

STATEMENT OF COMMON GROUND

**TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)
APPEAL MADE UNDER SECTION 78(2)(A) OF THE ACT**

**REDEVELOPMENT OF THE FORMER WOODLANDS AND
MASTERS HOUSE, OFF DUGARD WAY
KENNINGTON, SE11 4TH**

**JOINT STATEMENT OF COMMON
GROUND BETWEEN THE APPELLANT
AND THE LONDON BOROUGH OF
LAMBETH**

**APPEAL REFERENCE:
APP/N5660/W/20/3248960**

LPA REFERENCE: 19/02696/FUL

DATE: 01 October 2020

Contents

Item		Page
1	INTRODUCTION	3
2	APPLICATION.....	3
3	DESCRIPTION OF THE SITE	3
4	DESCRIPTION OF AREA	4
5	PLANNING HISTORY	5
6	PLANNING POLICY CONTEXT INTRODUCTION.....	6
7	REASONS FOR REFUSAL	13
8	OTHER LIKELY AREAS OF AGREEMENT.....	15
9	OTHER LIKELY AREAS OF DISAGREEMENT.....	16
10	PLANNING CONDITIONS	16
11	PLANNING OBLIGATIONS	16

1 INTRODUCTION

- 1.1 This Draft Statement of Common Ground (SCG) is made in relation to the appeal lodged by Anthology Kennington Stage Limited ('the **Appellant**') against the London Borough of Lambeth ('the **Council**') for the non-determination of planning application reference 19/02696/FUL ('the **Application**'). The planning Application proposes redevelopment of the former Woodlands and Master's House, off Dugard Way, Kennington, SE11 4TH ('the **Site**').
- 1.2 This SCG has been prepared jointly by tp bennett on behalf of the Appellant and the Council and provides a description of the Site and its surroundings, sets out the policy context within which the proposed development is to be considered, and sets out the matters that are likely to be agreed and not agreed between the Council and the Appellant.

2 APPLICATION

- 2.1 On 24th July 2019 the Appellant submitted a single application for full planning permission to the Council with respect to the proposed redevelopment of Site. The Application was validated by the Council on 16th August 2019 (19/02696/FUL).

The description of development set out in the Application is as follows:

"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 29 storeys building and peripheral lower development of 3/4 storeys, to provide 258 residential units, together with servicing, disabled parking, cycle parking, landscaping, new public realm, a new vehicular and pedestrian access, and associated works" ('the **Development**')

- 2.2 The Application was submitted following consultation with the GLA and the Council in July 2019. The Council and the Appellant entered into a Planning Performance Agreement (PPA) to manage the pre application process, dated 01 March 2019.
- 2.3 The statutory determination period for the Application expired on 15 November 2019. An extension to the determination period was agreed on 10 February 2020. This expired on 28 February 2020.

3 DESCRIPTION OF THE SITE

- 3.1 The Site comprises 0.7 ha to the east and north of Renfrew Road and Dugard Way (which forms part of the Site). To the west is George Mathers Road and to the south is Castlebrook Close. Castlebrook Close is a cul de sac comprising two storey terraced housing, and Renfrew Road comprises three storey 1960s terraces where it sits adjacent to the Site but is mixed in character with a range of heights and building typologies. Dugard Way forms an access to the site from Renfrew Road, while pedestrian access comes via George Mathers Close.
- 3.2 The Site essentially comprises the remaining part of the much larger former hospital site (the rest of which has been developed piecemeal over time) and this is reflected both in the Site's internal layout and its relationship with the surrounding urban grain. The Woodlands former nursing home, and associated parking takes up the entire north of the site and has little or no architectural or urban relationship with the Cinema Museum to the south. At present this north part of the site primarily consists of a car parking and servicing and single/ two storey buildings of no merit. This sits in contrast with the Master's House (Cinema Museum), a Grade II listed building and former administrative block and chapel to Lambeth Workhouse.
- 3.3 The Masters House is currently occupied by the Cinema Museum and this southern portion of the Site forms part of the Renfrew Road Conservation Area (CA41), the character of which is derived, in addition to the Cinema Museum, from the collection of buildings formed by the former Fire Station, Court House and Court Tavern fronting on to Renfrew Road, and the Water Tower (also Grade II listed). The gate piers to Dugard Way and the North and South Porters' lodges and reception buildings framing the gates off Renfrew Road are locally listed.

