

6 November 2015

142-170 Streatham Hill and Wentworth House

in the London Borough of Lambeth

planning application no.14/06765/VOC

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

Variation of condition 2 of planning permission 14/03760/VOC (which granted the variation of condition 13 of planning permission 10/00507/FUL) to allow for minor material amendments to the permitted scheme, to provide 259 residential units and associated revisions to their layouts, tenure mix and dwelling mix; 1,253sqm retail accommodation (A1/A2/A3); relocation and reconfiguration of theatre (303sqm) and community facility (176sqm); 127 car parking spaces revisions to servicing arrangements; improved energy efficiency; and consequential minor revisions to the external design and massing.

The applicant

The applicant is **London Square** and the architect is **CJCT**.

Strategic issues

Outstanding issues in relation to **mixed use, affordable housing, mix of unit sizes, retail, community infrastructure/theatre, amenity space and landscaping, design, inclusive access, energy** and **transport** have been resolved satisfactorily.

The Council's decision

In this instance Lambeth Council has resolved to grant permission.

Recommendation

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

Context

1 On 13 March 2015 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:

- *Category 1A: Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.*
- *Category 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.”*

2 On 22 April 2015 the Mayor considered planning report D&P/1663h/01, and subsequently advised Lambeth Council that the application did not comply with the London Plan, for the reasons set out in paragraph 60 of the above-mentioned report; but that the possible remedies set out in that paragraph of the report could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, the application has been revised in response to the Mayor’s concerns (see below). On 13 October 2015 Lambeth Council decided that it was minded to grant planning permission for the revised application, and on 27 October 2015 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 Council under Article 6 to refuse the application or issue a direction to Lambeth Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 9 November 2015 to notify the Council of his decision and to issue any direction.

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



Verified views from Criklade Avenue of the extant & the proposed development, respectively: Source-applicant’s design & access statement.



Verified views from junction of Sternhold Avunue & Blaiderry Road of the extant & the proposed development, respectively: Source-applicant’s design & access statement.

Update

5 Lambeth Council has adopted its Local Plan on 23 September 2015. The Local Plan contains detailed development management policies and site allocations and supersedes the Core Strategy and remaining saved UDP policies. The proposal was originally presented to and resolved by the Council on 7 July 2015. However, where a resolution to grant planning permission has been passed prior to adoption of a draft development plan, but that the development plan is then adopted before the decision is issued, it will generally be appropriate to re-visit the earlier resolution in the light of the newly adopted development plan. As a result, the proposal was returned to Lambeth Council's Planning Committee for re-determination and on 13 October 2015 the Council has endorsed the recommendation to approve the application.

6 The application under consideration is a Section 73 application to an existing planning consent (10/00507/FUL) which was granted permission at Planning Applications Committee in May 2010 for the redevelopment of the site at 142-170 Streatham Hill and 10 Sternhold Avenue, commonly known as the 'Streatham Megabowl' site. The 0.8ha site, which is now vacant following demolition other than a retained historic facade, was most recently used for a mixture of uses including retail, office, a nightclub and a large bowling alley.

7 As part of the Section 73 application, the design of the scheme has been revised and some amendments have been made to the community facility/theatre layout and specification, and Blairderry Road elevations. Sufficient information and drawings have been submitted.

8 At the initial consultation stage (April 2015), Lambeth Council was advised that the application did not comply with the London Plan, for the reasons set out in paragraph 60 of the above-mentioned report; but that the possible remedies set out in that paragraph of the report could address the deficiencies.

9 In response, proposed and additional measures in regard to urban design and landscaping (conditions 3-5, 40 and 41), inclusive design (conditions 14, 17 and 18), sustainability and energy (conditions 10, 35, 42, and 43), and transport (conditions 18, 20-25, and 44) have been secured in the draft decision notice.

Mixed use

10 Whilst the reduced floor space of the theatre/community facility was a concern, the applicant has successfully demonstrated that the reduction will not result in undermining their viability or usefulness and thus the current proposal in the Section 73 will not dilute the mixed use proposals of the original consented scheme. (See the details below).

