

36-46 Albert Embankment

in the London Borough of Lambeth

planning application no. 16/00795/FUL

Strategic planning application stage 1 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 all structures associated with the petrol filling station and redevelopment of the site to provide a residential led, mixed use development, comprising the retention and refurbishment of Vintage House and development of a 25 storey building in the form of two towers, linked at ground to fifth floor, and consisting of retail/restaurant use (Use Class A1/A3), office (Use Class B1), up to 166 residential units (Use Class C3), basement car and bicycle parking, resident amenities and all necessary ancillary and enabling works.

The applicant

The applicant is **Hotchkiss Ltd c/o Ocubis Ltd**, the architect is **Make**, and the agent is **DP9**.

Strategic issues

The proposed residential-led development is supported in strategic planning terms; however issues with respect to **housing, affordable housing, inclusive design, transport** and **climate change** should be addressed before the application is referred back to the Mayor at his decision making stage. **Employment, historic environment, strategic views, World Heritage Site, urban design and tall buildings** policies are also relevant to this application.

Recommendation

That Lambeth Council be advised that the application does not yet comply with the London Plan, for the reasons set out in paragraph 79 of this report; but that the possible remedies set out in that paragraph could address these deficiencies.

Context

1 On 18 February 2016, 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 30 March 2016 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 Categories 1A, 1B(c) and 1C(c) 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(b) *“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 (b) in Central London (other than the City of London) and with a total floorspace of more than 20,000 square metres.”*
- 1C(c) *“Development which comprises or includes the erection (c) a building of more than 30 metres high and outside the City of London.”*

3 Once Lambeth Council has resolved 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.

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 0.19 hectare site is 18 metres deep and 90 metres long, currently occupied by a petrol filling station on its southern end; and Vintage House on its northern end, a four storey brick built Victorian warehouse, currently in office use. The site is located on the eastern side of Albert Embankment, approximately 300 metres north of Vauxhall Cross. The site is bounded to the north by a four storey brick built public house (the Rose) on the corner of Tinworth Street and Albert Embankment; to the east by the elevated railway lines to Waterloo Station; and to the south by Glasshouse Walk, which connects east under the railway arches to Spring Gardens public open space. Beyond Glasshouse Walk is an area of public open space in between Albert Embankment and the railway viaduct. The wider context is characterised by a mix of commercial and residential uses, with a number of sites to the north under construction with high-rise residential-led buildings.

6 The Vintage House part of the site is within the Albert Embankment Conservation Area, together with the Rose public house. The Conservation Area stretches to the north and south alongside the river. The river wall, lamp standards and public benches along the Embankment are all Grade II listed. The Vauxhall Gardens Conservation Area is located across the railway viaduct to the east and south-east of the site. The Westminster World Heritage Site is visible from the site, across the River Thames to the north-west.

7 The site is located within the Vauxhall Nine Elms Battersea (VNEB) Opportunity Area as set out in London Plan Policy 2.13 and Map 2.4. The site also falls within the boundary of the Central Activities Zone (CAZ) as shown on Map 2.3 of the London Plan, and the Thames Policy Area.

8 The site is located on A3036 Albert Embankment, part of the Transport for London Road Network (TLRN). It is served by twelve bus routes. Vauxhall Interchange is an estimated 5 minute walk south, providing access to a number of other bus, Underground, and rail services. The public transport accessibility level (PTAL) is 6b (on a scale of 1 to 6, where 6b is the most accessible).

Details of the proposal

9 The application seeks to demolish all structures associated with the petrol filling station, retain and refurbish Vintage House, and redevelop the site to provide a residential led, mixed use development. This comprises the development of a 25 storey building in the form of two towers, linked at ground to fifth floor, and consisting of 143 sq.m. (GIA) of retail/restaurant use (Use Class A1/A3), 2,162 sq.m. (GIA) of office space (Use Class B1), up to 166 residential units (Use Class C3), basement car and bicycle parking, resident amenities and all necessary ancillary and enabling works.

10 A new public open space is also proposed, at the southern end of the site, fronting onto Albert Embankment and Glasshouse Walk.

Case history

11 A planning application was submitted in July 2008 for the redevelopment of the site involving the demolition of the existing petrol station and erection of a 23 storey building (including basement) to contain 2,073 sq.m. of commercial floor space at ground, first and second floor levels, together with 164 self-contained flats on upper floors, along with basement parking, plant, and associated landscaping works. Planning permission was refused on 2 December 2008 on the grounds of a failure to include an acceptable element of employment generating uses; failure to demonstrate that the proposed development would not result in an unacceptable loss of daylight and sunlight to habitable rooms in properties within the neighbouring Peninsula Heights; sub-standard residential accommodation; unacceptable energy strategy; and failure to agree heads of terms. Planning report PDU/2106/02 advised that the Mayor was content for the Council to determine the case itself, subject to any action that the Secretary of State may take.

