

Institute of Cancer Research, North Site, Sutton

in the London Borough of Sutton

Planning application no. B2016/73428 & 73429

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

Erection of a four storey (plus lower ground floor) building for laboratory (B1b) use with ancillary accommodation incorporating office, meeting room/café, together with a gantry-linked two storey service building and associated car parking, cycle parking and landscaping; and application for enabling works.

The applicant

The applicant is the **Institute of Cancer Research**, and the architect is **Fieldon+Mawson**.

Strategic issues

The **land use principle** and the **design** are supported. Issues relating to **biodiversity, inclusive access, climate change, employment and training**, and **transport** have been resolved through the use of planning conditions and section 106 obligations.

The Council's decision

In this instance Sutton Council has resolved to grant permission.

Recommendation

That Sutton 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 12 January 2016 the Mayor of London received documents from Sutton Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses.

2 As the proposed development is considered to be Phase 1 of a wider masterplan for the site, and taking into account Paragraph 2 of the Schedule of the Order 2008 which states that: *"If the local planning authority receive an application for planning permission for development, which they consider forms part of more substantial proposed development, on the same land or adjoining*

land, they must for the purposes of this Schedule treat that application as an application for planning permission for the more substantial development,” the application was referred to the Mayor under Category 1B.1 (c), of the Schedule of 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” and Category 3F (1) of the schedule to the order 2008: “Development for use, other than residential use, which includes the provision of more than 200 car parking spaces in connection with that use.”

3 On 18 February 2016 the Deputy Mayor considered planning report PDU/2447b/01, and acting under delegated authority, subsequently advised Sutton Council that while the application was broadly acceptable in strategic planning terms, the application did not fully comply with the London Plan, for the reasons set out in paragraph 58 of the above-mentioned report; but that the possible remedies set out in that paragraph could address these deficiencies.

4 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 9 March 2016 Sutton Council decided that it was minded to grant planning permission, and on 17 March 2016 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 Hackney Council under Article 6 to refuse the application or issue a direction to Sutton Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 30 March 2016 to notify the Council of his decision and to issue any direction.

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

Update

6 At the consultation stage Sutton Council was advised that the application did not fully comply with the London Plan, for the reasons set out in paragraph 58 of the above-mentioned report; but that the possible remedies set out in that paragraph could address these deficiencies:

- **Principle of land use:** The use of the land for research and development purposes is strongly supported and will contribute to London’s world class research offer.
- **Biodiversity & landscaping:** The recommended measures to protect and enhance the wildlife value of the undeveloped parts of the site should be conditioned.
- **Design:** The approach to the design, appearance and layout of the buildings is supported.
- **Inclusive access:** The landscape strategy should incorporate inclusiveness and detailed design drawings of the internal and external accessibility strategy should be secured by condition.
- **Climate change:** Further information on the proposed energy centre and the CHP unit should be provided. The scheme does not fully comply with the London Plan in that a shortfall in the CO2 reduction target is expected. Further information on the strategy to address this shortfall should be provided.

- **Employment & training:** An employment and training strategy should be secured via the Section 106 agreement.
- **Transport:** The provision of an additional shuttle bus service and an updated workplace travel plan should be secured via the Section 106 agreement. The Construction Management Plan and Delivery and Service Management Plan should be secured via planning condition or S106.

7 Paragraphs 8 to 19 below detail how the outstanding issues have been addressed.

Biodiversity

8 At Stage 1, the GLA commented that the proposed measures and recommendations for management and enhancements to the retained areas of open space and woodland are welcomed, and should be secured through planning conditions.

9 Sutton Council has proposed a condition requiring a detailed ecology management and monitoring plan to be submitted prior to development, which will contain information on how retained habitats will be managed in perpetuity and how new species will be added. As such, biodiversity issues have been suitably addressed.

Inclusive access

10 The GLA's Stage 1 response noted that the applicant's design and access statement demonstrates that inclusive design principles will be incorporated into the proposal. It was expected that a detailed demonstration of how internal and external spaces will address inclusive accessibility, including colours, lighting, markings, dimensions of circulation spaces, sizes and location of accessible toilets/showers, surface finishes, handrails and the design of the landscaping, will be secured by condition.

11 Sutton Council has included a condition requiring a detailed internal and external accessibility strategy to be submitted prior to development, which specifies the inclusion of the information above. As such, inclusive design has been suitably addressed and the development complies with London Plan policies in this respect.

