

Clapham Park Estate
in the London Borough of Lambeth
planning application no. 17/3733/FULL

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

Residential led, mixed use regeneration comprising demolition of 864 existing residential units and construction of 2,532 new residential units in a series of buildings ranging in height to a maximum of 14 storeys, together with retail floor space, community facilities, energy centre and associated highway improvements, open space, landscaping and public realm works. (Full planning permission is sought to partially supersede the development permitted under outline planning permission 06/03680/OUT).

The applicant

The applicant is **Metropolitan** and the architect is **PRP**.

Key dates

Stage 1 report: 16 October 2017

Lambeth Council committee meeting: 14 March 2018

Strategic issues

Estate regeneration: The established principle of estate regeneration remains strongly supported. (paragraphs 9-15).

Affordable Housing: the provision of 48% affordable housing by habitable room has been verified through viability testing. Early and late stage reviews have been secured in the s106. (paragraphs 16-27).

Issues relating to **urban design, transport, and climate change** have been addressed.

The Council's decision

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 23 August 2017 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 the following Categories of the Schedule to the Order 2008:

- *1A: Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats;*
- *1B 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— (c) outside Central London and with a total floorspace of more than 15,000 square metres;*
- *1C: Development which comprises or includes the erection of a building (c) more than 30 metres high and is outside the City of London.*

2 On 16 October 2017 the Mayor considered planning report D&P/2306d/01, and subsequently advised Lambeth Council that whilst the application was generally acceptable in strategic planning terms, it did not fully comply with the London Plan and draft London Plan, for the reasons set out in paragraph 65 of the above-mentioned report; but that the possible remedies set out in that paragraph could address those 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. On 14 March 2018 Lambeth Council's planning committee considered the proposal and decided that it was minded to grant planning permission, and on 2 July 2019 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 the Council under Article 6 to refuse the application or issue a direction to the 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 15 July 2019 to notify the Council of his decision and to issue any direction.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has been taken into account in the consideration of this case.

5 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

6 At the initial consultation stage, Lambeth Council was advised that the application did not fully comply with the London Plan, for the reasons set out below. The Council was advised that the resolution of these issues could lead to the application becoming compliant with the London Plan.

- **Housing:** The estate regeneration scheme would result in no net loss of units based on social rent levels, which is supported. The applicant's viability assessment will be robustly interrogated to ensure the maximum reasonable amount of affordable housing within the new build element. Review mechanisms in accordance with the Mayor's Affordable Housing and Viability SPG will be secured.

- **Urban design.** The overall design strategy is supported, including scale, massing and the architectural approach. The plans demonstrate suitably high residential quality, amenity provision and public realm, which would contribute towards enhancement of the estate. The introduction of front doors and direct access to communal cores from the road frontages should be secured.
- **Climate change:** Further information is required regarding overheating, CHP and renewable energy, including scope for further carbon savings, before an appropriate contribution to the Council's carbon offset fund is secured.
- **Transport:** An increase in blue badge spaces is required, and a number of specific mitigation measures and contributions need to be secured, including highways works, delivery of bus interchange and welfare facilities. Further discussion is required in relation to highway modelling, junction safety and the cycling network.

Strategic planning policy and guidance update

7 The following draft policy and guidance are now material considerations:

- The revised National Planning Policy Framework (February 2019), National Planning Practice Guidance and draft London Plan (consultation draft, December 2017 incorporating early suggested changes)

Application update

8 Since Stage 1, GLA officers have reviewed further information, including detailed viability information, and engaged in joint discussions with the applicant, the Council, and TfL officers with a view to addressing the above matters. Furthermore, as part of Lambeth Council's draft decision on the case, various planning conditions and obligations have been proposed to ensure that the development is acceptable in planning terms.

Estate regeneration

9 The principle of estate regeneration at Clapham Park has been previously agreed in accordance with the extant 2008 planning permission. The stock transfer that took place at the time was subject to a Housing and Decant Plan and Leaseholder Options Guide setting out temporary and permanent re-housing and compensation arrangements, shared equity and shared ownership details, and how private tenants and vulnerable tenants would be supported. These principles continue to apply where homes are being demolished, although there are different options for pre and post-transfer leaseholders.

