

20-24 Pope's Road, Brixton

in the London Borough of Lambeth

Planning application no. 20/01347/FUL

Planning application

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008 ("the Order")

The proposal

Demolition of existing building and erection of part 5, part 9 and part 20-storey building with flexible A1 (shops)/ A3 (restaurants and cafes) / B1 (business) / D1 (non-residential institutions) / D2 (assembly and leisure) uses at basement, ground floor and first floor levels, with restaurant (Class A3) use at eighth floor level and business accommodation (Class B1) at second to nineteenth floor levels, with plant enclosures at roof level and associated cycle parking, servicing and enabling works.

The applicant

The applicant is **AG Hondo Popes Road BV**, and the architect is **Adjaye Associates**.

Recommendation

The Deputy Mayor for Planning, Regeneration and Skills, acting as Local Planning Authority for the purpose of determining this application (20/01347/FUL), refuses planning permission for the following reasons:

1. The proposed twenty storey tower fronting Pope's Road, by virtue of its height, scale and mass, represents an unacceptable form of development which would harm the character and appearance of the area. As such, the proposals would be contrary to the National Planning Policy Framework, London Plan Policies D3 and D9, Lambeth Local Plan Policies Q5, Q7 and Q26 and Site Allocation 16.
2. The proposed twenty storey tower fronting Pope's Road, by virtue of its height, scale and mass would cause harm to the significance and the ability to appreciate the significance of six listed buildings, two registered parks and gardens, the Brixton Conservation Area and four other Conservation Areas through harm to the contribution made to significance by the settings of these designated heritage assets. The public benefits arising from the development would not outweigh the less than substantial harm it would cause. As such, the proposal is contrary to the National Planning Policy Framework, London Plan Policies D9 and HC1 and Lambeth Local Plan Policies Q20, Q21 and Q22.

Introduction

1. Having assumed authority to determine this planning application under his powers in the Mayor of London Order 2008, this report sets out the matters that the Deputy Mayor for Planning, Regeneration and Skills must consider in forming a view over whether to grant or refuse planning permission and to guide his decision making at the upcoming representation hearing.
2. Officers have considered the particular circumstances of this application against national, strategic and local planning policy, relevant supplementary planning guidance and all material planning considerations. They have also had regard to Lambeth Council's planning committee reports, associated addendums, the minutes of the committees, the Stage 1 and 2 GLA reports, and all consultation responses and representations made on the case including the revisions to the scheme. The paragraphs below provide a summary of the key reasons why GLA officers, on balance, consider this application to be unacceptable in planning terms.
3. A summary of the report and recommendation from GLA officers is set out below.

Summary and Officer Recommendation

Current Application Background

Stage 1

4. On 12 May 2020, Lambeth Council notified the Mayor of London that a planning application of potential strategic importance had been submitted.
5. On 6 July 2020 the Deputy Mayor for Planning, Regeneration, and Skills, acting under delegated authority, considered a GLA Planning Stage 1 report with reference GLA/5276/01. This report advised Lambeth Council that while the application was supported in land use terms, it did not fully comply with the London Plan in other respects. Specifically, officers expressed strong support for the principle of providing new employment floorspace, affordable workspace, and flexible commercial uses at this town centre site, acknowledging the potential for the site to support the delivery of economic benefits and wider regeneration objectives within Brixton generally. The principle of a tall building on the site was also considered at this stage, noting that the site is not identified as suitable for tall buildings in the local plan. While officers considered that the site's highly accessible town centre location may provide scope for a tall building, harm to heritage assets was identified; therefore, officers concluded that the scale of the proposal was justified by public benefits and other material considerations. At that stage further work was required before such a planning balance exercise could be undertaken.
6. The application was deferred at Lambeth Council's Planning Applications Committee on 25 August 2020 to allow the applicant to respond to issues raised by Members in relation to land use, design, sustainability, wind microclimate, and daylight/sunlight. On 3 November 2020, Lambeth Council's Planning Applications Committee resolved to grant planning permission for the application in line with officers' recommendation and on 2 December 2020 Lambeth Council advised the Mayor of its decision.

Stage 2

7. On 14 December 2020, the Mayor advised that he was content to allow Lambeth Council to determine the application itself. At this stage, officers maintained strong support for the proposed land uses and accepted the principle of introducing a landmark tall building on this site in strategic planning terms. Officers also considered that amendments made after the proposal was assessed at Stage 1 did not detract from the overall high quality of the architecture.
8. Historic England's objection to the proposal was considered. GLA officers concluded, on the basis of their assessment at that stage, that the scheme would result in less than substantial harm to the Brixton Conservation Area, the Grade II* St Matthews Church, the Brockwell Park Conservation Area and the listed Grade II Park and Gardens and that the less than substantial harm to the heritage assets identified would be outweighed by the public benefits.
9. This decision was subsequently set aside and considered to be of no effect, after it became apparent that the Mayor had not been sent copies of all representations made in respect of the application, thereby rendering Lambeth Council's 2 December 2020 referral invalid.
10. On 16 February 2021, Lambeth Council formally re-referred the application to the Mayor and on 1 March 2021 the Mayor considered a GLA Planning Stage 2 report (reference GLA 6774/S2). The full set of consultation responses was considered but there was no other additional information considered. Within the second Stage 2 report, GLA officers again concluded that the proposal represented 'high quality architecture' and that "the less than substantial harm identified would be outweighed by the significant public benefits that the scheme would provide." While officers did not recommend that the application presented sufficient justification for the Mayor to direct refusal or make himself local planning authority, the Mayor disagreed citing sound planning reasons for his intervention. While acknowledging the potential economic benefits for Brixton locally and London more generally, the Mayor expressed concern that the proposal would introduce a tall building outside of an area designated as appropriate for tall buildings; one which would adversely impact heritage assets and the character of the local area. For these reasons, he concluded, further consideration of the impacts and benefits of the proposal was warranted to determine two things: whether a conflict arises with the London Plan and where the overall planning balance should be struck.
11. As requested, officers have further scrutinised the proposed development by re-visiting the previous assessments, seeking additional expert advice (specifically relating to heritage and design) and the scheme has also been reviewed by a panel of the Mayor's Design Advocates. There has also been further public consultation on the application and revisions made by the applicant to the benefits package in November 2021. In light of this further scrutiny and information, officers have further considered the benefits and impacts of the scheme and the planning balance. For the avoidance of doubt, officers' further consideration of the impacts of the development includes the 'adverse effects on heritage assets', the 'adverse effects on the character of the local area' and the policy on tall buildings.

Postponement of Representation Hearing in June 2022

12. A Representation Hearing was originally scheduled for 10 June 2022. On 31 May, the applicant wrote to the Mayor requesting that he defer the scheduled hearing. On 8 June, the Mayor replied agreeing to postpone the hearing. He specified that this was in order for the applicant to re-engage and consider changes to the scheme, particularly on the basis that significant concerns had been raised by Historic England and others; and that re-engagement should involve the local community as well as GLA officers, Lambeth Council and Historic England.
13. In the 12 months since the hearing was postponed, GLA officers have made repeated attempts to engage pro-actively with the applicant to move the application process forward. Following repeated requests, the applicants produced three high level redevelopment options which were submitted to GLA officers in October 2022. Officers held meetings with the applicant to explain the planning issues preventing a positive recommendation and to discuss how the draft options for a revised scheme could be further progressed. The applicant has not produced any further options to date for discussion with GLA officers, the local community and other stakeholders or submitted any amendments to their scheme. It is notable that no progress towards a revised submission has been made during the first six months of 2023. GLA officers have also encouraged the applicant to re-engage with the local community and Historic England, which has not been done.
14. In light of the lack of any meaningful progress or amendments to the scheme in 2023, the applicant was asked what it currently envisaged as the timetable towards amending the scheme. The timetable provided indicated that the process of informal consultation/ formulating amendments had not begun in earnest, nor did it properly address the engagement of Historic England as an important statutory consultee. This did not provide the necessary reassurance as to timing. Bearing in mind the overall public interest and the fact that a year has already passed without significant progress, officers concluded that the matter should be reported for a decision.

Officer Recommendation summary

15. This application presents competing considerations which have to be balanced. As the Mayor alluded to in his letter of 1 March 2021, it is important to strike an appropriate balance in order to achieve the Good Growth objectives at the heart of the London Plan. This report summarises officers' consideration of these issues and the key reasons why, on balance, GLA officers consider this application to be unacceptable in planning terms.
16. At Stage 1 and 2, officers expressed support for the principle of regenerating this site in Pope's Road, Brixton. Officers remain supportive of the principle of the land use and the objective of regeneration – while mindful of Good Growth principles. The benefits of the proposal have been further considered by GLA officers having regard to a detailed review of the applicant's draft s106 agreement. The proposal, providing 25,435 sq.m. (GIA) of office floorspace in this highly accessible, town centre location would significantly contribute towards the projected need for office space within Brixton, Lambeth, and inner London (outside of the CAZ and NIOD) in accordance with local and strategic development plan policy.

17. The affordable workspace provision is also an important benefit of the scheme and would exceed the minimum policy requirements by proposing 12.5% affordable workspace (assuming NIA floorspace; but 10% using GIA) compared to 10% minimum stated in policy and an increased period up to 2090 compared to the policy standard of 25 years.
18. The proposal would provide approximately 1600 new FTE jobs and additional jobs would be created during the construction phase of the development. The applicant's proposed employment initiatives including the new Brixton job training fund and additional apprenticeship opportunities are also considered a benefit. Whilst there are some concerns about the ground floor layout and the circulation spaces provided throughout the development, subject to certain controls in a s106 agreement, the scheme could contribute to an enhanced retail offer.
19. The proposed employment floorspace, commercial uses and affordable workspace would offer a significant benefit and contribute positively towards employment generation within Brixton Town Centre. As such, in principle the redevelopment is supported, as per the previous advice from officers.
20. The applicant is also proposing a dedicated community space on the first floor which is in line with local and strategic policy aspirations and is considered a benefit which should be given moderate weight in the planning balance. The commitments made in the S106 regarding the funding of a Community Co-ordinator role are to be welcomed.
21. The proposed transport contributions are considered comparable to what would be expected on any such development. The contribution towards Brixton Rail Station improvements is not considered particularly significant in comparison to the wider development costs and it is unclear how and when any improvements would actually come forward in the future. The replacement public toilets proposed are considered to be a limited benefit for the reasons set out further in the report.
22. In terms of Urban Design and Heritage matters, GLA officers have sought expert advice in light of the Mayor's request for further consideration of the impacts of the proposal. These findings are summarised within paragraphs 155-157 of this report and following the greater scrutiny of the impacts, GLA Officers have identified conflicts with the Development Plan in relation to heritage and urban design which need to be considered very carefully against the benefits of the scheme.
23. In relation to heritage, GLA officers have had the opportunity to further consider the impacts arising from the proposal, particularly in light of expert heritage advice received since the Mayoral 'call in'. Additional heritage assets have been considered and the extent of harm within the 'less than substantial' category has now been updated relative to the assessment carried out within the Stage 1 and 2 reports. Historic England remain firmly in objection to the scheme. It is officers' view that the proposal would result in 'less than substantial' harm to six listed buildings, five conservation areas and two registered parks and gardens. Two of those buildings are Grade II* listed. The individual harm to each asset is 'less than substantial' ranging between the lower to moderate levels of harm. That harm should be given very significant weight due to the extent of harm, the number of assets impacted and the high grading and significance of some of those designated assets. In striking the planning balance it is important to have regard to

the statutory protection and the considerable weight that should be given to the preservation of the setting of listed buildings.

24. GLA officers note that there is a mix of views on the design of the proposal, with some strong differing opinions. The applicant, Council, the Stage 1 and 2 reports and two of the four members of the London Review Panel considered that the height, scale and mass of the proposal is acceptable. However, the GLA's commissioned external architect, the Lambeth Design Review Panel and the other two members of the London Review Panel raised concern with the scale, bulk and mass of the building and its impact on the character and appearance of the area.
25. As highlighted previously by GLA officers at Stage 1 and Stage 2, the architectural quality itself and the materials of the proposed building are considered high quality. GLA officers recognise the significant track record of the architects in designing developments that are architecturally of a high quality across the UK and, subject to conditions, the detailing and finish of the proposed building would no doubt be to a high standard.
26. The principle of a landmark building was previously accepted in strategic terms by officers, but a landmark building does not inevitably give rise to the harms assessed as being generated by this proposal and, indeed, harm to the setting of designated heritage assets can act to detract from the overall design quality. Following the Mayoral 'call in', in discussion with the applicant, GLA officers asked the applicant to test a reduction in the height of the proposal. It was apparent, at that time, that the height was driven by the applicant's need for a certain quantum of office space. This 'quantum-led' approach does not align with the London Plan 'plan-led' and 'design-led' approaches as set out in London Plan Objective GG2 and Policy D3 and does not reflect a more 'contextual' approach which is particularly important in this sensitive context where the site is not allocated for a tall building and so contrary to Policy D9(B).
27. Following further advice and consideration, GLA officers consider that the proposed height, scale, and massing of the main tower represents an unacceptable form of development that would harm the character and appearance of the area and, overall, the proposal would not make the positive contribution required for a tall building in this location.
28. In relation to public realm, there are benefits from improvements secured at the Pope's Road frontage. Officers previously noted at Stage 1, that the site layout was well conceived within the constraints; however, as officers have scrutinised the details of the proposal further, clarified ownerships, and received additional advice, there are some concerns that a) the ground floor layout and b) certain elements which remain unsecured could have consequent impacts on the quality and functionality of the building, particularly at ground floor level, and including permeability through the site. These more detailed issues of concern indicate that the constraints (particularly in terms of lack of ownership / agreements with other landowners) could weaken some of the proposed benefits of the scheme, and the deliverability of key aspects in this regard have remained unresolved during the call-in process. Yet overall and on balance, the layout and public realm are considered acceptable subject to necessary controls through the s106 / planning conditions and delivery on site.

29. Having taken the above matters into account and considering the proposal overall, including the benefits it would deliver, on balance, GLA officers consider this application to be unacceptable in planning terms.
30. Accordingly, the proposal is considered contrary to the development plan as a whole and material considerations do not indicate that planning permission should nonetheless be granted. It should be refused for the following reasons:
- I. The proposed twenty storey tower fronting Pope's Road, by virtue of its height, scale and mass, represents an unacceptable form of development which would harm the character and appearance of the area. As such, the proposals would be contrary to the National Planning Policy Framework, London Plan Policies D3 and D9, Lambeth Local Plan Policies Q5, Q7, and Q26 and Site Allocation 16.
 - II. The proposed twenty storey tower fronting Pope's Road, by virtue of its height, scale and mass would cause harm to the significance of, and the ability to appreciate the significance of six listed buildings, two registered parks and gardens, the Brixton Conservation Area and four other Conservation Areas through harm to the contribution made to significance by the settings of these designated heritage assets. The public benefits arising from the development would not outweigh the less than substantial harm it would cause. As such, the proposal is contrary to the National Planning Policy Framework, London Plan Policies D9 and HC1 and Lambeth Local Plan Policies Q20, Q21 and Q22.

Publication protocol

31. This report has been published at least seven days prior to the Representation Hearing, in accordance with the Procedure for Representation Hearings at the Greater London Authority. Where necessary, an addendum to this report will be published on the day of the Representation Hearing. This report, any addendum and the Deputy Mayor's decision on this case will be made available on the GLA website:

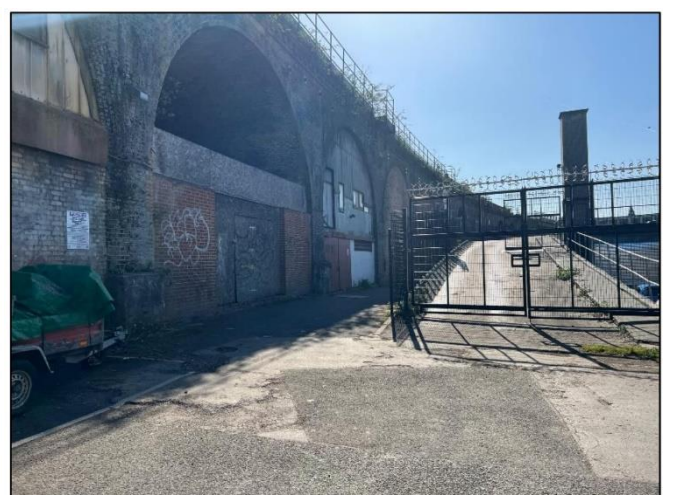
<https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/public-hearings/popess-road-public-hearing>

Site description

32. The 0.25 ha application site fronts onto Pope's Road to the west, backs onto a servicing yard to the east with Valentia Place beyond and is bounded by Victorian railway viaducts to the north and south (as shown below in Figure 3, the application site). The application site is broadly rectangular in shape and reduces in width towards the rear following the curve of the railway lines. The site currently comprises a 1960s single-storey building in use as retail comprising 2,136 sq.m (GIA) of floor area. The site is located within Brixton Town Centre in the London Borough of Lambeth. Figures 1 and 2 show photographs of the application site from the front and rear.



Figures 1a and 1b: Photographs taken from Pope's Road looking towards the front of the application site.



Figures 2a and 2b: Photographs taken from the rear of the site adjacent to Valentia Place

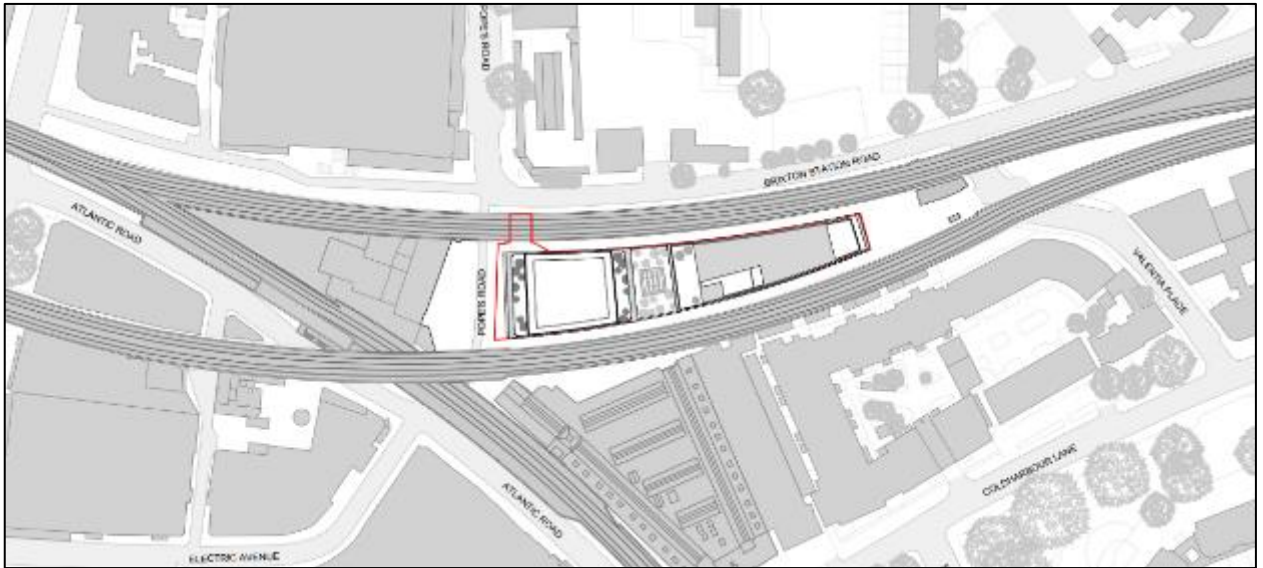


Figure 3: The application site (in red)

33. The application site red line boundary, as shown in Figure 3 above, hugs the north and south flank walls of the development and includes one of the arches within the north-western corner of the site. The majority of the arches along with the alleyways to the north and south of the site between the arches and the application site are not in the applicant's ownership or control. It is also understood that the area between the eastern boundary of the site and Valentia Place is not in the applicant's control. The area to the front of the site on the opposite side of Pope's Road is understood to be in the control of Lambeth Council and subject to appropriate wording in the s106 agreement, the applicant would be able to deliver the proposed public realm works on this land.

Surrounding area

34. The local area is predominantly in retail use with the Brixton Street Markets along Brixton Station Road to the north and Pope's Road and Electric Avenue to the west and south, as well as the Brixton Village, Market Row, and Reliance Arcade indoor markets south and southwest of the site (shown in Figure 4). It is understood from the Council's Planning Committee report that there are 34 market street pitches existing adjacent to the site. There is also a mix of commercial uses, including restaurants and residential to the east and southeast of the site. Currently, the viaduct arches immediately north and south of the site are not accessible from Pope's Road. The viaduct arches to the immediate north are single storey and front Brixton Station Road. There is a service access to the rear of the site and these arches house a variety of uses. The railway arches to the south are two storey and do not have a street frontage and are accessed solely from the Valentia Place service yard. The prevailing heights of surrounding buildings are 2 to 5-storeys to the north, west and south, rising to 8-storeys to the east.

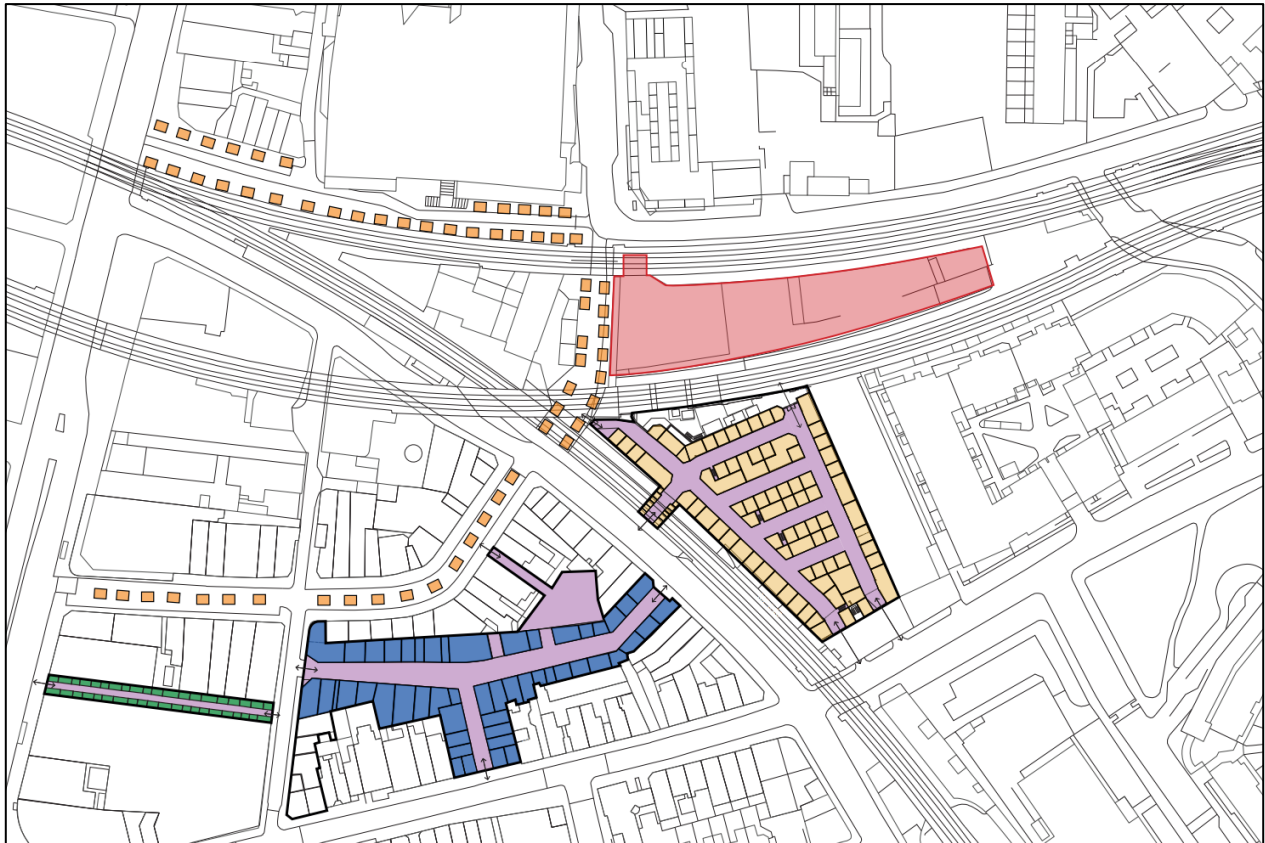


Figure 4 - Application site (in red) and nearby local markets (in colour)

35. The applicant's Design and Access Statement includes the following summary in its description of Brixton's identity: "Brixton has remained a historically rich community that has developed and shifted over recent decades. During the post-war period, the cultural and social landscape of the area shifted as it became a place of settlement welcoming an extensive Afro-Caribbean community and wave of multinational immigration. June 22nd, 2018, marked the 70th anniversary of the arrival of the SS Empire Windrush and a new era of Caribbean settlement in post-war Britain"
36. Brixton has a rich cultural and neighbourhood character and is often described as being diverse, vibrant and lively. It is a place with a busy street life and retail activity is highly visible in the form of markets, small business units and shops, and through the covered markets of Brixton Village, Market Row and Reliance Arcade. Numerous outlets, and small businesses occupy small to medium sized premises, and are characterised by non-standardised, informal street graphics and decorative shopfronts that have been added to and adjusted over many years. Within the immediate vicinity and in the streets, which surround the application site including Electric Avenue, Atlantic Road and Brixton Station Road these qualities predominate.
37. The railway viaducts add further definition, interest and a sense of identity to the neighbourhood. The area around Brixton Road to the west of the site has larger scale commercial units but is still generally low rise and as Brixton Road leads into Brixton Hill, further to the south, there is the Windrush Square and several listed buildings which give the space a civic quality set against open views of the sky.

Policy context

38. The site is in Brixton Town Centre, which is identified as a major town centre in the London Plan. The site is also within a Strategic Area for Regeneration and identified as one of the Mayors' Creative Enterprise Zones. The site forms part of the Site 16 site allocation in the Lambeth Local Plan. This allocation earmarks the site for mixed-use development including retail, new workspace, food and drink, community, educational, leisure, and recreation uses, a possible market extension and associated uses. It further indicates that any development should include revitalised railway arches with options to provide links through to improve north-south connections. The site does not lie within any strategic views as identified within the Mayor's London View Management Framework SPG nor is it located within an archaeological priority area. The site is within an Air Quality Management Area (AQMA).

Heritage context

39. The application site itself is not within a conservation area. The area on the opposite side of Pope's Road, currently occupied by a public toilet block, is located within the Brixton Conservation Area. Although the demolition of the toilet block and replacement public realm forms part of the proposed development, it is outside the red line boundary. The application site abuts the Brixton Conservation Area to the west and south and the Loughborough Park Conservation Area to the southeast and sits within a distinct heritage context (see Figure 5 with heritage assets numbered). There are numerous listed buildings and structures within the vicinity of the site, including the Grade II Listed Former St John School (8), Brixton Recreational Centre (9), Platform Piece (10), Brixton Lodge (11), Reliance Arcade (12), Market Row (13), Brixton Village (14), Brixton Fire Station (15), Ritzy Cinema (21), Lambeth Town Hall (24), Mausoleum of Richard Budd (26), and Church of St Matthew (29).

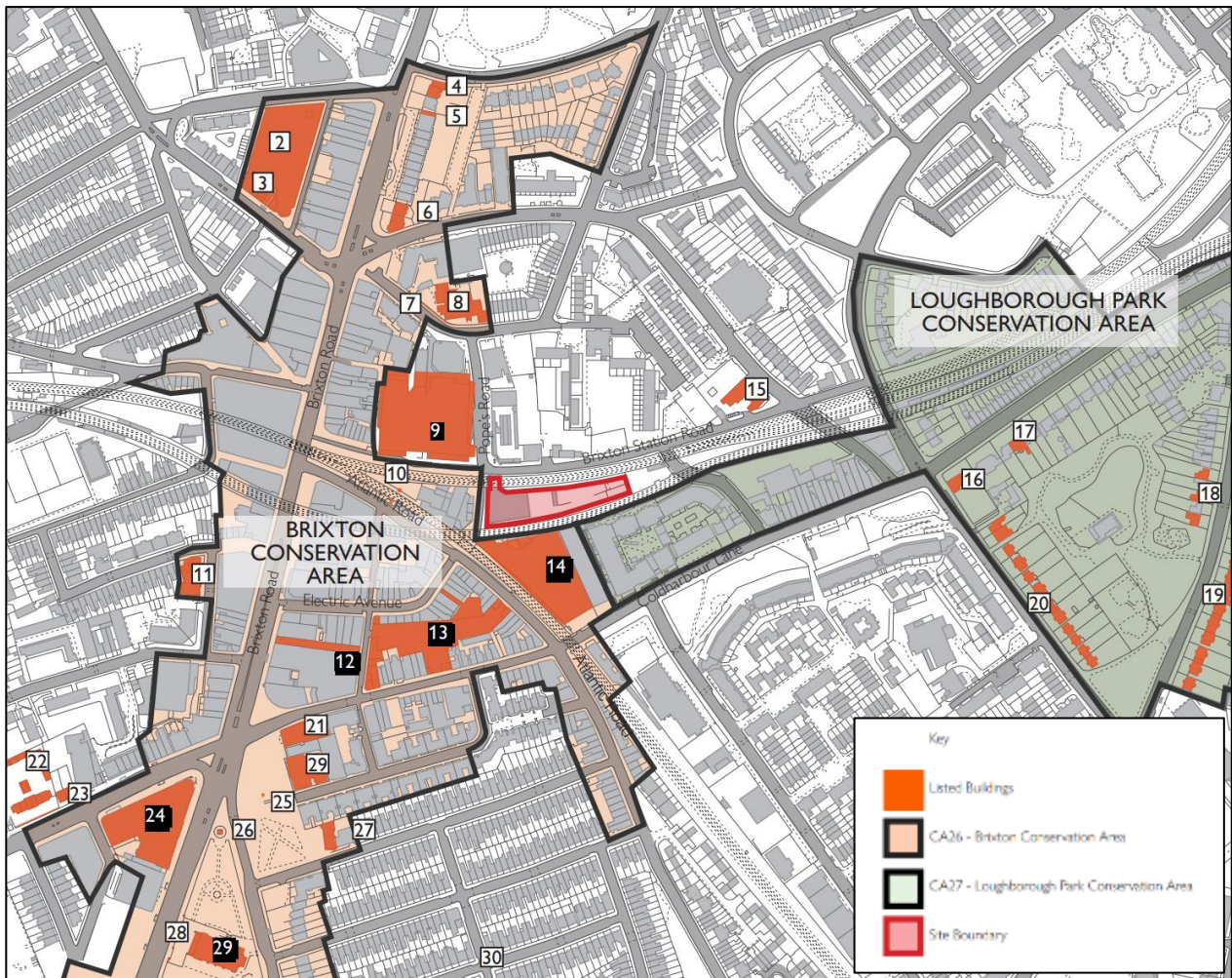


Figure 5 - Application site (in red) and heritage context with heritage assets numbered

Transport context

40. The site has a Public Transport Accessibility Level (PTAL) of 6b on a scale of 0-6b where 6b is the highest. The site is adjacent to Brixton Station (Southeastern Railway) and approximately 200 metres from Brixton Underground Station (Victoria Line). Loughborough Junction (Thameslink) is also approximately one kilometre away. The area is served by several 24-hour bus routes with stops along Brixton Road (outside Brixton tube station and at the end of Electric Avenue) and along Atlantic Road. A cycle path runs through Brixton Road with cycle hire docking stations located at St John's Crescent, Ferndale Road, and Saltoun Road. The closest section of the Transport for London Road Network (TLRN) is the A24 Brixton Road.

Details of the proposal

41. The applicant is proposing to develop a part-5, part-9 and part-20 storey building, which would provide 28,868 sq.m. of internal floorspace as set out in Table 1 below:

| Uses | Proposed floorspace (GIA) |
|---------------------|---------------------------|
| Retail / Restaurant | 3,212 sq.m. |
| Community Use | 221 sq.m. |
| Office | 25,435 sq.m. |
| Total | 28,868 sq.m. |

Table 1 - Proposed uses and corresponding floorspace

42. The proposed building would be arranged in two parts with a central break in the building. The western part would comprise a 20-storey tall building (Western Block) with plant above fronting Pope's Road and the eastern part (Eastern Block) would be 9-storeys tall located to the rear of the site. The eastern and western blocks are connected by a central 5 storey element which also serves as a lightwell to the lower-level commercial uses and the second and third floor office levels. A roof garden is also provided above the interconnecting element which is accessed by the office space. Retail, café, and community uses are proposed at ground and first floor levels. A restaurant is proposed at the eighth floor within the eastern block, and the office use (including 2,546 sq.m. GIA of affordable workspace) would be on the second to nineteenth floors as shown below in Figure 6.



Figure 6 – Cross-section showing proposed uses by floor (Blue: office space, Red: internal retail/market and community space; Yellow: restaurant, Grey: plant, servicing and basement) [Image from DAS addendum July 2020].

43. The building would have two basement floors, which would contain the plant, electrical and mechanical equipment for both blocks as well as facilities for building users. The existing public toilets, which are currently housed in a standalone building opposite the site to the west, would be demolished (subject to s106 agreement) and re-provided internally within the proposed development on the

western part of the upper basement floor, accessible from the ground floor via a lift and a stairway. Cycle storage, lockers, and showers for office users would be in the eastern part of the upper basement, accessible via a lift and stairway from the ground level. This area would also connect to the lifts serving the office floors.

44. The scheme would be car-free and provide 352 cycle parking spaces, including 322 long-stay and 30 short-stay spaces. Pedestrian access would be via Pope's Road and vehicular access would be via the service yard on Valentia Place. The pedestrian access would open into the market space and be publicly accessible during opening hours. Office access would be via lobbies in the market space along with the direct access to Pope's Road.

45. On 30 September 2020 new information and updated plans were received by Lambeth Council. Specifically, the amendments were:

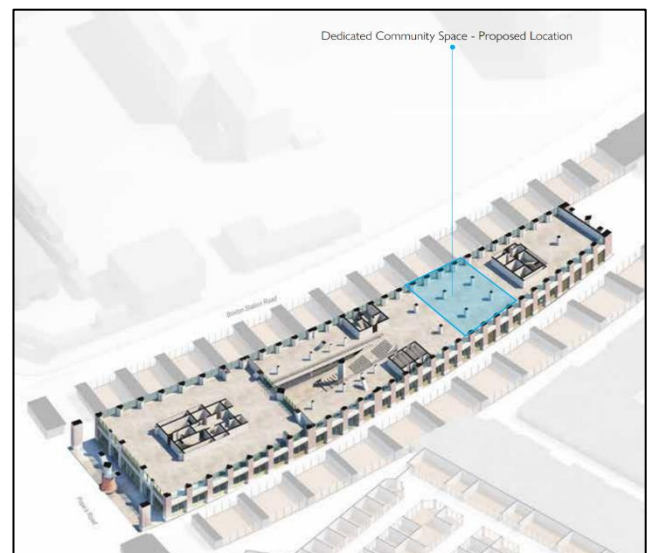
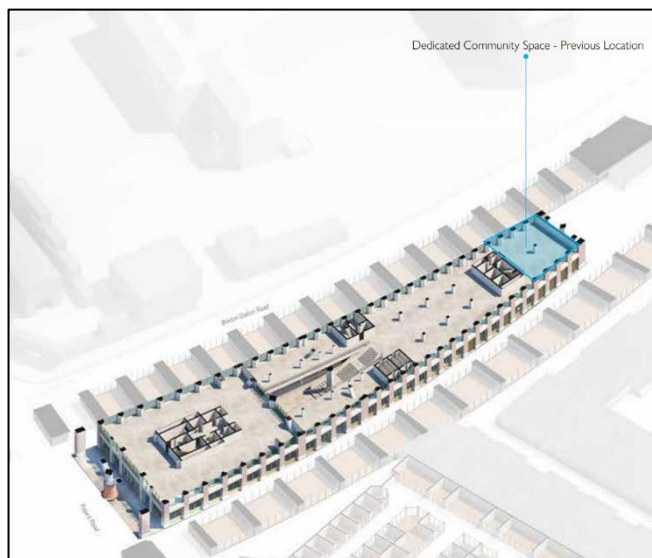
- Raising the structural cross bracing at ground level to enable the creation of a central feature seat adjacent to the new building entrance (Figures 7a-b)
- Lightening the colour of the concrete elements on the façade (Figures 7a-b)
- Reducing the breadth of the horizontal feature beam at the top of the building on the west and east elevations (Figures 8a-b)
- Adding additional horizontal bands to each of the upper-level terraces (Figures 8a-b)
- Confirming the proposed brickwork
- Remodelling the interior of the building to locate the dedicated community floorspace in a more prominent and accessible location on the first floor (Figures 9a-b).