- 3.4 The former Woodlands Nursing Home was purpose built as a 30-bed nursing home for people over the age of 65 with mental health problems; this use ceased in 2013, due to a decline in referrals and it comprises a vacant two- storey building with associated parking area. It is currently looked after by a security firm to prevent squatting.
- 3.5 The properties in the Castlebrook Close cul de sac adjoin the nursing home side on, with the termination point of the Cul-de-Sac facing the site. To the east the site curtilage extends respectively to the boundary with Dante Road and the Bellway development at George Mathers Close. To the west, the rear gardens of the properties in Renfrew Road back onto Dugard Way as it enters the Site.
- 3.6 The Site is accessed by vehicular traffic from Renfrew Road onto Dugard Way. To the west pedestrian only access is provided through a series of pathways including via George Mathers Road, which also provides vehicular access to the Bellway Homes development. There is no northern or north eastern access or egress to the site.
- 3.7 To the east is the listed Water Tower, which has recently been extended and converted to a single-family dwelling house.
- 3.8 The borough boundary with Southwark runs in part directly adjacent to the east of the Site, and in part through the adjacent Bellway development.

4 DESCRIPTION OF AREA

- 4.1 The Site has low density two/ three storey housing immediately on three sides; Dante Road is characterised by four storey student blocks along the eastern side, before the 'Uncle' building at 44 storeys; the Bellway Homes development is varied, but five storeys immediately adjacent to the site; Renfrew Road has a range of typologies ranging from three to six storeys; the residential block to the immediate south of the Kennington Lane is ten storeys; the residential blocks to the immediate west along Kennington Lane (further out from Elephant & Castle) are twenty two storeys.



The area is largely residential in character to the west and north, less so to the east and south where the Elephant and Castle Major Centre sits and where the A3204 and A3 form major arterial routes out of the Elephant and Castle, with commensurate mixed uses along them.



5 PLANNING HISTORY

- 5.1 There is limited planning history on the Application Site; however, change of use application 97/01751/FUL was permitted from a hospital to a cinema museum, with ancillary car parking. This consent had a condition limiting the use to a 'cinema museum' and for no other use, including those within the same use class.
- 5.2 Other planning permissions around the Site which have been granted includes:
- 5.2.1 08/00427/FUL dated 15 May 2008 - Old Lambeth Hospital involving the construction of 7 residential blocks ranging from 2 - 5 storeys in height to provide 112 residential units an extension of the existing water tower to provide a 4-bed house and 22 car-parking spaces with access onto George Mathers Road. [Completed]
- 5.2.2 14/00509/FUL dated 1 September 2014 – 10 Lollard Street London SE11 6UP involving demolition of raised podium deck, existing day nursery, management office and associated structures. Redevelopment of the site involving the creation of a replacement day nursery and external play area (Use Class D1) along with provision of 89 residential units (Use Class C3) in buildings ranging from 1 to 16 storeys in height. [Under construction]
- 5.3 There are a number of other planning permissions which have been granted in the immediate vicinity of the Site in neighbouring Southwark:
- 5.3.1 16/AP/4458 dated 10 January 2019 - Phased, mixed-use redevelopment of the existing Elephant and Castle shopping centre and London College of Communication sites comprising the demolition of all existing buildings and structures and redevelopment to comprise buildings ranging in height from single storey to 35 storeys (with a maximum building height of 124.5m AOD) above multi-level and single basements, to provide a range of uses including 979 residential units (use class C3), retail (use Class A1-A4), office (Use

Class B1), Education (use class D1), assembly and leisure (use class D2) and a new station entrance and station box for use as a London underground operational railway station; means of access, public realm and landscaping works, parking and cycle storage provision, plant and servicing areas, and a range of other associated and ancillary works and structures. [Unimplemented to date]