12 On 9 December 2014, a pre-application meeting was held at City Hall for full planning permission for a mixed use redevelopment to provide two 25 storey blocks plus 3 basement levels, linked by a 5 storey block, providing approximately 200 new homes (1-3 beds), retail and office floorspace, parking and other associated works. The GLA's pre-application advice report of 9 January 2015 concluded that whilst the land use principles of the development were broadly supported, there were a number of strategic concerns with the ground floor layout and in particular the proposal for a large vehicular drop-off area. More information was also requested on unit types and tenures; affordable housing and viability; impact on strategic views; children's playspace; energy; transport; and inclusive access, to ensure compliance with the London Plan.

13 On 11 August 2015 a follow-up pre-planning application was held at City Hall, to provide an update on the evolving scheme and discuss the strategic issues that had previously not been discussed. The GLA's pre-application advice report of 25 August 2015 concluded that the design of the scheme had evolved positively in response to previous advice, although some further work was recommended to the ground floor layout. Strategic issues in relation to affordable housing, transport and energy were broadly acceptable.

Strategic planning issues and relevant policies and guidance

14 The relevant issues and corresponding policies are as follows:

- Employment *London Plan*
- Housing *London Plan; Housing SPG; Housing Strategy; Shaping Neighbourhoods: Play and Informal Recreation SPG; Shaping Neighbourhoods: Character and Context SPG*

- Affordable housing *London Plan; Housing SPG; Housing Strategy*
- Density *London Plan; Housing SPG*
- Historic Environment *London Plan; World Heritage Sites SPG*
- Urban design *London Plan; Shaping Neighbourhoods: Character and Context SPG; Housing SPG; Shaping Neighbourhoods: Play and Informal Recreation SPG*
- Tall buildings/views *London Plan, London View Management Framework SPG*
- Inclusive design *London Plan; Accessible London: achieving an inclusive environment SPG*
- Transport *London Plan; the Mayor's Transport Strategy*
- Parking *London Plan; the Mayor's Transport Strategy*
- Crossrail *London Plan; Mayoral Community Infrastructure Levy; Use of planning obligations in the funding of Crossrail and the Mayoral Community infrastructure levy SPG*
- Climate change *London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change Mitigation and Energy Strategy; Mayor's Water Strategy*

15 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 2015 Lambeth Local Plan and the 2016 London Plan (Consolidated with Alterations since 2011).

16 The following are also relevant material considerations:

- The National Planning Policy Framework and accompanying Planning Practice Guidance.
- The Vauxhall Nine Elms Battersea Opportunity Area Planning Framework (2012).
- Lambeth Council's Vauxhall Supplementary Planning Document (2013).

Principle of use

17 The site is located within the Central Activities Zone (CAZ) and within the Vauxhall Nine Elms Battersea (VNEB) Opportunity Area as identified in London Plan Map 2.4 and Annex 1.

18 London Plan Policy 2.10 sets out the strategic priorities for the CAZ, which include developing and implementing frameworks for opportunity areas within the CAZ to realise the opportunities for high density development capacity. Whilst this Policy and Policy 4.2 'Offices' encourage the renewal and modernisation of existing office floorspace in the CAZ, the London Plan does not seek to protect existing office space and indeed promotes mixed use within the CAZ area.

19 London Plan Policy 2.13 states that development in Opportunity Areas is expected to maximise residential and non-residential densities and to contain a mix of uses. The OAPF for the VNEB area identifies the potential for significant intensification for housing and commercial activity, with an indicative capacity of 15,000 new jobs and a minimum of 10,000 new homes over the Plan period to 2031. The OAPF's land use strategy for Albert Embankment, within which the site is located, is for high density mixed use housing-led intensification.

20 London Plan Policy 3.3 'Increasing Housing Supply' recognises the pressing need for new homes in London and Table 3.1 gives an annual monitoring target of 1,559 new units in Lambeth between 2015 and 2025, which the proposals will contribute to.

21 The current site incorporates 1,361 sq.m. (GIA) of B1 office space and 129 sq.m. of sui generis space in relation to the petrol station, which would be increased to 2,162 sq.m. of office space in the proposed scheme, an uplift of 801 sq.m., together with 143 sq.m. of A1/A3 retail/cafe space. The office floorspace is located on part of the ground floor within Vintage House, and the ground, first, second and part of the third floor of the new build element. The floorspace is designed to be flexible, catering for a single tenant, or for a number of smaller occupiers. The provision of an increased area of flexible modern office floorspace would contribute to the OAPF jobs target and is welcomed in line with London Plan and OAPF policies. The provision of a relatively small amount of retail/cafe space will provide further activity to the ground floor and is also welcomed.

22 In summary, the principle of a mixed use scheme that will deliver commercial and office uses on the lower floors, together with residential units in the upper floors, is supported in strategic planning terms.

