

29 June 2020

92-98 Vauxhall Walk, Lambeth

in the London Borough of Lambeth

planning application no. 19/02889/FUL

Strategic planning application stage II referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Demolition of existing building and erection of a ground plus 9 storey building (height 36.7 metres) comprising a flexible A1/A3/B1 unit on the ground floor and 2,709 sq.m. of Class B1a office space, with 9th floor communal and private roof terrace and ancillary facilities.

The applicant

The applicant is **Southern House/CLS Holdings PLC** and the architect is **The Manser Practice**.

Key dates

Pre-application: 26 February 2019

Stage 1 reporting: 3 February 2020.

Planning Committee: 12 May 2020.

Strategic issues

Principle of development: The principle of the redevelopment of this site for mixed use office led development in the VNEB Opportunity Area and within the CAZ is strongly supported. Affordable workspace has been secured in compliance with the London Plan and intend to publish London Plan.

Issues also have been resolved in relation to **energy, flood risk, green infrastructure** and **transport**.

The Council's decision

In this instance **Lambeth Council** has resolved to grant permission.

Recommendation:

That Lambeth Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

Context

1 On 31 December 2019 the Mayor of London received documents from Lambeth Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 1C of the Schedule to the Order 2008:

- *Category 1C - Development which comprises or includes the erection of a building that is more than 30 metres high and is outside the City of London.*

2 On 3 February 2020 the Mayor considered planning report GLA/5036/01, and subsequently advised Lambeth Council that the application did not comply with the London Plan, for the reasons set out in paragraph 34, but the possible remedies set out in that paragraph could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, the application has been revised in response to the Mayor's concerns (see below). On 12 May 2020 Lambeth Council decided that it was minded to grant planning permission for the application, and on 16 June 2020 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Lambeth Council under Article 6 to refuse the application or issue a direction to Lambeth Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application. The Mayor has until 30 June 2020 to notify the Council of his decision and to issue any direction.

4 The decision on this case, and the reasons will be made available on the GLA's website www.london.gov.uk.

Consultation stage issues summary

5 London Plan and the Mayor's intend to publish London Plan policies on office development, affordable workspace, design and heritage, sustainable development and transport are relevant to this application. Whilst the principle of the proposal for an office led mixed-use development was supported in strategic planning terms, further discussion was required regarding the following issues:

- **Principle of development:** The principle of the redevelopment of this site for mixed use office led development in the VNEB Opportunity Area and within the CAZ is strongly supported. Further details should be provided as to how flexible and affordable workspace would be provided in accordance with the Mayor's intend to publish London Plan.
- **Design and heritage:** The approach to the building height, massing and scale is supported and the design is of a good quality. The proposed development will not impact on protected LVMF views and will not cause harm to heritage assets.

- **Inclusive design:** The detailed application for the building has been designed to be fully accessible to all users
- **Climate change:** Further work is required and evidence submitted in relation to energy, flood risk and green infrastructure.
- **Transport:** The applicant should provide more information regarding: healthy streets, trip generation and impact, cycle parking and car parking. A delivery and servicing plan and construction logistics plan should be secured by condition.

Mayoral policy update

6 The Examination in Public on the Mayor's draft London Plan was held between 15 January and 22 May 2019. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendation to the Mayor on 8 October. On 17 December 2019, the Mayor published the Intend to Publish version and issued this to the Secretary of State. The Intend to Publish Plan is the latest version of the plan.

7 On 13 March 2020 the Secretary of State issued a set of Directions under Section 337 of the Greater London Authority Act 1999 (as amended) and, to the extent that they are relevant to this particular application, have been taken into account by the Mayor as a material consideration when considering this report and the officer's recommendation.

Strategic planning policy and guidance update

Update

8 Since the Stage 1, GLA officers have engaged in discussion with the applicant, Lambeth Council and TfL to address the above outstanding issues. Revisions to the proposals have been submitted by the applicant and Lambeth Council has secured planning obligations and conditions which ensure the development is acceptable in strategic planning terms.

