Strategic planning application stage 1 referral (new powers)


The proposal

Redevelopment of site to contain a mixed-use development in a series of buildings ranging in height from one to seven storeys, to contain 65 flats, 7,600 sq.m of commercial floor space, with associated parking and central square (two storey ‘gatehouse’ building fronting Wandsworth Road to be retained).

The applicant

The applicant is Fieldingdale Limited, and the architect is Studio One Architecture.

Strategic issues

The use of the site for residential purposes will harm the implementation of strategic employment and waste management policies. There are outstanding concerns regarding the design, use and relationship with local context, together with the quality of the internal layout, inclusive design and access, climate change, noise, and transport.

Recommendation

That Lambeth Council be advised that the application does not comply with the London Plan, for the reasons set out in paragraph 97 of this report.

Context

1 On 1 March 2010 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. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 9 April 2010 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor’s use in deciding what decision to make.

2 The application is referable under Category 1B of the Schedule to the Order 2008:
“Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings—outside Central London and with a total floorspace of more than 15,000 square metres”.

3 If Lambeth Council resolve to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself. However, in this instance, there is no need for Lambeth Council to refer the application back to the Mayor if it resolves to refuse planning permission.

4 The Mayor of London’s statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 The application relates to a 0.56 hectare site, located off Wandsworth Road, between Clapham and Battersea. It currently contains a range of light industrial and commercial buildings and open areas used for vehicle related activities, accessed from Pensbury Place and a 4-metre access way from Wandsworth Road. Adjoining the access way is an art deco gatehouse, which forms part of the site (no. 374A) and would be retained.

6 Fronting the site are a row of 3 storey Grade II listed villas and a McDonalds restaurant. This portion of the site lies within the Wandsworth Road Conservation Area. On the opposite side of Wandsworth Road are five-storey residential mansion blocks. To the south west of the site, fronting Pensbury Street are single storey business units and a public house. Situated along the north east boundary, on Clyston Street, are a vacant warehouse and office building, a car workshop and an open car-breaking yard. Other uses on Clyston Street include offices and a children’s playground. On the opposite side of Pensbury Place are a range of industrial uses including a metal recycling facility and warehousing, located between Stewarts Road and the adjoining railway line. Pensbury Place forms the boundary with Wandsworth Council.

7 Wandsworth Road forms part of the Strategic Road Network (SRN) whilst the nearest section of Transport for London Road Network (TLRN) is the A3, Clapham Road located 0.9 km south of the site.

Figure 1: Aerial photograph of site
8 The nearest London Underground station is Clapham North (on the Northern line) located approximately 0.9 km south of the site. Clapham Common (on the Northern line) and Stockwell (on the Northern and Victoria lines) are also within walking distance from the site. Wandsworth Road Rail Station is located approximately 250m east of the site, providing national rail services to London Bridge and Victoria. The site has a public transport accessibility level (PTAL) of 3 (on a scale where 1 is low and 6 is high). The nearest bus stop is located outside the site on Wandsworth Road and is served by 4 bus services. The site lies approximately 1km from both the A3205 Nine Elms Lane and the A3 Clapham Road, which are part of the Transport for London Road Network (TLRN).

9 The site has no strategic designations, but is adjacent to the Nine Elms Strategic Industrial Location (SIL), as identified in the Central Sub-Regional Development Framework (May 2006) and the Wandsworth Core Strategy proposed Submission document (July 2008). The site immediately adjoins the boundary of the consultation draft of the Vauxhall Nine Elms Battersea Opportunity Area Planning Framework (with the adjacent land being categorised as SIL).

10 The site is designated for key industrial and business use in the Lambeth 2007 UDP and is adjacent to a site designated for waste and manufacturing uses. In addition to the designation, the site forms part of a wider Major Development Opportunity.

Details of the proposal

11 The scheme comprises a mixed-use development of up to six storeys linked by a basement with podium level courtyard above. The development would be arranged in a ‘C’ shape around the central courtyard. The basement would be split over two levels with a mezzanine, to contain commercial floor space which fronts onto Pensbury Place, a 415 sq.m. creche, and 50 parking spaces beneath the podium. Vehicle access to the parking area would be from Pensbury Place.

12 Along the Pensbury Place frontage, there would be a further two storeys of light industry/office floorspace with a green roof above. Along the north east elevation, there would be six storeys of residential accommodation and along the south west elevation, five storeys to contain residential accommodation.

13 The scheme proposes a total of 65 residential units, of which 30 are proposed as affordable. The mix would comprise 10 x one-bed, 27 x two-bed, 25 x three-bed, 3 x four-bed units.

14 The scheme would provide approximately 7,600 sq.m. of light industrial/commercial floorspace, together with the creche. Secure cycle parking facilities would be provided for 126 bicycles.

Case history

15 An application for an eleven storey mixed use development on this site was previously referred to the Mayor in December 2008. At Stage 1, Lambeth Council were advised that the scheme did not comply with the London Plan with regard to employment, waste, housing, design, noise, transport and climate change. Lambeth Council subsequently resolved to refuse the planning application and Mayor subsequently advised on 21 January 2010, that he was content to allow Lambeth Council to determine the application itself.