Housing

23 A total of 166 units are proposed, made up as follows:

Unit type	Market	Intermediate	Affordable rent	TOTAL
Studio	4	25	0	29 (17%)
One bed	15	9	0	24 (14%)
Two bed	84	5	3	92 (56%)
Three bed	15	0	6	21 (13%)
TOTAL	118 (71%)	39 (24%)	9 (5%)	166

Affordable housing

24 London Plan Policy 3.9 seeks to promote mixed and balanced communities by tenure and household income. The application indicates that 29% affordable units will be provided on-site, with 71% market units. The provision of affordable and market housing on the same site is welcomed in accordance with Policy 3.9, as well as 3.12 'Negotiating Affordable Housing'.

25 Policy 3.12 seeks to secure the maximum reasonable amount of affordable housing. The affordable offer comprises 29% of the total scheme. In order to deliver the infrastructure required to support the quantum of development envisaged in the VNEB area, the VNEB OAPF and the accompanying development infrastructure funding study (DIFS) recommended tariff based charges (now incorporated into Lambeth Council's CIL) per residential unit and per square metre of non-residential floorspace based on what developments should reasonably be able to afford, subject to alternative affordable housing scenarios. Based on the proposed tariff levels, the alternative scenarios of 15% and 40% affordable housing provision are set. In the Albert Embankment area, the OAPF expects the higher proportion of 40% affordable housing to be delivered. The affordable offer therefore falls short of that target. Nonetheless, GLA officers recognise that providing affordable housing in this location is challenging due to the high values and design constraints associated with the need to manage tenures separately to keep them affordable. The fact that the scheme proposes affordable units on-site, especially affordable rented family units, is welcomed. In line with London Plan Policies 3.12, a financial viability appraisal has been submitted with the planning application, which is required to demonstrate that the affordable offer together

with any other financial contributions, is the maximum reasonable that the scheme can provide. The results of an independent review of the applicant's viability assessment, commissioned by the Council, should be shared with the GLA in due course. GLA officers will update the Mayor on the findings of the review, and of any further negotiations, at the Stage Two decision making stage.

26 London Plan Policy 3.11 'Affordable Housing Targets' requires that 60% of the affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale. The breakdown indicates that a ratio of 19% affordable rent and 81% intermediate, which would be a departure from both London Plan and local policy. As justification for this, the applicant cites Lambeth's Housing Needs Assessment (LHNA, 2012), which recognises that the current supply of dedicated intermediate housing products in Lambeth is relatively small, and ONS data that confirms that the Prince's ward, within which the site is located, includes a total 6,726 homes, but only 269 intermediate units, against 3,171 social rented units. Furthermore, the widening gap between those able to qualify for affordable/social rent and those able to purchase a property also suggest that intermediate tenures respond to this gap. GLA officers consider that this may provide sufficient justification for a high proportion of intermediate tenure, subject to confirmation of the type of intermediate tenure and the outcome of the viability assessment.

Housing Choice

27 The indicative mix of units is 17% studio units, 14% one-bedroom, 56% two-bedroom, and 13% three-bedroom. London Plan Policy 3.8 'Housing Choice' encourages a choice of housing based on local needs, while affordable family housing is stated as a strategic priority. Policy 3.11 also states that priority should be accorded to the provision of affordable family housing. Although a relatively high proportion of units are studios, nearly all of these are intermediate tenure and it is recognised that this assists with the affordability of these units in a high value area. However, as discussed under 'residential quality' below, GLA officers have some concerns about the quality of these units. A similar proportion of units are family sized, including six for affordable rent, which is welcomed. Subject to confirmation from the Council that the choice of units respond appropriately to local needs, GLA officers are satisfied that the scheme provides an acceptable choice of units.

Density

28 London Plan Policy 3.4 'Optimising Housing Potential' states that taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output within the relevant density range shown in Table 3.2. The site is within a 'central' location where the density matrix sets a guideline of 650-1100 habitable rooms, or 140-405 units, per hectare on sites with a PTAL of 4-6.

29 The applicant calculates the density to be 2,311 habitable rooms, or 874 units, per hectare. Although above the density range, the London Plan notes that these ranges should not be applied mechanistically and local factors should be taken into account. This density may be appropriate in this location within the CAZ, within the VNEB Opportunity Area, and within an area where other very high density development is under construction; however in order for such a density to be acceptable, the scheme will need to be exemplary in all other respects and provide a high quality living environment for occupiers, including adequate provision of amenity and play space, an appropriate level of affordable housing, an appropriate mix of unit sizes, high quality design, and resolution of all transport and climate change issues. As detailed elsewhere in this report, further information is required in some of these areas.

Residential quality

30 London Plan Policy 3.5 'Quality and Design of Housing Developments' promotes quality in new housing provision, with further guidance provided by the Housing SPG.