Figures 7a and 7b – Originally proposed (left) and currently proposed (right) structural cross bracing [Image from DAS addendum September 2020].



Figures 8a and 8b – Originally proposed (left) and currently proposed (right) beams and bands at the building's top



Figures 9a and 9b – Originally proposed (left) and currently proposed (right) location for the dedicated community space at first floor level.

46. The revised proposal was further supported by a public benefits package. The benefits put forward by the applicant are summarised below:

- Provision of a minimum of 2,400 sq.m. (NIA) affordable workspace to be provided at a discount of 50% on market rates to eligible businesses.
- Employment and training contributions to provide an ongoing financial benefit to local employment and training initiatives in Lambeth. This would include a £150,000 upfront contribution payment following the commencement of the development and then an annual index linked payment of £75,000 for 25 years following the occupation of the development.

- Employment and skills plan for both the construction phase and first two years of the end use phase, including a commitment to use reasonable endeavours to achieve targets for local labour.
- Public Realm Design Scheme comprising a new public square to the site's frontage and removal of the existing toilet block. A commitment to retain if possible and reconfigure the existing market pitches although no commitment that this would be a like for like replacement. This matter is discussed further below within the land use and design section.
- Public Art Strategy for the delivery of on-site public art at a cost of not less than £80,000 or, if on-site provision is not feasible, a payment in lieu of £80,000 towards off-site public art.
- Community Use Strategy and Management Plan for the D1 floorspace and publicly accessible spaces in the development to include: local community access to on-site facilities in perpetuity, appointment of a Local Community Partner Lead within the Council, establishment of a community use steering group for a period of five years, frequent communications and publicity of opportunities available to the local community within the development, meanwhile/pop-up strategy to provide that vacant flexible/retail units are readily available for short periods to local businesses and charities, community access to free or discounted meeting rooms and spaces, dedicated community space and programming for the local community, and social value monitoring to be published annually.

47. The applicant's public benefits package was further revised on 24 November 2021, subsequent to the Mayor's direction under Article 7 of the Town and Country Planning (Mayor of London) Order 2008 that he will act as the Local Planning Authority. Those revisions were as follows:

- Increasing the term of the Affordable Workspace to 2090 to match the term of the applicant's lease. A period of 25 years was originally provided, and this is now extended to 68 years.
- A new Brixton job training fund of £40,000 per annum for a period of 25 years to be applied towards employment and skills initiatives in the Coldharbour Ward and surrounding area targeting the improvement of employment prospects for local BAME youth.
- In addition to the apprenticeships already provided, the applicant would provide an additional 50% funding for apprenticeship opportunities during the occupation phase.

48. In addition, the Applicant formally submitted a Whole Life Cycle Assessment (December 2021), Whole Life Cycle Spreadsheet (December 2022), Circular Economy Statement (December 2021), Fire Statement (December 2021), Air Quality Compliance Statement (undated), Urban Greening Statement (January 2022), Addendum Energy Statement (December 2021), Be Seen and Metering Strategy (December 2021) and Be Green Spreadsheet (January 2022).

49. There have been no further amendments to the application since the above were received.

Relevant planning history

50. The site's planning history dates back to 1989, for the change of use from retail to use as a retail shop, commercial art gallery, with arts and crafts stalls, shop and ancillary facilities, and a jazz centre with recording studios, restaurant, and ancillary facilities, together with elevational alterations. The application was approved but not implemented.
51. Then in 2017, another change of use application was approved and not implemented. This time for temporary change of use of the upper and lower roofs for a period of up to three years. The upper roof to be used as a rooftop food market involving the erection of timber framed food huts, provision of a bar, toilets, and associated structures. The lower roof to be used for an office, staff cycle storage, waste/recycling and other storage facilities with associated fencing.
52. With reference to the current application, an Environmental Impact Assessment (EIA) Screening Opinion request was considered by Lambeth Council, where an EIA was determined not to be required on 27 January 2020.

Current Application Background

Stage 1:

53. On 12 May 2020, Lambeth Council notified the Mayor of London that a planning application of potential strategic importance had been submitted, referring it under Categories 1B and 1C of the Schedule to the Order:
- 1B(c) – “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 floorspace of more than 15,000 square metres.”
 - 1C(c) “Development which comprises or includes the erection of a building that is more than 30 metres high and is outside the City of London.”
54. On 6 July 2020 the Deputy Mayor for Planning, Regeneration, and skills, acting under delegated authority, considered a GLA planning Stage 1 report with reference GLA/5276/01. This report advised Lambeth Council that while the scheme was supported in land use terms, the application as a whole did not comply with the London Plan.
55. The application was deferred at Lambeth Council's Planning Applications Committee on 25 August 2020 to allow the applicant to respond to issues raised by Members in relation to land use, design, sustainability, wind microclimate, and daylight/sunlight.
56. A summary of GLA officers' advice within the Stage 1 report is below.

57. In terms of land use principles, GLA officers recognised the potential for growth in Brixton town centre's office provision as well as the potential commercial intensification of the site to contribute towards significant economic benefits for the local economy and wider regeneration objectives. For this reason, the principle of an office-led development was supported and the intention to deliver affordable workspace as part of the proposal was strongly supported. That notwithstanding, officers reiterated advice from pre-application discussions, that a wider range of workspace typologies ought to be investigated to ensure that the development would successfully respond to the local economy and context. As is stated in paragraph 15 of the report, "further consideration should also be given to the capacity for the development to provide a broader scope of compatible workspaces typologies, beyond office, such as studios or maker spaces, having regard for the site's location within a strategic area for regeneration and a CEZ."
58. While officers welcomed the proposal to augment the local market offer, they queried whether the proposed retail provision would successfully integrate into Brixton's existing market context. For this reason, the retail offer was broadly supported with the caveats that a minimum quantum should be secured at ground floor level and details on the management, servicing, storage, and access arrangements should be provided for further scrutiny. As stated in the report, "the applicant should demonstrate that the proposals would contribute to the diversity of the retail offer and not add to existing servicing issues with regard to storage and refuse."
59. The principle of providing leisure and community uses within the development was considered wholly appropriate at this stage; however, officers expressed concern about the design of the ground and first floor publicly accessible spaces. As is stated in paragraph 21 of the report: "whilst this space would provide some public benefit, it is constrained and compromised by its dual function as circulation space and provides no views out of the building departing." Consequently, the applicant was strongly encouraged to provide additional public space within the building. The principle of an improvement to the quality and quantity of public toilet facilities was strongly supported.
60. In terms of urban design, it was acknowledged that the site is a constrained plot, bounded by railway viaducts. Officers acknowledged the site's potential to improve permeability and stitch together wider town centre public realm improvements.
61. While the site layout was generally supported, officers sought clarity on the applicant's efforts to deliver a north-south route through the site, particularly the link with Brixton Village to the south. Improvements to the ground floor layout were suggested, including rationalising the configuration to provide more active frontages and/or larger entrances to the building. Improvements to the interface between the building and the arches alongside were also suggested at this stage. As stated in paragraph 27 "the long narrow stretches may create an environment for anti-social behaviour at night and measures should be in place to safeguard against this."
62. The proposal to remove the toilet block to create an unobstructed area of public realm opposite the building on Popes Road was supported as it would represent, "a significant improvement to the pedestrian environment at ground floor level." The applicant was advised that "accessibility for a range of users, including disabled

people, opening hours and signage for the toilets should be considered and details submitted to ensure the facility continues to be accessible and perceptible from the public realm.”

63. The proposal was also assessed against the tall building policies of the 2016 London Plan as the development plan in force at the time and the 2019 London Plan, intend to publish version, as a material consideration. Paragraph 32 of the report notes that per policy it fell “to officers to consider whether there might be material considerations that could justify a tall building.” To this end, officers considered the site’s strategic policy designations and transport accessibility level, as well as the impacts and benefits of the proposal to assess the suitability of a tall building in this location.
64. In this assessment officers noted that the forthcoming London Plan directs that the locations of tall buildings be plan-led and that “the Lambeth Local Plan identifies the application site within an area that is sensitive to tall buildings and where the local authority would support low-rise buildings in response to this context, as set out in the site allocation. Therefore, whilst there are various characteristics of this site that offer the potential to support a tall building (including the town centre location and high level of public transport accessibility), this is a location that the local plan envisages as sensitive to tall buildings.” That notwithstanding, officers continued in paragraph 33 to state that “the development would make a positive contribution in immediate views, through the replacement of the existing poor-quality building, and to the local townscape and skyline, through the development of a landmark building of high architectural quality” and concluded in paragraph 39 that the proposed height could be supported subject to the resolution of outstanding design matters and an assessment of heritage impacts.
65. At this stage, officers also considered the heritage impacts of the proposal. In paragraphs 45 and 46 officers acknowledged that the development would give rise to some harm to the significance of the Brixton Conservation Area, Brockwell Park Conservation Area, Grade II Listed Brockwell Park and Gardens, and Grade II* Listed St Matthews Church. In paragraph 48 officers evaluated the degree of that harm as being less than substantial. An assessment of heritage balance under the NPPF was not undertaken at that stage.
66. In terms of climate change policies, the applicant was required to reinvestigate the inclusion of renewable technologies as it was acknowledged that the carbon dioxide savings in the proposal fell short of the on-site target. The proposal was not considered to comply with surface water drainage policies as it did not give appropriate regard to the drainage hierarchy and greenfield runoff rate; however, it was regarded to generally comply with water infrastructure policy. The applicant was also instructed in paragraph 59 to calculate and provide the Urban Greening Factor (UGF) score for the proposed development and meet the minimum specified target of 0.3.
67. At that stage, the trip generation data indicated that there would be a significant impact on local bus services and that a £1.125 million contribution towards the provision of additional bus services was necessary to accommodate the extra demand. £220,000 was also deemed necessary to fund a cycle hire docking station. A £15,000 contribution towards wayfinding was also noted. While the car-

free nature of the development was supported, an under-provision of Blue Badge was noted and the inclusion of EVCPs was required.

Stage 2:

68. On 3 November 2020, Lambeth Council's Planning Applications Committee resolved to grant planning permission for the application, in line with officers' recommendation and on 2 December 2020 it advised the Mayor of its decision.
69. On 14 December 2020, the Mayor advised that he was content to allow Lambeth Council to determine the application itself; however, the decision was subsequently set aside and considered to be of no effect after it became apparent that the Mayor had not been sent copies of all representations made in respect of the application, thereby rendering Lambeth Council's referral on 2 December 2020 invalid.
70. In the officers' report, the proposed workspace was strongly supported, with the flexible workspaces considered appropriate as they would accommodate micro, small, and medium sized firms and the workspace strategy would support Brixton status as a Creative Enterprise Zone by tailoring the provision to support Brixton's local economy including start-up, incubator, and grow-on spaces for creative and digital industries was to be secured in the s106 agreement. Additionally, a minimum 12.5% affordable workspace (based on NIA) provision to be provided at 50 percent market rates for a 25-year period was agreed. The proposed community floorspace was also strongly supported, subject to a Community and Commercial Use Strategy which sets out how the space would be managed and curated being secured.
71. In terms of design and heritage matters, officers considered the principle of a tall building in this location and as is noted in paragraph 15, the introduction of a landmark tall building on this site was supported. This support in strategic planning terms was subject to officers' heritage impact assessment which, in paragraph 19, concluded that the "less than substantial harm identified would be outweighed by the significant public benefits that the scheme would provide."
72. In addition to the above, officers were satisfied that the additional information provided, 240 sq.m. of roof space on the eastern block identified for the installation of photovoltaic panels, and carbon offset contribution secured in the s106 satisfactorily addressed outstanding climate change matters (referred to as 'environment' matters in this report). At this stage, officers accepted that urban greening measures had been maximized; however, it was asked whether the proposal would achieve the 0.3 UGF target.
73. With regards to transport matters, a £450,000 contribution towards bus service capacity and £220,000 for a new cycle hire docking station was accepted following discussion with the applicant on trip generation and transport impact. Similarly, public realm works on Popes Road with a value of c. £1.5m, £300,000 for wider pedestrian improvements in the town centre, £15,000 for Legible London Signage and £300,000 towards accessibility improvements at Brixton National Rail station are noted in paragraph 26 as having been secured. The provision of two Blue Badge spaces with EVCPs and additional visitor/interchange cycle parking is also noted as being provided.

74. On 16 February 2021, Lambeth Council formally re-referred the application to the Mayor and on 1 March 2021 the Mayor considered a GLA planning Stage 2 report (reference GLA 6774/S2). The report concluded, at paragraphs 110 to 112 that:

“Whilst the principle of an office-led redevelopment, providing significant new employment floorspace, affordable workspace and flexible commercial and community spaces within a town centre and strategic area for regeneration is supported, the development would result in the introduction of a tall building outside of an area designated for a tall building.

This conflicts with Policy 7.7 of the London Plan and Policy D9 of the Publish London Plan in principle and would result in some adverse effects on heritage assets (including St. Matthews Church, 31-43 Electric Avenue, Brockwell Park and Brockwell Park Conservation Area) as well as adverse effects on the character of the local area. As such, the proposed development would be contrary to London Plan policies 7.7 and 7.8 and Publication London Plan policies D9 and HC1.

Notwithstanding this, it is considered that the proposed development overall delivers significant benefits and furthers the objectives of the London Plan and Publication London Plan. In particular, as noted at stage 1, the site is located in a highly accessible location in the centre of a major town centre, would make a positive contribution in immediate views, through the replacement of the existing poor-quality building and the enhancement of the public realm, and to the local townscape and skyline, through the development of a landmark building of high architectural quality. Furthermore, the development incorporates a series of publicly accessible spaces and facilities within the across the ground and first floors in the form of community gathering and event spaces. Moreover, the development would make a significant contribution to the regeneration Brixton as a major town centre, through enhancement to the environment and the offer of the centre as a commercial location, supporting the delivery of significant economic benefits to the local economy and wider regeneration objectives. As such it is considered that the proposal accords with London Plan policies 2.15, 3.16, 4.1, 4.2, 4.7, 4.8, 4.12, 7.1, 7.4, 7.5 and 7.6 and Publication London Plan SD6, SD7, D1, D2, D3, D4, D5, D8, S1, E1, E2, E3, E9 and HC5.

Accordingly, notwithstanding the fact that some policy conflicts remain, it is considered that, overall and on balance, the development proposal is not one which is contrary to the London Plan or Publication London Plan when considered as a whole, nor is the proposed development prejudicial to Spatial Development Strategy implementation. The strategic issues raised at consultation stage with respect to principle of development, urban design, heritage, climate change and transport have been addressed and the proposal is not considered contrary to good strategic planning in Greater London. GLA officers have concluded that the redevelopment of the site for an office-led mixed use regenerative development, as proposed, should be supported in strategic planning terms and as such there are no reasons for the Mayor to intervene in this case either by directing refusal of planning permission or by making himself local planning authority in respect of the application. Accordingly, it is recommended that Lambeth Council be allowed

to determine the application itself, subject to any action that the Secretary of State may take.”

Stage 3:

75. On 1 March 2021, the Mayor, against the officer’s recommendation within the stage 2 report, and having regard to all material considerations, sent a letter to Lambeth Council directing that he would act as Local Planning Authority for the purposes of determining the planning application. The Mayor stated in his letter that:

“In my view, the proposed office-led redevelopment of the site within a town centre and strategic area for regeneration (in line with London Plan policies 2.15, 4.1 and 4.2 and policies E1, E2, E3, HC5, SD6 and SD7 of the Publication London Plan) is of such a nature and scale that would have a significant impact on the implementation of the spatial development strategy.

The provision of high-quality office floorspace in this location would complement and expand the existing town centre offer and as such support London’s status, function and sustainability as a World City with polycentric growth and employment opportunities. The office floorspace and affordable workspace proposed, together with the creation of jobs, would contribute materially towards the strategic employment function of London as a whole. In this respect, I consider the development would therefore have significant effects on more than one London Borough and as such this test is met.

The development however would result in the introduction of a tall building outside of an area designated for a tall building which would have some adverse effects on heritage assets (including St. Matthews Church, 31-43 Electric Avenue, Brockwell Park and Brockwell Park Conservation Area) as well as adverse effects on the character of the local area. As such, the proposed development would be contrary to London Plan policies 7.7 and 7.8 and Publication London Plan policies D9 and HC1. This is particularly relevant in the context of the imminent publication of my new London Plan and its policy on tall buildings, including the Direction from the Secretary of State in that respect. Notwithstanding the overall conclusion of GLA officers, I have concluded that further consideration should be given to these impacts, alongside the benefits of the scheme, to determine whether a conflict with the London Plan (current and new) arises and where the overall planning balance should be struck. Given that Lambeth Council has resolved to grant planning permission, I am satisfied that the need for these matters to be considered further generates sound planning reasons for me to exercise my powers to intervene and to become the planning authority responsible.”

76. As set out above, the Mayor decided to call in the application for his own determination. In doing so, the Mayor requested that GLA officers give further consideration to the impacts of the development specifically relating to the ‘adverse effects on heritage assets’, the ‘adverse effects on the character of the local area’ and the policy on tall buildings following the relevant Direction from the Secretary of State. The Mayor requested officers to consider any such impacts against the benefits of the scheme and form a conclusion on the overall planning balance.

Since the Mayor 'called in' this planning application, GLA officers have considered the proposals and sought further advice on urban design and heritage matters.

77. With reference to urban design, tall building policy and the character of the area, officers sought further advice from an external architect (Adams & Sutherland) along with a Panel of the Mayor's Design Advocates (MDAs). All advice received is summarised at paragraphs 148 to 149 of this report.
78. In relation to the Mayor's instruction to further examine the proposal's adverse effects on heritage assets, an external heritage specialist (Barker-Mills Conservation consultancy) was engaged to review the proposal and provide advice. The heritage consultant undertook a site visit and issued written advice to the GLA in May 2022. This advice is summarised at paragraph 150 of this report.
79. In addition, the benefits of the proposal have been further considered having particular regard to a detailed review of the s106 agreement. This has been considered in the land use and planning balance sections of this report.

Postponement of Representation Hearing in June 2022:

80. A Representation Hearing was originally scheduled for 10 June 2022. On 31 May, the applicant wrote to the Mayor requesting that he defer the scheduled hearing. On 8 June, the Mayor replied agreeing to postpone the hearing. He specified that this was in order for the applicant to re-engage and consider changes to the scheme, particularly on the basis that significant concerns had been raised by Historic England and others; and that re-engagement should involve the local community as well as GLA officers, Lambeth Council, and Historic England.
81. In the 12 months since the hearing was postponed, GLA officers have made repeated attempts to engage pro-actively with the applicant to move the application process forward. Following repeated requests, the applicants produced 3 high level redevelopment options submitted to GLA officers in October 2022. Officers held meetings with the applicant to explain the planning issues preventing a positive recommendation and to discuss how draft options for a revised scheme could be further progressed. The applicant has not produced any further options to date for discussion with GLA officers, the local community and other stakeholders or submitted any amendments to their scheme. It is notable that no progress towards a revised submission has been made during the first six months of 2023. GLA officers have also encouraged the applicant to re-engage with the local community and Historic England, which has not been done.
82. In light of the lack of any meaningful progress or amendments to the scheme in 2023, the applicant was asked what it currently envisaged as the timetable towards amending the scheme. The timetable provided indicated that the process of informal consultation/ formulating amendments had not begun in earnest, nor did it properly address the engagement of Historic England as an important statutory consultee. This did not provide the necessary reassurance as to timing. Bearing in mind the overall public interest and the fact that a year has already passed without significant progress, officers concluded that the matter should be reported for a decision.

Site Visit:

83. Prior to the Representation Hearing the Deputy Mayor for Planning, Regeneration and Skills will undertake a site visit in accordance with the Greater London Authority's published Procedure for Representation Hearings.

Relevant legislation, policies, and guidance

84. This application for planning permission must be determined by the Mayor in accordance with the requirement of Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 which confirms that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the area comprises the London Plan 2021 and the Lambeth Local Plan 2021. 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, it sets out the relevant statutory duty (in section 66), that "in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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".
85. With reference to conservation areas, Section 69(1) of the Act gives a statutory definition as "an area of special architectural or historical interest, the character or appearance of which it is desirable to preserve or enhance". Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that where buildings and land are located within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. There is no statutory duty relating to the setting of conservation areas within the Planning Act. In addition, there is no statutory duty relating to the special historic interest or setting of registered parks and gardens within the Planning Act. However, the National Planning Policy Framework does require decision makers to have regard to the significance of conservation areas and the contribution made by the setting to that significance, as a designated heritage asset, as part of its conservation.
86. The Mayor is also required to have regard to supplementary planning documents and emerging policy (considering the stage of the process which it has reached). These are not part of the development plan for the purpose of s.38(6) of the Planning and Compulsory Purchase Act 2004. National planning policy and guidance is also a material consideration as discussed below.

Updates

87. New and updated national and strategic planning policy and guidance came into effect following the application's consideration by Lambeth's Planning Committee and/or the Mayor's decision to call-in the application. The policy and guidance which have been updated are summarised below:

National policy and guidance

- National Planning Policy Framework (NPPF, July 2021)
- National Planning Practice Guidance (NPPG)
- National Model Design Code (June 2021)
- Historic England: Tall Buildings 2nd edition (March 2022)
- BRE: Site Layout Planning for Daylight and Sunlight – a guide to good practice (revised June 2022)

London Plan Guidance

- Be Seen Energy Monitoring LPG (September 2021)
- Public London Charter LPG (October 2021)
- Air Quality Positive LPG (March 2021)
- Urban Greening Factor LPG (September 2021)
- Sustainable Transport, Walking, and Cycling LPG (September 2021)
- Air Quality Neutral LPG (November 2021)
- Fire Safety LPG (February 2022)
- Characterisation and Growth Strategy LPG (February 2022)
- Optimising Site Capacity: design-led approach LPG (February 2022)
- GLA Energy Assessment Guidance 2022

Lambeth Local Plan and Supplementary Planning Guidance

- Lambeth Local Plan (September 2021)
- Lambeth Local Plan erratum notice (October 2021)
- Revised Affordable Workspace SPD (February 2022)

88. The relevant planning policies and guidance at the national, regional, and local levels are noted in the following paragraphs.

National planning policy and guidance

89. The National Planning Policy Framework (NPPF) provides the Government's overarching planning policy framework. First published in 2012, the Government published revisions in July 2018, February 2019, June 2019, and July 2021. The NPPF defines three dimensions to sustainable development: an economic role –

contributing to building a strong, responsive, and competitive economy; a social role - supporting strong, vibrant and healthy communities; and an environmental role - contributing to protecting and enhancing the natural, built and historic environment. The sections of the NPPF which are most relevant to this Application include:

- 2. Achieving sustainable development
- 4. Decision-making
- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centres
- 8. Promoting healthy and safe communities
- 7. Ensuring the vitality of town centres
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding, and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

90. A key component of the NPPF is the presumption in favour of sustainable development. In terms of decision making, this means approving applications that accord with the development plan without delay; or, where there are no relevant development plan policies, or where such policies are out-of-date, granting permission unless either: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or where NPPF policies that protect areas or assets of particular importance provide a clear reason for refusing a proposed development.

91. The National Planning Practice Guidance (NPPG), National Design Guide, and National Model Design Code are also material considerations.

92. The National Planning Practice Guidance is a suite of guidance documents originally published in 2016 and most recently updated in April 2022.

93. The National Design Guide, published in 2019 and revised January 2021, addresses the question of how we recognise well designed places by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics. These characteristics are context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources, and lifespan.

94. The National Model Design Code, published June 2021, sets out clear design parameters to help local authorities and communities decide what good quality design looks like in their area. It expands upon the ten characteristics of good design, which reflect the government's priorities and provides a common overarching framework for design.

Strategic planning policy and guidance

95. The London Plan 2021 is the Spatial Development Strategy for Greater London. The relevant policies and objectives within the London Plan are:

- Objective GG1 Building strong and inclusive communities
- Objective GG2 Making the best use of land
- Objective GG3 Creating a healthy city
- Objective GG4 Delivering the homes Londoners need
- Objective GG5 Growing a good economy
- Objective GG6 Increasing efficiency and resilience
- Policy SD6 Town centres and high streets
- Policy SD7 Town centres: development principles and Development Plan Documents
- Policy SD8 Town centre network
- Policy SD9 Town centres: Local partnerships and implementation
- Policy SD10 Strategic and local regeneration
- Policy D1 London's form, character, and capacity for growth
- Policy D2 Infrastructure requirements for sustainable densities
- Policy D3 Optimising site density through the design-led approach
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D8 Public realm
- Policy D9 Tall buildings
- Policy D11 Safety, security, and resilience to emergency
- Policy D12 Fire safety
- Policy D13 Agent of Change

- Policy D14 Noise
- Policy S1 Developing London's social infrastructure
- Policy S6 Public toilets
- Policy E1 Offices
- Policy E2 Providing suitable business space
- Policy E3 Affordable workspace
- Policy E8 Sector growth opportunities and clusters
- Policy E9 Retail, markets, and hot food takeaways
- Policy E11 Skills and opportunities for all
- Policy HC1 Heritage conservation and growth
- Policy HC3 Strategic and local views
- Policy HC5 Supporting London's culture and creative industries
- Policy G1 Green infrastructure
- Policy G5 Urban greening
- Policy SI 1 Improving air quality
- Policy SI 2 Minimising greenhouse gas emissions
- Policy SI 3 Energy infrastructure
- Policy SI 4 Managing heat risk
- Policy SI 5 Water infrastructure
- Policy SI 6 Digital connectivity infrastructure
- Policy SI 7 Reducing waste and supporting the circular economy
- Policy SI 12 Flood risk management
- Policy SI 13 Sustainable drainage
- Policy T1 Strategic approach to transport
- Policy T2 Healthy Streets
- Policy T3 Transport capacity, connectivity, and safeguarding
- Policy T4 Assessing and mitigating transport impacts

- Policy T5 Cycling
- Policy T6 Car parking
- Policy T6.2 Office parking
- Policy T6.3 Retail parking
- Policy T6.5 Non-residential disabled persons parking
- Policy T7 Deliveries, servicing, and construction
- Policy T9 Funding transport infrastructure through planning
- Policy DF1 Delivery of the Plan and Planning Obligations

96. The following published supplementary planning guidance (SPG), London Plan Guidance (LPG), strategies and other documents are also relevant:

- Accessible London: achieving an inclusive environment SPG (October 2014)
- Character and Context SPG (June 2014)
- The control of dust and emissions during construction and demolition SPG (July 2014)
- All London Green Grid SPG (March 2012)
- Planning for Equality and Diversity in London (October 2007)
- Public London Charter LPG (2021)
- Use of planning obligations in the funding of Crossrail and the Mayoral Community Infrastructure Levy (April 2013)
- Crossrail Funding (March 2016)
- Mayor's Transport Strategy (March 2018)
- Mayor's Environment Strategy (May 2018)
- 'Be Seen' Energy Monitoring Guidance (September 2021)
- London Cycle Design Standards (October 2016)
- Circular Economy Statement Guidance (March 2022)
- Whole Life-Cycle Carbon Assessments (March 2022)

97. The following draft strategic supplementary planning guidance (SPG) and London Plan guidance (LPG), strategies and other documents are also relevant but have limited weight due to their stage of advancement towards adoption:

- Fire Safety LPG – draft for consultation (February 2022)

Local planning policy and guidance

98. Lambeth Council's Local Plan (2021) provides the local policy approach for the Borough. It is acknowledged that a Brixton Central SPD is being drafted; however, it is pre-consultation stage, and a draft has not yet been published. The relevant policies in Lambeth Council's Local Plan are:

Lambeth Local Plan 2020-2035

- Policy D1 Delivery and monitoring
- Policy D2 Presumption in favour of sustainable development
- Policy D3 Infrastructure
- Policy D4 Planning obligations
- Policy ED1 Offices
- Policy ED2 Affordable workspace
- Policy ED6 Railway arches
- Policy ED7 Town centres
- Policy ED8 Evening economy and food and drink uses
- Policy ED11 Local centres and dispersed local shops
- Policy ED12 Markets
- Policy ED13 Visitor attractions, leisure, arts, and cultural uses
- Policy ED15 Employment and training
- Policy T1 Sustainable travel
- Policy T2 Walking
- Policy T3 Cycling
- Policy T4 Public transport infrastructure
- Policy T6 Parking
- Policy T7 Servicing
- Policy T9 Digital connectivity infrastructure
- Policy EN1 Open space, green infrastructure, and biodiversity

- Policy EN3 Decentralised energy
- Policy EN4 Sustainable design and construction
- Policy EN5 Flood risk
- Policy EN6 Sustainable drainage systems and water management
- Policy EN7 Sustainable waste management
- Policy Q1 Inclusive environments
- Policy Q2 Amenity
- Policy Q3 Safety, crime prevention, and counter terrorism
- Policy Q4 Public art
- Policy Q5 Local distinctiveness
- Policy Q6 Urban design: public realm
- Policy Q7 Urban design: new development
- Policy Q8 Design quality: construction detailing
- Policy Q9 Landscaping
- Policy Q12 Refuse and recycling
- Policy Q13 Cycle storage
- Policy Q15 Boundary treatments
- Policy Q20 Statutory listed buildings
- Policy Q21 Registered parks and gardens
- Policy Q22 Conservation areas
- Policy Q23 Non-designated heritage assets: local heritage list
- Policy Q25 Views
- Policy Q26 Tall buildings
- Policy PN3 Brixton

Lambeth Supplementary Planning Documents/Guidance

- Employment and Skills SPD
- Parking Survey Guidance Notes

- Refuse & Recycling Storage Design Guide
- Waste and Recycling Storage and Collection Requirements – Technical Specification for Architects and Developers
- Lambeth Air Quality Planning Guidance Notes
- Affordable Workspace SPD (2022)
- Draft Design Code SPD
- Draft Local Views SPD

Lambeth Community Infrastructure Levy

99. London borough councils are able to introduce Community Infrastructure Levy (CIL) charges which are payable in addition to the Mayor's CIL (MCIL). Lambeth Council formally approved a revised CIL Charging Schedule in September 2021, which came into effect 1 January 2022. The CIL charging schedule for "office" and "other retail" in Zone C of the borough (where the application proposal is located) sets a Nil rate per sq.m. Following the adoption of a new charging schedule, MCIL 2 rates now apply to planning permissions granted from 1 April 2019. Accordingly, a MCIL rate of £60 per sq.m. would apply to the proposed development.

Response to consultation and notification

100. As part of the planning process Lambeth Council carried out statutory notification on the application. The application was publicised by sending notifications to approximately 999 addresses in the vicinity of the site, as well as posting site notices close to the site and press notices. Consultations of all relevant bodies also took place.

101. A second consultation was undertaken following amendments to the scheme received by Lambeth Council on 30 September 2020. Site notices were displayed from 2 October to 23 October 2020 on Pope's Road, Brixton Station Road, Atlantic Road and Electric Avenue. The application was also advertised in the local paper on 2 October 2020. The formal consultation period ended on 23 October 2020. In total, 3,372 individual representations were received including 1,041 in support and 2,331 in objection to the proposal.

102. Subsequent to the submission of the amended scheme to the GLA on 24 November 2021, the GLA issued a third round of notifications on 26 November 2021. The re-notification included letters to all those originally notified, all respondents to the Council's original notification, a press notice in the South London Press and site notices in the vicinity. 21 days were given from the date of the letter to respond. It subsequently emerged that the Mayor had not received all of the hard copy letters posted to him and so the Mayor carried out a further round of notification on 14 January 2022 until the 4 February 2022 including a further site notice, press notice and notification letters.

103. All responses received in response to Lambeth Council's local notification process, and any other representations received by Lambeth Council and/or the Mayor of

London in respect of this application at the time of writing this report, are summarised below. All comments received that raise material planning considerations have been considered in forming the officers' recommendation set out in this report. The Mayor has been briefed on the amount and content of all consultation and notification responses and has had copies of these made available to him in either electronic or hard copy for consideration.

Consultee responses to Lambeth Council (original submission)

104. Greater London Authority (including Transport for London): The Mayor's consultation stage comments (GLA report ref: GLA/5276/01) and the Mayor's stage 2 decision (GLA report ref: GLA/6774/02) are set out in those reports and summarised in the 'Relevant case history' section above.

105. Historic England: object to the proposal on the following basis:

- The harm it would cause to the significance of the Brixton Conservation Area through development within its setting, which is without clear and convincing justification, contrary to the requirements of the NPPF. The proposal also conflicts with numerous related Development Plan policies (adopted and emerging). The works at the site itself appear to have no physical impact on any heritage assets; however, as a result of the height and massing of the scheme a visual impact will be appreciable from a wide range of vantage points, particularly from within the Brixton Conservation Area.
- The principal impact of the development would therefore be on the setting of the Conservation Area, and to a lesser extent nearby listed buildings including the Grade II* listed Church of St Matthew. It is considered that several of the verified views provided demonstrate that there would be a significant harmful visual impact on the Conservation Area. Secondary to this, there would also be harm to the setting of the Church of St Matthew. Though dramatically breaking the scale of the established townscape, the harm to the setting of the Conservation Area is considered to be at a moderate-high level. Under the terms of the NPPF, this harm is 'less than substantial', and represents an unacceptable impact.
- The site is not identified as suitable for a tall building, yet the proposal far exceeds the height parameters for the adjacent, less sensitive site, on Brixton Station Road by 30 metres – approximately a third. It is difficult to see that the design quality could represent mitigation for this significant adverse impact, particularly given that it is the scale and massing which are its inherent flaws. The proposal would act as a landmark, but this does not convey either a positive or negative impact in place-making. The development would markedly detract from the strong sense of place that Brixton already has. The appearance of the development behind St Matthew's Church, is considered to diminish its presence as an important civic building and distracts from its roofline. The proposed development would interrupt this, acting as a distracting feature which diminishes one's ability to appreciate the architectural qualities of the church from the south. However, since better views of the church would remain uninterrupted, this harm is low-moderate.

- Historic England do not consider that the harm arising from the proposal has clear and convincing justification as required and the proposal would not deliver any heritage benefits that would help to offset the harm.
106. Historic England (archaeology): no objection on the basis that there is no ongoing archaeological interest with the site. Having considered the proposal with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, it is concluded that the proposal is unlikely to have a significant effect on heritage assets or archaeological interest. No further assessment or conditions are therefore necessary.
107. Thames Water: no objection subject to suggested conditions relating to drainage and infrastructure and informatives relating to underground water assets and foul water discharge being attached to any permission granted.
108. London Underground: no comment.
109. Transport for London: No objection subject to contributions being secured towards bus and cycle hire facilities, totalling £450,000 and £220,000 respectively. This is to mitigate against negative impacts of the development in the area. Legible London signage should be integrated into the site, with a contribution of £15,000 and conditions should be attached to any permission granted requiring the approval of a Delivery and Servicing Plan and a Construction Logistics Plan.
110. Network Rail: The proposal would place an increase in demand on Brixton mainline station. As such, a financial contribution of £300,000 should be sought towards station improvements to help mitigate against the expected additional use. This would include the supply and fitting of two lifts, one for each platform, at a cost of £150,000 per lift.
111. Lambeth's design review panel (DRP): On the 18 February 2020 the application was taken to Lambeth's DRP. They came to seven conclusions as follows:
- Increasing the building's set-back to align with the arches may respond positively to the anticipated increase in pedestrian activity in front of the site as well as address concerns around the prominence of the exposed concrete structure.
 - The use and activity along the building's side routes are vital to the proposal's success. The applicant should carefully consider the types of uses and visual links along this route.
 - The height and massing of the west block is considered to harm townscape views and the setting of heritage assets; therefore, a height reduction is recommended.
 - The impact of development proposals coming forward on neighbouring sites is important and should therefore be considered (and illustrated) in the context of the townscape impact for this site.

- While the change to a lighter brick colour is welcomed, the applicant is encouraged to refine the upper floors of the west block, such as setbacks in the north and south elevations and further articulation.
- The applicant is encouraged to explore replicating the scale and proportion of the existing railway arches in the lower section of the proposed building.
- The detail of the public space at ground level has not reached its full potential. St. Peter Seminary is suggested as a good reference point.