Strategic planning issues and relevant policies and guidance

16 The relevant issues and corresponding policies are as follows:
• Principle of use  London Plan; PPS4; Industrial Capacity SPG
• Waste  London Plan; the Municipal Waste Management Strategy; PPS10
• Housing/affordable housing  London Plan; PPS3; Housing SPG; Providing for Children and Young People’s Play and Informal Recreation SPG; Housing Strategy; draft revised interim Housing SPG
• Urban design & heritage  London Plan; PPS1; PPS5
• Ambient noise  London Plan; the Mayor’s Ambient Noise Strategy; PPG24
• Air quality  London Plan; PPS1; Accessible London: achieving an inclusive environment SPG; Planning and Access for Disabled People: a good practice guide (ODPM)
• Access  London Plan; PPS1; Accessible London: achieving an inclusive environment SPG; Planning and Access for Disabled People: a good practice guide (ODPM)
• Climate Change  London Plan; PPS1, PPS3; PPG13; PPS22; the Mayor’s Energy Strategy; Sustainable Design and Construction SPG
• Transport & parking  London Plan; the Mayor’s Transport Strategy; PPG13;

17 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the 2007 Lambeth Council Unitary Development Plan and the London Plan (Consolidated with Alterations since 2004).

18 The following are also relevant material considerations:
   • The Lambeth Council Core Strategy (Pre-Submission Stage)
   • The Lambeth Council Site Allocations document (issues and options stage).
   • Draft replacement London Plan.

Principle of development

19 Lambeth’s UDP identifies the site as a key industrial and business area, which is safeguarded for commercial and other sui generis uses found in industrial areas. This particular KIBA also has major development opportunity area classification (MDO70), which designates it as a mixed-use employment area, as set out in Policy 22. The issues and options Site Allocations document also identifies this area.

Figure 2: Lambeth Council designations

20 The MDO designation allows for some residential and other non-employment uses on appropriate parts of sites, provided the development is predominantly employment space (at least 50% of the site area or replacement floor space). The MDO classification states that the “site
should incorporate scrap-yard to avoid proximity to bad-neighbour uses. New industrial access from Pensbury Street, thus diverting industrial access traffic onto this new road and enabling width restrictions on residential roads of Clyston Street and Stewarts Road. Development should form a buffer between industrial uses and the new road to the north and any residential/mixed use development to the South. Non-employment floorspace to Wandsworth Road frontage. Replacement of existing affordable housing.”

21 This particular designation identifies appropriate locations for residential use as those with a Wandsworth Road frontage. There are two separate frontages, one within the application site and one to the north east measuring approximately 13 metres wide with an existing residential block on it. The UDP designation requires the replacement of any lost affordable housing, which is assumed to mean some or all of the latter properties. The designation also requires a buffer between non-employment uses and the adjacent industrial sites, suggested in the form of a scrap yard. The scrap yard does not form part of the application site.

22 The site is also on the boundary of the Nine Elms Strategic Industrial Location (SIL) in the London borough of Wandsworth and although not within it, the industrial and business designations are relevant to the on going protection and management of the SIL. Land adjacent to the application site, within Lambeth on the south-west boundary, is identified as both key industrial and business land and specifically for waste and manufacturing uses.

23 The London Plan (policy 3B.4) states that the Mayor will work with strategic partners to promote, manage and where necessary protect the varied industrial offer of the Strategic Industrial Locations. This policy is reiterated within the draft replacement London Plan under policy 2.17. Boroughs are required to develop policies and criteria to manage locally significant and other smaller industrial sites outside the SIL. In this instance, as outlined in paragraph 19, Lambeth Council has a policy for the site designation and a specific major development opportunity designation.

24 The London Plan Supplementary Planning Guidance on Industrial Capacity (March 2008), which supports Strategic Industrial Location policy 2A.10 in the London Plan, identifies Lambeth as a borough encouraged to restrict the release of industrial land. Release can occur where the borough has made adequate provision for industrial uses, in particular waste uses, in their DPDs.

25 The consultation draft Opportunity Area Planning Framework for Vauxhall/Nine Elms identifies the area immediately to the north and west of the site for retention as a Strategic Industrial Location. It also sets out two principles for any proposed housing in close proximity to Strategic Industrial Locations or waste sites. Firstly to wrap waste/industrial sites with commercial development to act as a buffer to new residential development. Secondly, if residential development is located adjacent to existing waste/industrial sites, noise and visual impacts should be mitigated through design i.e. through the use of winter gardens and ensuring habitable rooms do not front onto existing uses.

26 It is noted that the Lambeth Core Strategy submission document seeks to remove the MDO classification for the site, so that it is solely a key industrial business area.