31 The challenges of the long thin site are recognised; however the proposal manages to achieve a generally good residential quality. A generous minimum floor to ceiling height of 2.7 metres is proposed in residential living spaces. The majority of the units are dual aspect and there are no north facing single aspect units. The proposal includes no more than 8 units per core (as required by the Housing SPG, in order to promote a sense of ownership and community), with the exception of the fourth and fifth floor of the south tower, which contains 11 units and 9 units per core, respectively. The proposed mix for the fourth floor is 7 studios, 2 one-beds, and 2 two-beds; and for the fifth floor, 6 studios, 2 one-beds, and 1 two-bed. The applicant justifies this by stating that none of these units are family sized, which limits the numbers of people accessing the floors; the high quality of the units, including exceedance of minimum size requirements and good levels of direct sunlight; naturally lit corridors of 1.5 metres in width; and access to 210 sq.m. of internal and external communal amenity space at sixth floor level. It is accepted that only two floors are affected; that the number of units per core is only slightly above the recommended standard; the limited number of residents on these floors; and the quality of the corridor space; however there are concerns about the quality of some of these units, as discussed below, which require layout amendments.

32 Private open space is provided to the majority of residential units within the new build element in the form of winter gardens or balconies, with private terraces for a small number of units, as well as access to the sixth floor communal amenity space for all residents. However, 24 intermediate/market studio units on floors three to seven have no private open space. The Housing SPG states that in exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement, which in this case would be 5 sq.m. It is recognised that the proximity of the railway line and traffic on Albert Embankment causes limitations to the provision of private open space; however 9 of these units on floors three to five do not include sufficient additional living space, which raises concerns about the quality of these units. The units on the third floor are also in close proximity to the railway tracks, which raises further concerns about quality. The applicant should revise the layouts on these floors in order to provide additional internal living space. For the affordable rented units within Vintage House, each unit is provided with a Juliet balcony and a 65 sq.m. internal communal amenity space is provided at ground floor level. These units are also generously sized to compensate for the lack of private open space and considering the restrictions of the historic building, this arrangement is acceptable.

33 London Plan Policy 7.15 sets out how noise impacts should be minimised and mitigated. A Noise and Vibration Assessment has been provided with the application, which identifies that the site is exposed to high levels of noise, chiefly from the railway line to the rear. It is accepted that the narrowness of the site limits the extent to which layout and separation can be used to reduce this impact. The Assessment recommends that a high performance acoustic glazing system will be required in combination with mechanical ventilation on the most noise exposed eastern (levels 2-7) and western facades (levels 0-2) in order to achieve appropriate internal noise levels. Private open space in the form of winter gardens also responds to noise impacts. A more detailed assessment will be undertaken during the detailed design stage, which should be appropriately secured by condition.

Children's play space

34 Policy 3.6 of the London Plan seeks to ensure that development proposals include suitable provision for play and recreation. Further detail is provided in the Mayor's supplementary planning guidance 'Shaping Neighbourhoods: Play and Informal Recreation', which sets a benchmark of 10 sq.m. of useable child play space to be provided per child, with under-fives children's play space provided on-site as a minimum.

35 GLA officers calculate that the proposal will have a child yield of 30, with 15 under-fives, requiring 150 sq.m. of play space as a minimum. The application indicates that the 65 sq.m. ground floor internal amenity space for the affordable rent units will include a soft play area for younger children, together with a library and study space for older children. The 210 sq.m. of communal amenity space at sixth floor level for private and intermediate tenants will also include internal soft play areas and external astro-turf play areas. It is also recognised that the extensive open space of Vauxhall Pleasure Gardens is in close proximity to the site. The provision of play space is therefore acceptable.

Historic environment, Strategic views, and World Heritage Site

36 London Plan Policy 7.8 'Heritage Assets and Archaeology' states that development should identify, value, conserve, restore, re-use and incorporate heritage assets where appropriate. London Plan Policy 7.10 'World Heritage Sites' (WHS) and supplementary planning guidance on 'London's World Heritage Sites – Guidance on Settings' (WHS SPG) seeks to ensure that development does not cause adverse impacts to World Heritage Sites or their settings. London Plan Policy 7.12 'Implementing the London View Management Framework' and supplementary planning guidance 'London View Management Framework' (LVMF SPG), provides guidance on the impact of proposals impacting strategic views.

37 The proposal will have an impact on designated heritage assets, including the Westminster World Heritage Site; the Albert Embankment Conservation Area, within which Vintage House lies; Vauxhall Gardens Conservation Area, beyond the railway viaduct to the east; Lambeth Palace Conservation Area, to the north; Vauxhall Conservation Area to the south; and the Millbank, Pimlico and Smith Square Conservation Areas, across the river to the west. The proposal will also impact a number of listed buildings, including the Grade II listed Albert Embankment river wall, lamp standards and public benches, together with a number of listed buildings along Millbank on the other side of the river, including the Grade II* listed Tate Gallery. The proposal will also impact on non-designated assets in the form of Vintage House and the neighbouring Rose public house, which are identified by the Council as making a positive contribution to the Conservation Area.