Employment floorspace

9 At stage 1 the principle of the redevelopment of this site for mixed use office led development in the VNEB Opportunity Area and within the CAZ was strongly supported. The applicant was however required to provide details on how affordable workspace needs will be met in compliance with the Mayor's intend to publish London Plan policies E1, E2 and E3. The applicant has since stage 1 set out details regarding the provision of low-cost affordable business space which is secured in the s106 as 5.4% of the Class B1 floorspace which will consist of an office unit located on the ground floor of the building. The affordable workspace is secured for a period of 15 years and at an effectively 100% discount off the market rent. This aspect of the application is therefore compliant with the London Plan and the intend to publish London Plan.

Fire safety

10 The application was submitted prior to the publication of the Intend to Publish London Plan, however in response to Policy D12, the Council has secured a condition requiring the submission of a Fire Statement produced by an independent assessor. This will be submitted to and approved in writing by Lambeth Council prior to commencement of development.

Sustainability

Energy

11 Since stage 1 the applicant has undertaken further work which has resolved all outstanding issues in relation to revised carbon emissions submitted for all stages of the energy hierarchy, overheating, air source heat pumps and connection to VNEB district heating network. This aspect of the application is therefore compliant with the London Plan and intend to publish London Pan.

Flood risk

12 Since stage 1 the applicant has provided the required flood risk verification information and conditions have been secured to resolve all outstanding issues. This aspect of the application is therefore compliant with the London Plan and intend to publish London Plan.

Green infrastructure

13 Since stage 1 the applicant has provided the required information in relation to the extent of green roof including its specification and a landscape plan has been provided detailing the urban greening proposals. It has also reviewed the urban greening proposed, improving the quality or quantity, to increase the development urban greening factor (UGF) to 0.3 target set for commercial developments. This aspect of the application is therefore compliant with the London Plan and intend to publish London Plan.

Transport

14 Since Stage 1 the applicant has provided the required information in relation to healthy streets, trip generation and impact, cycle parking and car parking. A delivery and servicing plan, construction logistics plan, and a contribution towards Lambeth Council's Healthy Routes Network have been secured by condition. This aspect of the application is therefore compliant with the London Plan and intend to publish London Plan.

Response to consultation

15 Lambeth Council completed consultation through site notices and advertisement in the local paper. One response was received raising the following objections:

- Daylight and sunlight on neighbouring Walker Books occupant, request to be considered a sensitive receptor.
- Noise from construction.
- Sense of enclosure.

- Adverse impact of proposed roof terrace.
- Potential loss of sub-tenants.

Statutory organisations

16 Representations were also received from the following statutory organisations and bodies:

- **Environment Agency:** No objection. Requested conditions and informatives have been secured.
- **Thames Water:** No objection. Requested conditions and informatives have been secured.
- **Historic England:** No objection.

17 These issues have been addressed in detail in Lambeth Council's committee report and addendum reports. The development impacts on daylight and overshadowing are of an acceptable level according to BRE guidance and GLA officers agree with this conclusion.

Draft section 106 agreement

18 The draft S106 agreement includes the following provisions:

- £20,000 for up to two future on-street disabled parking bays.
- Healthy Routes Network contribution.
- The ground floor office unit (788sqft) to be let to a suitable occupant at £1 per square foot. The unit discounted period of 15 years. Maximum duration of tenure for a qualifying tenant.
- Employment and training contribution of £67,168.67.
- Travel plan monitoring fee.

Legal considerations

19 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Article 7: Direction that the Mayor is to be the local planning authority

20 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at stage I, therefore there is no sound planning reason for the Mayor to take over this application.

Financial considerations

21 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

22 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

23 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

Conclusion

24 The strategic issues raised at consultation stage regarding employment floorspace, climate change and transport have been satisfactorily addressed, and appropriate planning conditions and obligations have been secured. As such, the application complies with the London Plan and intend to publish London Plan, and there are no sound reasons for the Mayor to intervene in this particular case.

for further information, contact GLA Planning Unit (Development & Projects Team):

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