development of 10 or more residential units a further 50m² per scheme of communal amenity space. For the purpose of this application this would amount to a total requirement of 1310 m² open space. The proposed development comprises a range of open space typologies including balconies, roof terraces, private gardens, and communal space.

9.18.2 Details of the Landscaping Strategy will be contained within the updated Landscape Design Statement produced by Fabrik. An overall strategy has been produced, which covers a number of areas to produce a coherent approach, underpinned by sound urban design principles, and linked into the other site wide strategies, including servicing and SuDS.

9.18.3 The site is master planned with both private and shared residential gardens, character spaces responding to the heritage, servicing, and permeability needs of the site, along with a clear definition of private and public spaces and pedestrian legibility.

9.18.4 Eleven flats (mostly 2/ 3 bed) at ground floor have rear gardens, eight dwellings (one bed/ studio) have private patio space.

9.18.5 The child yield open space is assessed below, however the total quantum space, as defined by the above comprises 2388 m², of which 1416 sqm is private and comfortably in excess of policy requirements.

Flood Risk

9.19.1 An updated FRA has been submitted although the strategic approach to the sequential test and exception test remain as per the main submission documents. The updated FRA concludes that:

- The development is located in Flood Zone 3, protected by flood defence measures.

- The development has a very low risk of flooding from all sources.
- The development drainage system and levels are to be designed to accommodate the 100-year rainfall event with a 40% allowance for climate change.
- The proposed development runoff rate is to be restricted to 98% of the existing impermeable areas 1 in 100-year rainfall event + climate change.
- The proposed development's drainage regime aims to reduce the onsite and offsite flood risk.

9.19.2 Therefore, the development has an overall low flood risk both on and offsite.

Wind Modelling

9.20.1 The revised scheme is subject to a new wind assessment.

Dual Aspect

9.21.12 London Plan Policy D6 states that Housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. A single aspect dwelling should only be provided where it is considered a more appropriate design solution.

9.21.2 Single aspect units have been avoided as far as possible, 123 units are dual aspect, only 3 are single aspect.

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 The proposals include 13 dwellings that are designed to meet Part M4 (3) of the Building Regulations, classified as wheelchair adaptable units. This constitutes slightly greater than 10% of the total number of dwellings in line with London Plan Standards.

9.24.2 The requirements, layouts and locations of the wheelchair user dwellings are outlined in the Design and Access Statement.

Energy

9.25.1 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 An addendum to Sustainability Assessment has been submitted with the amended scheme, prepared by Hodkinson. This sustainability statement shows that the proposals for the redevelopment at Kennington Stage are meeting key policy objectives, responding to local needs and requirements, and conforming to best practice sustainability criteria applicable to this development. The issue of sustainable development has been considered throughout the design of the proposed development at Kennington by Anthology (Lifestory). In particular, the incorporation of sustainable design and construction methods, energy and water saving measures, waste reduction techniques as well as measures to enhance the ecological value of the site, a good quality and sustainable development is proposed

Air Quality

9.27.1 A revised AQA has been submitted, as the proposed development will not include installation of CHP or other heat source emissions and will be installed with Air Source Heat Pumps, the total annual transport rate becomes above the benchmark criteria and can therefore not be determined to be air quality neutral. As such, emission offsetting calculations have been included in this assessment to provide adequate mitigation measures. The emissions offsetting value has been calculated to be £1,132.01, and mitigation measures have been outlined within this assessment. With the inclusion of these mitigation measures, the proposed development is determined to be air quality neutral.

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 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 20%, 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
- 20% 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.