27 The development plan policies are clear that the primary purpose of this land should be for employment use and that any release of employment use should be restricted. The principles behind the designation have been established through the development plan process and demonstrate the sensitivity of the site and its surrounding area to residential use. The UDP policy makes it clear that non-employment floorspace should be directed to the south of the site with Wandsworth Road frontage. Strategic policy supports the rationale for this, i.e. to prevent conflict between land uses and ensure the continued viability of industrial and waste uses in the longer term.
28 In response to the previous refusal, the applicant has reviewed the arrangements of the site, pulling back the residential elements from the northern and western boundary. There does remain, however, a residential presence at the rear of the site, which is in conflict with the intention of the MDO classification and KIBA policies set out in Lambeth’s UDP, together with London Plan SIL policies, and aspirations set out in the draft OAPF. The proposed development locates residential uses across the majority of the application site, adjacent to existing waste uses and industrial uses that are potentially sensitive to having residential uses as their neighbours.

29 Taking account of strategic and local development plan policy on housing and employment, the proposed development is contrary to the development plan in principle. The previous reason for refusal has not been overcome.

Waste

30 As was the case when proposals for this site were previously considered by the Mayor, London Plan waste policies are relevant to this application, as follows:

- Policy 4A.22 seeks to safeguard waste sites with an existing or future potential for waste management and ensure that adjacent development is designed accordingly to minimise the potential for conflicts of use and disturbance.
- Policy 4A.24 supports the principle of safeguarding all existing waste management sites as a strategic resource, because through re-orientation these have the potential to make a significant contribution to London’s waste self-sufficiency.
- Policy 4A.25 requires boroughs in their DPDs to identify sufficient land to provide capacity to manage their apportioned tonnages of municipal solid waste and commercial/industrial waste.

31 The corresponding policies are set out 5.16 and 5.17 of the draft replacement London Plan. Policy 5.17(D) states that developments adjacent to waste management sites should be designed to minimise the potential for disturbance and conflicts of use.

32 The adjoining existing metals recycling facility within the London Borough of Wandsworth and the land to the south west of the site identified in Lambeth’s UDP for waste and manufacturing use have the potential to make a significant strategic contribution to the management of Wandsworth and Lambeth’s respective apportioned commercial waste and municipal solid waste. Wandsworth Council identify this area of the SIL as a preferred location for waste management uses (Policy PL11).

33 Existing waste operations and/or future safeguarding should not be compromised by adjacent uses inappropriately sited or designed. Whilst amendments have been made to the scheme from that previously submitted, through orientation and design of the residential blocks to mitigate noise impacts in particular, there remain key residential units that are at a particular disadvantage with habitable rooms located overlooking or in close proximity to industrial/waste management uses. Noise is covered in further detail in the design section of this report but there remains the concern that future resident’s complaints could compromise the ongoing viability of adjoining existing waste operations.

34 In addition, a longer term issue is the impact of residential development on the future flexibility of the designated industrial areas in the Strategic Industrial Location, and waste uses on the non-SIL land within Lambeth, adjacent to the application site. As was the case previously, allowing the development in the current form raises the potential for objections to proposed
industrial/waste developments as outlined above and could undermine the future viability of adjoining land designed for waste use. There have not been a change in circumstances since the previous decision.

**Housing – affordable housing**

35 Notwithstanding the view that the development is not acceptable in principle the following assesses the housing elements of the scheme against London Plan and draft replacement London plan housing policies.

**Density**

36 The London Plan aims to ensure that development proposals achieve the maximum intensity of use compatible with local context, the design principles in policy 4B.1 and with public transport capacity (policy 3A.3). As a guide, table 3A.2 sets out density ranges for central, urban and suburban locations with different characteristics. This site has a public transport accessibility level of two and can be considered as being within an urban location. However, given that the amount of residential accommodation as a proportion of the overall site is 40%, calculating density based on habitable rooms is not usually an appropriate measure, and it is more appropriate to assess density in line with guidance for commercial developments (i.e. plot ratio). This is as advised within the London Plan (paragraph 4.105) and the draft revised interim Housing SPG.

37 In this instance, the plot ratio is 2.8:1 which is likely to be appropriate in light of the public transport accessibility, the scale of surrounding development and proximity of listed buildings and a conservation area.

**Affordable housing**

38 London Plan Policy 3A.10 requires borough councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes. In doing so, each council should have regard to its own overall target for the amount of affordable housing provision. Policy 3A.9 states that such targets should be based on an assessment of regional and local housing need and a realistic assessment of supply, and should take account of the London Plan strategic target that 70% of the affordable housing should be social and 30% intermediate, and of the promotion of mixed and balanced communities. In addition, Policy 3A.10 encourages councils to have regard to the need to encourage rather than restrain residential development, and to the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements.

39 Policy 3A.10 is supported by paragraph 3.52, which urges borough councils to take account of economic viability when estimating the appropriate amount of affordable provision. The ‘Three Dragons’ development control toolkit is recommended for this purpose. The results of a toolkit appraisal might need to be independently verified.