- 5.3.2 13/AP/3450 dated 14 October 2014 - 5-9 Rockingham Street, London, SE1 6PD - Demolition of existing buildings and redevelopment of site to provide a 13 storey building with 30 residential units (comprising 9 x 1 bed, 17 x 2 bed and 4 x 3 bed units) and 373m² restaurant (A3 use) at part basement/part ground floor level and mezzanine storage with the provision of 2 disabled car parking spaces and associated refuse and cycle storage. [Unimplemented or unfinished]
- 5.3.3 12/AP/1092 dated 27 March 2013 - outline application for: Demolition of all existing structures and bridges and redevelopment to provide a mixed use development comprising a number of buildings ranging between 3.95m (AOD) and 104.8m (AOD) in height with capacity for between 2,300 (min) and 2,462 (max) residential units together with retail (Class A1-A5), business (Class B1), leisure and community (Class D2 and D1), energy centre (sui generis) uses. New landscaping, park and public realm, car parking, means of access and other associated works. [Under construction]
- 5.3.4 12/AP/2239 dated 23 November 2012 - Redevelopment to provide a 37 storey building (maximum building height 127m AOD) and 4 storey pavilion building (maximum building height 20.5m AOD), comprising 284 residential units, 809 sq.m flexible ground floor retail / financial and professional services / restaurant uses (Use Classes A1-A3) and 413 sq.m commercial (Use Class B1) use, basement car parking, cycle parking, vehicular access from Brook Drive, servicing and plant areas, landscaping and public realm improvements and associated works. [Completed]
- 5.3.5 07/AP/0760 dated 1 April 2008 - Erection of buildings comprising 1 building of up to 44 storeys (145.5 metres AOD) and a terrace of up to 7 storeys in height to provide 470 residential flats (Class C3), theatre (Class D2) and cafe (Class A3) uses and a pavilion building for retail/marketing suite purposes (Class A1/ Sui Generis) with associated public open space, landscaping, underground car parking for 30 cars and servicing space. This relates to the site of the former London Park Hotel, 80 Newington Butts, London, SE1 4QU. [Completed]
- 5.3.6 Application 16/AP/3144 - Newington Causeway Redevelopment of the site for a mixed use development comprising a basement/mezzanine basement, ground plus twenty-three floors to accommodate a 140 room hotel (levels 1-11), 48 residential units (levels 12-24), a retail unit (at ground floor), associated cycle parking, servicing and refuse and recycling, landscaping and private and communal residential amenity space (including at roof top level), external refurbishment to the front of the railway arches, and a new pedestrian route through the site linking Newington Causeway with Tiverton Street. [Under construction]

6 PLANNING POLICY CONTEXT

Introduction

- 6.1 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.
- 6.2 The statutory development plan comprises the London Borough of Lambeth Local Plan (2015), Lambeth Council Proposals Map and the London Plan (2016). The Lambeth Local Plan is currently under review, and the Draft Revised Local Plan was put out to consultation in late 2018, with a proposed adoption date of Quarter two, 2021 and is now the Draft Revised Lambeth Local Plan Proposed Submission Version (2020) (DRLLP). Pre-submission publication of the DRLLP occurred between 31 January and 13 March. This version was submitted to the Secretary of State for examination on the 22 May 2020.
- 6.3 In December 2019 the London Plan (Intend to Publish version) was published by the Mayor of

London. This followed the Examination in Public on the Draft London Plan (published in December 2017), which was held between January and May 2019. On 21 October 2019 the Panel of Inspectors appointed by the Secretary of State issued their report and recommendations. Many of these recommendations (although not all) were incorporated into the Intend to Publish version.

- 6.4 On 13 March 2020 the Secretary of State formally directed the Mayor to make a number of detailed modifications to the wording of various policies in the Intend to Publish version released in December 2019. From the Mayor's reply to the Secretary of State on 24 April 2020 as published on the GLA website, it appears that there may be further dialogue between the Mayor and the Secretary of State about the modifications. However, the outcome of this process is not known at present.
- 6.5 It is considered that following national guidance, development plan polices, and supplementary planning guidance documents are relevant to the appeal proposals.