38 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should "*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*" and in relation to conservation areas, special attention must be paid to "*the desirability of preserving or enhancing the character or appearance of that area*". The NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Significance is the value of the heritage asset because of its heritage interest, which may be archaeological, architectural, artistic or historic, and may derive from a heritage asset's physical presence or its setting. Where a proposed development will lead to 'substantial harm' to or total loss of the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve

substantial public benefits that outweigh that harm or loss. Where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Recent judgements have provided detailed consideration of the duty imposed on local planning authorities. The Court of Appeal in *Barnwell Manor* held that a finding of harm to a listed building or its setting is a consideration to which the decision-maker must give considerable weight, and that there should be a strong presumption against granting permission that would cause harm.

39 The applicant has provided a Townscape, Heritage and Visual Impact Assessment (THVIA), with 21 wireline and fully rendered local townscape views. The THVIA also contains an assessment of the Westminster World Heritage Site, the Conservation Areas, and the statutorily listed buildings around the site, which GLA officers consider to be appropriate.

40 GLA officers consider that the impact on heritage assets and their settings will be largely neutral, with some positive impacts, including the removal of the existing petrol station, which has a negative impact on the setting of the Albert Embankment Conservation Area and Vintage House. The sympathetic conservation and refurbishment of Vintage House is also considered to have a positive impact, both on the building and the Conservation Area. This approach is strongly supported as a positive response to concerns raised at pre-application stage about the partial demolition of this building. The cantilevered overhanging element of the north tower is four storeys above Vintage House, which provides an acceptable degree of separation between the historic and new-build elements. A four storey glazed atrium also provides an acceptable demarcation between the two buildings when viewed from the Albert Embankment.

41 As the THVIA illustrates, a building of this height will clearly have an impact on the setting of many of the other heritage assets in the surrounding area and in particular the Albert Embankment Conservation Area; however GLA officers do not consider that this will cause harm to these assets. In coming to this conclusion, GLA officers have taken account of the strong presumption against granting permission that would harm the character or appearance of a conservation area.

42 The THVIA includes an analysis of the impact on a number of strategic views. The site is outside the Protected Vistas of the Palace of Westminster from Assessment Points 2A.2 and 2B.1 of the Parliament Hill Panorama and its impact would be negligible on these views. The proposal would be partly visible to the right of the under-construction Merano building from Assessment Points 15A.2 of the Waterloo Bridge River Prospect and 17A.2 of the Golden Jubilee/Hungerford Bridge River Prospect; however the impact on the composition of these views would be negligible, with no harm to the setting of the WHS. From Assessment Points 18A.2 and 18A.3 of the Westminster Bridge River Prospect, the proposal would be visible to the right of the Merano building, although of a lower height, and stepping down from the other buildings under construction along the Albert Embankment. It would cause no harm to the setting of the Westminster WHS. From Assessment Point 27B.2 of the Parliament Square to Palace of Westminster Townscape View (within the World Heritage Site), the proposal would be hidden behind the Victoria Tower of the Palace of Westminster and barely visible above the tree line of the Victoria Tower Gardens trees. The impact on the composition of the view would be negligible, with no harm to the setting of the WHS.

43 In summary, GLA officers conclude that the proposals will cause no harm to heritage assets, including the Westminster World Heritage Site, and will meet the requirements of London Plan Policy 7.12 relating to strategic views.

Urban design and tall buildings

44 At pre-application stage, GLA officers raised a number of concerns with the ground floor layout and the relationship to the public realm. This included the central frontage ‘porte-cochere’, providing vehicle drop-off and access to the car lifts, as well as pedestrian access to the private and intermediate residential units, which was criticised as being too expansive, reducing the quality of the pedestrian experience and negatively impacting the street. Whilst the central access has been retained, the mouth of the access has been reduced, and the opening is shielded to a certain extent by the fully glazed ‘botanical cabinets’ either side of the access. These are planted (at basement level) with tropical plants, trees and fruit, which will help to green the streetscape, as well as reducing the impact of the access on the pedestrian experience. The cabinets also include glazed frontages to the adjacent office and cafe space, while allowing light into the basement level. This access arrangement is considered acceptable; however further information should be provided on the layout of this space, as discussed under ‘inclusive design’ below.

45 At pre-application stage, the inclusion of a south-facing public open space adjacent to the proposed cafe space was welcomed; however concerns were also raised about its limited size. The size of the space has now been increased by cutting away a corner of the lower floors. This is welcomed, and also serves to open up views and improve access through the railway arches, to Vauxhall Pleasure Gardens via Glasshouse Walk.

46 As discussed under ‘residential quality’ above, the layout of the third to fifth floors requires amendment in order to ensure residential quality.