Lambeth Council Internal Consultees

112. Bioregional: No objection subject to conditions and s106 Heads of Terms relating to future district heating system connection, compliance with BREEAM, approval of a final energy statement, details of green roofs, landscaping, and net biodiversity gain proposal and photovoltaic panels being secured in any permission being granted.
113. LBL Building Control: No objection subject to clear width of 3.7 metres being provided for emergency vehicle access on Pope's Road and a clear path between Pope's Road and the entrance to the proposed building. The road/pedestrian path arrangement shown in the Building Line Studies appears to show a satisfactory means of fire access to the proposed building. A Fire Statement should be secured by condition to demonstrate that access routes to all parts of the site are provided.
114. LBL Conservation and Urban Design: No objection to the proposal subject to conditions relating to design and materials being attached to any permission.
115. LBL Employment: No objection subject to an Employment and Skills Plan, Workplace Strategy, 10% affordable workspace, and an Employment and Training contribution in line with the Council's Employment and Skills SPD and emerging draft Affordable Workspace SPD, being secured by s106.
116. LBL Environmental Health (Regulatory Support Services): No objection subject to conditions requiring the submission and approval of a Construction Environmental Management Plan, Basement Construction Method Statement, land contamination verification and remediation strategy, flues and extraction plant details, noise and vibration attenuation of ventilation plant, maintenance details, noise control and management, operating hours Customer Management Plan, Delivery and Servicing Management Plan, pedestrian wind microclimate, and external lighting being attached to any permission granted.
117. LBL Highway Team: No objection subject to any highway works being secured by s106/s278 legal agreement.
118. LBL Planning Policy: No objection. The proposed retail, community, and leisure floorspace and B1a office are considered appropriate to assist in facilitating the aims of the site allocation.
119. LBL Regeneration Team: No objection to the proposal. The principle of redeveloping a strategically important site within the town centre with a range of workspace and retail space is supported. The provision of a significant quantum of

workspace has the potential to address an undersupply of workplace within the town centre, which would attract footfall and spend and support both the day and night-time economies. The provision of small retail units has the potential to integrate successfully with the adjacent indoor market and create opportunities for investment in the surrounding railway arches. Regeneration has played a significant role in negotiating the scope of an Employment and Skills Strategy and Community and Commercial Use Strategy and is pleased to see them captured within the recommended s106 Heads of Terms as a firm commitment towards ensuring the social and economic benefits of the scheme are tailored towards improving the resilience of the town centre and providing opportunities for local businesses and residents. While a setback to the building line of the 20-storey tower would contribute to a widening of Pope's Road, careful consideration would be required through the detailed design process to ensure it can function effectively as a street market and a space that can accommodate much greater use and footfall, especially if the ambition to create a new station entrance on Pope's Road can be realised. The applicant's commitment to fund the design and delivery of these public realm improvements is supported.

120. LBL Sustainability Team: No objection to the proposal subject to terms and conditions relating to air quality and dust emissions, a final Energy Strategy, and a Method of Demolition and Construction Statement being attached to any permission granted.
121. LBL Transport: No objection subject to conditions relating to Delivery and Servicing Plan, Cycle Parking, Travel Plan, Construction Environmental Management Plan being attached to any permission granted and a commitment being provided to enter into a s106 and s278 agreement (and s38 agreement where necessary) for off-site highways works and improvements along Atlantic Road and Brixton Station Road and mitigation measures as set out in the Transport Section of the Committee Report.
122. Veolia Waste Lambeth: No objection. The proposed waste strategy is supported.

Other responses to the Council, including residents' groups and elected members

123. Brixton Society: object to the proposal for the following reasons:
 - Height & massing: The height of the taller block is excessive in the context of Brixton Town Centre, where tall buildings have for many years been of 10 or 11 storeys. This part of the Town Centre is classed as sensitive to tall buildings, but the proposal shows no such sensitivity. The proposal is intrusive and would dominate the skyline and approach from Brixton Road through Electric Avenue, undoing recent investment in enhancing the Avenue. The tower would be over 30 metres higher than the planning guidance allows. This shows blatant disregard for the planning context. The proposal fails to preserve or enhance the character of the two Conservation Areas immediately adjacent, in addition to the more general requirement to respect the historic and local character.
 - Materials & finishes: The treatment of the upper floors with an exposed rectangular frame around the top is deplored, because it exaggerates the visual impact of height and bulk. There is no objection to the diagonal

braces, which provide visual relief from the repetitive rectangular window pattern but repeating the green balcony motif over six floors is excessive. The façade treatment is unacceptable because it emphasises the bulk of the two high-rise blocks, which at this scale would be over-dominant even without the heavy detailing. Facing brickwork is welcome for lower storeys, but its widespread use as a cladding material for high-rise blocks is questioned, due to the high embodied energy in fired bricks. For upper floors in a lighter colour, such as used for The Edge development (Coal Lane) on the opposite side of Valentia Place, is preferred.

- Microclimate effects: The excessively tall block proposed above the Pope's Road frontage would overshadow the space between the site and the railway station. It would also create adverse wind effects, making the space unattractive to shoppers and visitors. A more pronounced canopy or first floor podium would offer pedestrians better protection from adverse downdraughts at the front of the site. Outside the site, the Microclimate Assessment appears to be limited to ground floor locations but should also have included elevated locations such as the railway platforms, the entrance to the Brixton Recreation Centre, and balconies/ terraces at the rear of Walton Lodge, Carney Square and The Viaduct. These are all more vulnerable to adverse wind effects. Even at ground level, there is a potential wind funnel below the Pope's Road/Station Road Railway Bridge, and increased wind speeds in front of the proposed tower, and along the rear approach from Valentia Place.
- Impact on daylight for nearby flats: there would be significant adverse effects on daylight to several nearby neighbouring residential properties.
- Privacy and outlook: the proposed office blocks would be unduly close to the rear windows of the Viaduct and Carney Place, creating mutual privacy issues and undue enclosure.
- Weaknesses in retail layout: The proposed ground floor layout is not permeable enough to encourage worthwhile footfall – the rear half of the ground floor would not attract customers unless there is a pedestrian route from the Second Avenue of Brixton Village Arcade and ideally also an attractive and defined route from Valentia Place. While the concept of ground floor retail use, with a central performance space, is supported it is unlikely that the first-floor retail or café uses would attract enough footfall unless escalators are also provided. Part of the demand from potential tenants would be for café/restaurant uses, so provision for extract ventilation needs to be designed in from the outset.
- Amount of office floorspace: in principle, the upper floors being used for commercial office space is sympathetic as much local business space has been lost to residential development in recent decades. However, it is hard to believe that the massive amount of floor area proposed would find enough takers. Historically, market interest in Central Brixton office space has been limited, sustained only by the Council's own needs, lately much reduced. The impact of the current Coronavirus pandemic calls into question the future operation and likely demand for conventional office floorspace, particularly outside the established London office locations. Even if fully

occupied as designed, there are severe limitations on public transport capacity serving the Town Centre, and no clear proposal to improve this. PTAL scores are irrelevant if trains and buses are already at full capacity. There are specific needs, for small and start-up enterprises, and for the messier processes which do not work well directly below residential flats, but these needs do not appear to be addressed in this application.

- Lack of planning benefits: For a development of this scale, more planning benefits are expected to be offered to support wider Town Centre improvements, or at least to mitigate the impact. A contribution should be sought to the reinstatement of East Brixton Station to provide local access to the London Overground rail service. This would make the site more attractive to future office occupiers.
- Noise impact on nearby dwellings: the proposed top-floor restaurant above the eastern block would be too close to residential flats immediately to the south of the high-level railway viaduct, and to the north. It would be too easy for noise to carry across to these flats if the Council fails to prevent A4 (bar) or late-night use of the restaurant suite. The Council's past failure to control over-night activities has resulted in a very difficult living environment for residents elsewhere in the Town Centre, due to noise, litter, and anti-social behaviour, including use of the highway as a public toilet. Therefore, no use of the property after 11 pm can be tolerated. The design of extract ventilation is also a critical factor in how acceptable an A3 or A5 use will be in proximity to residential accommodation. Extract outlets or flues must include odour filters and soundproofing.

124. Carney Place and Milles Square Residents Association: object to the proposal for the following reasons:

- Daylight/sunlight: the applicant has provided daylight and sunlight studies showing a significant reduction in natural light falling over the development. Given the height of the proposal, specifically that of the 20-storey building, light falling into the courtyard of Carney Place & Milles Square would be compromised. The majority of living rooms across the development face into this courtyard and the concern is that this will create a dark and unpleasant aspect in the late afternoon and evening hours - at a time when residents are returning from work and looking forward to enjoying their amenity.
- Overlooking and privacy: all the north facing windows in Carney Place and Milles square would be affected by the proposal with regards overlooking and privacy. The eastern (9-storey) office building directly overlooks Carney Place. The 9-storey block also sits a good 14 metres above the tallest residential units adjacent. The height of both the 20-storey tower and the eastern, 9-storey office block will mean that there are overlooking issues into the courtyard of Carney Place and Milles Square.
- Corridor effect for wind, noise, and vibration: from building edge-to-edge the proposal sits some 16 metres apart, with the viaduct running between them. The amount of wind created by the proposed development is a serious concern. Having consulted the Wind Assessment, it is noted not even one of

the wind study points were taken from the balconies/terraces of the Carney Place development and were not considered within the report. Viewing the proposal there would undeniably be some form of wind-tunnel effect. Reviewing the Noise and Vibration report, this is found to be lacking in scope. Vibration testing was done in the afternoon of one day - not taking into account the early morning trains, which come through the area at a faster speed, nor taking into account the longer, heavier good trains which come through at 4 am. It is not clear from the report when the noise assessment times were taken, but it is noted that mention is made that they were taken at a time when some train services were out-of-service. The noise and vibrations coming from the railway (especially from the early morning trains) would be exacerbated by the proposal with the noise levels already nearly 100 decibels (as shown in the noise report) and this would be reflected and mirrored off the proposed buildings. A purely 'pedestrian level' report does not capture the full impact of the trains which form a major boundary of the proposal in would impact those apartments in Carney Place & Milles Square facing the viaduct.

- Height, scale, and massing: the sheer bulk of the southern facade is considered relentless and inelegant by our residents. The break between the buildings does very little to alleviate the concerns, especially sited as it is alongside the blank facing wall of the Walton Laundry development (and therefore completely useless). The break between buildings would not allow any light or views, considering the massing of the façades of those sides which face that break.
- Townscape and visual amenity: reviewing the Townscape and Visual Impact Assessment, it is noted that views from the south-east of the site have been largely discounted (with the exception of one view along Atlantic Road, and a long shot from Brockwell Park). Again, there are concerns relating to the bulk and massing of the proposal on visual amenity and a strong objection is raised on the grounds that the taller tower would 'loom' over the courtyard.
- Lambeth Local Plan 2015: it is noted that there is a site allocation in the 2015 Local Plan which lists the Pope's Road application site as "Site 16 - Central Brixton". The current proposal sits outside of the aspirations of this site allocation and the Council is encouraged not to support the development of this site as it would create a canyon on the sides of both the railway viaducts, and the buildings are too tall and do not protect the amenity of the new residential developments on Coldharbour Lane adjoining the site contrary to the site allocation. It is also noted that only one arch seems to be proposed to be opened up with no new links provided further along/down the site to open up the area, notwithstanding the links provided by and in the Walton Lodge application (which are not addressed). While there is not an issue with the amount of indoor/outdoor public space and the additional market spaces and public amenity proposed is welcome, the massing of the building (both in height, length and width) could and should be reduced above ground. It is also not clear whether there is a wider integration with Site 15.
- Emerging (draft) Design Code SPD: the proposal fails to comply with the emerging Design Code SPD by impacting on residential amenity, appearing

overbearing, resulting in a clustering of tall buildings, and not mitigating against potential adverse impact.

- River Effra: The River Effra runs either beneath or adjacent to the site and it is not clear how the application intends to deal with this, especially considering the presence of a double basement and proximity to the railway.
- Office floorspace: there is no real need for such a massive amount of office floorspace and there is concern that the densification of Brixton in this manner runs contradictory to its inherent character.
- Heritage: the impact on Brixton's architectural and cultural heritage is concerning. There has been no consideration for the adjacent conservation area.

125. Councillor Nye, (former) Coldharbour Ward Councillor, objects to the proposal for the following reasons:

- The situation of the site on Pope's Road means it is close to Electric Avenue, which was the first market street in the country to be lit by electric lights. Brixton has a proud history of being forward-thinking and creative. But there are real concerns about this development. While investment into Brixton is welcomed, any new build should add to, not detract from, the existing character of the area.
- Brixton's architecture is largely low-rise Victorian, and this development would be out of place in this context. The proposed 20 storey development is too high. It would dwarf the nearest tall building, International House, which is 13 storeys high. Furthermore, it will dominate and overshadow the nearby conservation area. Brixton's SPD of 2013 acknowledges that any development more than 15 storeys is likely to have an adverse impact on Brixton's heritage assets, and that anything between 10 and 15 storeys will be visible from within the conservation area.
- Concerned residents have contacted ward councillors who are worried about the impact this development will have on their daylight and sunlight and the Planning Committee is urged to consider their points. The impact on daylight and sunlight would also affect the nearby low-rise businesses and users of the market. The committee is also asked to consider the London skyline view from Brockwell Park when making their decision on this application. Should the committee be minded to grant permission, conditions on the development's height would be welcomed, ideally bringing it in line with International House as a maximum height.

126. Helen Hayes, MP objects to the proposal for the following reasons:

- Height and design quality: this planning application, at 21-storeys, would be by far the tallest building in east Brixton. It would dominate the skyline and would be seen prominently from Railton Road/Atlantic Road, Brixton Road, Brixton Station Road, and a variety of other viewpoints around the town centre. Such a tall building would cast long shadows, and there are

concerns about the impact it will have on access to light for surrounding residents and businesses. The design of the building is not distinctive, it is indistinguishable from many other tall buildings across London. As such, it does not add to or enhance the character of the historic environment in central Brixton or provide any expression of the uniqueness and diversity of the local community. If approved it would erode the distinctiveness of an area of London which is currently characterised by a unique mix of Victorian and Edwardian architecture, occupied by a diverse range of predominantly BAME-owned independent businesses. Any new building of such size and scale, in this extremely sensitive location, should be the subject of both the extensive, early engagement of the local community to inform the design process, and a full design review to ensure that it will enhance the special character of central Brixton.

- Risk in relation to Permitted Development Rights: a building as tall as this proposal is extremely expensive to construct, requiring deep piles and heavy engineering, and containing large areas of unlettable space accommodating services and circulation space. Consequently, tall buildings typically require high levels of rent in order to meet the costs of construction and maintenance. Office space in Brixton town centre is characterised by buildings which have been re-used, and which are attractive to a range of creative businesses which typically cannot afford high levels of rent. It is not clear that there is any established market in Brixton for the kind of corporate commercial tenants which can afford to pay the rental levels required to meet the costs of such an expensive new tall building. In addition, the coronavirus pandemic has had a profound impact both on the economy, provoking a severe recession, and on work patterns, with many more people working flexibly from home and a step-change in the use of technology to substitute virtual meetings and working practices for many activities which had usually taken place in a physical workspace.
- There is no evidence to suggest that there will be demand for 21 storeys of workspace in central Brixton, at the level of rent required to support a new tall building, in the foreseeable future. These issues would be solely a matter of risk for the applicant, were it not for the current government's policy relating to the expansion of permitted development rights. I raise this issue, as I worked extensively on it during the last Parliament as a member of the Housing, Communities and Local Government Select Committee. Under current planning policy, a building owner can convert an office or industrial building into a residential building without the need for a planning application. Such buildings are exempt from requirements for affordable housing or section 106 contributions to community infrastructure such as school places, parks and green spaces or medical facilities.
- Given the level of homelessness and housing need in Lambeth - an issue I see the impact of every single week in my surgeries and my inbox - it would be unconscionable for this building to become a luxury residential tower block by a back-door permitted development rights route. The cost of flats in such a building, without any requirement to provide affordable housing would be completely beyond the reach of local residents and would make no contribution to meeting local housing need in my constituency and across

the borough. I urge the Council to refuse this application, unless it can guarantee that permitted development rights will not be used to convert it to residential use in the future, for example, through the use of an Article 4 direction, section 106 agreement or covenant to protect the site for employment use and ensure that if there were plans to develop housing on the site in the future the Council would be able to ensure that this contributed to meeting the urgent need for genuinely affordable homes and community infrastructure through the planning process.

127. Brixton Market Traders Federation:

- There is concern over the siting of the development right on the Pope's Road pavement line. At present the area from the Pope's Road junction with Brixton Station Road through to the Pope's Road junction with Atlantic Road is dominated by big structures. One end has two railway bridges the other end one railway bridge. The supporting walls are high and create a feeling of domination and oppressive claustrophobia. The one saving grace is that the building to be demolished starts two metres back from the pavement line and is only ground floor so that there is light, and it doesn't dominate the street. If the proposed development is approved, it will mean a higher building (be it part four or any bigger size) and another dominating structure so creating an even more oppressive feeling in the street. One simple solution would be to move the new building some six metres from the pavement line and not allow any part of the building to cross over that line even if it is simply an overhang. That way, the street will get more natural light, people using the street will not feel they are in a narrow high sided canyon and the building will have less of a negative, interfering impact on the street.

Lambeth Council's Comments on Revised Scheme

128. The application was deferred at Lambeth's Planning Committee on 25 August 2020 by members to allow further information to be submitted by the applicant on issues relating to land use, design, sustainability, wind microclimate and daylight and sunlight. Lambeth officers had recommended to the 25 August 2020 Planning Committee that members resolve to grant planning permission subject to completion of a s106 agreement. Following the deferral amendments (discussed further within paragraph 45 above) to the proposal were submitted by the applicant on 30 September 2020 and an updated report was presented by officers to the Planning Applications Committee on 3 November 2020. In the report, the amendments were assessed thusly:

Design and conservation

129. The updated report notes that the narrowing of the horizontal beam at the top of the building on the east and west elevations, and the introduction of additional horizontal elements to the double height terraces would provide a more unified façade with less architectural emphasis at high level. The overall tonality of the concrete was also lightened to better reflect the stone and stucco tones of historic Brixton. These amendments would make the top of the building less 'eye catching' and would result in a positive effect in views from Trinity Gardens,

Electric Avenue, Brixton Station Road, and Coldharbour Lane. They were likewise welcomed.

130. The report also notes that raising the structural bracing at ground level would address concerns that the braces would represent a hazard for pedestrians, particularly for the visually impaired. Additionally, the revised design would facilitate circulation and further activate the double height portico, which would enhance the link between the proposed market and the public square. The report also welcomed the decision to reposition the community floorspace to a more prominent location on the first floor.
131. The report acknowledges that the proposed building would be visible in wider townscape views shared with the Grade II Listed Brixton Recreational Centre (REC), and that from certain vantage points the proposed building would partially block views of the REC's roofline; however, it concludes because these views are not identified in the Brixton Conservation Area Statement as views of merit that no harm would result. Overall, the updated report states that while the amendments are welcomed, they would not change the heritage impact assessment included in the original report.
132. In terms of daylight, sunlight, and overshadowing, the internal layouts used to assess 368-372 Coldharbour Lane were checked, and no evidence was found to suggest any potential internal reorganisation that would affect the conclusions of the daylight, sunlight and overshadowing.

Environmental matters

133. In terms of wind microclimate, mitigation measures proposed by the applicant were assessed and no objection was raised by the Council's Environmental Section to the amendments subject to the proposed wind mitigation measures being appropriately secured.

Employment and skills

134. The report indicated that an employment and skills plan, which outlines how the local labour targets of 25%, would be secured in the construction and end-use phases of the development. In summary, this would be accomplished through use of reasonable endeavours to advertise and promote job vacancies locally, provide apprenticeships and supported employment opportunities, offer bespoke training and skills activities related to the jobs created by the development, working in partnership with local training providers, and engage with young people and/or job seekers through activities such as work experience, career inspiration and mentoring. Additionally, a £150,000 upfront contribution towards local employment and training initiatives would be provided at commencement followed by annual index linked payments of £56,000 for 25 years following the occupation of the development. The report also makes mention of a growth element to be included within the s106 agreement, but no further details are provided.

Report Conclusions

135. Lambeth's officer report concludes that:

“The above amendments made, and the additional representations received as set out above have been fully considered. Notwithstanding that the proposal represents a departure from Policy Q26 and Site Allocation 16 of the Local Plan, the application scheme is considered not to conflict with policy in all other regards.

Given the identified social, economic, environmental and sustainability value that the scheme would bring, with the addition of the benefits identified above, it is considered that the public benefits of the application scheme outweigh the departure from policy and ‘less than substantial’ harm identified.”

136. In conclusion, officers consider that the many planning benefits the development would deliver are sufficient to outweigh the identified impacts on heritage and residential amenity; and that, in this instance, taking account of all the relevant material considerations, and notwithstanding the departure from the design principles and key development consideration (x) in the allocation of Site 16 and Policy Q26 of the Local Plan, the proposal is considered to be acceptable in all other respects, including the land uses proposed, transport impacts, sustainability, landscaping and urban greening. As such, the same conclusion has been reached as that set out in the previously published Committee report consolidated in Appendix 4 of this report.” Members of the Planning Committee agreed the officer’s recommendation and resolved to grant planning permission subject to the completion of a s106 agreement and referral to the Mayor. Subsequently and as explained further above, the Mayor ‘called in’ the planning application and consulted on further revisions to the application in November 2021 and January 2022. Lambeth Council responded to the Mayor’s consultation by letter dated 1 February 2022. In conclusion, the letter states:

“Lambeth continues to support the proposed development. It will deliver an extensive range of benefits with the new office space, retail, community, and leisure uses creating new business and employment opportunities. The development would help address the undersupply of workspace within the town centre, and provide space for existing and new businesses to establish and grow within Brixton, whilst creating an eco-system whereby larger and medium sized employers are also attracted, and mutual benefits can be achieved through co-existence with small vibrant SMEs. The extensive employment support packages, with targeted apprenticeship and training opportunities for local and under-represented communities, are a very important aspect of these proposals which are fully aligned with the Council’s Economic Resilience Strategy and the Mayor’s economic strategies for London. The creation of around 1600 jobs at the site will also generate extra footfall and spending which will support both the day and night-time economies within the local area. The creation of new small retail units will complement the adjacent indoor market and provide good opportunities for new and existing small businesses.

Other benefits include provision of floor space for community uses in the building that would be available for local groups. This space will be managed by a group of community representatives tasked with ensuring productive

use of the space and to promote activities in public areas that help to reflect and celebrate Brixton's cultural heritage.

The proposals will also enable significant investment in active travel infrastructure locally, in bus provision, and will contribute towards the much needed upgrading of Brixton's Network Rail station. The proposals will deliver a new public square on Pope's Road in front of the site, creating a multipurpose space and a new focal point for the town centre. Whilst Lambeth remain of the view that the extensive package of benefits that were negotiated up to the November 2020 PAC meeting were sufficient to outweigh the departure from certain aspects of policy and the less than substantial harm to local heritage assets; the additional enhancements negotiated by the GLA are considered to strengthen further the social and economic contribution of the proposals particularly and are welcomed in further enhancing the planning balance in favour of the scheme.

Overall, the social, economic, and environmental benefits of the scheme are considered to be significant. The scheme accords with the Council's Borough Plan objectives and with the Mayor's London Plan and post-Covid recovery strategies for the city; and constitutes sustainable development. Lambeth look forward to the opportunity to re-affirm and expand on these points as may be required at the upcoming Mayoral hearing."

137. Historic England: object to the revised proposal on heritage grounds (additional response received 14 October 2020). The amendments primarily relate to the public realm and detailed elevation design. Historic England previously suggested that the double height expression of the upper levels of the tower was not a successful way to resolve the design given that it draws more attention to the uncharacteristic scale of the development. Historic England therefore welcome the amendment, which introduces further subdivision of this part of the elevation, in keeping with the floors below. However, Historic England do not consider that it results in an appreciable change to the level of harm to the Brixton Conservation Area. This arises primarily from the scale and massing of the development. Historic England therefore refer to their original advice and position, which followed an internal case review, as set out in their previous letter.
138. Transport for London: No objection to the revised proposal (response received 15 October 2020). The proposal provides the £220,000 contribution requested by TfL toward the provision of a new cycle docking station within the vicinity of the site.

Other Comments on the Revised Scheme Submitted to the Council

139. Brixton Society: object to the revised proposal for the following reasons:
- **Height & Massing**: the height is unchanged and the link between the two towers is proposed to be one storey higher, so clearly no mitigation has been offered by the applicants. The height alone breaches the Lambeth Local Plan (policy Q26 on tall buildings) and adversely affects the adjacent Brixton Town Centre Conservation Area. That height reflects the massive office floorspace proposed for the site.

- **Materials & Finishes:** apart from a slight lightening of the brick colour, the façade treatment and heavy detailing of the upper floors continue to reinforce the impression of excessive height and bulk.
- **Amount of Office Floorspace:** the massive amount of office floorspace proposed looks increasingly like a white elephant, which is very unlikely to be fully taken up. Our concern is that it would eventually be converted into sub-standard residential accommodation, given the Government's stated intentions for further easing of Permitted Development. The applicants have failed to demonstrate that there is demand for 19 floors of new office space in Brixton. Historically, market interest in Central Brixton office space has been limited, sustained only by the Council's own needs, lately much reduced. The only evidence supplied is a letter from Savills dated 9 January. This predates the shift to much more home-based working, accelerated by the Coronavirus epidemic, which has undermined the demand for conventional office floorspace, particularly outside the established London office locations. In contrast, we cite the BBC's survey of 50 of the UK's largest employers (26 August) and the CBI/ Price Waterhouse survey of financial services employers (8 October).
- On behalf of the applicants, planning officers argued for a large office area in order to attract an "anchor" business tenant, around whom smaller businesses would cluster in some kind of commercial eco-system. However, it is clear that this concept was not shared with the architect. It might work for an office building with staff amenities in a shared foyer, but here office staff would instead arrive and depart via an extension to the Brixton Village arcade. Of course, there is some demand for office space in Brixton, but mostly from smaller employers looking for affordable space, which would only account for 10% of the total in the Hondo Tower. A more realistic target would be based on a more energy-efficient replacement for International House, with a modest percentage increase, but still aimed at smaller enterprises. In contrast, the proposed Hondo office floor plans show little advance on those of 50 years earlier.
- **Microclimate effects:** the updated report on wind effects has been reviewed. Outside the site, the Microclimate Assessment still fails to illustrate results for elevated locations such as the railway platforms, the entrance to the Brixton Recreation Centre, and balconies/terraces at the rear of Walton Lodge, Carney Square and The Viaduct. These are all more vulnerable to adverse wind effects. Even at ground level, there will still be increased wind speeds below and beyond the Pope's Road/Station Road Railway Bridge, in front of the proposed tower, and along the rear approach from Valentia Place. Brixton Station Road and Pope's Road should remain important parts of the street market, and we are anxious that they do not become unattractive to shoppers and a more difficult working environment for stallholders.
- **Impact on Daylight for Nearby Flats:** the effect of setting back the taller block from Pope's Road only has a marginal effect on the previous daylight and sunlight results for the surrounding buildings and sites. In fact, there is a slight adverse effect on a few properties because of the link between the two towers being raised one storey higher. The extent of surrounding properties affected remains substantially the same as in our original objection letter. At that time,

we highlighted that 119 windows among 8 sites would no longer receive adequate daylight.

- Privacy and Outlook: as before, the proposed office blocks will be unduly close to the rear windows of The Viaduct and Carney Place, creating mutual privacy issues and undue enclosure, in defiance of Local Plan policies Q2 (ii) and (iii).
- Weaknesses in Retail Layout: we note some minor improvements to the ground floor layout to improve links to the Brixton Village arcade and Brixton Station Road. We remain in favour of the ground floor retail use, with a central performance space, but continue to doubt that the first-floor retail or café uses will attract enough footfall, unless escalators are also included. Experience of demand for other Brixton sites in recent years is that a significant part of the demand from potential tenants will be for café/restaurant uses, so provision for extract ventilation needs to be designed-in from the outset. It is still not clear how this will be done in relation to the two towers above.
- Planning Benefits: we are pleased to see these summarised in the Planning Statement (Addendum 2) but the concessions remain modest in comparison with the adverse and lasting impact of the development. Several turn out to be the inevitable obligations for any development of this scale. The supposed uplift in local employment is mainly from the office floorspace, which now looks likely to fall well short of the figures quoted. A relocated entrance to the railway station will have limited impact without reinstatement of the service on the Catford branch on Brixton Station Road. Instead, the Council should be seeking a contribution to the reinstatement of East Brixton Station, to provide local access to the London Overground rail service. This would make the site more attractive to future office occupiers.
- Noise Impact on nearby dwellings: our previous comments on the proposed top-floor restaurant above the eastern block, and late-night uses generally, still stand.

140. Brixton Rec User Group (BRUG): object to the revised proposal for the following reasons:

- The Brixton Recreation Centre's (REC) setting, and significance would be seriously harmed by the proposal. Insufficient attention has been given to the potential harm to the REC by the proposed new building, in both the planning process and advice provided by heritage advisors. The scale of the proposal overshadows the REC both physically, architecturally, in urban design terms and functionally, in its social, cultural and community role. Part of the significance of the REC today is that it continues to serve a disadvantaged and diverse community. It is very popular and serves a role far beyond the leisure and sports facilities it provides. It is a living working hub for the all the local community. This consultation period is focusing on the community provision proposed within the new building. Consideration should be given to the harm the new building would cause to existing valued, and well used community resources that already exist.

- The new building would drastically change the demographic of the area directly adjacent to the REC. The new building is proposed to provide high value accommodation. To be successful the development must attract affluent occupants. This influx of affluent occupants may benefit the more up market shops and restaurants but will directly compete and displace less affluent and disadvantaged users of the REC. It is this community that BRUG was principally formed to defend. This is also the community that was specifically being addressed when Lambeth Council planned and built the Rec as a community facility.
- As currently designed, the new proposal would seriously harm the listed status and significance of the Brixton Recreation Centre and the existing community of users that value and enjoy its facilities, and its role as a vital community hub.

141. Helen Hayes, MP objects to the revised scheme on the following basis:

- “I wish to emphasise that the variation to the application does not address the concerns that I set out in my objection to the original application below. It remains my fundamental belief that the design of this proposal is not of an acceptable standard to justify its exceptional height in the heart of a Conservation Area. A building of this scale in the Brixton Conservation Area should meet the highest possible design standards, including satisfying Historic England that it enhances the character of the Conservation Area and the setting of nearby listed buildings, and this proposal does not do so. Central Brixton has an incredibly special mix of historic buildings and spaces – this proposal would have a fundamental impact on the character of the area, and the height, scale, massing, use of materials and façade design all make this an overbearing, unattractive proposal. Furthermore, serious concerns remain – and indeed have deepened in recent weeks as the economic impacts of the coronavirus pandemic start to be felt – that this scheme as designed is not viable. There is no established office market in Central Brixton at the levels of rent required to recoup the costs of a new-build tower. The coronavirus pandemic is bringing about a severe recession and a fundamental change in the way that people who work in office-based jobs are working, with a very significant proportion continuing to work from home. Notwithstanding the undertaking the applicant has made with regard to the intended use of the proposed building, it is current government policy to encourage and facilitate the conversion of office buildings to residential use without the need for planning permission, and there is very little that the Council can do to resist such a move should it happen in the future. This policy environment, combined with concerns about the viability of a new build 20 storey office tower, mean there is considerable risk that this building could be converted to a residential building with no affordable housing in the future. I have also been contacted by constituents who have been stopped in the street by paid staff seeking support for this proposal, with a model letter to the Council. A number of these constituents were very distressed by this as the full details of the scheme, including the height of the proposal were not fully explained. One constituent who signed a letter wrote to me that when they got home, they looked up the proposal and were clear that they did not support it, but the information they had been given in the street was not complete. I am

concerned by these reports, and I urge the Council to consider model letters of support that it has received in the context of these reports. The Planning Committee was set to reject this proposal but gave the applicant an opportunity to respond to and address the concerns that had been raised. I do not believe that the concerns raised have been adequately addressed. The objection I have previously still submitted below still stands and I urge the Council to reject this proposal”.

Public representations to the Mayor of London

142. At the time of reporting the application to its planning committee in November 2020, Lambeth Council reported that it had received 3,372 individual representations including 1,041 in support and 2,331 in objection to the proposal. Following that decision, the applicant revised the public benefits package, and another consultation was undertaken in respect of these revisions in November/December 2021. As noted above, this consultation was re-notified in January/February 2022 due to issues with the post. In total, an additional 2,809 responses in objection and 87 responses in support of the development have been received. All representations submitted have been taken into account in the consideration of this application, as set out below, and have been made available to the Mayor in advance of the hearing.

Objection

143. The relevant material planning considerations raised in objection to the proposals can be summarised as follows:

Sustainability

- The lack of ‘Be Green’ policies included in the scheme highlights a lack of consideration for sustainability within the building’s initial design
- The developer’s use of the “One Click Carbon Heroes” benchmarks misleads the reader as to the sustainability of the development
- Since it is unclear if where the roof plant room has been moved to, it is difficult to accept that Solar Panels can still be implemented within the building meaning that the operational energy savings would remain at 31.5%, below the 35% target
- The building is not designed to be zero carbon or with sustainability in mind; for instance, the amount of glazing dramatically increases heating and cooling demand, and the 65 columns would provide sources of cold bridging.
- The inputs into the developer’s Whole Lifecycle Carbon Assessment aren’t included within the assessment itself, meaning that it is difficult to discuss and challenge gross values for stage A, stage B, or stage C emissions. A more detailed breakdown of the number of piles, the percentage of steel reinforcement, the size of beams, columns, and slabs – all would be required for the community to better understand the true carbon footprint of the structure.

- The evidence provided does not support the case for achieving an Urban Greening Factor of 0.3
- Assessments show that it may take 55 years for the building to offset its embodied carbon, not including possible demolition costs in the future, and it will require a deep retrofit because of its energy inefficiency

Transport

- The development removes any future option to construct an Overground station in Brixton
- Hondo's assessment of the impact of the development on local public transport fails to adequately account for the additional trips in peak hours which will be generated because of the tower
- The existing creative businesses in the Valentia Place arches would be three metres away from the development and therefore have to share the vehicle access point. This would cause considerable disruption to daily operations in the construction and end use phases.
- The proposal includes a public pedestrian pathway running from Popes Road down the southern side of the development with public entry points. This passageway runs directly in front of the studios, workshops & offices of the arch tenants who require regular 24 hr vehicle access to these spaces for loading & unloading of products & deliveries. Several tenants are large scale fabricators who require the ability to direct load/unload.
- The project will have two operational workforces: the workspace users which is acknowledged will come in from elsewhere, and the food & hospitality workers who might come in from more local areas. The project's transport statement confuses these, and only provided trips analysis for the workspace occupiers. The public transport impacts have therefore been miscalculated.

Fire safety

- There will be insufficient space on the north and south facades of the building to accommodate sufficient access for a pumping appliance
- Insufficient space on the north and south facades of the building to allow access for turntable ladders or hydraulic platforms should other methods of fire rescue fail
- In the wake of the Grenfell disaster, it is clearly paramount that site conditions and design of tall buildings should not prevent or impede the London Fire Brigade from being able to carry out their duties effectively. At 20 storeys high, there is no doubt that this is a tall building, but it would appear that insufficient attention has been paid to the increased fire risks associated with its height and the extreme physical constraints of the application site.