National Policy

- 6.6 The National Planning Policy Framework (NPPF) sets out the Government's economic, environmental, and social planning policies; it identifies that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF advises that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent development. The NPPF encourages engagement in pre-application discussions, consultation and generally front-loading the planning application process. It also sets out that in determining planning applications, local planning authorities should apply the presumption in favour of sustainable development.
- 6.7 The NPPF has not changed the statutory status of the development plan as the starting point for decision making; however, it constitutes guidance for local planning authorities and decision-makers both in drawing up plans and is a material consideration in determining applications (NPPF paragraph 196).
- 6.8 The Government has also published National Planning Practice Guidance (NPPG) which provides further detailed guidance on matters outlined in the NPPF.

Regional Policy

The London Plan (as amended and consolidated 2016)

- 6.9 The Mayor's London Plan (2016) provides the strategic policy context and spatial development strategy for London. Each London borough's Local Plan needs to conform to the London Plan.
- 6.10 London's increasing population, changing demographics and growing economy are among the key issues facing London; this has informed the Plan's policies. The Plan sets out the Mayor's Vision for London, which includes, as its headline point, planning for substantial population growth ensuring London has the homes, jobs, services, infrastructure and opportunities that a growing and ever more diverse population requires.

- 6.11 The Mayor plans to achieve this vision in ways that do not worsen quality of life for London as a whole, which means making the best use of land that is currently vacant or underused.
- 6.12 All of the policies in the Adopted London Plan are of strategic importance; however, the policies which are considered particularly relevant to the proposed development on the Site are:
- Policy 2.9 – Inner London
 - Policy 3.1 – Ensuring equal life chances for all
 - Policy 3.2 – Improving health and addressing health inequalities
 - Policy 3.3 – Increasing Housing Supply
 - Policy 3.4 – Optimising Housing Potential
 - Policy 3.5 – Quality and Design of Housing Developments
 - Policy 3.6 – Children and Young People’s Play and Informal Recreation Facilities
 - Policy 3.7 – Large Residential Developments
 - Policy 3.8 – Housing Choice
 - Policy 3.9 – Mixed and Balanced Communities
 - Policy 3.10 – Definition of Affordable Housing
 - Policy 3.11 – Affordable Housing Targets
 - Policy 3.12 – Negotiating Affordable Housing on Individual Private Residential and Mixed-Use Schemes
 - Policy 3.13 – Affordable Housing Thresholds
 - Policy 3.16 – Protection and enhancement of social infrastructure
 - Policy 4.12 – Improving Opportunities for All
 - Policy 5.1 – Climate Change Mitigation
 - Policy 5.2 – Minimising Carbon Dioxide Emissions
 - Policy 5.3 – Sustainable Design and Construction
 - Policy 5.6 – Decentralised Energy in Development Proposals
 - Policy 5.7 – Renewable Energy
 - Policy 5.9 – Overheating and cooling
 - Policy 5.10 – Urban Greening
 - Policy 5.11 – Green roofs and development site environs
 - Policy 5.12 – Flood risk management
 - Policy 5.13 – Sustainable Drainage
 - Policy 5.14 – Water quality and wastewater infrastructure
 - Policy 5.15 – Water use and supplies
 - Policy 5.16 – Waste net self-sufficiency
 - Policy 5.17 – Waste capacity
 - Policy 5.18 – Construction, excavation and demolition waste
 - Policy 5.21 – Contaminated Land
 - Policy 6.1 – Strategic approach
 - Policy 6.3 – Assessing Effects of Development on Transport Capacity
 - Policy 6.4 – Enhancing London’s transport connectivity
 - Policy 6.7 – Better streets and surface transport
 - Policy 6.9 – Cycling
 - Policy 6.10 – Walking
 - Policy 6.12 – Road network capacity
 - Policy 6.13 – Parking
 - Policy 6.14 – Freight
 - Policy 7.1 – Building London’s Neighbourhoods and Communities
 - Policy 7.2 – An Inclusive Environment