47 London Plan Policy 7.7 ‘Location and Design of Tall and Large Buildings’ sets out a range of criteria for tall buildings. The height of the development respects the 90 metre height limit set out in the VNEB OAPF which is welcomed, and will complement the height and proportions of other tall buildings existing, granted permission or under construction along Albert Embankment. The application includes a Wind Impact Study, which concludes that the proposal will slightly increase wind speeds at a number of ground level locations, primarily on Albert Embankment; however, this is not expected to cause any significant adverse impact.

48 The architectural strategy of carving, stepping and cantilevering the building’s mass is strongly supported, creating a distinctive form, which is welcomed. The inclusion of two tower elements, with a low rise ‘porte-cochere’ in between, reduces the massing of the development, while also allowing light to the neighbouring Peninsula Heights. The design of the building facades and appearance have been through significant development during pre-application discussions and now include a well-balanced combination of vertical and horizontal elements, with high quality materials including light-coloured reconstituted stone and brass detailing, which relates well to neighbouring buildings. In order to ensure the quality of the scheme, the Council should consider securing retention of the architect through to completion.

Inclusive design

49 The aim of London Plan Policy 7.2 ‘An Inclusive Environment’ is to ensure that proposals achieve the highest standards of accessibility and inclusion (not just the minimum). Inclusive design principles, if embedded into the development and design process from the outset, help to ensure that all, including older people, disabled and Deaf people, children and young people, can use the places and spaces proposed comfortably, safely and with dignity.

50 The central frontage ‘porte-cochere’ provides vehicle drop-off and access to the car lifts, as well as pedestrian access to the private and intermediate residential units, and is effectively a

‘shared surface’. The applicant should provide further detail to illustrate what design features will be incorporated to ensure that this area is safe and usable for disabled people.

51 Policy 3.8 ‘Housing Choice’ requires that ninety percent of new housing meets Building Regulation requirement M4(2) ‘accessible and adaptable dwellings’ and ten per cent of new housing meets Building Regulation requirement M4(3) ‘wheelchair user dwellings’, that is, designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. The application confirms that all of the units have been designed to meet Building Regulation requirement M4(2) and 10% will meet Building Regulation M4(3), which are spread across units sizes and includes affordable and market tenures. The Council should secure M4(2) and M4(3) requirements by condition. The future marketing of the wheelchair accessible homes should ensure that prospective purchasers are aware of the accessibility and adaptability of these units. Specific marketing to the disability community and to older people’s organisations can help to ensure that the people who will benefit from the units accessible design are made aware of their existence.

Transport

52 The local highway and public transport networks can accommodate the proposed development. Slight changes to the trip generation in respect of cycle mode share have been requested directly from the applicant, in order to ensure that sufficient options for future cycling capacity and mode share are delivered.

53 The existing southerly access from Albert Embankment is proposed to be closed, with the northerly retained as a single point of access. This is supported; however detailed design should be secured by condition in order to meet the requirements of local and London-wide public realm and streetscape guidance.

54 TfL is currently developing a scheme to deliver public realm enhancements for pedestrians and cyclists along Albert Embankment, which is to be partly delivered through local DIFS contributions and partly by integrating highway works through the section 278 process. As such, a provision should be made through the section 106 agreement for in-kind contributions towards the delivery of a Nine Elms Strategy Board public realm scheme, secured via the section 278 agreement. The exact wording can be agreed between TfL, the applicant and the Council once the principle has been agreed.

55 The constrained depth of the site is noted, which means that an alternative pedestrian/cycle route is not possible; however, the applicant should provide further consideration to cycle access from Tinworth Street.

56 Car parking for the residential element of the scheme is proposed at a ratio of 0.25 spaces per residential unit, equating to 42 spaces, and no commercial spaces are proposed, which complies with London Plan Policy 6.13. The ability of disabled drivers to safely exit their vehicle at ground floor level and have level access into the building negates the need for demarcated Blue Badge parking; however the management of the car park should allocate 10% of spaces to Blue Badge users. A car parking management plan (CPMP) should be secured by condition, discharged before occupation and should set out management mechanisms, including electric vehicle charging points (EVCP’s), which should be secured by condition at a rate of 20% of spaces with active provision and a further 20% with passive provision. The applicant should clarify how this will work with an automatic car parking system.

57 In order to ensure that any additional provision for car club capacity (an identified travel plan measure) can be implemented, an analysis of demand for local car club spaces should be secured by condition or included as a provision in the section 106 agreement.

58 The quantum of cycle parking proposed accords with London Plan Policy 6.9. Detailed design comments around the cycle parking have been relayed directly to the applicant.

59 The mix of uses proposed and the opportunity for cycling mode share to increase is expected to put significant pressure on existing Cycle Hire stations in the vicinity. TfL is in active discussions with Lambeth Council about intensifying the Cycle Hire network in the area and has initially identified a location for a 32 docking point station in close proximity to the site. Consequently, a contribution of £100,000 is requested, to be secured through the section 106 agreement.