10 As per the stage 1, it is clear that the applicant has engaged in full and active consultation with residents throughout the process.

11 The extant permission has been partially implemented, with some demolition, refurbishment and new build having already taken place in accordance with reserved matters applications. The current proposal has entailed a review of the plans and seeks to optimise housing provision, with the re-provision of demolished affordable homes still proposed, together with the provision of new affordable and market homes.

12 There would be a net increase in social rented homes secured through the estate renewal programme – from 1,448 units to 1,680 units. The scheme is designed so that there is no net loss of social rented units, habitable rooms or floorspace. All of the 1,448 rented units with secure tenants are re-provided like-for-like in terms of tenancy and rent on completion of the estate's regeneration. The uplift would comprise affordable rent units at London Affordable Rent. This reflects Metropolitan's

commitment to secure tenants, as set out in the agreed stock transfer agreement with Lambeth Council and the Housing Decant Plan that accompanies the planning application.

13 The GLA has granted funding for 237 (219 rent and 18 shared ownership) units and £13.6m grant in respect of this application.

14 Whilst considerations around ballots and funding conditions are not planning issues, and have not affected the Mayor’s planning decision in this case, the Mayor encourages landlords to use ballots as widely as possible in line with his Good Practice Guide. In this instance, given the outline planning permission was implemented and the estate regeneration underway significantly before the requirement for a resident ballot was in place, the proposal is exempt from the requirement of a ballot and as such one has not been undertaken.

15 For the reasons set out above, the principle of the estate renewal as proposed is supported in strategic planning terms, in accordance with the London Plan, the Mayor’s guidance on estate regeneration and guidance within the Mayor’s Affordable Housing and Viability SPG.

Housing and affordable housing

16 The proposed accommodation schedule is as follows:

Unit type	Existing at Transfer (2006)	Already delivered under 2008 OPP	Current application	Estate wide post completion*
Social rented	1,448	895	785	1,680
Intermediate	0	112	383	495
Overall Affordable	1,448	1,007	1,168	2,175
Market (inc lease)	549	538	1,364	1,902
Total	1,997	1,545	2,532	4,077

Table 1: proposed estate renewal programme – tenure and housing mix

*estate wide figures post completion, including reserved matters /under construction and current scheme

17 Taking into account the units constructed or under construction and the 864 units to be demolished, there would be a net increase of 2,080 units on the site when compared to the existing situation in 2006. This significant uplift in dwellings and amount of housing delivery for Lambeth remains strongly supported in principle, in terms of meeting London Plan housing targets. There is an additional 638 units overall (499 being affordable) being delivered when the whole stage is completed, compared to what could have been delivered overall under the completed 2008 OPP.

Unit type	Permitted 2008 OPP	Estate wide post completion	Uplift over 2008 OPP
Social rented	1,451	1,680	229
Intermediate	225	495	270
Overall Affordable	1,676	2,175	499
Market (inc lease)	1,763	1,902	139
Total	3,439	4,077	638

Table 2: proposed estate renewal programme – 2008 OPP compared to overall delivery post completion

18 Since Stage I, the overall number of new homes proposed in the application has reduced from 2,535 to 2,532. The affordable housing percentage, as measured on a habitable room basis,

remains unchanged. These amendments were to improve the relationship between the building and residential gardens to homes located on Kings Avenue and to ensure no single aspect units facing onto the South Circular.

19 An amended housing mix (in this application, not the overall estate) table is below:

Type/Tenure	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed	Total	% (Habitable Rooms)	
Social rented	173	298 (-2)	274 (-2)	37 (+1)	3	785 (-3)	35%	48%
Intermediate	178	177	28	0	0	383	14%	
Market	497	686	169	12	0	1,364	52%	
Total	848	1,161	471	49	3	2,532		

Table 3: proposed unit mix

20 The evolving estate renewal programme for Clapham Park meets the expectations of the London Plan, draft London Plan and Affordable Housing and Viability SPG, with no net loss of units based on social rented levels across the estate, based on units, habitable rooms and floorspace, as indicated below, noting that much of the original estate does not meet current housing standards in terms of layout and space standards.