40 These policies are reinforced under policies 3.12, 3.13 and 3.14 of the draft replacement London Plan. Strategic policy 3.12A states that within the 13,200 affordable homes per year target, the Mayor will, and boroughs and other partners should, seek to ensure that 60% is social housing and 40% is intermediate. The draft revised interim Housing Supplementary Planning Guidance states that in determining the appropriate balance between social rented provision and intermediate provision on specific sites “…a borough must have regard to local, sub-regional and regional housing needs that could be met through the proposed development”.
Where borough councils have not yet set overall targets as required by Policy 3A.9, they should have regard to the overall London Plan targets. It may be appropriate to consider emerging policies, but the weight that can be attached to these will depend on the extent to which they have been consulted on or tested by public examination. The UDP does specify that where housing grant is available, a 50% provision for specific schemes will be required on a habitable room basis, otherwise 40% will be required, unless the applicant can demonstrate through independent assessment that such provision is not viable.

The applicant proposes that 30 of the units would be affordable. This equates to 51% based on habitable rooms. The documentation states that the scheme would meet the target of a 70/30 split but no details have been provided as to the units that would allocated as such, so it is not possible to verify this or be satisfied that sufficient numbers of the social rented units would be family sized. In the absence of such information, the applicant fails to demonstrate compliance with the London Plan in relation to affordable housing targets. The applicant has not stated if the scheme is being developed with a housing association or would be subject to grant funding, which may affect the design, layout and delivery of affordable housing.

### Housing mix

The London Plan aims to facilitate mixed and balanced communities, and developments are required to provide a range of housing types. These policies are reinforced under the draft replacement London Plan, specifically policy 3.8. The Supplementary Planning Guidance on Housing sets out the broad mix sought within developments to help meet London-wide net housing requirements in terms of current un-met demand and projected growth in demand. The Housing SPG to the London Plan sets targets for the size of units in order to meet estimated housing need in London. An overall mix for London is sought as follows: 32% for 1-bed units, 39% for 2/3 bed units and 30% for 4-bed plus.

The applicant has not provided a tenure split for affordable housing, however, the proposed mix of the scheme to the extent known is as follows:

<table>
<thead>
<tr>
<th></th>
<th>1-bed</th>
<th>2-bed</th>
<th>3-bed</th>
<th>4-bed</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Market housing</td>
<td>7</td>
<td>22</td>
<td>5</td>
<td>2</td>
<td>36</td>
</tr>
<tr>
<td>Affordable housing</td>
<td>3</td>
<td>5</td>
<td>20</td>
<td>1</td>
<td>29</td>
</tr>
<tr>
<td>% total</td>
<td>15%</td>
<td>42%</td>
<td>38%</td>
<td>5%</td>
<td>100%</td>
</tr>
</tbody>
</table>

There is an improvement over the previous scheme which saw a higher percentage of one and two bedroom units, however the split fails to deliver sufficient 4 bed or larger units in line with the Housing SPG, particularly for the affordable housing. In the absence of details regarding tenure split it is not possible to establish compliance with the Housing SPG in relation to mix of units for the social housing element. Evidence that the proposed mix meets local housing needs would be expected before this scheme could be considered to comply with London Plan policies.

### Urban design

Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained within Chapter 4B which address both general design principles and specific
design issues. London Plan Policy 4B.1 sets out a series of overarching design principles for development in London. Other design policies in this chapter and elsewhere in the London Plan include specific design requirements relating to maximising the potential of sites, the quality of new housing provision, tall and large-scale buildings, built heritage, views, and the Blue Ribbon Network. The draft replacement London Plan reinforces these principles, with new development required to have regard to its context, and reinforce or enhance the character, legibility and permeability of the neighbourhood (policy 7.1).

47 The density of the scheme is lower than the previous scheme seen by the Mayor, and the quality of internal accommodation has been improved in the current iteration. There remain concerns, however, in relation to the use of the site for residential development. The context for residential development on the site is limited, and there are concerns that the residential uses on this site will be an island among other uses, with inward-facing development that fails to contribute to the character of the neighbourhood, or provide a conduit for residents to feel as though they belong to a wider community.

48 This potential sense of residential isolation would be accentuated by the long, narrow pedestrian access to the site, which is not overlooked by residential properties. This walk will emphasise the physical separation of the site from the street, and create an environment in which people may feel unsafe or excluded.

49 Notwithstanding the principle of the use and its relationship with local context, the proposed development is an improvement on the previous scheme. The commercial uses at the basement and lower levels address the industrial street to the rear of the site, and achieve a successful separation from the residential uses above. The piazza within the centre of the site has been enlarged with the removal of the central building, and is suitable enclosed by the scale of the residential buildings to the east and west.

Figure 3: View from Pensbury Place (source: submitted Design and Access Statement)
50 The reduction in height of the buildings achieves a better relationship with the setting of the conservation area when viewed from Wandsworth Road, although some concerns remain regarding the impact of the buildings, in terms of their scale and mass, when viewed from Wandsworth Road. In the consultation for the previous application, the comments noted:

“One of the urban design strengths of the listed buildings lies in the strong lines created by the building form … It is acknowledged that there are poor, large scale buildings to the north of the site but this in itself does not justify the height, mass and bulk of the proposed buildings. When seen from angles walking along Wandsworth Road, the different forms … will result in a building that detracts from the simplicity of the listed buildings. The appreciation of these buildings is currently enhanced by the predominantly open background, which gives the buildings depth and enhances their prominence. The proposed buildings will create a mass that will alter this and provide an imposing presence.”