Air quality

- Contrary to EPUK/IAQM guidelines, the design of the development will exacerbate the existing canyon effect in Brixton Town centre due to the height of the building, its location in relation to the railway viaducts, and the creation of a public square enclosed on 3 sides by the 20-storey tower, exposing the public to south-westerly wind driven pollutants from the A23 via Electric Ave
- The proposed development does not use design solutions to prevent or minimise increased exposure to existing air pollution or make provision to address local problems of air quality
- In the screening process, the 6 local receptor locations chosen by the applicant's consultants in the AQA fail to include important locations that would be exposed to emissions and this selection does not comply with IAQM guidance 2017
- The AQA fails to demonstrate how the AADT traffic flow data is derived from the ATC data and manual count data
- Hondo's Air Quality assessment has not reassured that there would not be a significant increase in airborne pollution if this development went ahead. This is being imposed on an area that has already suffered historically from extremely high levels of airborne pollution.
- The dust risk to business operators in the arches during the construction period would be unacceptable

Design

- This is a clear and fundamental breach of the London Plan's tall buildings policy
- The application does not in any way attempt to physically integrate Sites 15 and 16
- By maximising the footprint of the building and extruding this footprint to 20/9 storeys the design of the building not only fails to provide pedestrian routes that penetrate the site, it fails to take the opportunity to provide a wider public space between the development and the arches
- It is clear that far from opening up and reactivating the arches, the proposed development would do the exact opposite -it would create tall, narrow canyons between the arches and the development, which would not only be oppressive to both current arch occupiers and the general public, they would also be unsafe
- The application fails to comply with Site Allocation 16 policy (iii) because it fails to enhance the arches to provide active uses and routes through
- Not only does the application create a canyon on the southern side of site 16, it fails to integrate with developments envisaged on Site 15

- The form of the proposed development cannot be regarded as being appropriate for this site because the policy that Lambeth have developed for Site 16 specifically advocates low buildings and permeability
- The application has failed to properly consider its spatial relationship with the railway arches
- The proposed development is simply too large, too tall, and too close to the railway arches and fails to take the opportunity to allow pedestrian links to flow through it
- The proposal is an oppressive, impermeable building that is out of scale with its context and its design has not properly considered its relationship with that context
- Severe harm to the sunlight and daylight amenity of the occupiers of the flats at 368-372 Coldharbour Lane
- Harm to privacy, sunlight, and daylight to properties of Carney Place unacceptable
- The design lacks empathy for the space around it
- Would negatively dominate the skyline
- The cross sections provided in the revised plans, especially the Proposed Cross Section E-E' and F-F', have carefully omitted the volumes of Coldharbour Lane. This makes it extremely difficult to understand the level of overlooking on these properties by the proposed development. Had these volumes been properly represented in the cross sections, the unacceptable level of overlooking into the bedrooms of Coldharbour Lane would have been evident.
- 187 windows/rooms do not comply with one or more of BRE guidelines. Moreover, a total of 57 windows would suffer from daylight losses in excess of 40%, and a total of 68 windows have a retained VSC lower than 15%. In both cases, the impact on those windows is significantly higher than the acceptable levels indicated in the BRE Guidelines.
- Taking into account the recent decision by the Secretary of the State on the case of 8 Albert Embankment (ref: APP/N5660/V/20/3254203 & APP/N5660/V/20/3257106), where the severe impact on the daylight conditions of 24 rooms meant the scheme was considered harmful to the surrounding properties, I believe that the numbers indicated in this case are strong evidence of the harmful nature of this proposed development on its surroundings.
- The impact of the pandemic has meant that many of the bedrooms have been used as working spaces. This trend is likely to continue for the foreseeable future due to the increase of flexible working patterns. Therefore, it is not acceptable to assume that these bedrooms do not need optimal daylight conditions as they will be used for more than simply sleeping.
- The public toilets would be in the basement of the proposed building, and therefore far less accessible than the current toilets.

- The community floorspace cannot be separated from the general market, therefore it wouldn't be that useful to the community
- Would create a canyon effect which is a contravention of the site allocation
- The proposal doesn't optimise site capacity through a design-led approach. Its design would be at odds with the existing low-rise townscape, which would be to the detriment of its built character. As Historic England have said, it is the scale and massing which are its inherent flaws.
- By virtue of its height, scale, and massing this is an unneighbourly development
- None of the application documents accurately represent the relationship between Carney Place and the proposed development.

Heritage

- Lambeth Planning Officers' report states that 'Modelling undertaken by the Council's Conservation and Design team has concluded that the maximum height this site could reasonably accommodate without causing townscape and heritage harm was 14 storeys (57m AOD). The harm created is unjustified.
- Would wipe out a huge part of Brixton's iconic cultural heritage
- Would have a detrimental effect on the unique character of the area
- Would stylistically overwhelm the Rec Centre
- Views from and within Brixton Rec Centre were not considered in the heritage assessment. Brixton Rec Centre is designed to benefit from natural light, it is part of its Reasons for Designation as a heritage asset. The applicant's Daylight/Sunlight/Overshadowing report demonstrates that the Rec Centre would be overshadowed, which would result in harm to the setting of the Rec Centre as well as to the Rec Centre itself.
- It is clear from Historic England and The Victorian Society's objections and the Design Review Panel's assessment that they regard the harm that would be caused by the development to the Brixton Conservation Area based on visual assessments to be 'moderate to high', 'significant' and 'unacceptable'.
- The new public square proposed would shift the focus of Brixton's public realm and detract from and undermine the symbolic importance of Windrush square to the neighbourhood's Afro-Caribbean community
- Would result in harm to 1 Grade II* listed building, 4 Grade II listed buildings, 23 Non-Designated Heritage Assets, 1 Registered Park, and 5 Conservation Areas.
- The building is in a sensitive location being immediately adjacent to the Brixton Conservation, yet the highest part of the building is located at that boundary without any design measures to transition or mitigate against adverse impacts.

- The building would loom over its existing low-rise neighbours and cast long and large shadows over the town centre.
- Too tall, too big, not interesting enough to be approved – use should instead be spread among several smaller buildings in different locations Brixton
- Building would make the street markets feel claustrophobic.

Economy

- Failure to examine the impact of the process and the damage it will do to the local economy
- Development won't benefit the people of Brixton; it will push them out
- This amount of office space isn't appropriate post-Covid, particularly given a rise in flexible working
- Would build a parallel market space that would detract from existing markets
- Would price out local independent vendors
- Would increase land values and make Brixton unaffordable for people/existing residents to live and do business in
- The proposed indoor shopping area in the development would directly compete with the existing indoor and street market traders and therefore threaten the economic viability of the existing traders
- The creative businesses in the Valentia Place arches currently provide 15 entry level skills and development roles and invest more than £80k into training local people and providing pathways into employment. This is greater than the applicant's offer (£40k per year for a Brixton job training fund, which would only cover the cost of training five local unemployed people each year or fewer than two apprenticeships) and would be displaced by the proposed development.
- Construction would prohibit certain artists from being able to operate their businesses in the Valentia Place arches owing to dust, noise, and access impacts. Audiences would also be restricted from attending events on site. This would threaten the viability of businesses who have just survived the pandemic.
- The arch tenants estimate the cost to both soundproof and dustproof spaces to be in the region of £40k a unit and this does not allow for compensation for the disruption caused as the works are done
- Enhanced offer to pay £1,000,000 into a Brixton Job Training Fund (£40,000 pa over 25 years) to be used to support local training and employment initiatives would be over and above the contribution required by the Local Plan; however, the amount offered is relatively modest taking account of the income the applicants are likely to receive from commercial tenants
- According to figures contained in Hondo's Employment and Skills Plan March 2020 (ESP) only 14% of all jobs and only 15% of office jobs (15%

of FTES) within the development are expected to go to Lambeth residents, let alone Brixton residents. These figures are woefully short of meeting the 25% target for local jobs during the construction phase and the first 2 years of occupation stipulated in Lambeth Local Plan (LLP) policy ED15.

- Office jobs in the development would make up 91% of all jobs post construction according to Hondo's figures. Hondo admit in their ESP that the 25% target in respect of local office jobs is 'unachievable' because the office workforce would likely be commuting from outside of the borough, particularly during early operational occupation
- The revised offer to provide an additional 50% of apprenticeship opportunities during the occupational phase amounts to adding 13 apprenticeship opportunities to the 26 already required under Lambeth policy. This might sound well-intentioned but none of these apprenticeships can be secured. Hondo say they would use 'reasonable endeavours' to encourage tenants to provide these but ultimately it will be up to the tenants in the building to decide, it is not in the gift of the applicant.
- Already too many leisure uses in Brixton – cafes, restaurants, takeaways, music venues

Social

- Gentrification would push black and brown working-class communities out of the area
- Would erode the traditional community spirit of the area
- Would displace members of the BAME community
- Would do nothing to address the needs of Brixton, which continues to experience high levels of social and racial inequality
- To plan a 20-story development without including, at a level of achievable detail, what happens to the immediate environment - 3 metres away - is not only a missed opportunity but illustrates a complete lack of awareness, care or integrity by the planning authorities.
- Would pose a threat to Brixton's cultural heritage, particularly its Black heritage

Other

- Breaches too many elements of the local plan, deviation from the development plan
- Concern that the office space would go unused and be converted to poor quality residential with no affordable housing
- Insufficient and disingenuous community engagement
- The eighth-floor rooftop restaurant would be disruptive to Carney Place residents, because of noise and light, late and night and early morning

- The community floorspace accounts for less than 1% of the total floor area – not enough
- Most of the office floorspace is not proposed as affordable. If this goes un-let, the building would become a massive white elephant at the centre of Brixton.
- There won't be enough public toilets – the proposal only includes five more cubicles, which would be insufficient to handle the increased demand, especially when events are held.
- Insufficient consultation, mitigation, and thought into the impact/damage this development will cause to the assets and community of the Valentia Place creative businesses
- The public toilets feel like an afterthought, as they are stuck in the basement and only accessible by lift - out of sight really, and what if the lift breaks down.
- Bureau Of Silly Ideas is written into the application as a provider of cultural content, however no agreement of what or how it might be paid for has been discussed with us, despite requesting
- There has been no substantial cultural audit of what already exists or the ambitions for the CEZ
- There has been no mention of how Bureau Of Silly Ideas (an Arts Council England National Portfolio Organisation) and the community resources we provide are protected from the disturbance of a very large construction site and its impact on our, workshops, rehearsal rooms, making spaces, production offices, studios and hire spaces. Indeed, if the building works commence no one would be able to operate from our premises for 2 - 3 years due to disruption
- Local groups were not consulted, local consultation inadequate
- Public consultation event materials and questions were loaded and misleading, findings were not accurately reported
- Any new public square would undermine Windrush Square.

Support

144. The relevant material planning considerations raised in support of the proposal can be summarised as follows:

- Would create much needed jobs in the local area
- Would support skills training in the area
- Would raise revenue for Lambeth Council
- Would bring investment into the area
- Would create a beautiful new part of Brixton
- Would bring working professionals to Brixton
- Would deliver affordable workspace
- Would be complementary to Brixton Village
- Would regenerate Popes Road

- Would facilitate delivery of a new square outside Brixton station
- Traditional markets would be expanded into new iteration of markets
- Would improve a shabby part of Brixton
- Would provide space for Black tech founders to grow their businesses
- Would uplift the town centre
- Would reactivate the street scene
- Fewer than 65% of Black people in Lambeth have jobs and the Coldharbour Ward has more unemployment than anywhere else in Lambeth. The proposed development would provide them with opportunities Brixton has historically lacked and create social mobility

145. On 21 April 2022 GLA officers attended a meeting and site visit with representatives from the Save Nour/Fight the Tower community group. In person representations were made at this meeting which covered the following topics:

- Air quality concerns, particularly regarding vulnerable users of the creche at the Brixton Rec Centre, as the site sits within an Air Quality Focus Area
- Impact on daylight/sunlight/amenity of neighbouring properties, particularly as many residents have repurposed single aspect rooms to accommodate at-home working arrangements
- Consideration of daylight/sunlight impacts on Brixton Rec Centre itself, given the building's functional reliance on skylights
- Concerns that the proposed toilets would be hidden within the proposed building, and therefore not as apparent to would-be users
- Concerns that the change in the pedestrian flow rate along Pope's Road will have a detrimental effect on the street vendors
- Concern that the proposed 'public square' along Pope's Road would become a 'pass through' space rather than a successful public square
- A new public square is superfluous given that Windrush Square already functions as a successful public square for Brixton and the surrounding area
- Concerns that the proposed building would worsen ground level wind conditions
- Concern that the lower floor residents of Carney Place, which are the social rent and intermediate tenure units, would be disproportionately disadvantaged
- Concern that the proposed building would negatively impact daylight/sunlight of Brixton Village which relies on skylights
- Insufficient views of the proposal's impact on the Loughborough Park Conservation Area, cannot undertake a proper assessment of impact
- Concern that the quantum of office space would be unviable in a covid and post-Covid context and that the building could be converted to residential through permitted development without providing any affordable housing

- Development on this site would preclude delivery of a Brixton Overground line stop
- Proposal would have an unacceptable impact on townscape and views

Further representations to the Mayor of London

146. Sakina Sheikh AM and Marina Ahmad AM object to the proposal and commented as follows:

- It is disappointing that the Mayor’s direction for the applicant to ‘re-engage and consider changes to the scheme’ has seen no progress in the past 13 months. The missed opportunities for engagement are regrettable.
- The scheme in its present form will have a damaging and detrimental impact on the heritage and culture of Brixton Town Centre, including the market and the wider conservation area.

147. Councillor O’Hara, Brixton Windrush Ward Councillor, objects to the proposal for the following reasons:

- As Brixton’s Supplementary Planning Document states that redevelopment should “not drive out the people and uses that give Brixton its rich character” ... and welcomes “exciting new buildings” so long as they “respond well to their context.” Unfortunately, this building fails on both these counts – the design is an industrial hulk, which overwhelms its low-rise Victorian neighbours.
- The Brixton Conservation Area statement explains that one of the “defining features” of Brixton is the communities’ “direct relationship with the physical character of the area”. The low-rise, small-scale shops and stalls around Popes Road and Brixton Station Road will be overwhelmed by this out-of-scale block and 15 out of 20 heritage assets assessed will be harmed which amounts to a substantial impact.
- [This building] isn’t responding to the needs of the people who live here – though we welcome increased affordable workspace we want a commitment to pay the London Living Wage. Many will feel put off from entering by the security and curated community offerings. The amount of floor space dedicated to community use remains little over 1% of the total, so who is this building for? It isn’t for the majority of people who call Brixton their home.

148. The Brixton Society objects to the proposal for the following reasons:

- Do not consider the enhanced offer to extend the affordable workshop term to 65 years to add any meaningful value to the original offer, as modern high-rise commercial buildings are generally expected to have a life span of 30 to 40 years, after which they are considered to be obsolescent and demolished. Examples of buildings in Brixton built in the 1970s, which have either been demolished or are threatened with demolition, include Hambrook House (former Lambeth council offices demolished in 2017) Olive Morris House (former Lambeth council offices, completed in 1978, demolition

approved 2015 on basis the building was no longer fit for purpose) and International House (threatened with demolition).

- In addition, note that rents for the affordable workspace would be calculated as 50% of anticipated market rent. A building as tall at this proposal is expensive to construct and maintain. Even a 50% reduction in anticipated rent levels is unlikely to be affordable for the majority of local start-up businesses
- Also note that Impact Brixton will occupy an undisclosed proportion of the affordable workspace. As Impact Brixton already occupy premises in Central Brixton as existing tenants of the applicants, the result will be to reduce the amount of affordable space that would otherwise be available to new and start-up businesses and will not increase the overall amount of affordable workspace in Brixton.
- Annex 9 of the Lambeth Local Plan calculates that it costs on average £6,500 to provide training employment support to help one unemployed person secure an entry level job. Using this figure as a guide, a contribution of £40,000 per year would cover the cost of training and preparing just 5 local unemployed people to find jobs. This is relatively modest considering the scale of the development.
- In the original offer, the applicants committed to using reasonable endeavours to achieve a target of 26 apprenticeships either at construction stage or end-use stage to be provided to Lambeth residents, and 10 jobs at end-use stage for local unemployed adults. The enhanced offer increases the number of apprenticeships from 26 to 39, the additional apprenticeships to be provided by tenants in the completed building. The revised target is unlikely to be achieved, since the developer will not occupy the completed building themselves, and it will not be under the control of the developer to offer apprenticeships or jobs in the building after completion, since it will be down to the companies who lease space in the building to deliver end-use apprenticeships. It is entirely unclear how the developer will ensure that that tenants in the building provide apprenticeships to Lambeth residents.
- The offer to extend the term of the affordable workshop space to 2090 is of little value as this is longer than the expected life of the building.
- The additional financial contribution will not make a significant contribution to local unemployment rates, and it is not within the power of the applicant to offer additional apprenticeships in the building after occupation.
- In the likely event that the space fails to attract corporate office tenants, the applicants have a ready-made fall-back position of converting the empty tower into residential apartments. This is already implied by the external design of the tower, which strongly resembles an earlier residential tower in New York by the same architect. (130 William Street, illustrated in Wallpaper magazine in March 2021.)

149. The Brixton Recreation Centre Users Group (BRUG) objects for the following reasons:

- Development would limit daylight within Brixton Rec for significant periods
- Scale of the development would overwhelm established small traders in the area
- Influx of 2000+ workers may put pressure on the Rec services and displace local users
- Would alter local demographics and be detrimental to the existing diverse community

150. The Save Nour / Fight the Tower group objects for the following reasons:

- There will be insufficient space on the north and south facades of the building to accommodate sufficient access for a pumping appliance that complies with LFB Guidance Note 29 para 4.1 and insufficient space on the north and south facades of the building to allow access for turntable ladders or hydraulic platforms should other methods of fire rescue fail. In the wake of the Grenfell disaster it is clearly paramount that site conditions and design of tall buildings should not prevent or impede the London Fire Brigade from being able to carry out their duties effectively. At 20 storeys high, there is no doubt that this is a tall building, but it would appear that insufficient attention has been paid to the increased fire risks associated with its height and the extreme physical constraints of the application site.
- Not only does the application create a canyon on the southern side of site 16, it fails to integrate with developments envisaged on Site 15 - contrary again to site 16 policy (vi).
- It is a proposal for a tall building on a site specifically allocated for low buildings in the site 16 policy.
- The unacceptable harm to sunlight and daylight amenity that the proposed development would have on the residents of flats at 368-372 Coldharbour Lane (Carney Place) which is contrary not only to Site 16 policy (x) but also policy contrary to policy Q2 of LLP2021, and policy D9 C 3 a) of the London Plan.
- The proposed development would also fail to protect views from the adjacent Loughborough Park Conservation Area by virtue of the fact that it would entirely obscure views towards the London skyline. This is contrary to LLP2021 policy Q22.
- The application has so far, only been considered to be a departure from Local Plan policies Q26 (ii) and Site 16 policy (x) but in fact, when considered against relevant Local Plan policies concerning site allocations, pedestrian transport, urban design and public realm, the proposed development fails to comply with Local Plan Site 16 policies (ii), (iii), (vii), (ix)

and (x), and therefore also Local Plan policy PN3. It also fails to comply with Local Plan policies T2 C and Q6.

- At a London level, the proposed application fails to comply with London Plan policy D3 with regard to land use and form. In addition, it also fails to comply with Policy D3 with regards to optimising the site's capacity. The proposed development is simply too large, too tall, and too close to the railway arches and fails to take the opportunity to allow pedestrian links to flow through it. It is an oppressive, impermeable building that is out of scale with its context and its design has not properly considered its relationship with that context. The proposed development is also fundamentally contrary to London Plan Policy D9 (Tall Buildings) which states that: "Tall buildings should only be developed in locations that are identified as suitable in Development Plans." (London Plan, p.139) As stated above, Annex 10, and hence Policy Q26 of the Development Plan does not identify this site as being appropriate for tall buildings. In contrast, the Development Plan allocation for Site 16 within which the application site resides, actually proposes low buildings. Yet, the proposed development within Site 16 is for a tall building. So the proposal is contrary to the Local Development Plan on both of these counts - it both breaches Local Plan policy PN3 Site 16 (x) and also breaches Local Plan policy Q26. For this reason, the proposed scheme is a fundamental breach of London Plan policy D9 on Tall buildings.

151. A local resident who runs a start-up investment fund (Black Seed) supports the development for the following reasons:

- The proposed development will deliver employment opportunities that Brixton has historically lacked; and these jobs will be attainable for local people;
- A £3 million training fund will be focused on Brixton Windrush Ward, providing employment and skills training specifically for local youth from BAME communities; the development will provide a host of other benefits including affordable workspace, worker expenditure adding to the local economy; and a community space.
- Establishment heritage concerns threaten these benefits; impacts on the setting of built heritage assets should not outweigh the potential benefits and opportunities the development would bring for the Brixton community.

Consultation responses received by the GLA

152. Historic England object for the following reasons:

- The heritage impacts arising from the application proposals remain the same as previously considered. Historic England has provided detailed comments on the proposals in its objection letters of 18 May 2020 and 14 October 2020. We wish to reiterate our very serious concerns and refer you to these letters, which set out the harmful impact on significance and our position.

- In summary, Brixton Conservation Area represents a particularly characterful town centre with a very strong sense of place. We consider that the proposed development, by virtue of its scale and design, would have an aggressively dominant relationship with the conservation area, resulting in harm to its significance, and that of the Grade II* listed Church of St Matthew. There would also be similar harm to the Grade II* listed Budd Mausoleum in the churchyard (which we have not identified previously) as the proposal would detract from its townscape prominence and distinctive silhouette. The application presents a clear conflict with national and development plan policy because of this harm, and by virtue of the fact that the site has not been allocated as suitable for a tall building. Historic England therefore objects to the grant of planning permission.
- Lambeth's Local Plan 2021 has been adopted since our previous consultation responses. Policy Q26 Tall buildings, Part B allows for the consideration of tall buildings outside of site allocations, providing that the application provides 'clear and convincing justification and demonstrate the appropriateness of the site for a tall building having regard to the impact on heritage assets, the form, proportion, composition, scale and character of the immediate buildings and the character of the local area'. Lambeth officers have described the impact of the proposed development on the setting of the Brixton Conservation Area as "overwhelmingly negative" (CR 8.2.94). They have also undertaken their own modelling exercise which demonstrates that the proposals are 38 metres taller than what they consider that the site could reasonably accommodate (CR 8.2.31).
- In this opportunity to provide further comment, we wish to draw your attention to what we consider to be serious flaws in the design process and design quality, in light of recent high-profile appeal decisions relating to heritage which consider these points in more detail. This is pertinent because the applicant claims the quality of the design is a key justification for the scheme. In response to the identification of harm (by the GLA, Lambeth and Historic England), the applicant has submitted that 'this does not affect - and is indeed outweighed by - the exceptional quality of its design.' Contrary to this view, recent decisions, including those resulting from recent public inquiries for the Citroen site and 'Tulip' proposal, found that harm to the setting of designated heritage assets detracts from the overall design quality. In the case of the Tulip, the harm caused to designated heritage assets, arising from its form and materials, at its proposed height and location, 'weighs very heavily against the quality of the design' (IR 14.87).
- Furthermore, both the NPPF and London Plan place importance on the scrutiny of development proposals through the use of design review (NPPF Para 133; LP Policy D4). In the case of the Tulip appeal, the Secretary of State found that the criticisms that arose through design review carried significant weight against the scheme, and that it could not be considered to have the support of NPPF paras 132 and 133 (Para 43). A number of concerns raised by Lambeth's independent Design Review Panel remain unaddressed. For example, they were critical of the unwelcome visual dominance of the bold concrete diagonal elements of the east and west

elevations in addition to the repetitive window treatment and lack of articulation of the north and south elevations when viewed from street level. We share these concerns and consider that they contribute significantly to the building's alien character in the context of Brixton's existing townscape, amplifying the harm caused by its uncharacteristic scale.

- The revised NPPF (2021) Para 134 requires that developments should be sympathetic to local character and history, and development that is not well designed should be refused permission, especially where it fails to reflect local and government design guidance. Related to this, the National Design Guide (2021) emphasises the importance of heritage and context when considering the merits of a design. These points are all reinforced in London Plan Policies D1, D3, D9 and HC1, in particular. These related policies rely on a design-led approach for optimising sites, to ensure that the form of the proposed development responds to a site's context and capacity for growth, including through identifying and avoiding harm to heritage assets.
- The form and scale of the proposed development has been determined principally by a desire to provide a minimum quantum of commercial floorspace, to create an office ecosystem. This predetermined quantum appears to bypass the design-led approach to optimising site capacity, which requires an evaluation of the site's surrounding context. The brief does not allow for the surrounding context, including heritage assets, to inform the scale or form of the proposed development in relation to the capacity of the site for potential growth, as required by all the London Plan policies listed above.
- The methodology employed by the submitted Townscape, Heritage and Visual Impact Assessment concludes that the development has either a neutral or beneficial impact on the setting of heritage assets. Of this same methodology, in dismissing the Tulip appeal, the Inspector noted that 'enhancing a view is not the same as enhancing the aspects of a setting that contribute to the significance...[of listed buildings]' (IR 14.59). As no possible harm was identified by the applicants in developing the scale and form of the proposed scheme - a major flaw in the methodology in this case - we query how it could have been developed to avoid harm to heritage assets and sensitively respond to its context, as policy robustly requires.
- Historic England objects to the application on heritage grounds. The proposals would result in clear harm to important designated heritage assets and would markedly detract from Brixton's very strong sense of place. The application is contrary to the Development Plan (London Plan Policies D3, D4, D9 and HC1; Lambeth Local Plan Policies Q7, Q20, Q22 and Q26). In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, and, section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

153. The London and Middlesex Archaeological Society (LAMAS) object for the following reasons:

- The 'Townscape, Heritage and Visual Impact Assessment' documents show various views with and without the block – in most cases it spoils the setting of the present streetscape (and this with a camera lens selected to minimise the appearance of distant buildings). It does no favours to the setting of the Brixton Market Conservation Area
- The Committee feels strongly that Brixton's heritage should not be spoilt by the intrusion of this block, and that anything over eight storeys should be refused

154. The Environment Agency provided advice as general informatives relating to standard planning, land contamination, foundation design and contamination, drainage design and contamination, foul drainage proposals, engineering works, soils and stones, and waste removed from development sites.

155. Lambeth Council support the proposal for the following reasons:

- Lambeth continues to support the proposed development. It will deliver an extensive range of benefits with the new office space, retail, community, and leisure uses creating new business and employment opportunities. The development would help address the undersupply of workspace within the town centre and provide space for existing and new businesses to establish and grow within Brixton, whilst creating an eco-system whereby larger and medium sized employers are also attracted, and mutual benefits can be achieved through co-existence with small vibrant SMEs. The extensive employment support packages, with targeted apprenticeship and training opportunities for local and under-represented communities, are a very important aspect of these proposals which are fully aligned with the Council's Economic Resilience Strategy and the Mayor's economic strategies for London. The creation of around 1600 jobs at the site will also generate extra footfall and spending which will support both the day and night-time economies within the local area. The creation of new small retail units will complement the adjacent indoor market and provide good opportunities for new and existing small businesses. Other benefits include provision of floor space for community uses in the building that would be available for local groups. This space will be managed by a group of community representatives tasked with ensuring productive use of the space and to promote activities in public areas that help to reflect and celebrate Brixton's cultural heritage. The proposals will also enable significant investment in active travel infrastructure locally, in bus provision, and will contribute towards the much needed upgrading of Brixton's Network Rail station. The proposals will deliver a new public square on Popes Road in front of the site, creating a multipurpose space and a new focal point for the town centre. Whilst Lambeth remain of the view that the extensive package of benefits that were negotiated up to the November 2020 PAC meeting were sufficient to outweigh the departure from certain aspects of policy and the less than substantial harm to local heritage assets; the additional enhancements negotiated by the GLA are considered to strengthen further the social and economic contribution of the proposals particularly and are welcomed in further enhancing the planning balance in favour of the scheme.

- Overall, the social, economic and environmental benefits of the scheme are considered to be significant. The scheme accords with the Council's Borough Plan objectives and with the Mayor's London Plan and post-Covid recovery strategies for the city; and constitutes sustainable development. Lambeth look forward to the opportunity to re-affirm and expand on these points as may be required at the upcoming Mayoral hearing.

External advice received by the GLA

156. Following the Mayoral 'call in' further scrutiny on Urban Design was undertaken. An architect from Adams & Sutherland was commissioned who attended a site visit and issued written advice to the GLA. In conclusion, the advice states:

"The existing built context of the proposal site is rich, varied and complex. It is also consistent in being low to medium rise. People live, work and trade in this town centre, and it has both local intimacy, and important popular significance across London for its sense of openness, and visible culture and history. Careful development of site S16 (Lambeth Local Plan) could be an opportunity to consolidate valuable existing spatial qualities and improve the public realm, in ways which are inclusive, legible, and impact positively on the wider area. The scale, extent and built character of this proposal would instead bring adverse impact in the ways set out above and represent a dramatic and permanent shift in the area character, that would undermine the existing fragile and valuable balance of commerce, culture and community that is defined in the existing built space of Brixton town centre."

157. The proposal was also considered by the London Review Panel (LRP) and the Mayor's Design Advocates ('MDAs') attended a site visit in advance of a 22 April 2022 panel review, with formal advice issued subsequently. The MDAs concluded the following in summary:

"The panel members all agreed that the ground floor layout requires further work, to ensure it is well integrated with, and enhances the surrounding area. There was concern that the service access strips to the north and south of the building would feel unsafe, particularly at night. The panel felt that further thought is needed about whether these can be successful as public routes, and especially questioned the realism of market stalls with access from two sides as currently shown.

There was also consensus that the internal arrangement of the ground floor would benefit from more thought, to create a more generous main entrance and more prominent office lobbies. Currently, the internal office lobbies appear inconspicuous and lacking in generosity. The panel felt that a double-height space should be created behind the colonnade along Popes Road to amplify the public space outside the building.

The public realm improvements on Popes Road, opposite the potential entrance to Brixton Station, show promise. That notwithstanding, the panel

did not think it is acceptable for the frontage along Popes Road to include two fire exits, plus access to toilets, with main entrances either side.

The panel felt that a more positive relationship with Valentia Place is required. They recommended a secondary public entrance on this side, instead of only service access, to activate this space and ensure it feels safe, while also avoiding making the internal layout a cul-de-sac. It also recommended that a commitment is secured to ensure north-south access through the site through at least one railway arch on each side.

While the panel members expressed differing views about the proposed scale and massing, there was agreement that the shoulder block appears bulky, reminiscent of a slab block, and that refinement of its massing and/or architectural expression should be explored. It was suggested that the massing of this element should be reduced in height, and gaps created to give views of sky. Panel members felt that Brixton is already iconic in its culture, history, and character of place and a tall building is not necessary as a landmark from this point of view. The panel felt the use of red brick and white concrete to reference nearby historic mansion blocks could risk an appearance of pastiche. A more ambitious approach to low carbon design and sustainability would also strengthen the scheme, and the panel notes that BREEAM Outstanding is becoming the norm for newbuild offices in London. The panel would expect a tall building proposal on this key site to be exemplary in its approach to sustainable design.

158. Further scrutiny on heritage matters was also undertaken following the Mayoral 'call in'. A heritage consultant from Barker-Mills Conservation consultancy was commissioned. The consultant attended a site visit and issued formal written advice to the GLA which concluded:

"The proposal causes harm to several designated heritage assets. That harm is largely indirect and less than substantial in terms of the NPPF. The harm ranges from moderate, at the middle of the spectrum down to low. The impact involves harm to two assets of the highest significance as defined in the NPPF (Paragraph 200). The policy approach is that great weight should be given to an asset's conservation and the more important the asset, the greater the weight should be.

Historic England have formally objected to the proposals and indicated that they wish to make formal representations at the hearing (letter of 26 March 2021 ref PO1198267). This is unusual and a clear indication of the concern being raised by the Government's expert advisor on the historic environment. That concern relates to the harm being caused to heritage assets. Case law has established that the advice of Historic England should be taken seriously and that it should only be disregarded for very good reason.

My own independent assessment has found similar levels of harm to that identified by Historic England. The proposal also raises serious design issues with regard to its response to its historic context. It therefore cannot

be said to meet the policy requirements of the London Plan in terms of heritage assets and tall buildings.

The assets being affected individually and collectively make up the civic identity of Brixton and the Borough of Lambeth, part of which relies upon the landmark quality of their architecture. The introduction of what will be the tallest building into this historic centre and one which is described as overbearing and visually dominant and which diminishes the landmark prominence of the Town Hall clearly cannot be said to be an appropriate response to this special character or indeed be acceptable.”

Representations summary

159. All the representations received in respect of this application have been made available to the Deputy Mayor; however, in the interests of concision, and for ease of reference, the issues raised have been summarised in this report as detailed above.
160. The main issues raised by the notification responses and the various other representations received are addressed under the relevant topic headings within this report.

Principal Planning Issues

161. Having regard to the site and the details of the proposed development, relevant planning policy at the local, regional, and national levels; and, the consultation responses and representations received, the principal planning issues raised by the application that the Deputy Mayor must consider are:
- Land use principles, including office-led development and associated mixed uses
 - Heritage, including conservation areas, listed buildings, registered parks and gardens, and non-designated heritage assets
 - Design, including layout and public realm, height and massing, architectural quality and appearance, design scrutiny, fire safety, designing out crime, inclusive design, and impact on neighbouring properties
 - Green and sustainable infrastructure, including energy, whole lifecycle carbon, circular economy principles, flood risk, sustainable drainage, air quality, noise, wind microclimate, waste management, and urban greening
 - Transport, including trip generation and modal split, public transport capacity and mitigation, active transport, Healthy Streets, Vision Zero, car and cycle parking; deliveries and servicing, construction logistics, travel planning, and transport operations safeguarding
 - Mitigating the impact of development through planning obligations
 - Legal consideration
 - Public Sector Equality Duty (PSED) and Human Rights.
162. These issues are considered within the following sections of the report.

Land Use Principles

163. This section examines the principle of the proposed land uses. It will assess against the development plan policies the proposed office use (including the proposed affordable workspace), retail/market, restaurant use and community space proposed.

Land use policy context

164. The National Planning Policy Framework (NPPF) provides the Government's overarching planning policy framework. A key component of the NPPF is the presumption in favour of sustainable development. In terms of decision making, this means approving applications that accord with the development plan without delay; or, where there are no relevant development plan policies, or where such policies are out-of-date, granting permission unless either: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or where NPPF policies that protect areas or assets of particular importance (including designated heritage assets) provide a clear reason for refusing a proposed development.

165. The London Plan 2021 is the Spatial Development Strategy for Greater London. Within the London Plan, the Mayor's overarching objective is to meet London's housing and development need by making the best use of land, whilst safeguarding the Green Belt and designated open spaces. This is reflected in the objectives on 'Good Growth' GG1, GG2, GG3, GG5, and GG6, which support intensified, high-density, mixed-use, particularly on sites well connected by existing or future public transport, walking, and cycling connections; development on brownfield land, particularly in Opportunity Areas and on surplus public sector land; promotes industrial and employment space in the right locations; and new and improved green infrastructure.

166. The proposed development seeks to redevelop this existing inner London brownfield site to deliver a significant provision of employment floorspace (predominantly office) and affordable workspace along with ground and first floor retail and community uses and an eighth-floor restaurant. The application site is subject to the following strategic and local policy designations:

- Major Town Centre
- Strategic Area for Regeneration
- Creative Enterprise Zone
- Site Allocation 16

167. The NPPF states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management, and adaptation (paragraph 86) and need to reflect changes in the demand for land (paragraph 122).

168. London Plan Policies SD6 and SD7 seek to enhance the vitality and viability of London's town centres promoting a 'town centres first' approach. To this end, these policies set objectives for town centre sites, such as this one, including:

- encouraging strong, resilient, accessible, and inclusive hubs with a diverse range of uses that meet the needs of Londoners
- delivering sustainable access to a competitive range of services and activities by walking, cycling and public transport
- strengthening the role of town centres as a main focus for Londoners' sense of place and local identity in the capital
- ensuring town centres are the primary locations for commercial activity beyond the CAZ and important contributors to the local as well as London-wide economy
- ensuring commercial floorspace supports diversity by providing a range of unit sizes, as well as relates to the size, role, and function of a town centre and its catchment area

169. Lambeth Local Plan Policy ED7 seeks to support the vitality and viability of Lambeth's town centres, delivering regeneration and ensuring that development is of an appropriate form and scale relative to the role and function of the centre and its catchment. To this end, the policy states that development should integrate with and add to the physical attractiveness of its locale as well as provide a mix of unit sizes and uses.

170. Lambeth Local Plan Policy PN3 identifies Brixton's role as a distinctive, multicultural and diverse major town centre. This policy sets the objective that Brixton should be safeguarded and promoted through careful and sensitive regeneration, recognising its local distinctiveness and historic built environment while supporting economic, social, and environmental sustainable development. Part E of this policy further states that applications within the Creative Enterprise Zone (CEZ) for development including office floorspace will be supported where they maximise the amount of market, flexible, low-cost, and affordable workspace suitable for creative and digital industries, provide a mix of workspace typologies for different types and sizes of businesses with a focus on start-up, incubator and grow-on space for creative and digital industries, and provide space, such as meeting rooms and exhibition spaces, which promotes networking and information sharing between businesses and sectors within the creative and digital industries and that can be accessed by local community groups.

171. This policy includes Site Allocation 16 – Brixton Central (between the viaducts) SW9. The application site forms part of this wider site allocation. The allocation lists preferred uses for the site as well as key design and development principles. The preferred uses are as follows:

- Improvements to Brixton Station to include a new station entrance and pedestrian links
- Mixed-use redevelopment including retail, new workspace, food and drink, community, educational, leisure and recreation uses, possible market extension and associated uses
- Development to include revitalised railway arches with options to provide links through to improve north-south routes

172. The design principles and development considerations within the allocation state that the council will support development that opens up Pope's Road to provide a

wider public space with the potential to provide improved and/or additional market spaces and includes market facilities.