Units based on social rent levels	Units	Habitable rooms	Floor space sq.m.
Amount at transfer	1,448	4,467	96,628*
Delivered under 2008 OPP	895	2,754	56,804
Current application	785	2,539	86,357
Post completion	1,680	5,293	143,161

Table 4: Social rented provision – currently to post completion

*no survey information from 2006 transfer so estimate based on average refurbished unit

21 The current scheme also includes 1,364 market homes, which are introduced in order to cross-subsidise the affordable provision and to assist in delivering a mixed and balanced community. Draft London Plan Policy H10 and the Mayor’s Affordable Housing & Viability SPG makes it clear that estate regeneration proposals must re-provide existing homes on a like-for-like basis and must then provide the maximum uplift of affordable housing, subject to viability testing. All estate renewal programmes are therefore required to follow the Viability Tested Route.

22 In line with this guidance and draft policy, the applicant submitted a viability appraisal to the Council and GLA officers to support its current offer, which proposes 48% affordable housing (based on habitable rooms) alongside financial contributions totalling approximately £35 million. This includes a new school and community centre, which the applicant is obligated to deliver at a cost of £15.6 million.

23 The applicant’s financial viability assessment has been robustly scrutinised by GLA officers. It has been confirmed that the maximum reasonable amount of affordable housing is being secured. In line with the Affordable Housing and Viability SPG, the s106 secures an early review mechanism (if no implementation within 24 months) as well as a near end review (between 18 and 12 months prior to practical completion). The early and late stage reviews have been secured in the s106.

Tenure and rents

24 The existing estate is made up of 74% affordable homes, largely comprising social rented accommodation with 112 intermediate units having recently been built. Following the completion of the estate renewal, it would contain 55% affordable housing (based on habitable rooms). The

affordable housing in the current application comprises a 67:33 split between rented and intermediate. Overall, the tenure split, including the introduction of intermediate products and private housing is supported in delivering mixed and balanced communities and noting the net increase in units based on social rent levels achieved overall. The delivery of 55% affordable housing is in accordance with one of the key design briefs for the revised proposals, which seeks a minimum of 50% of units as affordable across the estate.

25 All returning residents would remain on existing rent levels. All decanting (assured tenants) will transfer on the same tenancy rental basis, in accordance with a Stock Transfer obligation. In instances where existing residents decide not to stay on the estate, these units will turn to affordable rented tenure units, with nomination rights for Lambeth Council and delivered at London Affordable Rent levels stated in the current London Plan Annual Monitoring Report. These elements are all secured in the s106 agreement.

26 London Affordable Rent units will be charged at the relevant benchmark rents published by the GLA. The current rents are set out in the table below.

Bedrooms	London Affordable Rent (per week)
1-bedroom	£155.13
2-bedroom	£164.24
3-bedroom	£173.37

27 Intermediate shared ownership units (383) have their eligibility capped at incomes of up to £90,000 per year, in accordance with the London Plan, draft London Plan and London Plan Annual Monitoring Report (AMR).

Urban Design and Heritage

28 The overall design strategy is supported, including scale, massing and the architectural approach. The plans demonstrate suitably high residential quality, amenity provision and public realm, which would contribute towards enhancement of the estate. The introduction of front doors and direct access to communal cores from the road frontages was requested to be secured to encourage street-based activity and passive surveillance.

29 The positioning of living room areas in the units that were highlighted at Stage 1 have been swapped around to be nearest cores/cycle storage and the first floor family units (3B5p) were reconfigured where possible to ensure that they had dual aspect and additional amenity to encourage activity and surveillance at street level. On this basis, officers accept that the front doors in this location may not be suitable and the changes secure were sufficient to ensure the level of activity required.