Theatre space/community infrastructure

11 As part of the current application changes to the theatre and community space secured under the original consented scheme are proposed, including a reduction in the amount of floor space made available. The applicant asserts that the permitted scheme included two elements. The first was a space within Class D1 which could only be reached via the courtyard and accessed by residents. It was envisaged by the previous owners of the site that this may be a creche. However no work was carried out as to how this might be achieved or who would wish to take the space. The second space was a Theatre/Community Space within Class D2. The current applicant argues that how this space might be utilised and whether it would reflect the needs of an end user, or indeed whether there was an end user, had not been explored by the previous applicant.

12 In terms of the reduction in floor space of the theatre, the applicant has suitably demonstrated that the 120 seat capacity space on offer is sufficient to support a functioning professional theatre together with ancillary facilities. The applicant has demonstrated that the offer is substantially improved in comparison to the consented scheme, and this is also supported by The Theatres Trust (The national advisory public body for Theatres). The theatre space is reconfigured to provide a multi-

functional space allowing a flexible layout in terms of stage position, seating layout and wing positions.

13 In addition to the above, the financial contribution towards the fit-out of the space has been substantially improved from £45,000 to £408,000 to allow for an appropriate high-specification fit-out. In the Council's committee report it is noted that alterations have also been made to the S106 to allow the end delivery of the theatre/community facility.

14 As such, the earlier concerns are now addressed and all the offer the applicant has made are secured. Therefore, on balance, the changes to the theatre space are accepted.

Affordable housing

15 In terms of affordable housing, this Section 73 application, which does not benefit from any grant funding, now proposes a total of 15.8% affordable housing when measured on a per unit basis, or 16.9% when measured on a habitable room basis. Whilst it is acknowledged that there is a reduction of four (i.e. 41 instead of 45) in the overall numbers of units, independent consultants have confirmed that this is the maximum amount of affordable housing that the scheme can provide.

Table: Comparison of the affordable housing offer - extant v current application

	1 Bed	2 Bed	3 Bed	4 Bed		1 Bed	2 Bed	3 Bed	4 Bed
Social	10	15	2	3	Social	13	16	8	0
Intermediate	5	1	9	0	Intermediate	4	0	0	0
Affordable Total	15	16	11	3	Affordable Total	17	16	8	0

16 The Council's committee report states that should the current consent not be implemented within one year of the date of the planning decision, the section 106 agreement includes provisions for re-appraising the viability of the scheme. The trigger for such a review would be upon the sale of 70% of the market units. Such s106 provisions would then secure further financial contributions should, at the time of the re-appraisals, it be demonstrated that the development could viably deliver a greater affordable housing offer (up to 40%). Should such a scenario occur the monies would be applied by the Council to the provision of new affordable housing elsewhere in the borough. It is considered this review mechanism will ensure that the affordable housing provision may be optimised, in line with current development plan policies.

17 In light of the above, the current level of provision of affordable housing (15.8% in units or 16.9% in habitable rooms), which has been assessed and confirmed by the independent consultants that it is the maximum amount, is accepted. The agreement reached for a review mechanism at a later stage (if consent not implemented within one year of the date of the planning decision), is welcomed.

Retail

18 With regards to the retail floor space fronting Streatham Hill, it is acknowledged that the overall 1,762sqm reduction in floor space appears significant in comparison to the extant permission. However, the current proposals provide approximately 700sqm of additional retail floor space over what existed on site previously. The number and size of units at ground floor level remains as previously approved and enhances the retail offer in this location. The reduction of space is at basement level. The applicant asserts that the issue with the basement accommodation is the lack of demand for that amount of secondary space. It would deter potential occupiers, in particular independent occupiers, as it adds to their overheads, would not fit with their business models and would most likely only be used as storage areas. As such the value to the occupier of the additional space is limited.