Office use

173. The NPPF states that planning decisions should help create the conditions in which businesses can invest, expand, and adapt. In line with paragraph 81, significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 83 furthermore instructs that planning decisions should make provision for clusters or networks of knowledge and data-driven, creative, or high technology industries.
174. London Plan Policy E1 seeks to support London's diverse range of office markets. To this end, this policy instructs that inner London office markets (outside the Central Activities Zone and Northern Isle of Dogs) should be consolidated and – where viable – extended, focusing new development in town centres in order to meet the projected additional demand for 1.0-1.1 million sq.m. of floorspace between 2016 and 2041 as identified in Table 6.1 of Policy E1.
175. London Plan Policy E2 seeks to ensure the availability of a sufficient supply of business space of different types, uses, and sizes to support start-ups and SMEs. To this end, part D of this policy states that proposals for more than 2,500 sq.m. of new B Use Class floorspace should provide a proportion of flexible workspace or smaller units suitable for micro, small, and medium-sized enterprises.
176. Lambeth Local Plan Policy ED1 seeks to protect and increase its stock of office floorspace to support investment and economic growth. The policy states that proposals for large offices, defined as 1,000 sq.m. or more gross external area (GEA), will be supported in certain locations including Brixton. Part F of this policy further states that proposals new office floorspace greater than 2,000 sq.m. (GEA) should consider scope to provide a proportion of flexible workspace suitable for micro, small, and medium-sized enterprises in accordance with London Plan Policy E2.
177. Lambeth Local Plan Policy ED1(F) states that development proposals for new office space exceeding 2,000 sq.m. should consider the scope to provide a proportion of flexible workspace suitable for micro, small, and medium-sized enterprises, such as co-working space or serviced offices. This policy also instructs that opportunities for long-term management of the flexible workspace by a company specialising in the management of this type of space should be fully explored.
178. London Plan Policy HC5 recognises that creative industries play an important role in London's economy and cultural offer and seeks to support the continued growth and evolution of London's diverse cultural facilities and creative industries. This policy encourages boroughs to consider how the cultural offer serves different local groups (such as young people, BAME groups and the LGBT+ community), and where the cultural offer is lacking for particular groups. Brixton is identified as a Creative Enterprise Zone (CEZ). In accordance with Policy HC5, CEZs support the provision of dedicated small industrial and creative workspaces. Development in CEZs should therefore seek to address issues of affordability and suitability of

workspaces for artists and creative businesses. Additionally, CEZs should seek to deliver the new spaces creative industries need to produce, manufacture, design, rehearse and create cultural goods, as well as ancillary facilities where they can meet clients, network, share knowledge and showcase their work.

179. It is acknowledged that residents raised objections and concerns in relation to the potential lack of demand for this new office space, particularly considering the effects of the COVID-19 pandemic and the potential prospects of increased homeworking in the future. Whilst it is acknowledged that the pandemic may generate some shifts in the way Londoners work and use office space, it should also be recognised that presently there is insufficient evidence to demonstrate that the demand for office space has reduced so significantly, or permanently, as to be a material consideration to outweigh the application of the development plan and policies.
180. It should be noted that the applicant submitted a report which demonstrates that the London Borough of Lambeth experienced a loss of 116,015 sq.m. of B1a employment floorspace in the 2007-2017 period and that there was less than 100 sq.m. of available office floorspace in Brixton specifically (2015). The analysis correlates this loss of office stock with constrained office-based employment growth in the borough, which lags behind the Inner London, Greater London, and national averages. This analysis also posited that as of March 2021 Lambeth is home to more unemployed residents than any other London borough (26,000), which is significantly more than the London average.
181. The applicant is proposing 25,435 sq.m GIA of office floorspace. The applicant has stated that this quantum of floorspace represents the minimum (or 'critical mass') required to support their 'office ecosystem' business model wherein the scheme would accommodate the following range of occupiers: large anchor tenants, established medium-sized enterprises, serviced office space, and affordable workspace (the applicant's point around 'critical mass' is discussed below within paragraphs 217-218 of this report). In this model a proportion of the workspace would be designed as a business incubator specifically targeting local businesses in the creative industry. The applicant states that this could allow local start-ups to enjoy the agglomeration benefits of clustering while scaling-up in situ. In total, the proposal would generate approximately 1,600 new FTE jobs along with additional employment during construction.
182. In line with previous advice issued by the GLA, the ambition to boost Brixton's economy and deliver regeneration benefits to the wider area through the delivery of office floorspace on this highly accessible, brownfield town centre site remains supported. This provision would contribute towards the projected need for office space within Brixton, Lambeth, and inner London (outside of the CAZ and NIOD) in accordance with local and strategic development plan policy as well as accord with the principles of inclusive growth and growing a good economy, two of the London Plan's Good Growth objectives.
183. The proposal would also provide a significant uplift in the current employment provision on the site as set out further above. The provision of high-quality office floorspace, within a range of flexible and multi-tenanted units, would make a significant contribution towards the floorspace and job targets of the borough. The

proposed employment offer is supported and the public benefit of this is given significant weight.

Affordable workspace

184. London Plan Policy E3 supports the provision of affordable workspace and the use of planning obligations to secure it at rents maintained below the market rate for specific social, cultural, or economic development. Paragraph 6.3.5. recognises that social, cultural, or economic development objectives can be set in planning obligations or by ensuring workspace providers are on a Local Authority framework or list.
185. Lambeth Local Plan Policy ED2(iii) stipulates that development proposals for buildings with at least 1000 sq.m. gross office floorspace (NIA) within the Creative Enterprise Zone (CEZ) should provide at least 10 percent of rentable floorspace as affordable workspace for a period of 25 years. For buildings larger than 10,000 sq.m. (NIA) within the CEZ and town centre the affordable workspace should be provided at 50 percent of market rents. According to this policy, the affordable workspace should be provided on-site and designed to meet a local need for office, light industrial, or research and development workspace. The affordable workspace must also be either leased and managed by an affordable workspace provider on the Council's approved list in accordance with an agreed management plan, managed directly by the owner where it is demonstrated to the Council's satisfaction that they have the necessary skills and experience to do so, or leased by the owner to one or more end uses on the Council's approved register of organisations that require non-managed affordable workspace.
186. The Brixton EAA identifies that a mix of flexible and affordable workspaces will be required to support economic development in Brixton, citing that there is evidence of strong demand for flexible and affordable space that is suitable for start-ups, small businesses, and innovation.
187. The proposal, being within the CEZ and town centre, triggers a local policy requirement to provide at least 10% of the office space as affordable workspace, at a 50% reduction compared to market rate and for a period of 25 years. The applicant is proposing that 12.5 percent NIA of the office space is provided as affordable workspace, at a 50 percent reduction to market rates and for a period up to 2090 in line with the applicant's lease. The period up to 2090 is well above policy requirements, as is the quantum of affordable workspace should the 12.5 percent NIA figure be used. The affordable workspace would be managed either by Impact Brixton, a Brixton-based co-working office space provider with a focus on social impact, or an entity on the Council's approved workspace provider list and/or the Council's maintained approved charitable and not-for-profit register or an entity that the Council agrees in writing meets certain specified criteria.
188. The proposed affordable workspace provision would therefore meet and exceed the policy requirements of London Plan Policy E3 and Local Plan Policy ED2(iii). It would exceed policy requirements in terms of the affordable term length (circa 68 years) and if NIA floorspace (12.5%) is used would exceed the 10% policy minimum. Additionally, should the aspiration to work in partnership with Impact Brixton be secured, it would provide a direct link between the regenerative benefits of the scheme and Brixton's local economy.

189. The aspects of the affordable workspace provision which exceed policy requirements in places would constitute a benefit of the scheme and is supported, subject to these terms being robustly secured in the s106 legal agreement along with an affordable workspace management plan and appropriate triggers for the delivery of the affordable workspace.

Retail, café, restaurant, and market uses

190. Paragraph 86 of the NPPF identifies that main town centre uses should be located in town centres. London Plan Policy E9 supports a successful, competitive and diverse retail sector, which promotes sustainable access to good and services for all Londoners.

191. Part C (1) of this policy states that development proposals should bring forward capacity for additional comparison goods retailing particularly in International, Metropolitan and Major town centres. Part C(5) of this policy states that development proposals should support London's markets in their full variety, including street markets, covered markets, specialist and farmers' markets, complementing other measures to improve their management, enhance their offer, and contribute to local identity and the vitality of town centres. London Plan Policy E9 works in concert with the wider objectives of the London Plan as well as the London Plan's town centre policies: SD6, SD7, and SD9.

192. Lambeth Local Plan Policy ED12 recognises that markets add to the vibrancy, social value and character of local areas and states that proposals for new off-street permanent, indoor or street markets, car boot sales, and temporary markets will be supported provided certain criteria are met. These criteria are: that the scale, nature, and location of the market would not harm existing shopping facilities or markets located within town centres; there would not be an unacceptable impact on local amenity or the general environment; adequate provision would be made for traders' parking, deliveries and servicing, set-up and storage of stalls, power supply, and storage and disposal of refuse; and there would not be an unacceptable impact on traffic flow or increase traffic congestion in the area.

193. Lambeth Local Plan Policy PN3(B) sets parameters for indoor markets. This policy states that in the indoor markets, no less than 50 percent of floorspace should be in shop use and no more than 50 percent of floorspace should be in café and restaurant use within each indoor market, subject to a management plan being in place that is agreed between the council and the managers of the indoor markets. This matter could be controlled by condition should it be required. The Brixton Economic Action Plan (Brixton EAA, 2017) identifies a need for additional retail, leisure, and office floorspace including flexible and affordable workspaces to support Brixton's economic growth. Whilst the Brixton EAA is a material consideration, it is not an adopted planning document and the weight to be given to it should be adjusted accordingly.

194. As set out above, the applicant is proposing to demolish the existing retail outlet, remove some of the external market pitches immediately adjacent to the site, and redevelop the site to deliver an office-led, mixed use scheme with retail, café, and restaurant uses.

195. The principle of providing an uplift in retail floorspace in this town centre location would accord with the policy aspirations of London Plan Policy E9. Moreover, the principle of providing this floorspace as an indoor market typology would link into a well-established part of Brixton's existing economic and social character in line with local policy, including aspirations for the site as articulated in Site Allocation 16. For these reasons, the principle of providing an indoor market in this location is supported.
196. The proposal includes 3,212 sq.m. of retail and restaurant floorspace on the ground, first, and 8th floors and would contribute towards the commercial sector in Brixton town centre and represent an increase of 1,076 sq.m. internal commercial floorspace compared to the existing retail provision. The market floorspace would mostly be on the ground floor with the first floor comprising retail units with larger floorplates. A new restaurant would be provided on the roof of the east block. Notwithstanding, the in-principle support for an indoor market, there are some outstanding questions as to whether the proposed market floorspace would adequately function and be the high quality space intended. These matters are discussed further within the subsequent design section of this report.
197. As discussed above, successful markets contribute to local identity, the local economy, provide active frontages, and support general vitality of the area; however, to be successful the markets must be well designed, responding to the functional needs of traders as well as the local context. Whilst it is clear that attempts have been made to re-provide the external market space where possible, there is currently no commitment that the external markets would be replaced like for like. However, had the application been considered acceptable in all other respects, further discussions with the applicant could have taken place around commitments in the s106 agreement on the external markets. Any loss of external markets has to be balanced against the uplift in commercial floor area and the other employment opportunities provided.
198. It is noted that a number of the responses to the Mayor's consultation raised concern with the impact on existing business in the vicinity and a lack of engagement from the developer. The applicant does not agree and has confirmed within their submission that every attempt has been made to proactively engage with local business.
199. The proposal does offer a greater quantum of commercial floor area and potentially offer an enhanced retail offer which would represent a benefit to be weighed in the planning balance.

Community Use

200. Paragraph 92 of the NPPF states that in order to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of community facilities to enhance the sustainability of communities. Good Growth Objective GG1 and London Plan Policy S1 seek the provision of a wide range of community facilities, that provide space for different communities and activities in accessible areas. Paragraph 5.1.2 of this policy defines social infrastructure as a range of services and facilities that meet local and strategic needs and contribute towards a good quality of life, including community facilities. Paragraph 7.14 of policy ED12 of the

Lambeth LP states that new community premises should be conveniently located for those who use them, easily reached on foot or by bicycle or public transport and fully accessible to all sections of the community (including people with disabilities and older people). Lambeth Local Plan Policy S2(A) states that proposals for new premises for affordable meeting space and other community uses will be supported where the site or buildings are appropriate for their intended use and accessible to the community.

201. The applicant is proposing a dedicated community floorspace on the first floor and has given several commitments in relation to how the space would be managed. The provision of community use floorspace in this highly accessible town centre location is in line with local and strategic policy aspirations to promote social inclusion and strong communities. The space provided and the commitments made in the s106 regarding the funding of a Community Coordinator role are welcomed. A Community and Commercial Use Strategy and Management Plan would be provided in the s106 agreement securing how the community floorspace will be dedicated, managed, and curated and how the local community will use the facilities throughout the development. It is intended that the Community Coordinator would ensure that the space is focused towards use by local charity, voluntary, and community groups. It is noted that the first-floor community space has doors opening into the adjacent office space which could compromise the use both spaces, however, this could be controlled through the s106 or planning conditions should the proposal be considered acceptable in all other respects.
202. The proposed community floorspace is supported in accordance with London Plan Policy S1 and Local Plan Policy S2 and is considered a benefit of the scheme to be weighed in the planning balance.

Public Toilets

203. London Plan Policy S6 recognises that public toilets are a vital facility for Londoners (and visitors to the city) and therefore states that large scale developments that are open to the public and large areas of public realm should provide and secure the future management of free publicly accessible toilets suitable for a range of users, including disabled people, families with young children, and people of all gender identities. This policy further stipulates that these toilets should remain available during opening hours or 24 hours a day where they are accessed from areas of public realm.
204. The existing public toilets are proposed to be demolished and replaced. As the existing toilet block is located within the adjacent conservation area and outside the red line boundary, its demolition requires separate planning permission. This is a matter which can be controlled through the s106 agreement and is discussed further below within the Heritage section of this report. The replacement public toilets are located within the basement of the proposed building and accessed through a corridor at ground floor to a lift and stairs. The submitted drawings indicate that the lift to the public toilets would be shared with the basement access to the offices cycle storage. The replacement toilets are not as visible as those existing but will be new facilities. It is understood that the existing toilets are open between 0700 to 1900 daily with a 20p charge. Subject to suitable controls to secure the opening hours, accessible design, management and maintenance, the replacement toilets would satisfy the requirements of London Plan Policy S6. The

replacement toilet block would be a benefit but one that should be given limited weight.

Jobs and employment

205. The proposed new office, commercial, and community uses proposed would create new employment opportunities both during the construction and operation phases of the development. The applicant has stated that the proposal would create approximately 1600 FTE jobs as well as generate extra footfall and spending within the local area. The applicant is also proposing employment support packages (discussed further below within the Planning Obligations section) which would provide targeted apprenticeship and training opportunities for local residents and BAME communities. These measures would be secured through the s106 agreement should the proposal be considered acceptable in all other respects.
206. The applicant submitted a document in April 2022 which set out Hondo's community outreach work and programme of investment to date in the Brixton Village and Market Row. The document sets out that Hondo have undertaken extensive physical upgrades to the market including £3m of critical upgrades and refurbishment work to the markets as well as offering services such as free rent. The document then goes on to discuss the various current and past initiatives that have been implemented within the markets before providing a summary of the employment and other benefits arising from the Pope's Road development.
207. The details of the applicant's proposed employment support package are considered in the Planning Obligations and Planning Balance sections of this report. The principle of economic regeneration through the creation of new jobs and employment opportunities during the lifetime of the development and during construction would accord with local and strategic policy and economic strategy objectives and is supported.

Land use conclusion

208. In land use terms, the commercial intensification of this highly accessible, brownfield, town centre site to support the delivery of economic benefits and wider regeneration objectives in the Brixton area is supported. The site is allocated for mixed use development and the principle of delivering an office-led scheme which includes offices market retail, restaurant, and community uses as well as affordable workspace and employment opportunities accords with the London Plan and Local Plan policies is considered to be a significant benefit.
209. Whilst the proposed land uses and employment opportunities are supported, the London Plan is clear that Good Growth is not about supporting growth regardless of the cost and there are a number of other material considerations which need to be taken into account. This is considered further below.

Urban Design

Urban design policy context

210. This section assesses the quality of the proposed design, in particular its layout, public realm, height, massing, architectural quality and appearance, approach to

fire safety, to designing out crime, and to inclusive design. Heritage matters are considered in the subsequent dedicated Heritage section of this report.

211. The NPPF (paragraph 126) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development, creating better places in which to live and work and helping make development acceptable to communities. Since Lambeth's decision on this application there has been the introduction of the National Design Guide (January 2021) and National Model Design Code (June 2021) which are now material planning considerations and provide a list of criteria and guidance on assessing good design. There have also been a number of recent Secretary of State decisions which have provided further clarity on the approach taken when assessing design.
212. The National Design Guide states that the underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities. This includes people who use a place for various purposes such as to live, work, shop, for leisure and recreation, and to move around between these activities; and those who visit or pass through. It, furthermore, outlines and illustrates the Government's priorities for well-designed places in the form of ten characteristics of good design. They are context, identity, built form, movement, nature, public spaces, uses, homes & buildings, resources, and lifespan. The National Model Design Code sets out clear design parameters to help local authorities and communities decide what good quality design looks like in their area. It expands upon the ten characteristics of good design, which reflect the government's priorities and provides a common overarching framework for design.
213. GG2 of the London Plan sets out the principles of the approach to making best use of land. While GG2(C) highlights the need to explore the potential for higher density development – particularly in well-connected locations – GG2(D) and GG2(E) set out the need to apply a design-led approach in determining the optimum development capacity of sites and understand what is valued about existing places as the catalyst for growth and place-making.
214. Chapter 3 of the London Plan sets out key urban design principles to guide development in London. London Plan Policies D3 require buildings to be of the highest architectural quality, respond positively to local distinctiveness, and comprise materials that complement rather than necessarily replicate local architectural character. Since Lambeth's decision on this application, these policies and the new London Plan have been adopted and now form part of the development plan carrying statutory weight.
215. Policy D3 states that all development must follow a design-led approach to optimising site capacity, including site allocations. This policy explains that the design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth. Part D of this policy furthermore sets specific design considerations for development proposals.

216. London Plan Policy D4 seeks to ensure that good design is delivered through a process of thorough scrutiny by borough planning, urban design, and conservation officers utilising analytical tools such as visual, environmental, and movement modelling, local evidence, and expert advice as appropriate. Part D of this policy requires all proposals that meet the local definition of a tall building and that are referable to the Mayor to undergo at least one design review early on in their preparation before an application is made or demonstrate that they have undergone a local borough process of design scrutiny. As the Lambeth Local Plan defines a tall building in this area (north of South Circular Road) as above 45 metres, the proposal constitutes a tall building.
217. Lambeth Local Plan Policies Q5, Q7 and Q26 seek to create high quality urban environments. Policy Q5 states that the local distinctiveness of Lambeth should be sustained and reinforced through new development. To this end, development proposals should present an innovative and contextual response to the positive aspects of the locality and historic character. Proposals should respond to the local urban block and grain, built form, and be both sited and oriented to respond to neighbouring buildings and spaces. They should also be of high quality, include architectural details, and make use of low maintenance, robust, and durable materials. Furthermore, part C of this policy states that where proposals deviate from locally distinct development patterns, applicants must demonstrate that the development would clearly deliver design excellence as well as make a positive contribution to its local and historic context.
218. Lambeth Local Plan Policy Q7 establishes that good design is essential for all development irrespective of its location or type. To this end, it provides a set of design criteria against which new development should be considered. According to this policy, new development should be visually interesting, well detailed, and well-proportioned with architectural interest; preserve or enhance the prevailing local character in terms of its bulk, scale, mass, and siting; including climate change mitigation and adaptation measures; be made of durable, robust, and low-maintenance materials; include well-considered windows and entrances that are attractive, safe, and legible; not create a canyon-like effect along streets and railway lines; create attractive frontages and roofscapes with appropriately integrated plant and equipment; and not prejudice the optimum future development of adjoining plots.
219. Policy Q26 of the Lambeth Local Plan discusses tall buildings and states that outside locations identified as tall buildings there is no presumption in favour of tall building development. The policy continues that in such location the applicant will be required “to provide a clear and convincing justification and demonstrate the appropriateness of the site for a tall building having regard to the impact on heritage assets, the form, proportion, composition, scale and character of the immediate buildings and the character of the local area (including urban grain and public realm/landscape features)” The policy states that proposal should ensure design excellence is achieved and should make a positive contribution to public realm and townscape.
220. The Lambeth draft Design Code SPD provides design advice for all developments in the form of general principles including creating inclusive and active environments, protecting amenity for neighbours, safety and crime prevention, and creating high-quality outdoor space and public realm. It also provides advice on

practical design considerations including construction, accommodating plant and building services equipment, and storage for refuse and cycles. It also provides guidance for new developments, including advice on assessing the impacts of tall buildings.

221. The Lambeth draft Local Views SPD provides an explanatory narrative of the value of each of the views identified along with guidance on how the view should be managed,

Design Evolution

222. The Design and Access Statement submitted by the applicant in support of this application demonstrates the design development process undertaken. The application went through a process of ten pre-application meetings with Lambeth officers as well as two meetings with Network Rail and one with the GLA from March 2019 to March 2020. Additionally, the proposal was considered by the Council's Design Review Panel (DRP) at pre-application stage on 18 February 2020.
223. Through the pre-application process revisions to the proposed cladding were explored as were changes to the façade articulation. The west block building height was also reduced from 22 to 20 storeys during this time. The two-block proposed massing approach remained largely consistent as is demonstrated in Figure 10 below.



Figure 10 - Evolution of the proposed massing from July 2019 (left) to March 2020 (right)

224. Following the Mayoral call-in of the scheme the applicant was asked to undertake work to explore the impacts of reducing the heights of the building. The applicant tested changing the heights of the main tower and explored heights at 14, 16, 18, 20 and 23 storeys from some views. The testing related to reductions in height of the main tower, not to the detailed design, general layout, or changes to the rear block. The applicant's conclusion was that:
225. "Popes Road is a locally vital regeneration scheme. It seeks to create an office ecosystem within Brixton Central. The lowest critical mass for this ecosystem is 200,000 sq. ft. This study shows the visual change in height of the building at 14, 16 and 18 storeys. It shows that these notional changes would only lead to a modest change in the extent of visibility in these views particularly the most

prominent positions in Electric Avenue and the Town Hall steps. At 14 storeys there is a noticeable reduction in visibility from the Town Hall steps and St Matthew's Church. It is above 14 storeys that Lambeth had stated that harm would arise. Any reduction below 20 storeys the scheme would no longer provide the minimum critical mass to create the office eco-system, so the delivery is called into serious question. It would not be possible to maintain the policy exceeding benefits package below 20 storeys even if the scheme could create the ecosystem. We have not sought to itemise those benefits which would be removed as we contend that 20 storeys represents the minimum critical mass. At 20 storeys, the design is part of a careful consideration of proportion and scale. This slenderness ratio would be reduced if the height is reduced and the greater the height reduction the less elegant it becomes and therefore the architectural distinction is diminished."

226. It is noted that the applicant refers to a critical mass of office floorspace; however, officers would highlight that policy expects development to be plan-led and design-led, rather than quantum-led. No reference to minimum or target floorspace is made within the site allocation or any planning policy / guidance.
227. London Plan Policy D3 states that development must follow a design-led approach that requires consideration of design options to determine the most appropriate form of development that responds to a site's context and its capacity for growth. Design is a key theme running through the London Plan and through the 'Good Growth' by Design programme the plan seeks to promote and deliver a better, more inclusive form of growth for all Londoners ensuring that development is of a high quality. Development should not be driven by an expectation or brief requiring a certain level of floor space; rather that the quantum of development should be informed by good design. This is also the general thrust of the NPPF and the National Design Guide which says that developments should optimise (rather than maximise) sites and make efficient use of land that relates well to and enhances the existing character and context.
228. As set out within the Mayor's Foreword of the new London Plan "Good Growth is not about supporting growth at any cost, which for too long has been the priority, leaving many Londoners feeling excluded and contributing to a lack of community cohesion and social integration." The following paragraphs consider whether the quantum of development and the resulting scale, height and mass of the proposal respond appropriately to the site's context and character as required by policy.

Architecture and Urban Design Advice Received

229. It is acknowledged that there is a mix of views on the quality of the proposed design. The advice received is summarised above and the applicant's view is set out within the application submission.
230. In the Mayor's 'call in' letter he asked for greater scrutiny of the proposals. The applicant, Council, Stage 1 and 2 reports, and two of the four members of the London Review Panel considered that the application site could support a landmark building of this height. The GLA's commissioned external architect, the Lambeth Design Review Panel and the other two members of the London Review Panel (LRP) raised concern with the scale, bulk, and mass of the building and its resultant impact on the character and appearance of the area. Likewise, the members of the LRP were unanimous that further work was required to make the

public realm / ground floor layout acceptable. Experts presented differing views on architectural detailing. GLA officers have had regard to the design conclusions reached at Stages 1 and 2 and also reviewed the professional advice received since the Mayor became the Local Planning Authority. In reaching the conclusions below, officers have taken account of this new material dealing with the scheme's design and its impact on the character and appearance of the area.

Layout and public realm

231. London Plan Policy D8 recognises that the quality of the public realm has a significant influence on the quality of life of Londoners as it affects people's sense of place, security, and belonging as well as influencing a range of social and health factors. For this reason, the public realm, and the buildings that frame those spaces, should be attractive, accessible, designed for people and contribute to the highest possible standards of comfort, good acoustic design, security, and ease of movement. This policy encourages the creation of new areas of public realm where appropriate and seeks to ensure that the public realm is well-designed, safe, accessible, inclusive, attractive, well-connected, and related to the local and historic context. It should also be fit for purpose, and easy to understand, service and maintain.

232. Lambeth Local Plan Policy Q3 seeks to create a safe borough for all and sets the expectation that good design will design out opportunistic crime, antisocial behaviour, violence, and fear of crime in a site-specific manner paying particular regard to shared public spaces. Lambeth Local Plan Policy Q6 seeks to create successful places through high-quality design. To this end, the policy lists several criteria for successful places. Those relevant to this proposal include development that provides:

- The most effective use of the site
- A safe, attractive, uncluttered, and co-ordinated public realm that enhances the setting of spaces between buildings
- Improved legibility and permeability via direct routes and avoiding alleyways and back lanes
- A building line that maintains or improves upon the prevailing building line
- New or enhanced public space and green infrastructure
- Climate change adaptation measures
- Robust street furniture, permeable paving, and good quality construction materials and landscape design
- Retains and enhances the heritage value of existing spaces in terms of spatial form, function, connection, and relationship with surrounding buildings, materials, and finishes
- Pedestrian and cycle-priority environments not dominated by cars.

233. The site allocation within the Lambeth Local Plan includes public realm aspirations for the wider site. This site allocation states improving access and permeability through the site as a key development consideration and lists several design principles for the wider site. The principles relevant to this application are:

- Improve the station entrance

- Open the arches to prove north-south routes through the site east of Pope's Road and potential links to Brixton Village
- Open to Pope's Road to provide a wider public space with the potential to provide improved and/or additional market spaces
- Include market facilities
- Integrate and complement development on the adjacent Pope's Road site (site allocation 15)

234. The site is an irregular shaped plot of land bound by railway viaducts on the north and south with the primary frontage opening onto Pope's Road. The area of Pope's Road in front of the application site offers important north-south connectivity through Brixton town centre and provides an important area for Brixton's vibrant street life including market stalls. The thoroughfare hosts moderate to high foot traffic as well as 34 street market stalls (as stated within the Council's Planning Committee report). The market extends to the north and south and is a key part of Brixton's character with stalls positioned on either side of the walkway in a similar manner to that elsewhere in Brixton adding to the sense of place. Figure 4 of this report shows the location of other markets in the vicinity.

235. The ground floor of the proposed building is set back from the existing building line but the columns, supporting the floors above, project forward on a similar line to that existing. This would create a 14-metre separation distance between the proposed façade and the public toilet block across the road, and a 21-27 metre separation distance between the proposed façade and the three-storey office block opposite the site, as shown in Figure 12 below. However, as above, this does not take into account the columns which project forward from the shop frontages/entrance points of the building. The building would be set back from the viaducts to the north and south by approximate 3.7 metre on each side of the building.

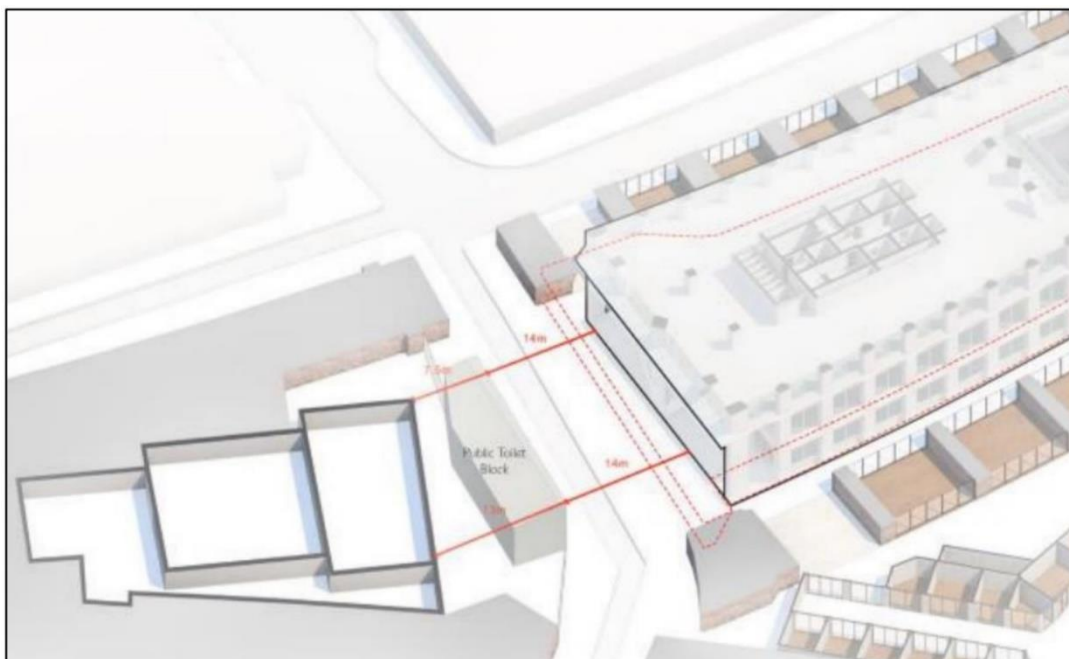


Figure 12 - Proposed frontage widths along Pope's Road

236. The setback of the proposed building would be covered by a double height overhang and punctuated by structural bracing columns. The centre column would be encircled by a bench as shown in Figure 13 below. The applicant is also proposing to remove the public toilets building that is currently across the road from the application site and re-provide these facilities within the proposed development. The removal of the toilet block and frontage public realm could be secured through the s106 agreement and/or planning conditions were the scheme considered acceptable in all other respects. The primary entrances to the office stairway (eastern block), lifts to office cycle storage and the public toilets are located beneath the double-height cantilever and behind the large circular structure column. This arrangement partially obscures views of those entrances from the street and potentially any new station entrance which could come forward in the future. The columns would also reduce available public realm particularly when it's likely that significant demand will be placed on those entrance points. The main entrances to the internal retail units are more visible with clear sightlines to and from Pope's Road. These concerns regarding the frontage of the building were raised by the London Review Panel along with the GLA commissioned architect.



Figure 13 - Proposed public realm along Popes Road

237. The demolition of the existing toilet block would result in an increased area of public realm and open up an area between a potential new Brixton station entrance, should that come forward in the future, and Pope's Road. As discussed in the land use section above, the proposal has also made attempts to replace existing external markets within the public realm although there is no commitment that the external markets would be replaced like for like. However, had the application been considered acceptable in all other respects, further discussions with the applicant could have taken place around commitments in the s106 agreement on the external markets.

238. Whilst the proposal could lose an element of the informal street life that exists currently, it is noted that it would provide more public realm at ground level and some replacement external market stalls. The public realm to the site's frontage would open up the space assisting with pedestrian flows and, subject to it being secured within the S106 agreement, would create some additional permeability by allowing access through the arch within the north-western corner of the site. The removal of the unsightly existing toilet block and replacement with high quality hard and soft landscaping would be a significant enhancement to this area.
239. Overall, despite concerns around the way the building addresses the site's frontage, the new public realm to the front of the site would present benefits when compared to the existing situation.
240. The proposed layout would preserve the existing north-south route along Pope's Road. The area of public realm along his route would be enhanced, as stated above. The site allocation seeks to create routes through the site by opening up the arches to the north and south of the site to provide links east of Pope's Road and to Brixton Village, While the applicant has stated that the aspiration is to allow for such future north-south connections through the centre of the building, the arches are not part of the applicant site or in the applicant's ownership and it has not been demonstrated by the applicant how the delivery and maintenance of these routes can be achieved.
241. The applicant has also articulated an aspiration to connect the market space in the proposed building with the Brixton Market south of the site, in line with objectives for the site allocation. Although the applicant does own Brixton Market, as noted previously, the railway arches do not form part of the site nor are they within the applicant's ownership; therefore, it has not been demonstrated by the applicant how the delivery and maintenance of these routes can be achieved. As such, the proposal does not secure north / south permeability through the site and as such does not respond positively to the principles set out in the site allocation in this regard.
242. The applicant has stated that the proposal has been designed to meet Network Rail's requirement for new buildings to be pulled back from railway viaducts to allow for maintenance access. These spaces to the side of the proposed building (highlighted in yellow within figure 14 below) are not included within the red line site, are outside the applicant's control and are not secured for access within the s106 agreement. These routes are long and follow the curved alignment of the viaducts so visibility from one end to the other is not possible and the routes

currently only lead to other commercial units and a servicing area to the east which does not currently have public access.

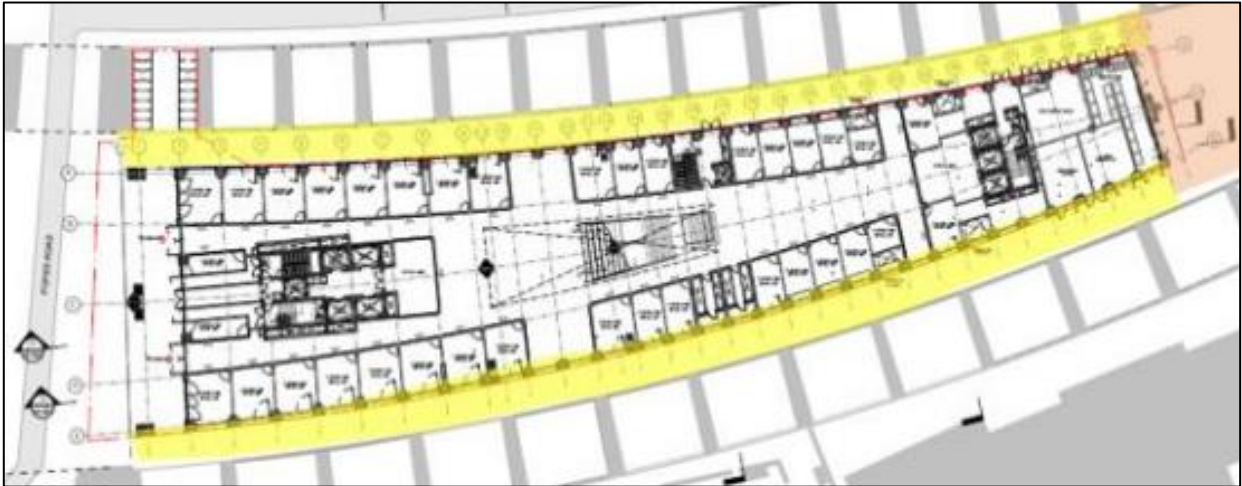


Figure 14 – The potential east-west routes to the side of the building shown in yellow above.