60 A section 106 contribution of £6,000 is requested to provide a Legible London sign in the area, which would directly benefit occupants and visitors to the development.

61 A framework travel plan (TP) has been submitted, which is considered satisfactory. Funding, monitoring and review of the TP should be secured in the section 106 agreement. A construction logistics plan (CLP) should also be secured by condition in line with London Plan Policy 6.3. This should follow TfL's best practice guidance and include measures to protect cyclists. All CLP measures proposed must conform with the Nine Elms Partnership CLP Framework and be implemented in partnership with the Nine Elms Construction Logistics Coordination Team. In order to reduce the risk of collisions, construction vehicles should be fitted with cycle specific safety equipment, including side-bars, blind spot mirrors and detection equipment, which should be secured in the section 106 agreement and included in the final CLP to be submitted for approval by the Council prior to commencement.

62 The proposal to service the site from Glasshouse Walk is supported. A delivery and servicing plan (DSP) should also be submitted and approved by the Council and TfL prior to occupation, and secured by condition. Detailed matters of waste collection should also be considered through the DSP.

Community infrastructure levy and VNEB DIF

63 The Mayor has introduced a London-wide community infrastructure levy (CIL) to help implement the London Plan, particularly Policies 6.5 and 8.3. The Mayor's CIL will contribute towards the funding of Crossrail.

64 The Mayor has arranged boroughs into three charging bands. The rate for the Lambeth is £35 per sq.m. The required CIL should be confirmed by the applicant and Lambeth Council once the components of the development, or phases thereof, have themselves been finalised.

65 A Development Infrastructure Funding Study (DIFS) for the VNEB Opportunity Area has been completed and a section 106 chapter published in the VNEB OAPF. This sets a tariff rate for the Opportunity Area that will be used to calculate the total contribution required for this development. This contribution will go towards the provision of strategic infrastructure in the Opportunity Area with funds allocated by the Strategy Board.

66 The site is within the area where section 106 contributions for Crossrail will be sought in accordance with London Plan Policy 6.5 and the associated Supplementary Planning Guidance (SPG) 'Use of planning obligations in the funding of Crossrail and the Mayoral Community Infrastructure Levy' (July 2010). However the SPG made specific reference to an exception

being made for the VNEB area, which has its own DIFS tariff for strategic infrastructure. In this situation, the Mayor's CIL charge will be treated as a credit towards the DIFS tariff. The total contribution is estimated to be £6,434,250, which will be confirmed by the Council once components are fixed and the affordable housing element is agreed.

Climate change

Energy

67 A range of passive design features and demand reduction measures are proposed to reduce carbon emissions. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include low energy lighting and mechanical ventilation with heat recovery.

68 The applicant has undertaken a dynamic overheating assessment for the dwellings following CIBSE TM52 modelling and CIBSE TM49 weather files. The applicant has included future climate projections within the analysis, which is welcomed. The proposed strategy for reducing the risk of overheating is through the inclusion of solar control glazing (g-value of 0.22), internal blinds and mechanical ventilation for units identified with noise or air quality issues. The applicant states that all bedrooms will meet CIBSE criteria; however, the majority of living areas fail the criteria and no further information has been provided on whether additional measures have been investigated in order to meet the criteria. The applicant states that comfort cooling will be provided for the market dwellings based on market expectations; however this is not supported unless it is demonstrated that cooling demands have firstly been minimised by passive design (in line with Policy 5.9). The applicant should therefore investigate additional passive design measures to ensure that dwellings will not be at risk of overheating (without reliance on comfort cooling). It should also be confirmed how the affordable dwellings will meet CIBSE criteria, as the results currently show that a number of living rooms will not meet the criteria (TM49 weather criteria). Further passive measures should be integrated, in line with Policy 5.9, in order to avoid the risk of overheating and meet CIBSE criteria under all TM49 weather scenarios. The development is estimated to achieve a reduction of 4 tonnes per annum (1%) in regulated CO2 emissions from the first stage of the energy hierarchy ('Be Lean'), compared to a 2013 Building Regulations compliant development.

69 The applicant has carried out an investigation and there are no existing or planned district heating networks within the vicinity of the site; however, a commitment is provided to ensure that the proposal is designed to allow future connection to a district heating network should one become available.

70 The applicant should confirm that all apartments and non-domestic building uses will be connected to the site heat network, for both space heating and hot water. Drawings showing the route of the heat network linking all buildings on the site, and the floor area and location of the energy centre should be provided.

71 The applicant is proposing to install a gas fired CHP unit as the lead heat source for the site heat network, sized to provide the domestic hot water load, as well as a proportion of the space heating (70% of the total heat load). The size of the engine (kWe/kWth) and the analysis used to determine the size of the CHP should be provided, including suitable monthly demand profiles for heating, cooling and electrical loads. A reduction in regulated CO2 emissions of 119 tonnes per annum (29%) will be achieved through this second part of the energy hierarchy ('Be Clean').