19 The applicant reiterates the argument by stating that the issue with the previously permitted units is that the servicing arrangements are unattractive, due to the long lengths of basement corridor, double lift arrangement and turntable within the service yard. Not only are these arrangements awkward and impractical on a daily basis for retailers, they require ongoing maintenance, management

and would result in an onerous service charge to cover this. The proposals are therefore for the units to be serviced from the street (at ground floor) as per the arrangements which existed for the retail, nightclub and bowling alley, to align with retailer's preference and ensure that the proposals appeal to the widest audience possible and not just those who may have the ability to accommodate greater overheads.

20 As a result, it is considered that there is adequate justification for the changes and that they do not undermine the prospect of this site reintroducing a suitable active edge to this side of Streatham Hill or the potential of the site to improve Streatham's retail offer. In particular the alterations are considered to be acceptable on the basis that the vast bulk of the reduced retail floor space is actually ancillary retail space for servicing and storage at the basement.

21 As such, on balance, the scheme has been tailored to the demand and provides retail floor space at ground floor level to ensure that the scheme positively contributes to Streatham's mix and offer.

Urban design

22 The Council has imposed appropriate conditions that ensure the highest specification of materials and detailing to be used for the final appearance of the scheme within the Conservation Area. As a result, the scheme complies with design policies of the London Plan.

Inclusive design

23 All the residential units are designed to comply with 'lifetime homes' standards and 10% of all the units would be wheelchair accessible. A total of 13 parking bays for wheelchair users will be provided as part of the basement car park. This provision is in line with London Plan standards. These bays will be distributed throughout the car park, close to the access to the building cores. These provisions are secured by conditions. As a result, the scheme complies with policy 7.2 of the London Plan.

Sustainable development/energy

24 The carbon savings of the proposed redevelopment falls short of the updated London Plan requirement (by 9 tonnes). However, considering the relative improvement of energy efficiency of the current scheme compared to the consented proposal, cash in-lieu payment will not be pursued, in this instance. As such, the scheme complies with energy policies of the London Plan.

Transport for London's comments

25 In regard to TfL's Stage 1 comments, adequate clarifications or revisions were made, or suitable conditions or section 106 obligations identified, in order to adequately address those issues. Conditions are proposed in regard to a car park management plan, including electric vehicle charging point provision, a delivery & servicing management plan and construction logistics / management plan. Section 106 obligations are to be secured to enable public realm improvements (a £481,509 sum, or via section 278 agreement) as well as a Controlled Parking Zone review contribution (for local, borough roads) and Car Club spaces (x2) and 2 years membership for residents.

26 A £140,000 sum previously secured towards access improvements to Streatham Hill Railway Station is no longer required, as those works have now been carried out. Whilst the level of car parking has been increased moderately, and cycle parking, though having been raised, does not meet the current London Plan minimum levels, as the proposal relates to a minor amendment of an extant, implemented permission, and as such these deficiencies are not so significant as to warrant the refusal of the development on transport grounds.

27 As such, on balance, and subject to the subsequent satisfactory incorporation of those matters stated to be secured by condition / s106 in the final decision, all matters raised by TfL will have been adequately addressed and the application now accords with London Plan policies 6.3, 6.9, 6.10, 6.12, 6.13 and 6.14.

Response to consultation

28 Three rounds of public consultation have taken place in respect of this application including sending letters to nearly 3,000 local residents and businesses. This was done in conjunction with the erection of site notices within the vicinity of the application site and the publication of newspaper adverts in the Lambeth Weekender and South London Press.

29 The first round of re-consultation was carried out on the basis that the original description of development did not provide a detailed analysis of what the proposed changes to the scheme were. The second round of re-consultation was on the basis that amendments have been made to the proposed theatre and community spaces. This second re-consultation was for a shorter 14 day period given that it was in relation to an amendment to a previously advertised scheme. The public consultation activities incorporated briefings with various community and political stakeholders, publishing a project website and holding a public exhibition. The exhibition was publicised by the delivery of approximately 5,800 newsletters to local residents and businesses.