243. While the proposed drawings include ground floor shops with doors that open out onto these side routes, it has not been demonstrated how these units could feasibly and safely open out onto and be accessed from these side alleyways. Therefore, it cannot be ascertained how active, safe, useful, and overlooked these spaces would be. In addition, given the size of the retail units, it is considered unlikely that the units could function effectively with both internal and external frontages. This point and the importance of these routes were made by the Mayor's Design Advocates and Lambeth's Design Review Panel. Without evidence to say otherwise, given the ownership issues, the use of these routes cannot be secured as part of this proposal and would feel inhospitable without activation. As currently designed, these side routes cannot be considered attractive or legible.
244. In addition, the London Review Panel, were concerned that there would be no activation of Valentia Place and the rear of the site would feel very back of house. There was also concern that an east / west public route would not be secured between Pope's Road and Valentia Place which would result in the ground floor of the building being an "internal layout a cul-de-sac". GLA officers agree, and this would again hinder permeability through the site.
245. As discussed above in the land use section, the interior streets have been designed to replicate the character of the existing Brixton markets in terms of their layout; however, they would not be as wide as the existing market's streets, nor would they benefit from natural light in the same way. Moreover, the circulation spaces around the primary office core appear narrow, which may make these spaces feel uninviting and constrain pedestrian circulation. Without a north-south or east-west route through the site, the internal ground floor space would in effect become a cul-de-sac leading back to Pope's Road. It would not aid permeability through the site, which is an aspiration identified in the site allocation as well as a characteristic of the existing Brixton Village, Market Row, and Reliance Arcade. In addition, the floor to ceiling heights proposed (apart from the central atrium) at ground level are not comparable to those found in the existing indoor markets nor would they allow for the same natural light penetration. For these reasons, the

proposed internal layout of the ground floor market space is considered to be compromised to some extent - although as noted in the land use section above it is accepted that it provides an increase in the quantum of commercial space overall.

246. Following feedback from Lambeth Council, the dedicated community floorspace was brought forward from the eastern end to a more central location on the first floor. The design of the community floorspace is sufficiently flexible to allow for several different practical usages, including meeting spaces, workshops, and presentations. Additional flexible retail units and flexible workspace (B1-B1c Use Classes) are also proposed on this floor. As set out in the land use section, were planning permission to be granted, details regarding the management and internal layout of this space would ordinarily be secured within the S106 agreement.
247. The upper floors would all be in office use, save for a restaurant which is proposed at the eighth-floor level atop the eastern building and would be accessed via a lift from the ground floor. The office floorplates in the west block would be open and organised around a central core which again could place greater demands on the adjacent internal circulation space for the retail units should office users decide to use the lifts rather than the stairways. This layout would be highly flexible and lend itself to a variety of end users. The fourth to fourteenth floors would accommodate single or double tenancies. The office floorplates in the east block would have a primary central core and two smaller cores along the block's western edge. This arrangement would also be highly flexible and suit a variety of end users. The fourth to seventh floors would accommodate a single tenancy, it is understood.
248. In summary, whilst the proposal does not achieve all of the aims of the site allocation particularly in relation to permeability and some of the circulation spaces within the development are sub-optimal, the proposal would provide significant enhancements to the public realm at the site's frontage. Overall and very much on balance, the layout and public realm is considered acceptable subject to necessary controls through the s106 / planning condition and do not warrant a reason for refusal.

Inclusive design

249. London Plan Policy D5 requires all future development to meet the highest standards of accessibility and inclusion, and that the design process has considered how everyone, including those with disabilities, older people, children, and young people, will be able to use the places and spaces that are proposed.
250. The submitted Design and Access Statement and Public Realm Assessment addresses access and inclusive design. Within the site, level access will be provided, and all primary entrances are at grade. In terms of access to the below ground and upper levels of the building, separate accessible lifts would provide access to all floors. It is understood that corridor widths are designed to allow manoeuvring for wheelchair users and accessible toilet facilities will be provided throughout the building. As discussed further within the transport section below disabled car parking spaces are provided within the vicinity of the site and step free access is provided at Brixton Underground station.
251. Matters relating to inclusive design would ordinarily be secured by planning condition / s106 agreement, were planning permission to be granted. The proposed

development would achieve a satisfactory level of accessible and inclusive design and would comply with London Policy D5 and the Accessible London SPG.

Designing out crime

252. London Plan Policy D11 requires new development to provide legible, convenient, and well-maintained movement routes and spaces which are well-overlooked and benefit from an appropriate level of activity, with private and communal spaces clearly defined to promote a sense of ownership. As discussed above, whilst the spaces surrounding the building require further thought, these matters would ordinarily be controlled by condition and/or s106 agreement were planning permission to be granted. No objection is raised in relation to designing out crime policy.

Tall buildings policy (design, height, massing and scale among other matters)

253. London Plan Policy D9 seeks to ensure that tall buildings are of exemplary architectural quality, built in the right place, and make a positive contribution to London's cityscape. This policy recognises the highly contextual nature of what constitutes a tall building and where such buildings may be appropriate. This policy sets general parameters for what constitutes a tall building, namely one that is not less than six-storeys or 18 metres measured from ground to the floor level of the uppermost storey, placing the onus on local planning authorities to define what is considered a tall building for specific localities and identify appropriate locations for them in their development plans. This policy furthermore instructs that development proposals should address the visual, functional, environmental, and cumulative impacts of tall buildings as well as allow free to enter publicly accessible areas in such buildings where appropriate.

254. Lambeth Local Plan Policy Q26 defines a tall building in this area (north of the South Circular Road) as one above 45 metres. This policy states that proposals for tall buildings will be supported where they are in locations identified as appropriate and where they meet certain criteria. The criteria relevant to this proposal is as follows:

- The tall building would not adversely impact on strategic or local views
- Design excellence is achieved (form, proportion, silhouette, detailing and materials, etc.)
- The proposal makes a positive contribution to public realm and townscape including at street level, whether individually or as part of a group
- The proposal adequately addresses the criteria in London Plan policy D9C in terms of acceptable visual, environmental, and functional impacts including microclimate, wind turbulence, noise, daylight and sunlight, reflective glare, aviation (including the safeguarded zones around Heathrow Airport, London City Airport, Battersea Heliport and the helipad at Kings' College Hospital), navigation and electronic communication or broadcast interference
- It can be shown that the site can accommodate the uses and quantum of development proposed in terms of meeting acceptable standards of amenity, access, transport accessibility and servicing

255. Lambeth Local Plan Policy Q26 states that there is no presumption in favour of tall building development outside areas identified as appropriate in the local plan and should applicants propose such buildings, they must provide a clear and convincing justification as well as demonstrate the appropriateness of the site for a tall building having regard to the criteria listed above; the impact on heritage assets, the form, proportion, composition, scale and character of the immediate buildings; and the character of the local area (including urban grain and public realm/landscape features).

Assessment against tall buildings policy

256. Based on the criteria established by London Plan Policy D9A and the Lambeth Local Plan, the proposal constitutes a tall building.

257. The GLA Stage 1 report (GLA ref. 2020/5276) concerning this application, dated 22 June 2020, gave conditional support to the principle of a tall building in this location subject to excellent architectural quality; a robust townscape, heritage and urban design analysis (including daylight/sunlight testing and micro-climatic studies); and high-quality public realm. The first Stage 2 report supports the principle of a landmark tall building on this site in strategic planning terms and the second Stage 2 report concludes that the proposal represents 'high quality architecture' and the "visual, functional, environmental and cumulative impacts as set out in Policy D9C(1-4) have been satisfactorily addressed."

258. In his letter of March 2021, the Mayor states that the development "would result in the introduction of a tall building outside of an area designated for a tall building which would have some adverse effects on heritage assets ... as well as on the character of the local area." He furthermore notes that this is particularly relevant in the context of the publication of the 2021 London Plan and its policy on tall buildings. For these reasons, he instructed that further scrutiny of the proposal was warranted.

259. GLA officers have sought additional professional advice on these matters and assessed the proposal against the current development plan as noted in the previous relevant legislation, policies, and guidance section above. This assessment is laid out in the paragraphs that follow.

Location

260. London Plan policies D3 and D9 establish a plan-led and design-led approach to the development of tall buildings, placing the onus on local authorities to identify appropriate locations for them in their development plans.

261. Annex 10 of the Lambeth Local Plan identifies two locations in Brixton that are appropriate for tall buildings: International House (B1) and the Former Canterbury Arms/Pop Brixton (B2) which are both just to the north of the application site. This is shown in figure 15 below. This figure clearly demonstrates that the application site is not identified as an area appropriate for tall buildings in the Local Plan. Officers also note that the proposal is approximately 30 metres taller than the maximum heights listed in the Lambeth Local Plan (and Erratum Notice) tall buildings allocations. Moreover, according to Lambeth Council's Planning Committee Report dated 25 August 2020, the application site was not identified as

appropriate for tall building development due to its constrained location between the viaducts, the siting beside the boundary of the Brixton Conservation Area, and its visibility in views north along the locally listed Electric Avenue within the Conservation Area. For these reasons, the proposal is contrary to London Plan Policy D9(B).



Figure 15 - Brixton locations appropriate for tall buildings within the Lambeth Local Plan with the application site at the bottom right of the image.

Impacts

Visual Impacts:

262. This report will now consider the impacts in line with Policy D9(C) of the London Plan starting with visual impacts D9(C:1a). To assess the visual impact of the proposals, a series of 33 key views were agreed between the applicant and Lambeth Council, 26 verified and seven unverified. Additional representations of some views under dusk conditions were also prepared. These views are included in the Townscape, Heritage, and Visual Impact Assessment and addendum (THVIA). A map demonstrating the locations of the verified views relative to the application site is shown in figure 16 below. The visual impact on heritage assets is discussed separately in the subsequent Heritage section of this report.

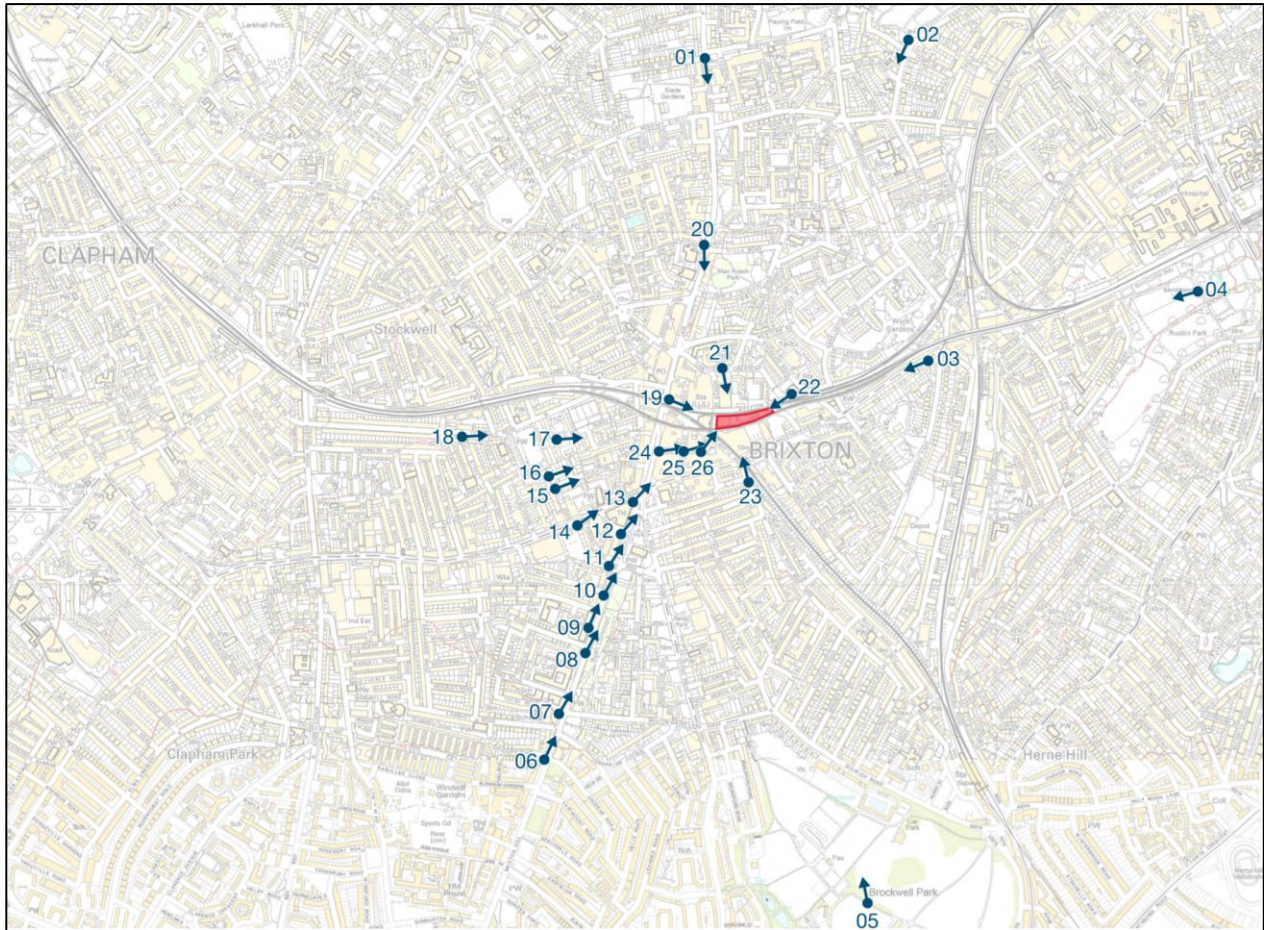


Figure 16 - Map demonstrating the verified view locations relative to the application site (shown here in red)

Views

263. The impact of the proposed development on the immediate vicinity of the application site is represented in views 19 (Brixton Road – Brixton Station Road - west), 21 (Canterbury Crescent), 22 (Brixton Station Road east), 23 (Atlantic Road – Vining Street), 24 (Electric Avenue - west), 25 (Electric Avenue – centre), and 26 (Electric Avenue – east). Given the scale of the proposed development and the predominantly low- and medium-rise built context the proposed development would impact upon a number of views.



Figure 17 - Existing (left) and proposed (right) views from Brixton Road/Brixton Station Road (View 19, daytime)



Figure 18 - Existing (left) and proposed (right) views from Brixton Road/Brixton Station Road (View 19, dusk)



Figure 19 - Existing (left) and proposed (right) views from Brixton Station Road - East, (View 22)

264. As shown in the figures 17, 18 and 19 above, the proposed development would be substantially taller than the existing buildings along Brixton Station Road, which include early 20th century three and four-storey terraces, railway viaducts, and the Brixton Recreation Centre. The proposal's scale and bulk would raise above the

existing arches, terraces, and the Grade II Listed 1960s Recreation Centre. Officers consider that the proposed development would become the prominent feature in this streetscape along Brixton Station Road from both the eastward and westward perspectives altering the appearance of these street scenes. Whilst concern has been raised within some of the design advice received in relation to the lower nine storey tower and the potential canyon like effect this could have, it is GLA officers view that the main impact of this proposal is from the 20-storey tower. Officers also recognise that most schemes which develop the full length of this site would have a canyoning effect to some extent.



Figure 20 - Existing (left) and proposed (right) view from Canterbury Crescent (View 21)

265. Figure 20 above shows the view from Canterbury Crescent with the proposed development represented as a wireline in the image on the right. The proposed development would clearly be prominent in this view, particularly in winter months when it would not be partially screened by foliage. That notwithstanding, the site on the left is allocated in the local plan as appropriate for a tall building up to 65 metres, therefore one could reasonably expect the proposed development to become partially screened by forthcoming development on this site and, from this view, be set in that context.



Figure 21 - Existing (left) and proposed (right) view from Atlantic Road at Vining Street (View 23, daytime)



Figure 12 - Existing (left) and proposed (right) view from Atlantic Road at Vining Street (View 23, dusk)

266. Figures 21 and 22 above demonstrate the existing and proposed views during the day as well as at dusk from Atlantic Road at the junction with Vining Street looking north towards the site. This view demonstrates that the existing context comprises three-storey 19th century buildings with commercial units on the ground level and residential above, as well as a railway viaduct with ground level commercial units. At twenty storeys, the proposed development would be plainly visible behind the railway viaduct, its prominence exacerbated by the proposal's form. Outside of daylight hours, the building's interior lighting would furthermore increase its visual dominance, an effect that would be most noticeable in wintertime.



Figure 23 - Existing (left) and proposed (right) view from Brixton Market - Electric Avenue (west) (View 24)

267. Figure 23 above demonstrates that when viewed from the Junction of Brixton Road and Electric Avenue the proposed development would be entirely screened by existing development. As a result, the proposal would have no effect on this view.



Figure 24 - Existing (left) and proposed (right) view from Electric Avenue (east) (View 26)

268. The proposed main 20 storey tower would be clearly visible from the eastern side of the bend in Electric Avenue which is an iconic street within Brixton (Figure 24, above). The existing built context along this part of Electric Avenue is comprised of five-storey 19th century terraces with ground floor commercial units terminating at two overlapping railway viaducts. The corner of the proposed building would terminate this view. In design terms, it is considered that the impact on the Electric Avenue street scene is harmful, and the building's orientation, mass, height and scale does little to respond to the local context and street scene. The development would appear to be maximising the developable area rather than optimising and responding to local context as required by policy,

269. The development would draw attention away from the historic market setting and would become an uneasy focal point to the detriment of the local and historic character of this area. It is accepted that tall buildings are likely to come forward within the adjacent sites, however, those adjacent sites to the north are allocated for tall buildings and would likely have a much lesser impact on Electric Avenue given that any development would likely be set further back from this view, be lower in height and would likely have buildings of a different orientation.



Figure 25 - Kinetic sequence of proposed Views 6-8 along Brixton Hill

270. The submitted THVIA includes a sequence of views along Brixton Hill from St. Saviour's Road in the south (View 6) to Lambeth Town Hall in the north (Views 13 and 13a). Of these, in views six to eight (shown in Figure 25 above) the proposed building is largely screened from view by existing mature trees in Rush Common. Officers also note that these views demonstrate wintertime conditions, and that foliage would likely provide additional screening in summertime.



Figure 26 - Existing (left) and proposed (right) view from Brixton Hill at Lambeth Town Hall (View 13, daytime)

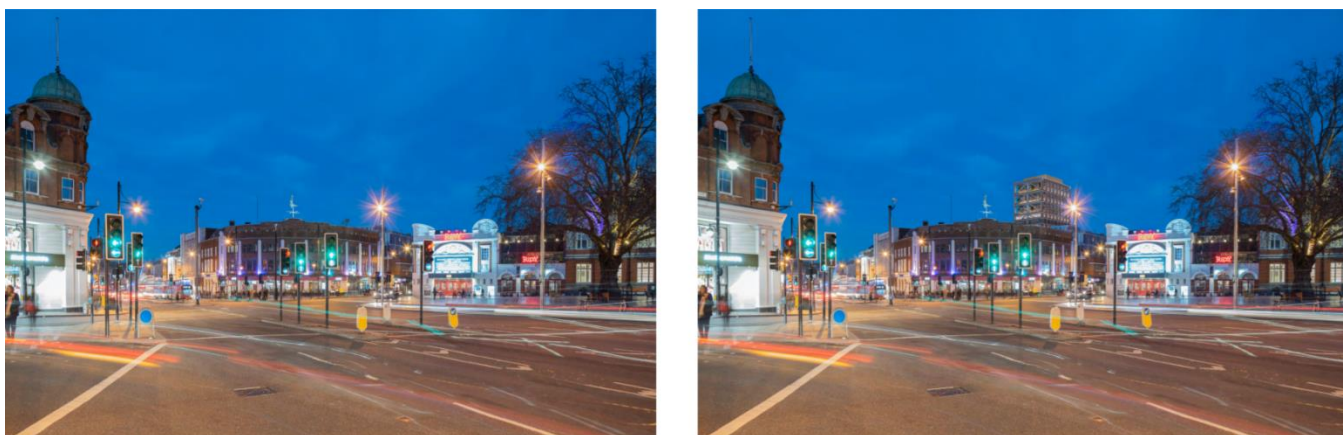


Figure 27 - Existing (left) and proposed (right) view from Brixton Hill at Lambeth Town Hall (View 13a, dusk)

271. Views 13 and 13a (Figures 26 and 27, above) are taken from opposite Lambeth Town Hall at the northernmost part of Brixton Hill where it intersects with Acre Lane. From this vantage point the proposed building would be seen rising beyond the parapet of 467-469 Brixton Road. This is a prominent view within Brixton. The proposed height, scale and form the building would appear dominant in this context particularly noting the relatively low-rise buildings in the foreground and the curved nature of the corner building (467 Brixton Road). Following further urban design advice and greater scrutiny by GLA officers, the proposal's height and scale from this view does not make a positive contribution to the local skyline and would result in harm to the Brixton Hill / Road street scene.



Figure 28 - Existing (left) and proposed (right) view from Max Roach Park (View 20)

272. View 20 (Figure 28, above) considers the impact of the proposed building on Brixton Road at Max Roach Park. As the wireline in the proposed view demonstrates the proposed development would be visible above the existing low-rise built context; however, from this side of the park it would be largely screened by mature trees. Furthermore, should the two sites allocated in the Local Plan as appropriate for tall buildings be developed, those developments would further screen the proposed building from view.



Figure 29 - Existing (left) and proposed (right) view from Brixton Road at Lorn Road (View 1)

273. As the wireline in the proposed View 1 (figure 29 above) demonstrates, from this vantage point the upper floors of the proposed building would be visible in the distance along Brixton Road. Should development be brought forward on the two Brixton sites allocated as appropriate for tall buildings in the local plan, those

buildings could partially screen this development from view and change the context of this view.

274. Now turning to criteria C1(b) of Policy D9, it is clear from the above analysis that the proposed development would not respond appropriately to the spatial hierarchy of the local and wider context contrary to this part of the policy. Whilst the proposal would introduce a tall building into Brixton and act as landmark which could aid wayfinding, GLA officers are not convinced that this would represent a positive landmark within Brixton.
275. With reference to criteria C1(c), GLA officers do appreciate that there is a difference of opinion on the architectural quality of this building and also recognise the track record of the scheme architects in designing developments that are architectural of a high quality across the UK. Subject to conditions, the detailing and finish of the proposed building would have been to a high standard. Whilst the architectural quality and materials proposed are considered acceptable, it is not considered that this provides sufficient justification or compensates for the height and scale of the proposed development which as stated above would be harmful from some important views.
276. Criteria C1(d) relates to heritage and is discussed further within the next section. There is no concern raised with Criteria C1(g and h) of Policy D9. Overall, the proposed building would be of an unacceptable height, scale and massing and would not make the positive contribution to the character and appearance of the area contrary to Part C of Policy D9.

Functional impacts

277. London Plan Policy D9(C)2 addresses the functional impacts of tall buildings. This policy states that buildings should be serviced, maintained, and managed in a manner that will preserve their safety and quality, and not cause disturbance or inconvenience to the surrounding public realm. Entrances, access routes, and ground floor uses should be designed and placed to allow for peak use and to ensure there is no unacceptable overcrowding or isolation to the surrounding areas, and it must be demonstrated that the surrounding area and its transport network are able to accommodate the proposed quantum of development. This policy further seeks to ensure that buildings, including throughout construction phases, do not interfere with aviation, navigation, or telecommunications. Likewise, Lambeth Local Plan Policy Q26(A) seeks to ensure that proposals adequately address the functional impacts of development.
278. The internal layout of the building, ground floor layout and public realm is discussed above and, on balance, is considered acceptable. A contribution towards walking and cycling improvements along nearby routes would have been secured in the s106 agreement had the proposal been considered acceptable in all other respects. This matter is also discussed in further detail in the subsequent Transport section of this report.

Environmental impacts

279. London Plan Policy D9(C)3 addresses the environmental impacts of tall buildings, including wind, daylight, sunlight penetration and temperature conditions as well as

air movement and noise. This policy seeks to ensure that tall buildings do not negatively impact the surrounding areas and neighbourhoods. Likewise, Lambeth Local Plan Policy Q26(A) seeks to ensure that proposals adequately address matters including microclimate, wind turbulence, noise, and reflective glare.

280. Existing wind conditions around the application site are generally calm, as expected given the relatively low-rise context. Wind conditions range from suitable for sitting to strolling use with localised walking use conditions on Pope's Road during the windiest season. Wind conditions would be generally calmer during the summer season, ranging from suitable for sitting use to strolling use.
281. A Wind Assessment has been submitted with the application that considers the likely effects of the proposed development on the site and surrounding area in terms of the wind microclimate. The assessment has been subject to wind tunnel testing which has influenced the design of the proposed development to ensure that the wind microclimate is suitable for the intended uses.
282. The assessment identifies that the proposed development would lead to a general increase in wind speeds around the site and proposes mitigation measures for three locations around the site. Officers are satisfied that the wind microclimate conditions created by the proposed development would be acceptable subject to the mitigation measures outlined in the assessment being secured by condition.
283. In terms of noise, an environmental noise and vibration survey has been carried out at the site. The representative free field background sound levels measured during the survey were LA90 54 dB during the daytime and LA90 44 dB at night. Based on the requirements of the Council and on the results of the noise survey, all proposed plant must be designed, such that the cumulative noise level at 1 metre from the worst affected windows of the nearby noise sensitive premises does not exceed LAeq 47 dB during the daytime and LAeq 37 dB during the night. The average ambient noise levels measured during the survey were LAeq, 16h 60 dB during the daytime and LAeq, 8h 56 dB at night.
284. A Basement Construction Method Statement, prepared by AKT II Ltd, has been submitted detailing the matters arising from the proposed construction of the basement. This report is satisfactory, and condition is proposed to ensure the measures identified in the report are implemented. The vibration survey undertaken indicated that tactile vibration and re-radiated noise are unlikely to be problematic for the proposed development. Further noise and vibration attenuation details for the ventilation plant and the commercial areas would be submitted and approved by condition to address concerns raised by local residents had the proposal been considered acceptable in all other respects.
285. In terms of solar glare, an initial analysis was undertaken (GIA 'Solar Glare Report and as amended 23rd June 2020), which does not identify any solar glare concerns. Notwithstanding this, a condition requiring a more detailed review of solar glare from the proposal with additional viewpoints for consideration (especially from the railway) and pending finalised cladding materials etc. is considered to be appropriate.

Cumulative impacts

286. The visual, functional, and environmental impacts of nearby developments and site allocations have been considered by officers prior to forming this recommendation and drafting this report.

Design Conclusion

287. In terms of the architectural quality and materials of the proposed building, GLA officers recognise the architect's record and reputation for designing developments that are of a high architectural quality and, subject to conditions, the detailing proposed here is also considered to be of a high standard. Officers also acknowledge that the principle of establishing a landmark tall building on this site was, at Stage 2, supported in strategic planning terms.

288. After considering the proposal against the current development plan and relevant London Plan Guidance and Lambeth Supplementary Planning Documents, and in view of the additional professional advice received, GLA officers are of the opinion that the proposed design is not, on balance, acceptable. GLA officers have also had regard to the emerging draft Lambeth Local Views SPD and Lambeth Design Code SPD in forming these conclusions. The proposal, which includes a significant amount of commercial floor area primarily in the tower adjacent the Pope's Road frontage, appears quantum-led as opposed to design- or plan-led. GLA officers consider that the proposed form, scale, and mass of the main tower represents a form of development which would harm the character and appearance of the area. Officers are of the opinion that the scale and massing of the scheme do not respond to or appear to be informed by the local context and consider that the proposal represents a maximisation of the site rather than an optimisation the site.

289. The proposal would be visible in several views, and indeed prominent in some, in particular, the proposal would result in harm to the appearance of the iconic Electric Avenue, Atlantic Road and Brixton Hill. Whilst it is recognised that tall buildings are likely to come forward on the adjacent allocated sites, the height allowances on those sites are approximately 30 metres lower than this proposal, those sites are further to the north, have a different orientation, and development of those site would therefore be less impactful.

290. It is GLA officers' view that although the principle of a landmark tall building was previously supported in strategic planning terms and the architectural detailing of the proposal is of high-quality, the form and scale of the propped design does not accord with the locational requirements or design-led and plan-led standards for tall buildings set by the current development plan. The proposal would not adequately respond to or integrate with its context and, therefore, result in harm to the character and appearance of the area. Whilst the architectural quality and detailing of the proposal is acceptable, this would not overcome the issues identified with respect to the scale, height and massing of the proposal. The proposal is, therefore, contrary to the NPPF, the National Design Guide London Plan Policies D3 and D9, Lambeth Local Plan Policies Q5, Q7, and Q26 and Site Allocation 16.

Heritage

Heritage policy context

291. As noted above, the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duties 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”.
292. 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. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Where a proposed development will lead to ‘substantial harm’ or total loss of the significance of a designated heritage asset, consent should be refused, 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. Any harm to a heritage asset requires clear and convincing justification.
293. Policy HC1 of the London Plan states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to the assets’ significance and appreciation within their surroundings. Policy HC1 further states that “Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process”. In addition, Policy D9 Part C(d) of the London Plan states that “proposals should take account of, and avoid harm to, the significance of London’s heritage assets and their settings. Proposals resulting in harm will require clear and convincing justification, demonstrating that alternatives have been explored and that there are clear public benefits that outweigh that harm.”
294. Policy Q20 of the Lambeth Local Plan states that development affecting listed buildings will be supported where it would conserve and not harm their significance, special interest and setting. Policy Q21 discusses registered parks and gardens stating that developments should sustain and enhance the significance of landscape and its features of interest and preserve their setting. Lambeth Local Plan policy Q22 ‘Conservation Areas’ states that development proposals should preserve or enhance the character/appearance of conservation areas by protecting their setting and respecting and reinforcing the established, positive characteristics of the area in terms of the building line, siting, design, height, forms, materials joinery, window detailing etc. Policy Q22 continues that development involving demolition in a conservation area will only be supported if: i. the structure proposed for demolition does not make a positive contribution to the character or appearance of the area; ii. a suitable replacement has been granted planning permission; and iii. a planning condition and/or section 106 agreement

has been made that the building shall not be demolished until a contract for the replacement building has been made.

295. Heritage assets benefit from a considerable level of statutory and policy protection, and any harm to significance caused by development in the setting of a listed building gives rise to a strong presumption against planning permission being granted. Considerable weight should be applied to any harm to significance caused by development in the setting of an individual heritage asset and cumulative impact must also be addressed. As policy advises (NPPF Paragraph 199): great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
296. The setting of conservation areas is not protected by statute in the same way as listed buildings, but are, nevertheless, protected by policy in the NPPF. In line with the NPPF, the planning weight to be given to the harm to each heritage asset should be considered individually.
297. The application site itself is not within a conservation area. The area on the opposite side of Pope's Road, currently occupied by a public toilet block, is located within the Brixton Conservation Area. Although the demolition of the toilet block and replacement public realm forms part of the proposed development, it is outside the red line boundary. The application site does not contain any statutory or locally listed buildings. It is, however, located adjacent to the Brixton Conservation Area to the west and south and the Loughborough Park Conservation Area to the southeast. There are seven other conservation areas in the vicinity: Brockwell Park Conservation Area, Rush Common and Brixton Hill Conservation Area (LBL) further to the south, Trinity Gardens Conservation Area (LBL) further to the west, Brixton Water Lane Conservation Area (LBL) further to the south, Brixton Road and Angell Town Conservation Area (LBL) further to the north, Ferndale Road (Jennings Estate) Conservation Area (LBL) further to the west and Minet Estate Conservation Area (LBL) further to the north east.
298. There are numerous listed buildings within the vicinity of the site, including the Church of St Matthew, listed Grade II* and gate piers, listed Grade II; the Mausoleum of Richard Budd, listed Grade II*; Lambeth Town Hall, listed Grade II; Brixton Recreation Centre, listed Grade II; Tate Library, listed Grade II; Ritzy Cinema, listed Grade II; Brixton Markets, listed Grade II; Bust of Sir Henry Tate, listed Grade II; Brixton Fire Station, 85 Gresham Road, listed Grade II; 337 to 365 (odd) Brixton Road, listed Grade II; Former St John's Church of England School, gates and railings, listed Grade II and Platforms Piece, listed Grade II. There are two Registered Parks and Gardens in the vicinity of the site: Brockwell Park and Ruskin Park, both Grade II.

Heritage Advice received

299. It is noted that the Stage 2 report concluded that although the development would result in harm to heritage assets, that harm would be less than substantial and outweighed by the public benefits provided by the scheme. The Mayor's instruction, however, in his letter of 1 March 2021 states that notwithstanding officers' prior conclusions, further consideration should be given to the proposal's heritage impacts alongside the benefits of the scheme to determine whether a conflict with

the 2021 London Plan arises and where the overall planning balance should be struck.

300. GLA officers therefore commissioned further external heritage advice, and this is summarised in paragraph 156 above. The following sections of this report consider the impact of the development on the significance of heritage assets, having regard to the statutory duties and current local, strategic, and national policy tests set out in this report. Additional heritage assets have been considered and the extent of harm within the 'less than substantial' category has now been revised relative to the assessment carried out within the Stage 1 and 2 reports. GLA officers have accepted the heritage advice received and have relied upon that work in terms of identifying significance and assessing impact of heritage assets.

*Church of St Matthew listed Grade II**

Significance:

301. This is an early C19 (1822) neo-classical (Greek Revival) church, also known as a "Waterloo Church" or Million Act church, and was first listed in 1951, shortly after listing was introduced. Designed as a combination of a Greek Temple with a Tower of the Winds for what would usually be a steeple in gothic design, it is an example of the continual attempt to reconcile classical architecture with ecclesiastical, and particularly Anglican church design. The challenge was to combine classical requirements of balance and harmony with the need for vertical emphasis and visual prominence of one element of the design in traditional church architecture- the spire or tower. The architectural qualities and an ability to appreciate how the two elements of the composition work together are therefore at the heart of the architectural significance of this building. The historical associations with Waterloo and the Commission that was established to commemorate the battle with Acts of Parliament in 1818 and 1824 resulting in the construction of other Waterloo churches within Lambeth adds to the historic interest. The key characteristics of heritage significance are therefore:

- Architectural Interest: The Greek revival style of the building and association with Porden
- Architectural Interest: careful use of materials with brick for the body of the church and stone for the architecturally more significant elements, mainly the west end and tower indicating its intended visual prominence and importance
- Architectural interest: the balance between tower and body of the church and the contrast between the architectural expression of the tower and the simpler composition of the body of the church
- Historic Interest: Association with Waterloo, the Commission and other Waterloo churches
- Historic interest: primary place of worship for Brixton in early C19

Contribution of Setting to Significance:

302. The primary contribution is the gently sloping topography of Brixton Hill that enables views from the south, looking north towards the church and its tower; and conversely emphasises the importance of the building in views approaching from

the north where the Mausoleum, Tate Library, The Ritzy and the Town Hall are all in view. The definition, scale and grain of the surrounding townscape, which is generally modest in height, frames the important open and civic spaces to the north of the church. The lower height of surrounding development enables the outline of the church and the balance between the main elements of the composition to be appreciated against open sky and without distraction. The green space of the churchyard makes an important contribution, particularly in light of the degree of change over time which has seen the setting of the church become more urban and commercial in character. The main views of the church are from the north, south and west and the experience of the building is enhanced by an understanding that it lies in what is the civic quarter of Brixton, containing other public buildings several of which have been listed.

Assessment of Impact:

303. This is a building where visual prominence is at the heart of its architectural and historic significance. This is evident through the careful use of materials using brick for the body of the church and stone for the architecturally more significant elements, mainly the west end and tower. The balance between the tower and body of the church and the contrast between their architectural expressions is similarly important. This balance is best appreciated against clear sky and without visual distraction. In some important views of the formal west elevation of the church the proposal appears visually attached and rises prominently above the roof of the nave. It visually competes with the church and alters the skyline in a sensitive location where clear sky makes a positive contribution to the ability to appreciate its architectural significance (for example in Views 10 and 11, shown in figures 30 and 31 below). The proposal would challenge the primacy of the church as a key landmark when entering Brixton Town Centre and the related Conservation Area from the south and in some views (e.g., View 10/ figure 30) would rise directly above the ridge line of the listed building. Given the prominence, scale, and bulk of the proposed building, it is officers view that the proposal would result in moderate harm to the Church of St Matthew within the middle of the range of 'less than substantial' harm.