51 The new buildings will affect the aforementioned open spaces and have an impact on the conservation area. Officers will require additional justification and visualisations to determine whether the revised development will preserve or enhance the character and setting of the area.

52 The internal quality of the residential development has also improved, with greater setbacks from industrial uses and greater internal flat sizes that are compliant with the space standards in the draft replacement London Plan. However there are still a high proportion of single-aspect dwellings, some facing east over industrial uses. Although two cores are provided within the eastern residential building, long corridors at upper levels reduce the opportunities to create dual-aspect units. Within the western building, access to the flats is via an entrance in the corner of the piazza, with the route to the entrance leading past an inactive frontage at ground floor level. The design would require amending to provide an improved residential quality.

Access

53 The steep level change in the site means that there is step-only access at the rear of the site into the public realm, with alternative access from the lifts in the basement car park or level access from the Wandsworth Road end. All escape routes involve traversing the piazza, meaning that there would be no escape routes should this area be inaccessible.

54 The above comments should be read in conjunction with comments on Lifetime Homes and wheelchair housing below, however, the scheme at present fails to demonstrate that inclusive design forms an integral part of the scheme’s overall design and is not consistent with policy 4B.5 of the London Plan.
Amenity and children’s play space

55 London Plan Policy 3D.13 requires developments that include residential units to make provision for play and informal recreation. This should be predicated on the expected child population of the development, and an assessment of future need. The child occupancy of the development should be calculated in line with the standards set out in the ‘Providing for children and young people’s informal play and recreation’ Supplementary Planning Guidance and adequate provision for playspace (at a benchmark figure of 10 sq.m. per child) should be made within the amenity offer for the scheme.

56 The applicant has not established the child yield nor has it provided a full tenure breakdown for the scheme, so it is not possible to properly calculate the estimated child yield under the methodology within the Mayor’s supplementary planning guidance ‘Providing for Children and Young People’s Play and Informal Recreation’. The nearest open space is an adventure playground close to the boundary of the site but accessed from Clayton Street.

57 It is noted that amenity space is provided in the form of terraces for the majority of units together with the central podium space which would provide a communal play area and garden. Whilst this is welcomed, there is no dedicated child play space provided, and it cannot be established that the quantum is sufficient. The scheme is not consistent with policy 3D.13, draft replacement London Plan policy 3.6, and associated supplementary planning guidance.

Inclusive access

58 As was the case previously, the applicant states that residential units will be designed as far as possible to Lifetime Homes standards, however, it does not identify the extent of, or where there are difficulties in achieving this standard. The London Plan seeks to ensure that all units are designed to this standard and the Design and Access statement should clearly show how the different units types meet the sixteen Lifetime Homes criteria as set out in appendix 4 of the Accessible London Supplementary Planning Guidance. The scheme is not consistent with London Plan policy 3A.5 on housing choice.

59 The applicant states in the Sustainable Design and Construction statement that 10% of the residential units shall be wheelchair accessible, however, the plans do not demonstrate which units these are and how the standards have been achieved.

60 The scheme, as it current stands, does not demonstrate how it has incorporated principles of inclusive design and accessibility, noting the design comments above in relation to manoeuvrability around the site.

Noise

61 As was the case previously, the relationship between the application site, the existing industrial uses and the development plan designations is significant to the successful redevelopment of this site. The applicant has undertaken a noise assessment, which states that the dominant noise sources affecting the site are road traffic on Wandsworth Road, and noises associated with nearby industrial uses. Results of noise measurements and modelling have been provided. It is acknowledged that traffic noise exposure is similar to that in many other parts of inner London.

62 In response to advice to the applicant from Lambeth Council, the design of the development has been changed from the previously refused scheme. Design proposals to reduce the impact of noise on homes include orientation of the two residential blocks, single aspect design...
of the westerly block with strip windows along the north and west elevations, and use of a specially-designed zig-zag pattern acoustic wall between the blocks at the rear of the site.

63 The noise report suggests that proposed design measures would ensure that the BS 8233 daytime guideline noise level for outdoor amenity use to be achieved in the central courtyard of the development, and this is to be welcomed. Suitable noise levels within all habitable rooms can be secured using good quality thermal double glazing, with ventilation arrangements that enable windows to be kept closed. Acoustic trickle vents are referred to as a way of achieving this. There still remains a concern regarding ventilation performance and potential future ‘urban heat island’ (overheating) conditions, and alternatives to trickle ventilation may be needed. Reference is also made to some windows to habitable rooms on facades where industrial noise may be dominant being non-openable. Ideally, residents should be given the choice to open windows, but if such windows remain non-openable, it is, of course, vital that ventilation should be to an acceptable standard. Lambeth Council would need to address these issues, together with details of boundary treatments at open terraces/balconies, using suitable planning conditions.