- Policy 7.3 – Designing Out Crime
- Policy 7.4 – Local Character
- Policy 7.5 – Public Realm
- Policy 7.6 – Architecture
- Policy 7.7 – Location and design of tall and large buildings
- Policy 7.8 – Heritage assets and archaeology
- Policy 7.11 – London View management Framework
- Policy 7.13 – Safety, security and resilience to emergency
- Policy 7.14 – Improving air quality
- Policy 7.15 – Reducing and managing noise, improving and enhancing the acoustic environment
- Policy 7.19 – Biodiversity and access to nature
- Policy 7.21 – Trees and woodlands
- Policy 8.1 – Implementation
- Policy 8.2 – Planning obligations
- Policy 8.3 – Community infrastructure levy

6.13 The Mayor has also published supplementary planning guidance and strategies which elaborate on London Plan Policy. Those most relevant in consideration of the proposals are:

- Mayor’s Draft London Housing Strategy (September 2017)
- Mayor’s Affordable Housing and Viability SPG (August 2017)
- Housing SPG (March 2016)
- Central Activities Zone (March 2016)
- The control of dust and emissions during construction and demolition (July 2014)
- Character and Context (June 2014)
- Social Infrastructure (May 2015)
- Sustainable Design and Construction (April 2014)
- Accessible London – Achieving an Inclusive Environment (October 2014)
- Shaping Neighbourhoods: Character and Context (June 2014)
- Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
- London View Management Framework (March 2012)
- London Cycle Design Guide (2014)

6.14 The Affordable Housing and Viability Supplementary Planning Guidance (August 2017) includes a new Threshold Approach to viability, which makes provision for a Fast- Track Route for planning applications which are not required to submit a viability assessment. For public land, the SPG states that land that is surplus to public sector requirements typically has a low value in its current use, allowing higher levels of affordable housing to be delivered. For these reasons the Mayor has an expectation that residential proposals on public land should deliver at least 50 per cent affordable housing to benefit from the Fast Track Route.

Intend to Publish London Plan (December 2019)

6.15 In November 2018, the Greater London Authority published their Draft London Plan. The plan was consulted upon in 2018, with the Draft Minor Suggested Changes published in August 2019. This has now gone through its EIP and is in its Intend to Publish form (2020).

6.16 The Draft London Plan is underpinned by the concept of ‘good growth’: this concept – growth that is socially and economically inclusive and environmentally sustainable – ensures that it is focused on sustainable development.

“Good Growth is about working to re-balance development in London towards more genuinely affordable homes for working Londoners to buy and rent. And it’s about delivering a more socially integrated and sustainable city, where people have more of a say and growth brings the best out of existing places while providing new opportunities to communities. Good Growth is not about supporting growth at any cost, which for too long has been the priority, leaving many Londoners feeling excluded and contributing to a lack of community cohesion and social integration.”

- 6.17 There are six concepts underpinning good growth: Building strong and inclusive communities, making the best use of land, creating a healthy city, delivering the homes Londoners need, growing a good economy, increasing efficiency and resilience.
- 6.18 All of the policies in the Draft London Plan are of strategic importance; however, the policies within the London Plan 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 SD10 Strategic and local regeneration;
 - Policy D1 London's form and characteristics;
 - Policy D2 Infrastructure requirements for sustainable densities;
 - Policy D3 Optimising site 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;
 - Policy D9 Tall Buildings;
 - Policy D10 Basement Development
 - Policy D11 Safety, security and resilience to emergency;
 - Policy 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 H12 Supported and specialised accommodation
 - Policy S2 Health and social care facilities
 - Policy S4 Play and informal recreation;
 - Policy E11 Skills and opportunities for all;
 - Policy HC1 Heritage conservation and growth; (cc) Policy HC3 Strategic and Local Views
 - Policy HC4 London View Management Framework;
 - Policy G1 Green Infrastructure
 - Policy G5 Urban greening;
 - Policy G6 Biodiversity and access to nature
 - Policy G7 Trees and woodlands
 - Policy SI1 Improving air quality
 - Policy SI2 Minimising greenhouse gas emissions;
 - Policy SI3 Energy infrastructure;
 - Policy SI4 Managing heat risk;
 - Policy SI5 Water infrastructure;
 - Policy SI7 Reducing waste and supporting the circular economy
 - Policy SI 8 Waste capacity and net waste self-sufficiency
 - 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 Deliveries, servicing and construction;
- Policy T9 Funding transport infrastructure through planning
- Policy DF1 Delivery of the Plan and Planning Obligations