30 GLA officers did not raise any heritage issues at the consultation stage and remain satisfied that the proposal would not cause any harm to heritage assets'

31 Given these additional efforts and the overall high quality design approach, the urban design element of the proposals are now acceptable.

Climate change

32 At consultation stage the applicant was asked to provide further information regarding overheating, CHP and renewable energy, including scope for further carbon savings, before an appropriate contribution to the Council's carbon offset fund is secured.

33 The applicant has worked with GLA officers to provide additional information and a carbon offset contribution has been secured in the s106, which is to be calculated at Practical Completion of each Phase 1, 2, 3 and 4 subject always to the Carbon Offset Contribution Cap by multiplying the amount of tonnes of CO2 emitted per annum x £1,800 in respect of the performance of the development within the Application Site (as built, Building Regulations Part L) as demonstrated within the Energy Strategy Review. There is a cap of £3,256,200 based on the remain level of carbon emissions to be offset currently.

34 The energy matters raised at the consultation stage have therefore been resolved and this element of the proposal is now supported.

Transport

35 At consultation stage the applicant was advised of a number of matters requiring resolution, including the need to finish reviewing the highway modelling, the requirement to enter into a s278 agreement with TfL for the highways works on the A205 including the site accesses, bus interchange, diagonal crossing and new signalised pedestrian crossing facility and contributions towards bus capacity improvements and shelter upgrades. The need for the Travel Plan, Delivery and Servicing Plan and Construction Environmental Management Plan and Car Park Management Plan to be secured by condition or through the section 106 agreement, was also requested.

36 Following further engagement, officers are satisfied that the highway modelling undertaken was acceptable for assessing the impacts of the development but that a microsimulation modelling study would be required to support the s278. This has been secured through the s106 along with the requirement for the applicant to enter into a s38 and s278 agreement with TfL for highway works.

37 To mitigate transport impacts, the s106 has secured the following obligations:

- The exclusion of occupant's (both resident and non-residential) rights to apply for a parking permit in the surrounding Controlled Parking Zone;
- £650,000 contribution toward bus capacity improvements;
- £108,127.87 contribution towards bus infrastructure;
- £150,000 contribution for a cycle infrastructure study;
- Three years free car club membership for each new residential unit;
- Requirement for a new bus driver facility to be delivered prior to the delivery of the new bus interchange, with a temporary bus driver facility will also be provided during construction of the permanent facility;
- A Car Parking Management Plan; and
- Travel Plan.

38 A Delivery and Servicing Plan, Construction Environmental Management Plan, disabled parking, cycle parking and EVCPs have been secured by condition.

39 In summary, the transport element of the proposals are now supported. The application is now considered to be in accordance with the transport policies of the London Plan.

Response to consultation

40 Lambeth Council publicised the application via 18 site notices displayed around the site and a press notice in the local press. Individual notification letters were sent to 1,154 neighbouring properties. The consultation ran from 17 August 2017 and ran for six weeks.

41 A total of 94 responses (including 2 'no comments') were received in response to the neighbourhood consultation.

42 The 85 responses in objection (including a 49 signature petition) raised the following issues:

- Inappropriate bulk and massing
- The inappropriate height and scale will overshadow and dominate the close
- The loss of sky, daylight, sunlight and outlook
- Inappropriate design and scale will cause pollutants to become trapped at low level, compromising the health and well-being of residents
- Loss of privacy
- Increased noise and crime/anti-social behaviour
- Loss of trees
- Lack of green space
- Traffic impacts are unacceptable
- Impact on parking locally
- Cycling in the vicinity of the site is unsafe
- Negative impact on public transport capacity locally
- Safety issues as a result of increased traffic
- Negative impact during construction period
- Loss of retail at Poynders Parade
- Unacceptable air quality
- Unacceptable light pollution
- Insufficient social infrastructure locally
- Plans do not address existing anti-social behaviour issues
- Negative impact on security of neighbouring properties