Climate Change

12 At the consultation stage, it was noted that the applicant had broadly applied the energy hierarchy in policy 5.2 of the London Plan, however some further information is required before the carbon savings can be verified. In particular, it was noted that there would be a shortfall in carbon savings compared to the London Plan policy requirement of 35% beyond the 2013 Building Regulations. The development would achieve a 20% reduction, taking into account energy efficiency and renewable technologies. The GLA commented that the 15% shortfall should be met off-site.

13 The Council has proposed to address this shortfall by securing a carbon savings plan within the S106, to be submitted by the applicant and agreed with the Council, aimed at managing carbon across existing building stock within the control of the applicant. Whilst the submission of this document does not guarantee that additional carbon savings will be made to off-set the shortfall in the London Plan policy requirement, the S106 makes it clear that this is the aim of the carbon management plan. It is acknowledged that the energy consumption of the

proposed building is high due to the nature of the applicant's operations, with high levels of air extraction and control of internal environmental conditions required. In addition the site constraints limit the potential of the development to achieve the appropriate measures, such as the north-south orientation of the proposed CCDD building, in order to minimise the potential for impact on neighbouring amenity, which limits solar gains. However, the applicants have sought to maximise the energy efficiency and renewable technology within the site constraints, and the carbon management plan will seek to make the required savings wherever possible in the existing building stock. In these circumstances, it is considered that the proposals are on balance acceptable, although the GLA would welcome further consultation on the carbon management plan, when this is submitted.

14 Additionally, the Council has proposed conditions requiring the stated carbon savings to be made, and to ensure that the development achieves a BREEAM 'Excellent' rating. Also, the surface water management strategy has been secured via condition, as requested.

15 The above measures have satisfied the sustainability issues previously raised.

Employment and Training

16 At the consultation stage, the GLA commented that the principle of the development is supported and it could contribute to significant job creation and improve access to jobs and training for Londoners. To ensure this, it was requested that the scheme included an employment and training strategy for the construction phase and the completed development.

17 The Council has secured the submission of an employment and training strategy via the S106 agreement for the construction phase and the operational phase which will be aimed at creating training and employment opportunities for local residents. This satisfies the employment issues raised at Stage 1.

Transport

18 At Stage 1, TfL commented that the proposal was acceptable and generally in compliance with London Plan policy, subject to the following being secured within the S106 agreement or conditions: the provision of an additional shuttle bus service, an updated workplace travel plan, a construction management plan and delivery and service management plan.

19 Sutton Council's draft S106 agreement secures the submission of a travel plan which will include provision for an extended shuttle bus service. A construction management plan and delivery and service management plan have been secured via condition. The transport requirements raised have therefore been addressed.

Response to consultation

20 The applications were advertised through the site and newspaper notices and consultation letters were sent to 396 neighbouring residents and occupiers. As a result of this consultation, a total of 5 responses were received from local residents, raising objections to the proposal.

21 Matters raised by objectors included the following, in summary:

- Out of character with the surrounding area;
- Excessive height;
- Loss of privacy;
- Excessive noise disturbance;

- Increased fumes and pollution;
- Increased littering;
- Insufficient tree planting and boundary screening provided;
- Excessive increase in traffic and congestion from the works and future development;
- Inappropriate construction vehicle routing;
- Negative impact on local bus services;
- Insufficient car parking provision;
- Inappropriate location of car parking spaces.

22 Matters relating to the design and scale of the buildings, transportation and parking and impact on biodiversity have been addressed in both this and the previous report (D&P/2447b/01). Other objections raised, including the impact on residential amenity are local matters which have been appropriately addressed in Sutton Council's committee report and through the use of planning conditions and the obligations within the S106 agreement.

Statutory and other consultation responses

23 The statutory and other consultees provided the following responses:

Environment Agency: No objections, subject to conditions to ensure that any unexpected ground contamination is appropriately remediated, and limiting the infiltration of surface water into the ground.

Sutton and East Surrey Water: No objections

Thames Water: No objections to the proposals subject to the inclusion of conditions.

Reigate and Banstead Borough Council: Raise no objection.

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

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

Legal considerations

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

direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

26 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.

27 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.

28 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

29 The principle of the development is strongly supported. Issues relating to biodiversity, inclusive access, climate change, employment and training, and transport have been suitably addressed through the use of planning conditions and section 106 obligations. The Mayor welcomes the development proposed which should help further develop this site as one of the world's leading cancer research institutes. This is a key part of Sutton's development plan and it will be beneficial both for the Borough and for London's role as a centre of medical research excellence.

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

Colin Wilson, Senior Manager – Development & Projects

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

Katherine Wood, Case Officer

020 7983 5743 email katherine.wood@london.gov.uk