Lambeth Local Plan

6.19 Local planning policies are contained within Lambeth’s Local Development Framework (LDF), which comprises the Lambeth Local Plan (2015), the Local Plan Policies Map (2015) and saved policies of the Unitary Development Plan (2010) and the Core Strategy (2011).

Lambeth Local Plan (2015)

6.20 The Lambeth Local Plan is the overarching document of the LDF and sets out planning policies for Lambeth to guide growth in housing and jobs, infrastructure delivery, place shaping and the quality of the built environment over fifteen years from 2015 to 2030. The Local Plan replaced the Core Strategy (2011) but retains the spatial strategy, vision and strategic objectives of the borough. It focuses on the key issues to be addressed and includes a delivery strategy for achieving these objectives. The main strategic objectives of the Local Plan are to accommodate economic and housing growth across the borough

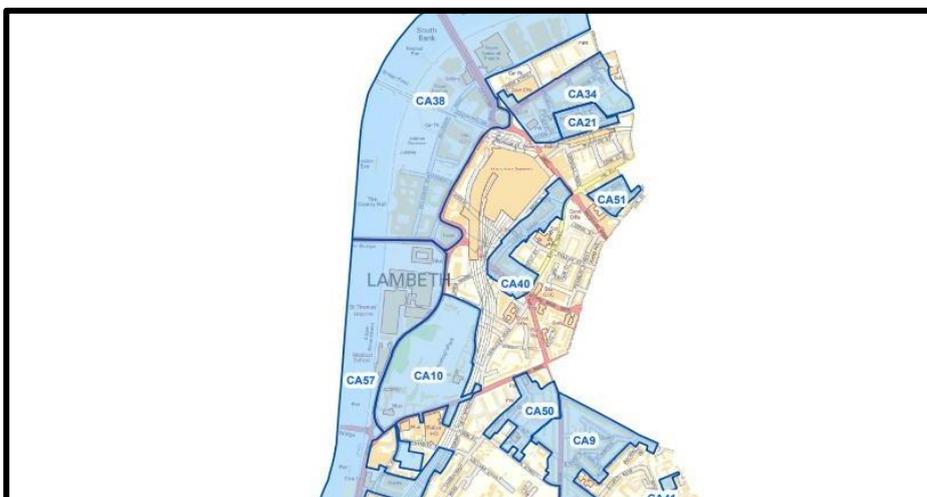
6.21 The Site is located in a number of key planning policy designations within the Local Plan for which there are Local Plan policies.

These designations include:

- (a) Conservation Areas, (Policy Q22); and
- (b) Views; (Policy Q25 Views).

Conservation Area

The Application Site is partly in the Renfrew Road Conservation Area (CA41) although the main development area is outside and immediately to the north.. Other local conservation areas, Kennington, Walcot and West Square are more distant from the application Site.



Views

The Site falls within, or on the border of a number of local views.



Strategic Objectives

6.22 The Local Plan sets out a number of strategic objectives to tackle spatial planning issues. Five relevant key themes are set out below and are considered particularly relevant to the proposals for the Site:

- (a) Strategic Objective A – Accommodating population growth;
- (b) Strategic Objective C – Tackling and adapting to climate change;
- (c) Strategic Objective D – Providing essential infrastructure;
- (d) Strategic Objective E - Promoting community cohesion and safe, liveable neighbourhoods; and
- (e) Strategic Objective F – Creating and maintaining attractive, distinctive places.