Figure 30 - Existing (left) and proposed (right) view from Brixton Hill at Baytree Road (View 10)



Figure 31 - Existing (left) and proposed (right) view from Brixton Hill at St Matthew's Church (View 11)

*Mausoleum of Richard Budd listed Grade II**

Significance:

304. This is a significant and impressive free-standing mausoleum at the apex of the churchyard of St Matthew in Greek Revival style and dated 1826. It was first listed in 1981. The monument is a four-stage structure with pedimented temple front faces to the ground or first stage, sculpturally decorated rectangular panels to the second stage, a segmentally pedimented series of panels to the third stage and a crowning fourth stage with acroteria finials. The mausoleum sits within a railed enclosure and was commissioned by Henry Budd for his father Richard, who lived in Russell Square but who had been born in Brixton. The key characteristics of heritage interest are:

- Architectural Interest: impressive scale and ambition of the monument clearly designed to be seen as a landmark monument within the churchyard
- Architectural Interest: Greek Revival classical style similar to that of the adjacent church
- Architectural Interest: Portland stone material and use of symbolic decoration
- Architectural and artistic Interest: fine example of the sculptural work of Day of Camberwell
- Historic Interest: Association with wealthy and notable gentleman formerly of the parish

Contribution of Setting to Significance:

305. The topography and the gentle slope from south to north makes a small contribution as part of the setting of the mausoleum. The position of the monument at the apex of the churchyard, historically connected by a path through the green space around the church is also an important element of the setting. The mausoleum was intentionally intervisible with the church of St Matthew and shares a similar architectural style and materials. It provided a focal point at the apex of the churchyard. Views from the south-west and those from the north enable these relationships to be understood and appreciated. The setting of the mausoleum has changed over time so that the urban character is much stronger and busier, but the

open space created to the north enables an appreciation of the structure in the round.

Assessment of Impact:

306. This is a deliberately impressive monument of scale and ambition and clearly designed to be seen as a landmark both within the churchyard and beyond. It retains its landmark character despite the urbanisation of the setting, a visually intrusive road network and the subsequent creation of high-quality public spaces to the north. The stepped profile of the monument and its sculptural decoration at upper levels is best appreciated without visual distraction or obstruction. The proposal represents visual distraction within the setting of the monument eroding its contribution to an ability to appreciate its significance (for example in View 11). Given the prominence, scale, and bulk of the proposed building, it is officers view that the proposal would result in moderate harm to the Mausoleum of Richard Budd within the middle of the range of 'less than substantial' harm.

Tate Library listed Grade II

Significance:

307. This is a building of 1892 by Sidney Smith endowed by Henry Tate. It was first listed in 1999. Designed in the Free Renaissance Manner and constructed in red brick with Portland Stone and Beer stone dressings. It is a handsome symmetrically designed seven-bay building with its principal façade deliberately facing west and the public space in front. The central axis is marked by the Portland stone projecting bay rising to a pedimented temple front design with the axis further emphasised by the decorative lantern astride the ridge of the roof behind. The key heritage characteristics of the building are:

- Architectural Interest: impressive free Renaissance formal design designed to reflect civic function of the building
- Architectural Interest: Use of Portland stone for principal bays
- Architectural Interest: Accomplished design by Sidney Smith a late Victorian architect particularly associated with Tate and responsible for the design of several other buildings endowed by his client- these include the original Tate Gallery at Millbank, the libraries in Kennington and Streatham. He was also responsible for the design of Tate's mausoleum in West Norwood Cemetery.
- Historic Interest: As an example of Victorian philanthropy
- Historic Interest: as an illustration of the particular endowments by Henry Tate a figure of considerable wealth and reputation in the Victorian period
- Historic Interest: example of a prominent civic building that played, and continues to play an important role within the local community
- Architectural and historic Interest: deriving from its relationship with other libraries by the same architect in adjacent boroughs

Contribution of Setting to Significance:

308. The aspect of the building, facing west across the open space at the heart of the junction of several roads at the centre of Brixton is an important element of its

setting. The views of the building are primarily from the west, north and south and the scale and grain of the adjacent streetscape with the open space in front of the building provides the best opportunities to appreciate the architecture of the building against clear sky and without distraction. This is particularly important in contributing to an appreciation of the architectural symmetry of the building. The relationship with other heritage assets and particularly the Town Hall opposite and the Ritzy immediately adjacent in the setting enhances an understanding of its historic significance. The cultural associations between the Town Hall, The Ritzy and the library, which includes Windrush, Black History Month exhibition and events, and the fact that all of the venues can be appreciated together is also an important element of the setting.

Assessment of Impact:

309. This is a handsome, symmetrically designed, seven-bay building with its principal façade deliberately facing west and the public space in front. The central axis of the composition is marked by the Portland stone, projecting bay rising to a pedimented temple front design and is further emphasised by the decorative lantern astride the ridge of the roof behind giving the building an intentionally varied silhouette and modest skyline presence. Appreciation of the architectural composition, which is an important element of its civic function is enhanced in views where clear sky enables uninterrupted views. The proposal is a significant and visually dominant element in some of those views, visually attached to the listed building and distracting from an ability to appreciate its architectural significance (for example in Views 13 and 13a, shown in figures 32 and 33 below). Given the prominence, scale and bulk of the proposed building, it is officers view that the proposal would result in moderate harm to the Tate Library within the middle of the range of 'less than substantial' harm.

The Ritzy Cinema listed Grade II

Significance:

310. First listed in 1990 the Ritzy was designed by architects EC Homer and Lucas and opened as the Electric Palace in 1911. The design is classical revival constructed in red brick and stucco, which is incised at ground floor to imitate masonry. The corner is rounded to respond to the junction with Coldharbour Lane and crowned by a four-centred segmental, broken pediment giving deliberate visual prominence to the corner. The side elevation facing Coldharbour Lane is arcaded. The key heritage characteristics are:

- Architectural Interest: A building of modest height and dimensions but given more visual impact by the large-scale articulation and decoration, particularly addressing the corner
- Architectural interest: the use of modest materials, brick and stucco but treated to suggest material of greater status
- Architectural interest: the survival almost intact of the original auditorium
- Historic Interest: an example of the emergence of a new form of entertainment that was to become hugely popular in following decades
- Historic interest: a public commercial building that has played an important role in the community for over a century

Contribution of Setting to Significance:

311. The aspect of the building, facing west across the space at the heart of the junction of several roads at the centre of Brixton is an important element of its setting. The views of the building are primarily from the west, north and south and the scale and grain of the adjacent streetscape with the open space of the building provides the best opportunities to appreciate its architecture against clear sky and without distraction. This is particularly important in contributing to an appreciation of the architectural response of the building to the road layout and the emphasis given to the curved corner. The relationship with other heritage assets and particularly the Town Hall opposite and the Tate Library immediately adjacent in the setting enhances an understanding of historic interest. The cultural associations between the Town Hall and The Tate Library which includes Windrush, Black History Month exhibitions and events and the fact that all of the venues can be appreciated together is also an important element of the setting.



Figure 32 - Existing (left) and proposed (right) view from Brixton Hill outside Lambeth Town Hall (View 13, daytime). Tate Library is located to the right of the image whilst Ritzy Cinema is located centre right.



Figure 33 - Existing (left) and proposed (right) view from Brixton Hill outside Lambeth Town Hall (View 13a, dusk). Tate Library is located to the right of the image whilst Ritzy Cinema is located centre right.

Assessment of Impact

312. This is a building of modest height and dimensions but deliberately given more visual impact by large-scale articulation and decoration which particularly

addresses its corner location. Visual prominence was therefore an important element of its function as the building itself needed to advertise in order to be commercially successful. The proposal introduces a strongly vertical and distracting presence that competes for attention with the listed building, drawing the eye upwards and away from its more modest form (for example Views 13 and 13a, shown in figures 32 and 33 above). Given the prominence, scale, and bulk of the proposed building, it is officers view that the proposal would result in moderate harm to the Ritzy Cinema within the middle of the range of 'less than substantial' harm.

Lambeth Town Hall listed Grade II

Significance:

313. First listed in March 1981, it was built in 1905-08 by Septimus Warwick and H Austen Hall. It was extended in 1935-8 by Whinney, Son and Austen Hall. It has an ingenious L shaped plan to respond to its constrained site abutting two main roads and is in a Neo-Baroque Revival style constructed of red brick and Portland stone. At the pivotal angle between Acre Lane and Brixton Hill the composition is rounded at the corner and surmounted by a striking clock tower with open pediments and sculptures of Justice, Art, Science and Literature. The flanking ranges are articulated with a high stone plinth and modillion cornice above arcading. The interior contains an assembly hall, rates hall and Council chamber. The key heritage characteristics include:

- Architectural Interest ingenious plan on constrained site
- Architectural Interest: Prominent location celebrated by the rounded corner with striking clock tower above, deliberately marking the presence of the building as a landmark
- Architectural Interest: High quality materials including Portland stone and impressive interiors
- Architectural and Historic Interest: The town hall is probably the most significant building of a partnership lasting from 1905-1909 who were very successful in architectural competitions. Warwick emigrated to Canada where he had a successful domestic practice in Quebec and was involved in the design of the Manitoba parliament building in Edmonton, returning to England in 1920
- Artistic interest: Fine sculptures to clock tower and on the rear elevation and memorials inside
- Historic and Architectural Interest: an illustration of his (Warwick's) most successful civic building in England and to be compared to his works at Holborn Town Hall and the Shire Hall in Reading
- Historic Interest: Architectural expression of the political confidence of the local authority at a time of powerful local government
- Historic Interest: an important and prominent civic building and the site of important local events and the repository of memorials to significant members of the local community including Violet Szabo, the Windrush and others.

Contribution of Setting to Significance:

314. The topography and the slope of Brixton Hill as it proceeds north is an important element of the setting. The formal design and layout of the building responds both to the topography but also to the constraints of the junction site. The composition of the building pivots around the corner junction emphasised by the clock tower which is intentionally designed to be viewed as the dominant landmark of Brixton and particularly in views from the north and north-east. The definition and grain of the streetscape and spaces emphasis the architectural prominence and importance of the town hall, and the common material palette further connects the building with its setting. The open space, both hard landscaped but also the softer, greener spaces around the church provide an open aspect that emphasises the scale of the building and an enables an ability to appreciate the clock tower from within an otherwise busy and bustling urban context. The functional and cultural relationships between the Town Hall and other civic buildings in the setting also make an important contribution.

Assessment of Impact:

315. This is a well-planned building on a constrained site which is nevertheless a prominent location. The composition celebrates the rounded corner with striking clock tower above, deliberately marking the presence of the building as a landmark. It was at the time of its construction the tallest structure in the area and intentionally so as a mark of its civic function and the confidence and importance of local government. In the majority of the views the tower retains its visual primacy and dominance which is unchallenged. The proposal does, however, distract and compete in some views, thereby eroding those important qualities (for example in Views 13, 13a (figures 32 and 33, above) and 14 (figure 33a below). It is officers' view that the proposal would result in low harm to Lambeth Town Hall at the lower end of the 'less than substantial' harm range. This is due to the position of Lambeth Town Hall and the views afforded to and from the site within this building's setting.

Figure 33a – Exiting (left) and proposed (right) view from Acre Lane (south pavement)



(View 14)

Brixton Recreation Centre listed Grade II

Significance:

316. First listed in 2016 the Recreation Centre was designed in 1970 by a team led by George Finch and was constructed 1974-1985. Thoughtfully composed and proportioned, with monolithic brick masses brought to a human scale at street level, and with sculptural concrete forms, the building is also one of the earliest leisure centres to combine an extensive range of activity areas with leisure facilities intricately planned around a dynamic, top-lit circulation space, with long views through the building. The key heritage characteristics are:

- Architectural Interest: Careful composition and proportion and in particular the handling of scale
- Architectural Interest: Sculptural and dramatic internal spaces arranged around the top lit space
- Architectural Interest: Good quality materials including red brick, glass and concrete
- Historic Interest: first phase and central hub of Hollamby's ambitious replanning of Brixton
- Architectural and Historic Interest: one of George Finch's most important buildings and illustrating his socialist principles
- Historic Interest: since opening, the recreation centre has become a social centre for the community, much valued in the locality and the site chosen by Nelson Mandela as part of his historic state visit in 1996 in the area most synonymous with post-war black British culture.

Contribution of Setting to Significance:

317. The topography of the site does not make a major contribution as part of the setting of the building, although the robust nature of railway infrastructure immediately opposite and the tough urban character of the streetscape and spaces complement the monolithic brick masses of the building. Brixton Station Road West is an important part of the setting and the views it provides (19 and 19a in the THVIA) of the building have been acknowledged by the elevated glazed box feature of the composition. This is intentionally eye catching and best seen against the clear sky above the railway viaduct which allows the silhouette and form to be a prominent feature.



Figure 34 - Existing (left) and proposed (right) views from Brixton Road/Brixton Station Road (View 19 daytime)



Figure 35 - Existing (left) and proposed (right) views from Brixton Road/Brixton Station Road (View 19a dusk)

Assessment of Impact:

318. The building is in a dense urban environment, characterised by substantial railway infrastructure. The building is uncompromising in relation to its setting and much of its architectural and historic interest is contained within its carefully planned interior and combination of functions. The scale of development around the building is gradually increasing. There are limited opportunities to appreciate the listed building in street views and that provided along Brixton Station Road is one of the few that enable the articulation of the massing to be understood from a distance. The strong vertical form and mass of the proposal in close proximity to the listed building in this view is challenging and a distraction (for example Views 19 and 19a, shown in figures 34 and 35 above). The proposal would result in low harm to Brixton Recreational Centre towards the bottom of the 'less than substantial' harm range.

Brockwell Park Registered Park and Garden, Grade II and Conservation Area

Significance:

319. The Park was first designated in 1987 and is a 19 park and gardens, since 1892 a public park. The park is noted for the late C19/early C20 adaptation of the walled

garden by J. J. Sexby to a formal flower garden. Brockwell Park was purchased in 1891 for £12,000 in order to provide a public park in the area east of Brixton in south London. The money was raised by the London County Council, the Charity Commission, Lambeth, Camberwell, and Newington Vestries, and the Ecclesiastical Committee. The main portion, comprising the C19 Brockwell Hall with its park, orchard, and kitchen garden (33ha), was opened to the public on Whit Monday 1892. A narrow strip of meadow land and two small plots of ground owned by the neighbouring Blackburn estate were acquired for the purpose of making a new entrance to the north, and this was opened in 1896. In 1901 Parliament sanctioned the purchase of a further 17ha of land, the remaining part of the Blackburn estate lying to the north of Brockwell Park. The 50ha site is undulating, rising to an eminence in the south centre, in the region of the house, with open parkland, scattered mature trees, and tarmac paths between the main features. The features include the early C19 mansion (listed Grade II*); Tritton clock Tower (listed Grade II); the C19 water garden; kitchen garden and the Brockwell lido (listed Grade II) The key characteristics include:

- An important green space in an area of high-density urban development
- A sylvan and secluded character
- Historic trees and planting
- Historic buildings including an important early C19 mansion and associated service buildings and a memorial clock tower
- Originally green enclosing boundaries producing a sense of separation from the wider, urban context
- An important illustration of local government/civic provision of recreational space

Contribution of Setting of Significance:

320. The main feature of the physical surroundings of the registered landscape that makes a positive contribution to both the significance and ability to experience or appreciate that significance is the modest scale of development. The tight urban grain provides a contrast to the open spaces of the landscape and enables an understanding of why the park was required. The design intentions are also highlighted by the contrast between dense urban character of the setting and the deliberately enclosed refuge of the park, although the elevated topography provides opportunities for longer range views. The setting of the park has undergone a high degree of change, in parts, over time and that change has included the introduction of tall development that is visually intrusive. This has undermined the original design intentions and experience of the landscape.



Figure 36 - Existing (left) and proposed (right) view from Brockwell Park (View 5)

Assessment of Impact:

321. This is an important historic green space in an area of high-density urban development with a sylvan and secluded character. That seclusion was originally provided by green enclosing boundaries producing a sense of separation from the wider, urban context. Where development can be seen that sense of separation is eroded as the urban context erodes the enclosed nature of the park. The proposal will be seen from a number of locations within the park, although at some distance. It is the height and silhouette as an unrelieved, monolithic form that that is appreciated and represents a further erosion of the sense of separation between green space and urban context that contributes to the significance of the landscape (for example View 5, shown in figure 36 above). It is officers' view that the proposal would result in low harm to Brockwell Park at the low end of end of the 'less than substantial' harm range.
322. The impact arising from the development upon the special character and appearance of Brockwell Park Conservation Area is similar to those raised in relation to the contribution made by the setting to the Registered Park and Garden but with the additional impact upon the panorama obtainable from within the conservation area itself, where the proposed development harms the views by distracting from the historic landmarks. The proposal would be in the background of the view with potential to distract. This is in the context of existing tall buildings that are identified as negative features in some views.

Ruskin Park Registered Park and Garden, Grade II

Significance:

323. The park was first designated in 1987 and is an early C20 landscape named after John Ruskin who lived in the neighbourhood. The land was acquired in two stages the first 10 ha being acquired by the LCC and opened in 1907. The second stage was the acquisition of 5 ha of meadow land to the south-west acquired in 1909 and opened in the public in 1910. The gardens and pleasure grounds included serpentine paths, shrubberies, a pond, pergola, sports facilities and avenues. It was designed as a recreational facility for the local population and to provide much needed open green space. The key characteristics include:
- Informal soft boundaries with low key entrances

- Meandering serpentine paths
- Sense of separation from urban context
- An important illustration of civic provision of green space

Contribution of Setting to Significance:

324. The main feature of the physical surroundings of the registered landscape that makes a positive contribution to both the significance and ability to experience or appreciate that significance is the modest scale of development. The tight urban grain provides a contrast to the open spaces of the landscape and enables an understanding of why the park was required. The design intentions are also highlighted by the contrast between dense urban character of the setting and the deliberately enclosed refuge of the park. The setting of the park has undergone a high degree of change, in parts, over time and that change has included the introduction of tall development that is visually intrusive. This has undermined the original design intentions and experience of the landscape.



Figure 37 - Existing (left) and proposed (right) view from Ruskin Park (View 4)

Assessment of Impact:

325. This green space was intended to provide recreation and respite for local communities in a rapidly developed and dense urban context. The possibility of respite from that urban context was made possible by the modest scale of surrounding development. Where taller and bigger buildings have subsequently been developed there is a sense of intrusion. The proposal represents a further intrusion but again at some considerable distance (for example View 4, shown in figure 37 above). It is officers' view that the proposal would result in low harm to Ruskin Park towards the bottom of the 'less than substantial' harm range given the distant views available of the proposal.

Brixton Conservation Area (BCA)

Significance:

326. Brixton Conservation Area includes the majority of the town centre and located adjacent to the site to the north, south and east. The Conservation Area follows the main town centre routes with Brixton Hill / Brixton Road (aligned north to south) and Acre Lane / Coldharbour Lane (aligned west to east). Brixton Town Centre which, apart from its 19th Century commercial development centres on

Electric Avenue and Atlantic Road, contains the purpose-built early 20th Century Market Row arcade, the Market Row and the street market mainly on Brixton Station Road, which are long-established uses strongly connected with the economic and social life of the local and wider community (Brixton Conservation Area Statement, page 6). Building heights of 3 to 4 storeys are typical (Brixton Conservation Area Statement, pages 10 and 20). The conservation area includes the designated heritage assets of the Church of St Matthew Brixton (listed Grade II*), the Budd Mausoleum (listed Grade II*) the Ritzy Cinema (listed Grade II), the Tate Library (listed Grade II) and Lambeth Town Hall, discussed above.

Contribution of Setting to Significance:

327. The setting of the Brixton Conservation Area is mixed. The site of proposed development currently makes a neutral contribution, since the existing building (a 1960s supermarket, now divided into smaller trading uses) is of no significance but causes no harm to the conservation area because of its low scale and location in discreet relation to the railway viaducts.
328. The wider area includes traditional Victorian terraced streets, railway viaducts and areas of 20th century social housing, as well as some more recent developments. These are generally neutral in their contribution to the setting of the conservation area, but positive to the extent that the main datum of heights is around 4 to 5 storeys. The wider setting also includes major arterial roads, particularly Brixton Hill/Brixton Road and Acre Lane/Coldharbour Lane, which provide viewing corridors enabling longer and transverse of some key heritage assets within the conservation area such as the Church of St Matthew and the Town Hall. The public open spaces associated with Windrush Square, St Matthew's Garden and Rush Common also provide opportunities for longer and unobstructed views to the north and east.
329. The locally listed commercial terraces at Electric Avenue were built between 1888 and 1891 and originally featured cast iron canopies at ground floor level. The street is of particular significance as the first electrically lit street in the United Kingdom. Although the canopies were lost in the 1970s, the street now features a busy open air market, which links with the listed covered arcades at Brixton Village (former Granville Arcade), Market Row and the Reliance Arcade to form a continuous pedestrian experience. The spaces provide a unique sequence of spatial experiences of compression and release and, together with the historic buildings themselves, this is important to their significance as tangible heritage. The diverse and vibrant character of these linked spaces are also a key element in the identified intangible heritage of the conservation area (noted above) and one of the reasons for the listing of the covered arcades. The pedestrian experience, including the view, along Electric Avenue in the direction of the site is therefore particularly significant.

Assessment of Impact:

330. The Brixton Conservation Area Statements advises that: "Should sites within or adjoining the conservation area become available, care should be taken to ensure that the new buildings are designed to respect the character or appearance of the area...Though there are several tall buildings adjacent to the conservation area

new tall buildings are unlikely to be appropriate if they dominate or overshadow the conservation area. Sympathetic buildings forms and materials will normally be expected to respect the character of the conservation area with regard to: -A Massing / Building Line...B Footprint...C Form...D Detailing”.

331. The proposal does not respond well to the significant qualities of coherent 19th century terraces, with their consistency of height and grain and whilst it picks up on some of the materials evident in the area it does not seem to be meaningfully informed by the historic character and context of Brixton. It is overbearing, visually dominant and assertive (this is apparent, for example, in Views 11, 13, 13N, 14, 19, 19A, 22, 23B, 23N and 26). The proposed building’s significant scale and bulk would dominate several views within the conservation area including views from Brixton Hill, Brixton Road, Electric Avenue, Brixton Station Road, Canterbury Crescent and Atlantic Road among others and those noted in the Conservation Area Statement. A number of these views have already been discussed above within the design section. The most dramatic and harmful impact to setting is shown in Electric Avenue (View 26, shown in Figure 24, above) where the proposed development appears in the context of the locally listed buildings at Numbers 28 to 38 and 31- 43 Electric Avenue, and, as noted above, this location is key to the significance of the heart of the conservation area. The building would be at odds with the historic low-rise townscape of the BCA and would visually compete with a number of the historic buildings within the BCA. It is officers view that the proposal would result in moderate harm to the BCA within the middle of the ‘less than substantial’ range.

Other Conservation Areas

332. Rush Common and Brixton Hill Conservation Area is to the south of Brixton Town Centre and oriented around Brixton Hill road and a number of arterial roads. The RCBHCA is characterised by Victorian properties and the open landscaped space which lines Brixton Hill. Key views within RCBHCA along Brixton Hill approaching Brixton Town Centre will be impacted by the proposal. The proposal is particularly harmful in views from within the RCBHCA looking towards St Matthew’s Church (discussed above, for example in Views 10 and 11, shown in figures 30 and 31 above). It is officers’ view that the proposal would result in moderate harm to the RCBHCA within the middle of the ‘less than substantial’ range.
333. The primary impact of the proposed development on Loughborough Park Conservation Area will be on the experience of the planned and coherent residential character and appearance at the heart of the conservation area as it transitions into the commercial character. The upper sections of the proposed tower would be visible from along Coldharbour Lane contrasting with the existing character. The contrast with the architectural consistency of the conservation area will be noticeable but the level of harm is low, within the less than substantial spectrum.
334. The impact of the development upon Trinity Gardens Conservation Area will be experienced in views east where the development will be seen at some distance (for example in Views 14 and 15) and the harm is low within the less than substantial spectrum.

Locally Listed Buildings

335. Number 54-56 Atlantic Road are located within the Brixton Conservation Area and are an elegant early to mid-19th century building, probably a former public house. Views 23, 23A, 23B and 23N show the proposed development stopping up the view along Atlantic Road with an overbearing and out of scale development. Numbers 467-469 Brixton Road is located within the Brixton Conservation Area and are locally listed as "Large curved brick frontage on corner with Coldharbour Lane. Vertical fins and monumental Prince of Wales feathers motifs in faience. Rebuild of earlier hotel by Joseph Hill for the Wenlock Brewery, 1938". Views 13 and 13N show the proposed development backdropping and overtopping the parapet of this building, detracting from the designed completion of the building against open sky. The significance of Numbers 28 to 38 and 31- 43 Electric Avenue is noted above. View 26 shows a dramatic stopping up of this elegantly curved street, with the proposed development blocking the sky in a wholly overwhelming and harmful manner. Numbers 60-64 Trinity Gardens form a designed almshouse grouping. View 14 shows the proposed development backdropping and overtopping the parapets of nearby buildings, breaking up the coherent datum of building heights which contribute to the historic setting of the host buildings; View 15 shows the proposed development in the middle distance as an out of scale element stopping up the view along the street; View 16 shows the proposed development backdropping and overtopping the ridge line of the locally listed buildings. Numbers 518 to 522 Brixton Road are an elegant late Victorian corner building (currently a McDonald's Restaurant at ground floor) topped with a striking copper dome. View 14 shows the proposed development competing for prominence in the view with this townscape eyecatcher.
336. All of the affected Non-Designated Heritage Assets have been designated for their townscape value – the positive role they play in the street scene. They are therefore also positive contributors to the conservation. In all the identified cases above, the effect of the proposal comes from its physical dominance and the visual competition it introduces into the townscape – shifting the focus from the local heritage asset to the proposal. This results in harm to the settings of these Non-Designated Heritage Assets. GLA officers consider that the proposed development causes harm to the contribution made by setting to these locally listed buildings, contrary to NPPF Para 203, London Plan Policy HC1 And Lambeth Local Plan Policy Q23

Direct impacts and benefits to the Brixton Conservation Area

337. The proposal involves the demolition of the existing toilet block which is located just inside the Brixton Conservation Area but outside the application site boundary. Separate planning permission may be required from Lambeth Council for its demolition. The demolition of this toilet block is clearly important for the applicant's public realm offer and had the scheme been considered acceptable in all other respects, the s106 agreement would have required the applicant to remove the toilet block and provide a hard/soft landscaping scheme prior to the occupation of the proposed building.
338. The existing toilet block is a basic flat roofed, timber clad building, originally dating from the 1960s, but extended and refurbished circa 2010. The building is modern and of no significance. The existing building is a neutral contributor to the

conservation area. The proposed demolition of this building and its replacement with an area of public realm is an enhancement to the conservation area. The degree of enhancement is limited since it is only a visual enhancement and relates to a small and peripheral part of the conservation area. As such it is a small heritage benefit. This small heritage benefit is regarded by GLA officers as a relevant public benefit to be weighed in the overall planning balance discussed below.

Archaeology

339. The site is not located within an archaeological priority area and Historic England (Archaeology) had no objection to the proposals subject to condition.

Heritage Conclusion

340. In summary, harm is identified to the following designated heritage assets:

Listed Buildings:

- Church of St Matthew Brixton (listed Grade II*): Moderate harm, at the middle of the spectrum
- Budd Mausoleum Brixton (listed Grade II*): Moderate harm, just below the middle of the spectrum
- The Ritzy Cinema Brixton (listed Grade II): Moderate harm, below the middle of the spectrum
- The Tate Library Brixton (listed Grade II): Moderate harm, below the middle of the spectrum
- Lambeth Town Hall (listed Grade II): Low harm, well below the middle of the spectrum
- Brixton Recreation Centre (listed Grade II): Low harm, towards the bottom of the spectrum

Conservation Areas:

- Brixton Conservation Area: Moderate harm at the middle of the spectrum
- Brockwell Park Conservation Area: Low harm, well below the middle of the spectrum
- Loughborough Park Conservation Area: Low harm, well below the middle of the spectrum
- Rush Common and Brixton Hill Conservation Area: Moderate harm, below the middle of the spectrum
- Trinity Gardens Conservation Area: Low harm, well below the middle of the spectrum

Registered Parks and Gardens:

- Brockwell Park (Registered Grade II): Low harm, well below the middle of the spectrum
 - Ruskin Park (Registered Grade II): Low harm, towards the bottom of the spectrum
341. The proposal would cause harm to many heritage assets which have been assessed individually. There are six listed building, five conservation areas and two registered parks and gardens harmed and out of those assets two are Grade II*. The number of heritage assets harmed by the proposal is an indication of the extent of the impact which results from the height and mass of the proposed building, which renders it prominent in some views. Several designated heritage assets impacted are highly graded and significant.
342. As set out above, the individual harm to each asset is 'less than substantial' ranging between the lower to moderate ends of harm. Taken together and individually the harms caused should be given very significant weight due to the extent of the harm, the number of assets impacted, and the importance and interest of some of those assets.
343. As will be discussed further within the planning balance section below, the benefits of the proposed development including the heritage benefit do not outweigh this heritage harm and, as such, the proposal is contrary to the NPPF, London Plan Policies D9 and HC1 and Lambeth Local Plan Policies Q20, Q21 and Q22.

Fire Safety

344. London Plan Policy D12 seeks to ensure that development proposals achieve the highest standards of fire safety and to ensure the safety of all building users. Policy D5 requires as a minimum at least one lift per core to be a suitably sized fire evacuation lift appropriate for use to evacuate people who require level access from the building.
345. Accordingly, a Fire Statement prepared by chartered fire engineers at Clarke Banks Consultants has been submitted alongside the planning application. In line with Policy D12, the Fire Statement includes details of the design, construction materials, construction methods, and management regulations to be implemented to ensure that adequate protection would be provided to limit the spread of fire within the buildings.
346. An escape strategy, including details of means of evacuation for all building users and specific measures to reduce the risk to life from fire, has been provided. This includes confirmation that evacuation lifts will be provided in both blocks. Access to the site for fire engines and service personnel would be from Pope's Road and the adjoining routes that run parallel to the railway viaducts north and south of the site.
347. Whilst the Fire Statement is considered to accord with London Plan Policies D5 and D12 in terms of broad content, the fire safety strategy of the buildings would

be considered at a later stage outside of the planning process and secured through planning condition.

Impacts on Neighbouring Amenity

348. London Plan Policies D3, D6, and D9 seek to ensure that development proposals would not unacceptably compromise the amenity of surrounding properties. The Mayor's Housing SPG states that design proposals should demonstrate how habitable rooms are provided with an adequate level of privacy in relation to neighbouring properties, the street, and other public spaces.
349. London Plan Policy D3 states that development must make the best use of land by following a design-led approach, which requires consideration of design options to determine the most appropriate form of development that responds to a site's context. Proposals should help prevent or mitigate the impacts of noise and poor air quality.
350. London Plan Policy D6(D) states that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing, and maximising the usability of outside amenity space.
351. London Plan Policy D9 addresses the impacts of tall buildings. This policy instructs that wind, daylight, sunlight penetration and temperature conditions around the building(s) and neighbourhood must be carefully considered as should noise created by air movements around the building(s), servicing machinery, or building uses.
352. Lambeth Local Plan Policy Q2 seeks to protect the amenity of existing/future occupants, neighbours, and the visual amenity of the community as a whole. This policy recognises that poor design and inconsiderate servicing can have unacceptable impacts on people's quality of life.
353. In this instance the neighbouring properties, shown in the figure below, include:
- Canterbury Arms
 - Southwyck House
 - Granville Court
 - 1-12 Black Tree Mews
 - Valentia Place – 1 Coal Lane
 - 360-366 Coldharbour Lane
 - 2-7 Valentia Place
 - 368-372 Coldharbour Lane
 - 1-36 Northgate Court

- 1-10 Chilham Court
- 1-40 Westgate Court
- 1-8 Wincheap Court
- 1-59 Chartham Court
- 22-26 Atlantic Road
- 28, 46, 48 Atlantic Road
- 378 Coldharbour Lane
- Walton Lodge

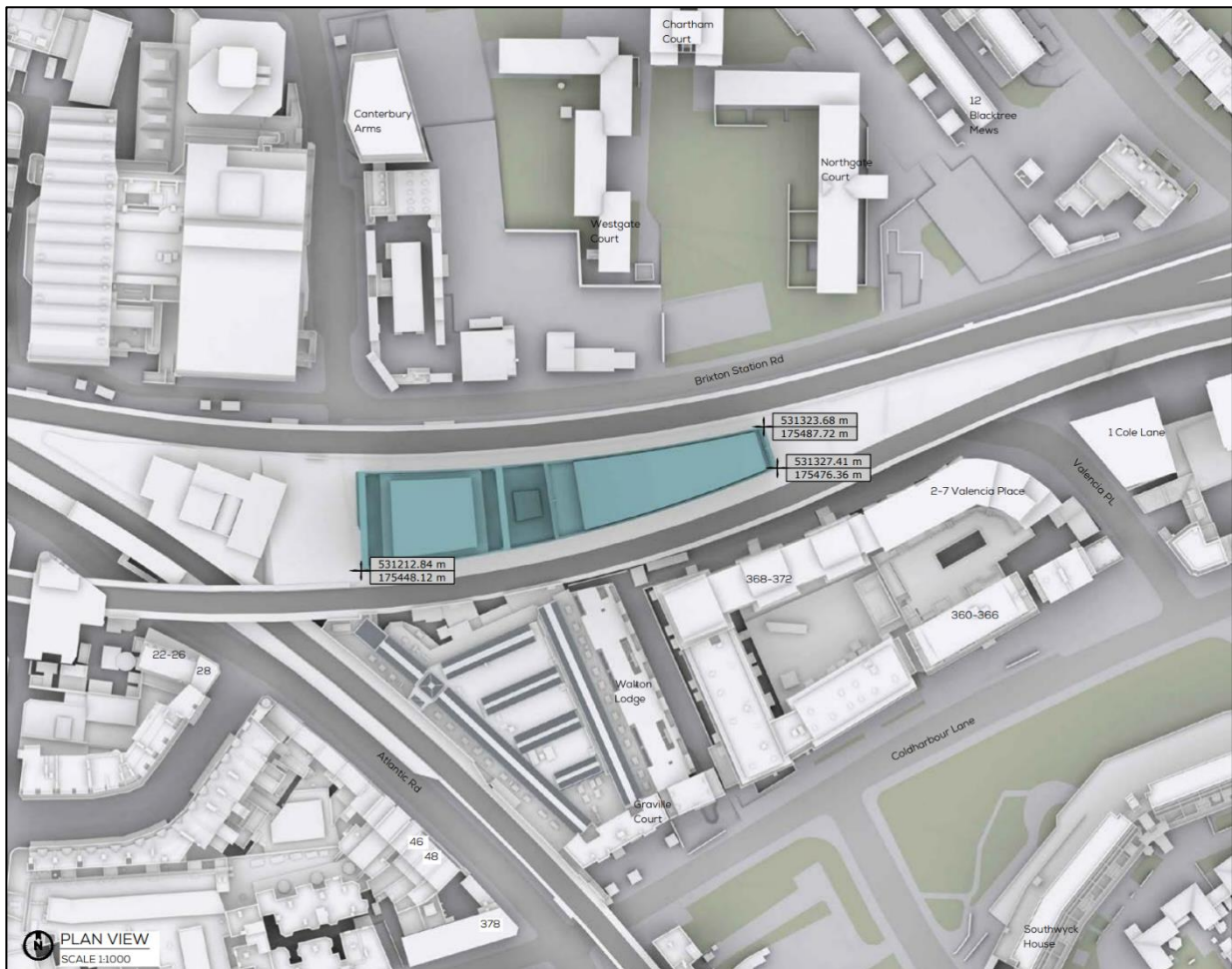


Figure 38 - Neighbouring properties in relation to the application site (application site shown in teal)

Overlooking and privacy

354. In terms of overlooking and privacy, the nearest residential properties are Walton Lodge and 368-372 Coldharbour Lane south of the site, which are 13 metres and 17 metres from the proposed development, respectively. These properties are separated from the application site by a two-storey railway viaduct. The orientation of Walton Lodge relative to the viaduct and application site is such that the proposed development is not expected to result in undue overlooking or loss of privacy. Similarly, 368-372 Coldharbour Lane would sit opposite the proposed eight storey east block. The orientation of the windows and balconies on Coldharbour Lane coupled with the separation distance between the building and the application site is such that the proposal is not expected to give rise to overlooking or privacy issues.
355. All properties to the north, including Canterbury Gardens Estate and Canterbury Gardens, are separated from the site by the railway viaduct and Brixton Station Road. These properties would be more than 18 metres from the proposed building, which would ensure that there is no undue loss of outlook, overlooking or loss of privacy. The proposal would also be more than 18 metres from the nearest residential properties on Atlantic Road (Nos. 22-26, 28, 46, and 48), Valentia Place (Nos. 2-7 and 1 Coal Lane) and Coldharbour Lane (Nos. 360-366, 378, Southwyck House, and Granville Court). For these reasons, GLA officers consider that the proposed development would not result in unacceptable overlooking or loss of privacy.