30 Statutory consultees:

- Environment Agency: No objection.
- Thames Water: No objection.
- English Heritage: No objection.
- English Heritage (Archaeology): No objection subject to suggested (condition 9 is imposed).
- Natural England: No objection.
- Theatres Trust: No objection.

31 Residents: adjoining owners and society groups: A total of 79 objections were received from local residents and interested parties, including Cllr Scott Ainslie and local interest groups - including Streatham Society and Theatre4Streatham.

32 It is also noted that a petition has been signed by over 1,240 people who welcome the creation of a theatre space in Streatham but object to the current proposal as being too small, lacking in adequate backstage facilities and inflexible in layout. The concerns raised are summarised as follows: reduction in retail spaces undermines viability, reduction in theatre and community spaces is an unacceptable watering down of the original consent, the theatre is not fit for purpose and has been designed without input from the end theatre user, lack of storage spaces in the theatre section, reduction in the number of affordable housing units is not acceptable, there is a lack of clarity regarding the type of affordable housing on offer and details of how affordable the designated units will be, detrimental impact on the receipt of light to neighbouring buildings, harmful impact on parking capacity, impact on public transport, developer making an excessive level of profit, the front of the building too tall, impact on the character and appearance of the surrounding conservation area, securing the changes through a variation of condition is unacceptable, the proposed windows to the theatre auditorium renders this unsuitable for professional theatre, the consultation process has been inadequate, the plans were not available to view in the local library as advertised.

33 A total of six letters of support including one from The Theatres Trust were received and in summary they welcome the relocation and reconfiguration of the proposed community and theatre space and that it will be a positive addition to Streatham and that the regeneration of this part of Streatham is much needed.

Representations sent to the Mayor of London

34 In addition to the above representations, the Mayor has received a number of letters and emails. The concerns that were raised are summarised below:

35 Darren Johnson, AM: strongly urged the Mayor to reject this planning application for the following reasons: a) serious concerns about the commercial viability of the significantly reduced theatre space, and b) inadequate provision of affordable/social housing.

36 Former Councillor for Streatham Hill, Jeremy Clyde: wrote to the Mayor on behalf of campaign group Theatre4Streatham asking him to call in for determination an application passed recently for the redevelopment of the Megabowl/Caesars site in Streatham. Theatre4Streatham's campaign for a viable and workable theatre at Streatham Hill has been supported by more than 1,500 people, mainly theatre professionals, many living locally, and including leading stage figures such as actor Simon Callow, director Ed Hall (Hampstead Theatre) and Christine Payne, the General Secretary of Equity. Our concerns are restricted here, partly for reasons of space, to issues concerning the theatre/community facility, although we will touch on some of the other important failings in the scheme. To summarise our reasons (in more detail below) why this decision should not be allowed to stand:

- Withholding of relevant and material considerations from planning committee members,
- Misinformation given to planning committee members,
- Failure to resolve the viability and sustainability issues of the theatre,
- Failure to disclose viability reports in accordance with recent judgments of the Information Tribunal, and
- Unlawful procedure.

37 Over twenty letters and emails were also received from residents and the concerns raised are summarised as: reductions in retail, theatre and community spaces, the theatre is not fit for purpose, reduction in the number of affordable housing units is not acceptable, adverse impact on parking capacity, detrimental impact on public transport, the consultation process is inadequate and the plans presented are flawed.

38 In summary, the concerns which have planning relevance have been considered in this and the earlier GLA reports, as well as the Council's committee report and they have also been addressed and/or resolved through conditions and informatives.

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

39 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

40 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

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

42 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.

43 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

44 Outstanding issues in relation to mixed use, affordable housing, mix of unit sizes, retail, theatre/community infrastructure, amenity space and landscaping, design, inclusive design, energy and transport have been resolved satisfactorily. As such, the proposed redevelopment is supported in terms of good strategic planning in Greater London.

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