6.23 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 H8 – Housing to meet specific community needs
- Policy S1 – Safeguarding existing community premises;
- 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 EN7 – Sustainable waste 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; and
- Policy PN8 – Oval and Kennington

Lambeth Local Plan Review (Pre-submission publication of the Draft Revised Lambeth Local Plan 2020)

- 6.24 In October 2017, the Council began a full review of the Local Plan. Lambeth’s Updated Local Plan, together with the London Plan and Neighbourhood Plans, once adopted, would set out the planning policies for development in the borough up to 2035. Initial consultation on the issues for the partial review occurred until December 2017 and the Draft Revised Lambeth Local Plan Proposed Submission Version (DRLLP) was published for consultation in late 2018, with a post consultation version published in late 2019. Pre-submission publication of the DRLLP occurred between 31 January and 13 March. This version was submitted to the Secretary of State for examination on the 22 May 2020. Adoption will run behind the Mayor of London’s timetable for adoption of the London Plan, to ensure the updated policies are consistent.

Additional Supplementary Planning Documents (SPD)

- 6.25 The Lambeth Development Viability SPD, adopted on 9 October 2017, sets out the Council’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). Lambeth Employment and Skills SPD, adopted on February 2018, sets out the Council’s approach for negotiating obligations which will be sought from developers at the construction and end user phases of development to contribute towards a range of employment and training measures to mitigate the impacts of development and to ensure that local people can better access job opportunities arising from new development.

7 REASONS FOR REFUSAL

Reason for refusal 1: Inadequate Affordable Housing Tenure Mix

Areas of agreement

- 7.1 This reason for refusal has been withdrawn.
- 7.2 The Development provides the maximum reasonable quantum of affordable housing.

Reason for refusal 2: Affordability of Intermediate Shared Ownership

7.3 This reason for refusal is expected to be addressed by the forthcoming Section 106 Agreement.

Reason for refusal 3: Inadequate Residential Unit Size Mix

Areas of disagreement

7.4 Unit Size mix.

7.5 Housing Need.

Reason for refusal 4: Inappropriate Design and Unacceptable Impact on Townscape

Areas of disagreement

7.6 Scale and Massing.

7.7 Design.

7.8 Integration with residential character in the immediate site context.

7.9 Distinctiveness.

Reason for refusal 5: Unjustified harmful impacts on the setting of heritage assets and insufficient public benefits

Areas of agreement

7.10 The proposal would not result in the loss of any heritage assets and would not cause substantial harm to any adjacent heritage assets.

Areas of disagreement

7.11 Weight to be accorded to 'harm' in relation to Heritage Assets and views.

7.12 Public benefits of the proposals.

Reason for refusal 6: Adverse Impact in Existing Residential Amenities (Daylight Effects to Habitable Rooms and Sunlight Amenity Effects to Gardens) and reason for refusal 7: Inadequate Residential Amenity for Future Occupiers of Development

7.13 The areas of agreement and disagreement between the parties will be more particularly described in a "Daylight, Sunlight and Overshadowing Statement of Common Ground" to be sent separately.

Reason for refusal 8: Poor Quality Communal and Playspace Amenity

Areas of agreement

7.14 The quantum of Amenity Space is acceptable.

7.15 The Development provides:

(a) 3250m² of amenity space (including internalized balcony space);

(b) 672m² dedicated child play; and

(c) 1710m² multi-functional/Incidental (all ages).

Areas of disagreement

=

7.16 Quality of Amenity Space.

Reason for refusal 9: Flood Risk Safety

7.17 The proposed mitigation measures are currently the subject of ongoing discussions between the parties and with the Environment Agency.

Reason for refusal 10: Inadequate Residential Cycle Parking Design

7.18 This reason for refusal has been withdrawn.

Reason for refusal 11: Failure to Maximise Renewable Energy Opportunities

7.19 This reason for refusal is the subject of ongoing discussions between the parties in relation to the proposed energy strategy.

Reason for refusal 12: Planning Obligations

7.20 A planning obligation is currently being negotiated.

Reason for refusal 13: Inadequate Information

7.21 This reason for refusal has been withdrawn.

7.22 It is agreed that land contamination can be addressed by imposing a condition requiring a site risk assessment and remediation strategy.