64 Overriding these points, however, is the fact that previous comments regarding the position of survey measurements appear not to have not been taken on board. It was previously suggested that surveys be taken on the elevation facing the car scrap yard and above ground level, but the current noise survey reflects surveys taken out in 2008 as part of the previous application. There remains a concern that the noise survey has not been updated to reflect concerns about the relationship with the car scrap yard and other ‘bad neighbour’ uses. The MDO classification specifically seeks to form a buffer between industrial uses to the north and mixed use development to the south, and the presence of residential accommodation, albeit with some design features to mitigate these impacts, is such that the applicant has failed to demonstrate that future occupiers would not be adversely affected by industrial activities, and potential expansion of such, adjacent to the site. The noise survey fails to take into account the potential expansion of these industrial uses. It is also noted that even if the new residential blocks were adequately insulated on day one to provide suitable internal conditions with windows closed, it would still be open to residents in future to take action in the future under nuisance legislation against nearby industrial activities.

65 In failing to update noise measurements, to take into account industrial uses and future expansion, the applicant has not adequately addressed concerns raised previously or Lambeth Council’s reason for refusal on noise grounds.

Air quality

66 London Plan policy 4A.19 and draft replacement London Plan policy 7.14, together with the Mayor’s Air Quality Strategy seek to reduce emissions from development. Where biomass boilers are included, detailed air quality assessments are required. In this instance it is suggested that a biomass boiler may be used. The scheme’s proximity to Wandsworth Road as well as industrial sites is also noted.

67 The report also recognises that a detailed study will be required to assess the suitability of the site for biomass plant, including the need to avoid any impact that a biomass scheme may have on local air quality. In the conclusion it states that “the applicants are willing to accept the imposition of a planning condition on any permission granted, so that energy efficiency criteria can be agreed at a later stage.”

68 In terms of other constraints on development, there are some light industrial activities on Pensbury Street and Pensbury Place, and the scrap yard, but it is advised that this is unlikely to cause any concern in terms of air quality. This was not raised as a reason for refusal previously.
Climate Change Mitigation and Adaptation

69 The London Plan climate change policies as set out in chapter 4A collectively require developments to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions, adopting sustainable design and construction measures, prioritising decentralised energy supply, and incorporating renewable energy technologies with a target of 20% carbon reductions from on-site renewable energy. The policies set out ways in which developers must address mitigation of, and adaptation to, the effects of climate change. Policies 4A.2 to 4A.8 of the London Plan focus on how to mitigate climate change, and the carbon dioxide emissions reduction targets that are necessary across London to achieve this.

70 The corresponding policies in the draft replacement London Plan are set out in Chapter 5. These policies follow the same general approach with respect to the energy hierarchy but places greater emphasis on minimising carbon dioxide emissions and making use of decentralised energy systems and networks.

Energy

71 Policies 4A.4-11 of the London Plan require a reduction in a development’s carbon dioxide emissions through the use of passive design, energy efficiency and renewable energy measures. The London Plan requires developments to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions, adopting sustainable design and construction measures and prioritising decentralised energy, including renewables.

72 The energy report that has been submitted by the applicant is the same as that which was submitted for the previous application. Previously, the scheme failed to demonstrate compliance with the London Plan in terms of carbon emissions, energy efficiency and renewable technologies. The following issues remain outstanding, as was previously the case.

Baseline Emissions

73 The carbon dioxide emissions of the proposed development have not been estimated. Using building regulations compliance modelling software e.g. SAP for dwellings and SBEM (or equivalent) for non-domestic buildings, the baseline carbon dioxide emissions for the proposed development should be estimated relative to 2006 Building Regulations. Estimates of both regulated and unregulated emissions should be made in line with London Plan requirements. Where detailed information on the development is not available, broad assumptions should be used.

Energy Efficiency

74 Little information on the energy efficiency measures that will be employed has been provided. Reference is made to the use of enhanced insulation materials and glazing, together with controls to minimise energy usage and energy efficient lighting. However, further information needs to be provided on the proposed energy efficiency measures; for example, the extent to which air permeability and heat loss parameters will exceed the minimum requirements of building regulations. Information should also be provided on the extent to which these measures will enable building regulations compliance to be exceeded.

District Heating

75 The applicant should provide clear commitments that the domestic hot water and space heating requirements of each dwelling and non-domestic space will be supplied by a site wide heat network served from a single energy centre.
76 The applicant should investigate whether there are existing or planned district heating networks in the vicinity of the development and, where there are, examine the potential for connecting the site wide network (described above) to the external district heating network.

**Combined heat and power**

77 The applicant has not investigated the potential for combined heat and power (CHP) in the development. Given the mixed use nature of the development, there may be potential for CHP and this should be considered. As part of this analysis, an indication of the potential carbon reductions achievable through CHP should be provided.

**Cooling**

78 The applicant has not investigated the potential for overheating, and noting the proposals to include un-openable windows to mitigate the impact of adjoining development, as well as single aspect units, there is potential for overheating that would require re-designing of the scheme. The sustainability checklist states that it is not known at this stage whether air-conditioning will be installed. The applicant has not sought to demonstrate the need for mechanical cooling.