72 The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install 35 sq.m. of roof mounted photovoltaic (PV) panels; however the feasibility of increasing the number of PV panels should be investigated, with the aim of achieving additional on-site CO2 savings. A reduction in regulated CO2 emissions of 4 tonnes per annum (1%) will be achieved through this third element of the energy hierarchy ('Be Green').

73 Based on the energy assessment submitted a reduction of 128 tonnes of CO2 per year in regulated emissions is expected, compared to a 2013 Building Regulations compliant development, equivalent to an overall saving of 31%. The carbon dioxide savings fall short of the target within Policy 5.2 and the applicant should consider additional measures to achieve further carbon reductions.

Climate change adaptation

74 The site is within Flood Zone 3a and a Flood Risk Assessment (FRA) has been submitted with the application documents. This confirms that the site is protected to a high standard by the Thames Tidal Flood Defences. The FRA confirms that no residential accommodation will be located at ground floor level and that a dry access staircase will be provided giving emergency access from basement and ground floor in the event of a breach of the flood defences. Given the risks present at the site, the approach is considered to be acceptable in terms of London Plan Policy 5:12 'Flood Risk Management'; however the applicant is encouraged to provide a flood proof room/enclosure for essential building utility services, to allow the building remain safe and comfortable in the unlikely event of a flood.

75 The local catchment area suffers from wider surface water flood risks. The FRA confirms that green roofs will be incorporated, as well as a 78 cubic metre attenuation tank well, which will reduce surface water discharge by 50%. The proposals are acceptable in terms of London Plan Policy 5:13 'Sustainable Drainage'; however the applicant should note that the Ciria/Susdrain Method 2 design is the preferred attenuation tank design, available at: http://www.susdrain.org/files/resources/fact_sheets/01_15_fact_sheet_attenuation_for_redeveloped.pdf.

Local planning authority's position

76 The Council's position is not yet known.

Legal considerations

77 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

78 There are no financial considerations at this stage.

Conclusion

79 London Plan policies on employment; housing; affordable housing; historic environment, strategic views and World Heritage Site; urban design and tall buildings, inclusive design, transport and climate change are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- **Employment:** The inclusion of an increased area of employment floorspace in the proposals is supported
- **Housing:** The provision of 166 residential units is supported. The scheme provides an acceptable choice of units, subject to confirmation from the Council that this meets local needs. Although above the London Plan density range, this may be appropriate in this location within the CAZ, within the VNEB Opportunity Area, and within an area where other very high density development is under construction, subject to resolution of all other issues. The proposals provide generally good residential quality, particularly considering the restrictions of the site; however the applicant should revise the layouts on floors three to five, in order to provide additional internal living space to compensate for the lack of private open space and to account for the proximity of the railway tracks. A more detailed assessment of noise mitigation should be appropriately secured by condition. The provision of play space is acceptable.
- **Affordable housing:** The affordable offer of 29% falls short of the 40% OAPF target for the Albert Embankment area. The results of an independent review of the applicant's viability assessment, commissioned by the Council, should be shared with the GLA in due course. The high proportion of intermediate tenure as part of the affordable housing offer may be acceptable, subject to the outcome of the viability assessment.
- **Historic environment, Strategic views, and World Heritage Site:** The proposals will cause no harm to heritage assets, including the Westminster World Heritage Site, and will meet the requirements of London Plan Policy 7.12 relating to strategic views.
- **Urban design and tall buildings:** The design of the proposals has developed considerably during pre-application discussions, and is considered to be of a high quality, other than the residential quality on floors three to five, which require amendment.
- **Inclusive design:** The applicant should provide further detail to illustrate what design features will be incorporated to ensure that the 'porte-cochere' entrance is safe and usable for disabled people. The Council should secure M4(2) and M4(3) requirements by condition. The future marketing of the wheelchair accessible homes should ensure that prospective purchasers are aware of the accessibility and adaptability of relevant units.
- **Transport:** A provision should be made through the section 106 agreement for in-kind contributions towards the delivery of a Nine Elms Strategy Board public realm scheme, secured via the section 278 agreement. A car parking management plan; electric vehicle charging points; analysis of demand for local car club spaces; contribution of £100,000 towards a Cycle Hire station; contribution of £6,000 to provide a Legible London sign; funding, monitoring and review of the travel plan; construction logistics plan; and delivery and servicing plan should be secured appropriately.

- **Climate change:** The applicant has broadly followed the energy hierarchy and sufficient information has been provided to understand the energy proposals as a whole; however further information and revisions are required before the proposals can be considered acceptable and the carbon dioxide savings verified. The proposals comply with London Plan Policies 5:12 and 5:13.

80 On balance, the application does not yet comply with the London Plan; however the possible remedies set out above could address these deficiencies.

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