7.23 The Development would have acceptable servicing arrangements.

8 OTHER LIKELY AREAS OF AGREEMENT

While this a Draft Statement of Common Ground, and there are no determined refusal reasons, we have assumed that the following matters are likely to be agreed between the Appellant and the Council.

Submitted Plans and Application Documents

8.1 The parties agree that the plans and documents that comprise the current versions of each of the plans and documents that have been submitted in support of the Application are in the process of agreement. These are the plans and documents to which any grant of planning permission will relate.

Loss of Nursing Home

8.2 The proposed Development would result in the loss of the nursing home; the Application is accompanied by marketing evidence to show that the use is no longer required by the Regional Health Authority and alternative arrangements have been made. It is agreed that the evidence is sufficient and supports the loss of use on site.

Principle of Development

8.3 The provision of new housing (Use Class C3) would be consistent with key Development Plan policies, and is considered acceptable in principle in land use terms.

Views

8.4 No Strategic Views are adversely affected.

Accessible Housing

8.5 It is agreed that all proposed homes would meet the 'accessible and adaptable dwellings' standard and that 10% should meet the 'wheelchair user dwellings' standard, in accordance with policy requirements.

Housing Standards

- 8.6 It is agreed that all proposed units meet or exceed the relevant minimum internal space standards, have an acceptable layout and meet the recommended minimum 2.5m floor to ceiling height.

9 OTHER LIKELY AREAS OF DISAGREEMENT

- (a) Weight to be accorded to housing and affordable housing as substantial planning benefits.
- (b) Architectural quality of the nursing home/ surrounds and relationship with CA/ heritage assets.
- (c) The impact on Local Views (as identified in the Local Plan).
- (d) Weight to be attributed to housing need.
- (e) Approach to planning benefit of the Cinema Museum.
- (f) Approach to Site with regards to point block and perimeter building.
- (g) Effect on Local Views.
- (h) Weight to be attached to unadopted policies in the Intend to Publish London Plan.
- (i) Weight to be attached to unadopted policies in the DRLLP.
- (j) Free cycle hire membership for residents for three years; and

10 PLANNING CONDITIONS

A draft list of proposed conditions is attached to this Statement of Common Ground. A full list of planning conditions will be agreed between the parties and will be provided to the Inspector at least 10 working days in advance of the appeal being heard.

11 PLANNING OBLIGATIONS

- 11.1 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 mitigation measures connected with the proposed development ('**Section 106 Unilateral Undertaking**').

Para 56 of the NPPF states that:

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Similar provisions are also referred to in the Community Infrastructure Levy 2010 (as amended) (Regulation 122).

- 11.2 Should the Inspector uphold the appeal the agreed Heads of Terms for the Section 106 Unilateral Undertaking include the following obligations:

- (a) On site affordable housing;
- (b) Carbon Offset Contribution (£231,678);
- (c) Connection to future energy network;
- (d) Employment and Skills Plan;
- (e) Employment and Skills Contribution (£167,700);
- (f) Parking Permit free;
- (g) Car Club Membership for three years;

- (h) Travel Plan over five years and one off monitoring contribution (£5,300);
- (i) Low Traffic Neighbourhood contribution (£50,000) ;
- (j) Way finding legible London signage contribution (£15,000);
- (k) Monitoring costs.
- (l) The Appellant has offered to grant a lease to the occupiers of the Cinema Museum prior to first occupation and to include this in the Section 106 Unilateral Undertaking. The Council do not consider this this obligation complies with the tests set out in paragraph 11.1 above.

11.3 The Appellant is willing to enter into a Section 106 Unilateral Undertaking in favour of Council to secure suitable mitigation measures where the relevant policy tests have been met. The final form of the Section 106 Unilateral Undertaking will be provided to the Inspector at least 10 working days in advance of the appeal being heard.

Signed on behalf of Appellant



Date 02/10/2020

Position Partner – Bevan Brittan LLP

Signed on behalf of Local Planning Authority



Jeffrey Holt

Date 02/10/2020

Position Principal Planner - Strategic Applications
London Borough of Lambeth