**Renewable energy technologies**

79 A range of renewable energy technologies have been considered, although no commitment is made to the use of particular technologies within the report.

80 The renewable energy technologies which are proposed need to be compatible with the heat network infrastructure described above. The potential for successfully integrating renewable energy technologies with this infrastructure should be considered, taking into account the constraints of the site. Information on the potential CO2 savings should be provided.

81 Further information should be provided on the roof space available for PV, the extent of any constraints to its use, e.g. over shadowing, and the potential CO2 savings achievable.

82 The estimated carbon emissions of the development after the cumulative effect of energy efficiency measures, CHP (where applicable) and renewable energy has been taken into account should be provided. Additionally, the overall percentage reduction compared to a building regulations compliant development should also be provided.

83 In summary, the scheme lacks any energy demand assessment or information on how the scheme has reduced energy use through passive or active design measures. Information on how the development will be powered, heated and if necessary cooled, has not been provided. The applicant has also failed to undertake a proper analysis of the feasibility of renewable energy technologies. The concerns raised in relation to the previous application remain, and it is suggested that the reason for refusal by Lambeth Council has not been overcome.

**Sustainable Design and Construction**

84 Policy 4A.3 of the London Plan requires all development proposals to include a sustainability statement. Further guidance on this policy is given in the London Plan Sustainable Design and Construction SPG. In addition, London Plan policies 4A.3, 4A.11, 4A.14 and 4A.16 require the inclusion of sustainability measures within developments (policies 5.10 to 5.15 of the draft replacement London Plan).

85 The applicant has submitted a sustainability assessment, in accordance with London Plan and Lambeth UDP requirements. The plans show the inclusion of green roofs, which is supported.
It is suggested that sustainable urban drainage systems such as soakaways or permeable paving would be used, but no specific commitment is made in this respect. Given the site currently comprises 100% hardstanding, such measures are encouraged. The assessment does, however, lack detail in respect of several essential standards. Whilst it is intended to achieve Code for Sustainable Homes Level 4, no information has been provided as to how this would be achieved. It is not confirmed whether or not the commercial element will meet relevant BREEAM score. A BREEAM multi-residential predictive assessment has not been submitted. There are no commitments made in terms of water efficient fittings or how the scheme will meet water use targets. Rainwater harvesting is not proposed, and should be investigated, particularly given the constraints of the site in terms of drainage.

86 The applicant has carried out a Flood Risk Assessment, as the site is located within Flood Zone 3 which concludes that flood resilience measures will be used. The Environment Agency and Thames Water should be satisfied that the scheme would meet the requirements of PPG25 with respect to flood risk, as well as sustainable urban drainage and the load on the sewer system.

Transport for London comments

87 The scheme proposes 45 residential car parking spaces (excluding blue badge parking) as part of this development, a ratio of 0.7 spaces per residential unit. This is a significant increase over the ratio proposed in the previous application and this represents an overprovision of car parking on this site. The level of car parking should be reduced to 0.5 or lower before the scheme could be seen to be compliant with London Plan policy 3C.24 and consultation draft replacement London Plan policy 6.13.

88 The surveys contained within the transport assessment undertaken to determine existing conditions are now six years out of date and clarification regarding the current usage of the site is required. If the site has been vacant for more than 3 years, the existing conditions should be taken as a brownfield site (no traffic generated) in order for the worst-case scenario to be examined more comprehensively. Should the site not be vacant, new surveys would be required to examine the current traffic from the site. This additional work would be required to assess the application in line with London Plan policy 3C.2 and the draft revised London Plan policy 6.3.

89 Information on the pedestrian realm is presently lacking and is required to help assess the quality of key desire lines to local amenities and key destinations. Furthermore, no information has been provided regarding the access arrangements for cyclists and pedestrians. If they are to share the vehicular access, appropriate segregation must be provided to ensure the safety of pedestrians and reduce potential conflicts. Clarification is also sought on how pedestrians will access the site from Wandsworth Road, as the ground floor plans provided currently show a poorly designed route which raises questions about the overall safety of pedestrian who will use this route. The improvement of this walkway and the submission of additional information about the overall pedestrian environment will ensure compliance with London Plan policy 3C.21 and the consultation draft replacement London Plan policy 6.10.

90 The proposed 126 cycle parking spaces are welcomed and considered to be in line with the standards outlined in the draft replacement London Plan table 6.2. Information is required on how residents will access the cycle parking. Showers and changing facilities should also be provided for staff of the commercial element of the development. The provision of these facilities will ensure compliance with London Plan policy 3C.22 and draft replacement London Plan policy 6.9.

91 A framework travel plan has been submitted and is welcomed. However, significant work is required before it can be considered in line with TfL’s residential and workplace guidance on travel planning. More information on the improvements required is contained within the attached note.
This additional work will satisfy London Plan policy 3C.2 and draft replacement London Plan policy 6.3. The travel plan needs to be secured, enforced, monitored and funded as part of any Section 106 agreement.