43 The 7 responses in support raised the following comments:

- Fully support appropriate regeneration of the Clapham Park area in principle
- It is a long time over due to increase housing numbers
- It helps update the area as well as create future job opportunities and a quality standard of living for residents
- The efforts to improve the housing stock and general infrastructure of Clarence Avenue are welcomed; flats and houses have been allowed to fall into disrepair
- Support new buildings, parks, new community centre and a lot of facilities such as the landscape for the community

44 The following statutory bodies and residents'/amenity societies have also commented on the proposals:

- **NHS Lambeth Clinical Commissioning Group (CCG):** Support
- **London Underground:** No comments
- **Environment Agency:** No objection subject to conditions
- **Thames Water:** No objection

- **Natural England:** No comment
- **London Wildlife Trust:** No comment
- **Historic England:** Application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice
- **Historic England (Archaeology):** No objection subject to conditions
- **Metropolitan Police – Designing Out Crime:** Provided advice which has been accounted for in design process
- **London Cycling Campaign:** Object to level of car parking provision and lack of cycle routes through the estate; support introduction of CPZ

45 A response was also received from the Thornton Ward Councillors, summarised below:

- Would like to see provision of shops and services matching those previously on site
- Support minimising car parking
- Distribution and quantum of play space should be reconsidered
- Would like to see s106 funding of Agnes Riley Gardens
- Sceptical that financial contribution to mitigate impact on health services is sufficient
- Concerns over construction impacts
- Requested clarity on some daylight, sunlight and sense of enclosure points
- Transport capacity concerns raised
- Concerns that proposed waste capacity would be insufficient
- Would like to see jobs and training for local and estate residents, along with monitoring
- Request assurances over protection of trees

Consultation conclusion

46 The statutory responses and those received as a result of public notification do not raise any material planning issues of strategic importance that have not already been considered by the Mayor at the consultation stage (D&P/2306d/01) and/or in this report or addressed in detail within the Council's planning committee report.

Equalities

47 The Equality Act 2010 provides that public authorities have due regard to the need to a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

48 Officers are satisfied that the application material and officers' assessment has taken into account the equality and human rights issues referred to above. Particular matters of consideration have included provision of replacement social infrastructure and the replacement affordable housing proposed in the scheme.

Draft legal agreement

49 The draft s106 agreement secures the following obligations:

- 48% affordable housing by habitable room with early and late stage reviews;
- Notify the council that the planning permission will be implemented and once it has done so the owner covenants not to further develop the sites in accordance with the other extant permissions, to ensure no combination of permissions is brought forward;
- Skills, training and employment obligations with financial contributions;
- Delivery onsite of the Community Resource Centre (CRC). Timely delivery of temporary CRC and permanent CRC on King's Avenue.
- The exclusion of occupant's (both resident and non-residential) rights to apply for a parking permit in the surrounding Controlled Parking Zone;
- £650,000 contribution toward bus capacity improvements;
- £108,127.87 contribution towards bus infrastructure;
- £150,000 contribution for a cycle infrastructure study;
- Three years free car club membership for each new residential unit;
- Requirement for a new bus driver facility to be delivered prior to the delivery of the new bus interchange, with a temporary bus driver facility will also be provided during construction of the permanent facility;
- A Car Parking Management Plan;
- Travel Plan;
- Phasing Plan of public realm and park delivery to be secured.
- Park Management Plan
- Delivery of the MUGA
- Contribution of £206,000 towards Agnes Riley Gardens
- Public Art commitments and contributions
- Carbon offset contributions of £3,256,200, which can be reduced by carbon reduction measures as part of energy reviews; and
- Monitoring fees.

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

50 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 consultation stage, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

51 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. 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.

Financial considerations

52 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.

53 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.

54 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

55 The strategic issues raised at consultation stage affordable housing, urban design, climate change and transport have been appropriately addressed, and conditions and planning obligations secured. As such, the application overall is in general conformity with the London Plan and the draft London Plan and there are no sound reasons for the Mayor to intervene in this case.

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