92 No substantial information regarding the servicing and delivery arrangements has been provided and there is concern that the arrangements may involve dangerous reversing manoeuvres and servicing from the TLRN, which are not acceptable. Further information regarding the servicing and delivery arrangements, including an assessment of the expected number of deliveries to the site, is necessary in order to determine whether the application can be considered to comply with London Plan policies 3C.17 and 3C.25 Freight strategy and draft replacement London Plan policy 6.14. In addition, no regard in the transport assessment has been given to the current local traffic management proposals for the reversal of traffic in Pensbury Place, which aims to help improve sightlines and safety of vehicular traffic.

93 In conclusion, the trip generation provided within the transport assessment is out of date and must be undertaken again. Information about the pedestrian environment is required, as is detail regarding entry and access to the site from Wandsworth Road. Work is required on the travel plan before it can be considered acceptable. Information on servicing must be submitted and consideration to current borough traffic proposals should also be taken in to account.

**Local planning authority’s position**

94 Lambeth Council is currently considering the application with view to determining the application in April. It is understood that there remain concerns regarding points raised above.

**Legal considerations**

95 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor’s statement and comments.

**Financial considerations**

96 There are no financial considerations at this stage.

**Conclusion**

97 London Plan London Plan policies on employment, waste management, housing, design, climate change mitigation and adaptation, and transport are relevant to this application. In general, the application does not comply with these policies, for the following reasons:
• **Employment:** The scheme is not consistent with the designations for the site, which have been drawn up through the development plan process in a manner consistent with the London Plan; furthermore, the proposal will undermine the adjacent the Strategic Industrial Location that is further supported by emerging strategic guidance. The scheme is therefore not consistent with policies 2A.10 and 3B.4 of the London Plan and draft replacement London Plan policies 2.17.

• **Waste:** The proposal is adjacent both to a site with a waste designation and a site with an existing waste management use. These sites have significant roles in enabling Lambeth and Wandsworth Councils to meet their strategic waste apportionment targets. The proposal will harm the viability and future operation of these sites through a poorly conceived and inappropriate approach to design and siting of uses. The scheme is not consistent with policy 4A.22 and will harm the ability of strategic partners to implement policies 4A.23 and 4A.24 of the London Plan and draft replacement London Plan policies 5.16 and 5.17.

• **Housing:** Whilst the scheme delivers a suitable amount of affordable housing, it fails to demonstrate compliance with London Plan policies 3A.5, 3A.9, and 3A.10 of the London Plan and draft replacement London Plan policies 3.8, 3.12, 3.13 and 3.14 in relation to tenure or housing mix.

• **Urban design:** Whilst there are some improvements over the previous scheme, there remain concerns regarding the living quality, with certain units being particularly unacceptable. The scheme has not demonstrated that adequate children’s playspace would be provided and the scheme does not demonstrate that principles of inclusive design have been fully incorporated. The scheme is not consistent with policies 3D.13, 4B.1, 4B.2, 4B.5, 4B.10 and 4B.12 of the London Plan and policy 7.1 of the draft replacement London Plan.

• **Noise:** The proposal is acceptable in terms of road traffic noise, however, clarification in relation to the impacts of local industrial activities near the site is still required for the scheme to comply with London Plan policy 4A.19 and draft replacement London Plan policy 7.14.

• **Air quality:** In light of the location of the site within an air quality management area, the absence of details regarding the biomass boiler is such that there may be outstanding issues in relation to air quality, contrary to the Mayor’s Air Quality Strategy.

• **Climate change:** The scheme does not make the fullest contribution to the mitigation of and adaptation to climate change. The applicant has not met the requirements in particular to submit an energy demand assessment, reduce emissions through energy efficiency measures, provide heating and cooling infrastructure in line with London Plan policy or demonstrate that it will meet the 20% carbon dioxide reduction target. Further information is required in order to ensure compliance with London Plan policies 4A.1, 4A.3, 4A.4, 4A.6, 4A.7, 4A.9, 4A.10, 4A.11, 4A.14 and 4A.16 and draft replacement London Plan policies 5.1, 5.2, 5.3, 5.5, 5.6, 5.7, 5.9, 5.13 and 5.15.

• **Transport:** The trip generation provided within the transport assessment is out of date. Information about the pedestrian environment is required, as is detail regarding entry and access to the site from Wandsworth Road. Work is required on the travel plan before it can be considered acceptable. Information on servicing must be submitted and consideration to current borough traffic proposals should also be taken in to account to ensure compliance with the London Plan policies 3C.2, 3C.17, 3C.21, 3C.22, 3C.24 and 3C.25 and draft replacement London Plan policies 6.3, 6.9, 6.10, 6.13, and 6.14.
On balance, the application does not comply with the London Plan.

for further information, contact Planning Decisions Unit:

Colin Wilson, Senior Manager - Planning Decisions
020 7983 4783   email colin.wilson@london.gov.uk

Justin Carr, Strategic Planning Manager (Development Decisions)
020 7983 4895   email justin.carr@london.gov.uk

Samantha Wells, Case Officer
020 7983 4266 email samantha.wells@london.gov.uk