Daylight, sunlight, and overshadowing

356. In terms of daylight, sunlight, and overshadowing, the application was supported by a Daylight and Sunlight impact report prepared by GIA Chartered Surveyors. This provides an assessment of the potential impact of the development on sunlight, daylight and overshadowing to neighbouring residential properties and open spaces based on the approach set out in the Building Research Establishment's (BRE) 'Site Layout Planning for Daylight and Sunlight: A Good Practice Guide'. This includes an assessment of impacts on the site's residential neighbours.
357. Additionally, Lambeth Council sought a review of the report findings in respect of possible impacts of the new development on surrounding sites and within the development itself. This review was undertaken by Schroeders Begg. This assessment review considered several tests:
- The 25-degree line: Properties will very likely retain good levels of daylight and sunlight if new development does fall below a 25-degree line to the horizontal drawn from the centre of the lowest window.
 - Vertical Sky Component (VSC): A measure of the amount of skylight available at the centre of a habitable room window (ratio compared to horizontal plane) to serve a habitable room. The BRE suggests that if the VSC is less than 27%, and is less than 0.8 times its former value, then the

neighbouring buildings will experience a noticeable reduction in the amount of skylight they receive.

- No Skyline (NSL): The NSL calculates the daylight distribution within a room by plotting points on working plane which can or cannot see visible sky. Following construction of a new development, a room is likely to experience a noticeable reduction if a significant area of the room is beyond the NSL or is less than 0.8 times its former value.
 - Average Daylight Factor (ADF): The ADF measures the overall amount of daylight in a space. The calculation considers the VSC value, the size and number of windows serving the space, the overall size of the room and its intended use to give an overall percentage value. BS 8206-2 *Code of practice for daylighting* recommends ADF values of 2% in kitchens, 1.5% in living rooms and 1% in bedrooms. It is common for this method to be used to show that neighbouring properties will maintain sufficient levels of light in the proposed condition.
 - Average Probable Sunlight Hours (APSH): Is a measure of the average number of hours per year in which direct sunlight is received by a window. When considering the impact on the amount of sunlight to neighbouring buildings, the BRE report recommends that all main living rooms should be considered if they have a window facing within 90° of due south. Direct sunlight to kitchens and bedrooms is considered less important. To calculate this the BRE has produced sunlight templates for London establishing the Annual Probable Sunlight Hours (APSH) unobstructed light. Following the construction of a new development, a living room window facing within 90° due south will experience a noticeable reduction in direct sunlight if it receives less than 20% of APSH, including less than 5% of APSH during the winter months (between 21 September and 21 March), and receives less than 0.8 times its former sunlight hours during either period, and for existing buildings has a reduction in sunlight received over the whole year greater than 4% of APSH.
 - Shadowing: The BRE guide recommends that at least half the area of an amenity space should receive at least two hours of sunlight on the equinox (21 March).
358. It is noted that since submission of the application an updated version of the BRE guidance was published. The new guide was released in 2022 and therefore the scheme has been tested according to the previous version of the document. It is considered that the updated version of the guide does not materially alter how daylight, sunlight and overshadowing to neighbouring residential properties are considered. Therefore, the methodology in the report relating to the effects to neighbouring properties remains relevant. Although the updated guide alters how daylight and sunlight levels to habitable spaces within new developments are assessed, this is not relevant to the proposed office scheme.

359. When considering the BRE guidelines it is important to note that paragraph 123 of the NPPF states that local authorities should take a flexible approach to policies and guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site. The Mayor's Housing SPG also states that the BRE guidelines should be applied sensitively considering local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time. That notwithstanding, Appendix I of the BRE Guide sets out the following adverse definitions:
- Minor Adverse: Reductions in VSC or NSL of >20 percent to 29.9 percent
 - Moderate Adverse: Reductions in VSC or NSL of 30% to 39.9 percent
 - Major Adverse: Reductions in VSC or NSL of equal / greater than 40 percent
360. The impact to neighbouring properties was reviewed without reference to any agreed alternative target criteria in terms of impacts to neighbouring properties. That notwithstanding, the site is within an urban context and given the minimal massing on site, it is inevitable that some departure from the BRE Guide target criteria would occur.

Daylight

361. The main considerations for neighbouring daylight review are the vertical sky component (VSC) and daylight distribution (where room layouts are known), per the BRE Guide. As previously noted, given the minimal massing on the application site, some of the surrounding neighbouring properties currently experience higher levels of daylight that would otherwise be expected in this urban context. Likewise, some consideration should be given to retained values of daylight in the proposed scenario.
362. The following properties would meet the default BRE Guide target:
- 1-10 Chilham Court
 - 1-36 Northgate Court
 - 1-12 Black Tree Mews
 - Canterbury Arms
 - 22-26, 46, and 48 Atlantic Road
 - 360-366 378 Coldharbour Lane
 - 2-7 Valentia Place
 - Southwyck House

363. The remaining properties north of the site are examined in further detail below.
364. 1-8 Wincheap Court: For both applicable reductions in daylight VSC and daylight distribution, the default BRE Guide is met except for one 1st floor room that would have a daylight distribution at the low end of moderate adverse. This isolated reduction could be considered reasonable for an urban context.
365. 1-40 Westgate Court: From the 12 windows analysed, four have major adverse reductions; however, all retained VSC values are in or above the mid-teens save for one which would be marginally below. This could be considered acceptable. Also, daylight distribution reductions would still meet BRE Guide target criteria.
366. 1-59 Chartham Court: Most windows would experience a reduction in daylight VSC that meets the default BRE Guide target criteria; however, 15 windows would experience minor adverse reductions which would be acceptable given the urban context. The retained daylight distribution value is 57 percent, which is considered acceptable.
367. 28 Atlantic Road: Default BRE Guide criteria would be met for both daylight VSC and distribution, except for two first floor windows, which would experience a minor adverse VSC reduction. This could be considered acceptable given the urban context.
368. Granville Court: Default BRE Guide criteria would be met for both daylight VSC and distribution, except for four windows, which would experience minor adverse VSC reductions. This could be considered acceptable given the urban context.
369. Walton Lodge: This property includes 13 self-contained dwellings arranged over the first and second floors. The building lies perpendicular to the application site therefore the front and rear elevations do not directly face the proposed development; however, several side windows would be affected.
370. In terms of VSC, most reductions not meeting the BRE Guide target criteria relate to bedrooms. Six would experience major adverse reductions, four would experience moderate adverse reductions, and one would experience a minor adverse reduction. In most cases the retained VSC values are below the mid-teens; however, it should be noted that these windows are already partially restricted to daylight due to their projecting or recessed positions. Additionally, two kitchen/living room/dining room windows and one kitchen window would experience minor adverse reductions. In these cases, an acceptable or good retained VSC value is achieved.
371. In terms of daylight distribution, most reductions to daylight distribution not meeting BRE Guide target criteria relate to bedrooms and can be summarised as five major adverse reductions, three moderate adverse reductions, and one minor adverse reduction. Again, while there is clearly significant adversity, it should be noted that these windows are already partially restricted due to their

projecting or recessed positions. In addition to the bedrooms, there is 'minor adverse' reduction in daylight distribution to one living room/kitchen/dining room.

372. 368-372 Coldharbour Lane: This property is arranged around a central courtyard and has approximately 155 flats in a part-five and part-seven storey building. The north elevation faces towards railway viaducts and application site and would experience the greatest reductions. The western elevation west facing runs perpendicular to the application site and therefore would experience limited impact from the proposal. The windows in the north facing elevation all serve bedrooms except for one single aspect living room at ground level. It is also noted that these flats are all typically dual aspect with living rooms that typically face out onto the central courtyard. The windows of ground floor flats in urban locations such as this often do not score as highly as those of upper floor flats and experience more shadowing and daylight reductions from surrounding buildings.
373. In terms of VSC, for the north facing elevation, most reductions would not meet BRE Guide target criteria. These reductions all relate to bedrooms, except for one living room. In terms of reductions to bedrooms, these can be summarised as 46 major adverse reductions, 11 moderate adverse reductions, and two minor adverse reductions. In total, 59 north elevation windows would experience a noticeable impact. Nevertheless, in 28 cases the retained VSC values would be in the mid-teens or above. In addition, there would be a major adverse reduction to VSC for the single living room.
374. In terms of daylight distribution, for the north facing elevation, most reductions would not meet BRE Guide target criteria. These reductions all relate to bedrooms, except for one living room. In terms of reductions to bedrooms, these can be summarised as 42 major adverse reductions, four moderate adverse reductions, and six minor adverse reductions. In total, 52 north elevation bedroom windows would experience a noticeable impact. As with the VSC, one living room would experience a major adverse reduction.
375. For the west facing elevation, which includes a significant number of living room windows, in terms of daylight VSC, there would be some minor adverse reductions whilst for daylight distribution, reductions meet the default BRE Guide target criteria.
376. In summary, there would be significant adversity to the windows (and rooms served by those windows) in the north facing elevation. There would be limited adversity to windows in the west facing elevation. For the north facing windows, most are bedrooms which appear to be within dual aspect flats (based on floor plans) and with living rooms facing the central courtyard to the south (except one ground floor living room served by a window in the north elevation although this flat appears to still have a separate open-plan kitchen dining room viewing onto the central courtyard to the south). On balance, given that most reductions are to bedrooms, albeit there is also one living room, the overall impact could be considered as 'high moderate / low major' adversity with due consideration that the flats are dual aspect and majority relating to bedrooms.

377. 1 Coal Lane: Default BRE Guide criteria would be met for both daylight VSC and distribution, except for two windows which would experience minor/moderate adverse VSC reductions. In this instance, the reductions relate to inherent sensitivity and are not due to an adverse proposal.

Sunlight

378. Living rooms are the most important consideration in terms of sunlight to neighbouring habitable rooms, and windows that face within 90 degrees of south should be considered. The assessment review confirms that the reductions would typically meet the BRE Guide target criteria; therefore, the availability of sunlight to neighbouring habitable rooms, with particular focus upon living rooms, is considered acceptable.

Overshadowing

379. In terms of amenity areas, only those north of the proposal are applicable for review. Those areas meet the BRE Guide target criteria (two-hour sun to amenity at the equinox test). These include the properties on the Canterbury Gardens Estate and the consented Canterbury Arms site. Shadow plots have also been provided to assist visually on the extent of shadowing from the proposal. In summary, there is no material adverse impact to sunlight overshadowing.

Daylight, sunlight, and overshadowing summary

380. Considering the scale of the building currently on site, any development of scale would necessarily result in adverse daylight/sunlight impacts. Taking this into account, GLA officers acknowledge the need to adopt a flexible approach as outlined in the NPPF and Housing SPG. In this respect, although the proposed development would result in a noticeable reduction in light in some nearby properties, the residual light levels are all within acceptable limits. The daylight, sunlight, and overshadowing impacts of the proposed development are therefore considered acceptable, and the application is considered to accord with the NPPF, London Plan Policies D3, D6, and D9, and Lambeth Local Plan Policy Q2.

Solar glare

381. In terms of solar glare, an initial analysis has been undertaken (GIA 'Solar Glare Report and as amended 23rd June 2020), which does not identify any solar glare concerns. Notwithstanding this, a condition requiring a more detailed review of solar glare from the proposal with additional viewpoints for consideration (especially from the railway) and pending finalised cladding and other materials is appropriate and should be conditioned had the scheme been considered acceptable in all other respects.

Noise and Vibration

382. Paragraph 180 of the NPPF states that new development should ensure that potential adverse impacts resulting from noise are mitigated or reduced to a minimum; and noise levels which give rise to significant adverse impacts on health and the quality of life are avoided. Further guidance is provided in National Planning Practice Guidance (NPPG) and the Noise Policy Statement for England (NPSE) (2010).
383. While the NPPG and NPSE do not provide decision makers with technical or numerical values for categorising and assessing noise levels in decibels (dBs), industry standard guidelines set out in British Standard BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' recommends that daytime noise levels do not exceed 35dB and night-time values in bedrooms do not exceed 30dB. This is aligned with the World Health Organisation recommendations set out in Guidelines for Community Noise (1998). With regard to external private and communal amenity spaces, British Standard BS8233:2014 recommends that external noise levels do not exceed an upper guideline value of 55dB.
384. Policy D14 of the London Plan states that development should manage noise to improve health and quality of life by avoiding significant adverse noise impacts; mitigating and minimising existing and potential adverse noise impacts within the vicinity of new development; separating new noise sensitive development from major noise sources through the use of screening, internal layout, set back distances; and where this is not possible, adverse effects should be controlled and mitigated by incorporating good acoustic design principles. The Mayor's Environment Strategy aims to reduce the number of people adversely affected by noise and includes policies and proposals to support this aim.
385. In terms of noise, an environmental noise and vibration survey has been carried out at the site. The representative free field background sound levels measured during the survey were LA90 54 dB during the daytime and LA90 44 dB at night. Based on the requirements of the Council and on the results of the noise survey, all proposed plant must be designed, such that the cumulative noise level at 1 metre from the worst affected windows of the nearby noise sensitive premises does not exceed LAeq 47 dB during the daytime and LAeq 37 dB during the night. The average ambient noise levels measured during the survey were LAeq, 16h 60 dB during the daytime and LAeq, 8h 56 dB at night.
386. Based on the information provided, the application is acceptable in this respect subject to conditions requiring the development to be carried out in accordance with the Basement Construction Method Statement and further noise and vibration attenuation details for the ventilation plant and the commercial areas being submitted and approved by condition to address the concerns raised by local residents.

Neighbouring amenity impacts conclusion

387. On balance, the proposal would have an acceptable impact on neighbourhood amenity. Whilst the proposal would impact the daylight/sunlight received by some neighbouring properties, this impact is considered inevitable given that the adjacent neighbours currently benefit from the application site's underdevelopment. As the impacted light levels in neighbouring properties would still be within acceptable ranges, the proposal is considered acceptable, on balance, in terms of daylight/sunlight. The proposed development would also not cause unacceptable loss of privacy due to the separation distances between the proposed buildings and neighbouring residential properties. There would be no adverse impact in terms of noise and vibration nor would the result in an unacceptable impact on outlook. For these reasons, the impact of the proposal on the residential amenity of existing nearby residents would be acceptable. The proposal therefore complies with London Plan and Lambeth Local Plan Policies in these regards.

Sustainable infrastructure

Energy

388. Policy SI2 of the London Plan states that major development should be net-zero carbon. This policy requires development proposals to minimise carbon dioxide emissions to meet the Mayor's targets, in accordance with the energy hierarchy:

- Be Lean: use less energy
- Be Clean: supply energy efficiently
- Be Green: use renewable energy
- Be Seen: monitor and report energy performance

389. London Plan Policy SI2 sets a requirement for a minimum on-site reduction of at least 35 percent beyond Building Regulations. Energy efficiency measures alone should account for a minimum of 15 percent for non-residential development. This policy also requires the calculation and minimisation of whole life-cycle carbon emissions.

390. Lambeth Local Plan Policy EN4 states that all development will be required to meet high standards of sustainable design and construction. Part D of this policy states that proposals should demonstrate in a supporting statement that sustainable design standards are integral to the design, construction, and operation of the development.

391. Lambeth Local Plan Policy EN3 requires development to connect to, and where appropriate extend, existing decentralised heating, networks in the vicinity of the site, unless a feasibility assessment demonstrates that connection is not reasonably possible. Accordingly, proposals that cannot immediately connect to an existing heating network should follow the heating and cooling hierarchies set out in London Plan policies.

392. The applicant has submitted an energy strategy in support of the application as well as revisions via an addendum. The revised energy strategy demonstrates that the development would achieve a 39 percent on-site reduction including a 22 percent reduction from energy efficiency measures alone. This would meet the minimum requirements set by London Plan Policy SI2.
393. Combined Heat and Power (CHP) are not proposed on the grounds that CHP would be inefficient due to low hot water demand. The applicant is instead proposing the use of air sourced heat pumps (ASHP) for the two office blocks. The applicant is also proposing that the systems in either block be kept separate to reduce distribution length and losses, since the efficiency gains of a combined system would be minor. In this instance, separate systems are considered acceptable.
394. The applicant has demonstrated that a single point of connection could be accommodated in the plantroom in the common basement of the development, which would have direct access to the site boundary for connection should a district heating network (DHN) become available in future.
395. The applicant has not yet demonstrated to officers' satisfaction that the potential for photovoltaic panels has been maximised. A final roof layout plan providing full details of the photovoltaic panels to be installed and areas of green roof to be provided would be secured by condition as would a financial contribution to offset the shortfall in meeting the zero-carbon target. The carbon offset payment is estimated to be £599,925.
396. Pre-assessments have been conducted which confirm that it is feasible for all new build, non-residential elements of the development to achieve BREEAM Excellent. This would be secured by condition to ensure compliance with Local Plan Policy EN4.
397. In summary, the proposed development would utilise two separate ASHP for the office blocks, an approach which is considered acceptable in this instance. The proposed energy strategy would meet the minimum on-site reduction targets and would be acceptable subject to a carbon offset contribution being secured in the s106. The development would furthermore be futureproofed for connection to a DHN should one become available. The development is therefore considered to comply with London Plan Policies SI2 and SI3 as well as Lambeth Local Plan Policies EN3 and EN4 subject to provisions secured as recommended conditions and within the Section 106 Agreement.
398. Despite the fact there have been updates since the Representation Hearing was postponed with regards to updated Building Regulations and the 2022 GLA Energy Assessment Guidance, the GLA is not requiring applicants to retrospectively comply with these if the application was submitted prior to their publication. Therefore, any outstanding matters could have been dealt with by planning condition or s106 legal agreement had the proposal been considered acceptable in all other respects.

Water

Flood Risk

399. Paragraph 163 of the NPPF states that where appropriate, planning applications should be supported by a site-specific flood-risk assessment. This approach is reflected in London Plan Policy SI12 and Lambeth Local Plan Policy EN5.
400. The site is in Flood Zone 1. A Flood Risk Assessment (FRA) was submitted with the application to demonstrate that the proposed development can be satisfactorily accommodated without worsening flood risk for the area or placing the development itself at risk of flooding, as per guidance within the NPPF and in accordance with London Plan Policy SI 12 and Lambeth Local Plan Policy EN5.
401. The submitted FRA concludes that the site has a very low probability of flooding from fluvial and tidal sources and has a low risk of flooding from sewers, other drainage networks (so long as they are adequately maintained), and groundwater sources (subject to a suitable waterproofing strategy at basement level). The site has also been assessed as being at low risk of flooding from artificial sources and surface water flooding. It is noted that while this site is in a very low/low risk area, sites to the west (Pope's Road) and east (Valentia Place) have been identified as medium to high risk. North of the site (Brixton Station Road) is also very low risk of flooding. That notwithstanding, the proposed approach to flood risk management complies with London Plan Policy SI 15 and Lambeth Local Plan Policy EN5.

Drainage

402. The NPPF states that major development should incorporate sustainable drainage systems. This approach is reflected in London Plan Policy SI13 and Lambeth Local Plan Policy EN6.
403. The site lies within a critical drainage area, so flooding during severe weather may affect the infrastructure around the site. The site does not currently cause flooding to adjacent sites and SUDS measures are proposed, therefore, the risk to adjacent properties would be limited.
404. A sustainable drainage system is to be specified to reduce the peak surface water discharge from the proposed development. To reduce the risk of flooding from sewer to the site and other properties downstream, the proposed peak discharge rate from the development would need to be consulted with the local authority, Thames Water and the MEP. Safe access should be provided to the north of the development, an area with a lower risk of surface water flooding. Additional information on the proposed network, including details on how the blue roof will be incorporated, a connection agreement for the receiving sewer and consideration for exceedance should also be provided. The proposal would accord with London Plan Policies SI12 and SI13 as well as Lambeth Local Plan Policies EN5 and EN6 subject to these points being secured by condition.

Water efficiency

405. London Plan Policy SI 5 states that water supplies and resources should be protected and conserved in a sustainable manner. To this end, development proposals should incorporate measures such as smart metering, water saving, and recycling measures (including retrofitting) to help to achieve lower water consumption rates and achieve at least BREEAM excellent standard for the 'Wat 01' water category or equivalent. This approach is reflected in Lambeth Local Plan Policy EN6.
406. The submitted sustainability statement proposes that the non-residential components of the development would target a minimum BREEAM rating of 'Excellent'. The BREEAM pre-assessments for these components show a greater than 40 percent reduction in water consumption and scores of three on water measures. This would accord with London Plan Policy SI 5, Local Plan Policy EN6.

Air Quality

407. NPPF paragraph 186 states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, considering the presence of Air Quality Management Areas and Clean Air Zones, with further guidance in the Government's Planning Practice Guidance (PPG).
408. A core priority of the Mayor's Environment Strategy (2018) is to improve London's air quality and protect public health by reducing exposure to poor air quality, particularly for the most disadvantaged and those in priority locations such as Air Quality Focus Areas. Policy SI 1 of the London Plan states that London's air quality should be significantly improved and exposure to poor air quality reduced, especially for vulnerable people. This policy states that development proposals should not create unacceptable risk of high levels of exposure to poor air quality and should ensure design solutions are incorporated to prevent or minimise increased exposure to existing air pollution.
409. The whole of Lambeth is designated an Air Quality Management Area (AQMA) based on its high levels of nitrogen dioxide (NO₂) and particulate matter (PM₁₀). Additionally, the application site is within the A23 Brixton to Streatham Air Quality Focus Area (AQFA). To address Lambeth's poor air quality, the Lambeth Local Plan states that Lambeth will apply London Plan policy SI 1 to all development proposals in the borough, along with associated Mayoral guidance on Air Quality Neutral and Air Quality Positive standards and on ways to reduce construction and demolition impacts.
410. An Air Quality Assessment (AQA) was submitted in support of the application. The AQA is generally of sufficient technical quality and uses recognised and accepted methodologies for assessing the air quality impacts of the proposed development. There are, however, outstanding issues that must be resolved to ensure policy compliance.

411. The AQA states the boilers would only have small emissions associated them; however, no information has been submitted to substantiate this claim. The use of individual boilers is inconsistent with the rest of the application, which states the building will use Air Source Heat Pumps. Multiple small-scale boilers can cumulatively cause air pollution issues. As it stands, there is insufficient information to assess the impact of the proposed boilers.
412. The AQA also states a backup diesel generator will be used. An assessment has not been carried out due to a lack of information. While the AQA states that a planning condition should require further details on the impact of the diesel backup generator on local air quality, it would have been better to assess these impacts alongside the rest of the proposal at the application stage.
413. Given that backup generators have the potential to cause local hotspots, even during maintenance operation, a stringent condition is recommended covering both the provision of this information as well as requiring further mitigation, such as abatement equipment or a different location to ensure the impacts are not significant.
414. The site is Medium Risk for demolition, earthworks and construction and High Risk for track out for dust soiling (and lower risk for human health) without mitigation. The AQA assessed the site to be Medium Risk for track out but there was insufficient justification for downgrading this site. Mitigation is required to ensure there are no significant impacts from these activities.
415. As further information is required to ensure compliance with London Plan air quality policies, the following conditions must be secured:
- On-site plant and machinery must comply with the London Non-Road Mobile Machinery (NRMM) Low Emission Zone standards in line with London Plan Policy SI 1 (D).
 - Measures to control emissions during the construction phase relevant to a High Risk site (for track out, and Medium Risk site for demolition, earthworks, and construction) should be written into an Air Quality and Dust Management Plan (AQDMP), or form part of a Construction Environmental Management Plan. The AQDMP should be approved by the LPA and the measures and monitoring protocols implemented throughout the construction phase to accord with London Plan Policy SI 1 (D).
 - Further details must be submitted regarding the impact of the diesel backup generator on local air quality and, if necessary, mitigation measures, such as abatement equipment or a different location, to ensure the impacts are not significant.
 - Additional information on the individual boilers must be submitted and any resultant measures or emission standards must be secured.
416. In addition, the London Plan 2021 introduces a requirement for large scale developments, including those which are subject to a formal EIA, to adopt an Air Quality Positive approach. An Air Quality Positive Statement should be

submitted with the application which responds to the guidance contained within the LPG. As for all applications an Air Quality Assessment is also required to demonstrate compliance with London Plan Policy SI 1. If the application was found to be acceptable, a condition requiring an Air Quality Positive Statement to be submitted prior to commencement of the development could be applied.

Waste

417. London Plan Policy SI 7 seeks to reduce waste, increase material reuse and recycling, and promote a circular economy. This policy also sets several waste targets including a strategic target of zero biodegradable waste or recyclable waste to landfill by 2026. Similarly, Lambeth Local Plan Policy EN7 seeks to contribute to the sustainable management of waste. To this end, the policy states that on-site waste management facilities should be incorporated into all major development proposals unless it is demonstrated that provision is not feasible, or the location renders the site unsuitable for such facilities. Additionally, this policy states that all developments will be expected to recycle construction, demolition, and excavation (CD&E) waste on site wherever practicable and instructs that 95 percent of construction and demolition waste should be reused, recycled, or recovered and that the disposal of CD&E waste in landfills should only take place where it has been demonstrated that alternative, more sustainable fates are not feasible.
418. The Sustainability Statement identifies that construction and operational waste are sought to be minimised in accordance with the waste hierarchy and sufficient internal space for the storage, recycling, and composting of waste has been incorporated for all proposed uses. Additional information and work are required to ensure compliance with London Plan Policy SI 7 and Lambeth Local Plan Policy EN7. Accordingly, the creation and implementation of a Waste Management Strategy should be secured.
419. While it is regrettable that the application does not currently comply with waste and circular economy policy, GLA officers are satisfied that the proposal could accord with London Plan Policy SI 7 and Lambeth Local Plan Policy EN7, subject to additional information and details being secured by appropriate conditions.

Sustainable infrastructure conclusion

420. The proposed development would meet the minimum requirements in line with the London Plan energy hierarchy and Local Plan policy regarding climate change. A carbon offset contribution is secured in the Section 106 Agreement. The development would not increase flood risk and has also committed to achieve water efficiency standards. Additional information on sustainable drainage measures, additional information and appropriate mitigation measures on air quality matters, and additional information on waste and circular economy details must be secured to ensure that the development is acceptable in sustainable infrastructure terms.

Green infrastructure and natural environment

Biodiversity

421. Paragraphs 174 and 180 of the NPPF state that planning decisions should contribute to enhancing the natural environment by minimising biodiversity impacts and avoiding or mitigating harm and providing net gains. Paragraph 182 states that the presumption in favour of sustainable development does not apply where the proposal is likely to have a significant effect on a habitats site (either alone or in combination with other proposals) unless an appropriate assessment has concluded that the proposal will not adversely affect the integrity of the habitats site.
422. London Plan Policy G6 states that proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process. Likewise, Lambeth Local Plan Policy EN1 states that development proposals should wherever possible protect, enhance, create, or manage nature conservation and biodiversity interest in accordance with the borough's Biodiversity Action Plan (BAP) and the Mayor's Biodiversity Strategy.
423. The site is not subject to any nature conservation designations. The Loughborough Park Site of Local Importance for Nature Conservation (SLINC) is located approximately 400 metres east of the site and the Rush Common and Raleigh Gardens SLINC is located approximately 550 metres south of the site. The site has no connectivity to these SLINCs and other green spaces due to the presence of large commercial and residential developments, un-vegetated railway lines, and main roads between the SLINCs and the site, and the lack of green space within the immediate vicinity of the site.
424. A Phase 1 Habitat Survey and Protected Species Assessment of the site has been submitted in support of the application. This identifies the site as being of limited ecological interest and indicates that there is a limited scope for development to cause negative ecological impacts. Accordingly, it is possible for the proposed development to result in a net positive impact on biodiversity.
425. The Phase 1 Habitat Survey identifies a range of measures that should be undertaken to satisfy the requirement for the ecological enhancement of the site. This could include tree planting and other soft landscaping at the site using species that have known benefits to wildlife and the installation of green walls and roofs.
426. Overall, areas of hard and soft landscaping are proposed across the site with landscaped terrace areas proposed on the upper floors of the Western and Eastern blocks and on the roof area between. The draft Public Realm Strategy submitted also illustrates the intention to plant a large specimen tree and a mix of planting in containers and rain gardens, offering a substantial improvement for a site that currently has no formal landscaping. Final landscaping scheme details would be secured by condition.

Urban Greening

427. London Plan Policies G1 and G5 embed urban greening as a fundamental aspect of site and building design. Policy G5 sets out an Urban Greening Factor (UGF) to assess the quality of urban greening proposed in new developments with a recommended target score of 0.3 for predominantly commercial developments. This approach is also supported by Lambeth Local Plan Policy EN1.
428. The original application was calculated to achieve a UGF of 0.09, which is well below the 0.3 target established in London Plan Policy G5. The applicant submitted documents outlining improvements to the scheme which would increase the UGF to 0.31. The application would be acceptable in line with London Plan Policy G5 subject to these improvements as well as relevant updated drawings should be secured by condition to ensure that the target UGF is achieved.

Contaminated Land

429. Whilst neither the London Plan nor the Lambeth Local Plan contain specific policies on land contamination, the supporting text to Local Plan Policy EN4 notes that a remediation strategy should be submitted prior to commencement of development in instances where contamination exists.
430. A Phase 1 Land Contamination Assessment has been submitted with the application that considers the likely significant effects of the proposed development associated with potential contamination risks during the construction and operational stages. The site is reported to have 20 recorded potentially contaminative historical land uses on site that relate to railway infrastructure. There are no current contaminative land uses identified on the site and the existing retail land use is associated is of low risk. According to the Council's records, there are no records of contamination on the site, and no enforcement concerns relating to Part IIA of the Environmental Protection Act 1990.
431. The Assessment identifies that potentially significant pollution pathways within the site and surrounding area are associated with ingestion/inhalation of windblown dust from adjacent site users and dermal contact, ingestion or inhalation of potentially contaminated soil or dust for demolition and construction workers and service repair staff. There is a risk of potential contamination of surface water runoff from general demolition and construction related activities and/or via operational site drainage.
432. Potential contamination within the soil could have a significant effect on buried services (utilities) which are susceptible to corrosion from direct contact with pollutants within soil. There is the potential for ground gas migration in permeable strata, accumulation, and risk of explosion to demolition and construction workers and future site users. The superficial geology (Taplow Gravels) underlying the site is relatively permeable; therefore, there is a potential risk of contamination via groundwater.

433. The overall risk from the existing buildings is moderate for demolition and construction workers due to the potential presence of asbestos in buildings and low for surface water due to potentially contaminated runoff entering the drainage system. The overall risk of potential contamination within soils and groundwater on on-site and offsite sources is moderate on construction workers as workers will be working directly in potentially contaminated soils and/or groundwater and very low for adjacent site users. There is no risk from potential contamination within soils and groundwater from future site users and planting because there are no proposed areas of exposed soils and/or groundwater at ground level and the proposed development is 100 percent hardstanding. Should any future planting occur, then this will be via above ground planters using clean soils. There is a moderate risk of existing ground gas migration accumulating and potential for explosion within the site on demolition and construction workers. This is because there is significant thickness of made ground on site, therefore, it is recommended that ground gas monitoring and a risk assessment is undertaken prior to demolition and construction on site. Following this, appropriate mitigation measures will be proposed (where necessary) to ensure there is no risk to construction workers.
434. The Assessment recommends that a targeted site investigation is undertaken to quantify the contamination status of the underlying soils and ground water, regarding the excavation of materials for the construction of the basement. This site investigation should also consider the risk of ground gas and the design of mitigation measures where required. No objection has been raised by either the Environment Agency or the Council's Environmental Health Section to the proposal. Further investigation and measures to mitigate the potential effects of any contamination found would be secured by condition.
435. Good demolition and construction practices should be used to reduce the contamination risks to demolition/construction workers on site and adjacent site users. This would include ensuring demolition/construction workers wear appropriate personal protective equipment (PPE) and that any necessary licences would be obtained for the storage, treatment, and disposal of waste.
436. An appropriate surface water drainage strategy designed to ensure there are no adverse effects of contamination because of surface water runoff would be secured by condition.

Transport

437. Chapter 9 of the NPPF sets out the Government's aim to promote the use of sustainable modes of transport. When considering the transport implications of development proposals, the NPPF states that decision-makers should ensure that site specific opportunities available to promote sustainable transport modes have been taken up; safe and suitable access to the site would be achieved for all users; and any significant impacts from development on the transport network (in terms of capacity or congestion) or highway safety can be mitigated to an acceptable degree. Paragraph 109 of the NPPF states that development should only be refused on highways grounds if there

would be an unacceptable impact on highway safety or where residual cumulative impacts on the road network would be severe. Paragraph 110 of the NPPF sets out additional criteria which should be addressed which includes pedestrian, cycle, and inclusive access.

438. London Plan Policy T1 sets out a strategic approach for transport in London. This includes ensuring the most effective land use to reflect connectivity to existing and future public transport, walking and cycling routes, to support the delivery of the Mayor's strategic target of 80 percent of all trips in London to be made by foot, cycle, or public transport by 2041. Policy T2 requires development proposals to demonstrate how they would deliver improvements to facilitate the Mayor's Healthy Streets Approach by prioritising walking, cycling, and public transport. Other relevant transport policies are Policies T3, T4, T5, T6, and T7 which cover transport demand and mitigating development impacts to the transport network, cycling, parking, deliveries, servicing, and construction. Policy T9 of the London Plan sets out the Mayor's priorities for planning obligations which may include contributions towards public transport and cycle network or making improvements in line with the Healthy Streets Approach.
439. The Mayor's Transport Strategy (2018) (MTS) seeks to promote sustainable mode shift, reduce road congestion, improve air quality, and assist in the development of attractive, healthy, and active places. The MTS aims to ensure that by 2041, 80 percent of all Londoners' trips will be made on foot, by cycle, or by public transport.
440. Lambeth Local Plan Policy T1 states that the Council will support sustainable travel opportunities by prioritising walking, cycling and public transport. Development which is likely to generate significant additional demand for transport services should be located where this can be accommodated in existing transport capacities or where additional capacity can be provided through suitable mitigation. Local Plan Policies T2, T3 and T4 support improvements to walking, cycling and public transport connectivity, respectively. Policy Q6 supports proposals providing well-designed public realm, with improved permeability which avoids routes using alleyways or back lanes.
441. Issues with respect to transport were considered by the Council as having been satisfactorily addressed, subject to agreement of appropriate planning conditions and section 106 obligations to secure necessary mitigation measures. No objections were raised by the Council's transport or highways team. The Mayor's Stage 1 comments concluded that some further work on transport was required prior to determination by the Council. These matters have been satisfactorily resolved subject to planning conditions and section 106 obligations. Transport matters considered in respect of the scheme are set out below.

Trip generation

442. The proposed flexible market, community, and restaurant uses were initially excluded from the trip generation assessment on the basis that all associated

trips would be secondary in nature, meaning that they would not generate any new trips.

443. A revised trip generation, which accounts for the whole development was requested and provided. This information confirmed that the greatest proportion of additional trips would be made on foot, followed by public transport. The peak hour trip generation for the proposed office component would contribute most of the trips by public transport, reflecting the local transport infrastructure.

Car parking

444. The development is proposed as car free except for two disabled persons' car parking spaces, which accords with London Plan standards. These spaces would have been secured through the s106 agreement, are proposed on Brixton Station Road and would include the provision of rapid electric vehicle charging infrastructure. A contribution of £30,000 towards implementation has been secured. A restriction barring future building users from obtaining business parking permits should be secured to support travel by non-car modes, whilst monitoring of the disabled persons' car parking should be secured in the section 106. The car parking provision accords with London Plan Policy T6 and Lambeth Local Plan Policy T6.

Healthy Streets

445. The proposed development would generate an increase in pedestrian and cycle trips to and from the site and the local area. The existing pedestrian footfall is high, as recorded in the survey data collected for the Public Realm Impact Assessment (Space Syntax). Existing weekend peak flows were shown to be up to 2,340 people per hour (between 14:00-15:00) and up to 739 people per hour on weekdays (between 18:00-19:00) on Pope's Road. The proposal includes the removal of the existing public toilets and yard from Pope's Road and the proposed building line has been revised to maximise space to create the new public square. The removal of the public toilets and yard would facilitate the planned new entrance to Brixton Station from Pope's Road in the future. The Transport Assessment Addendum (TAA) includes the additional pedestrian movements anticipated from the proposed markets, based on data collected for the existing Brixton Village market to the south. The proposed public realm is shown to be wide enough to accommodate the peak pedestrian flows within comfort levels considered to be acceptable.
446. The Mayor's Healthy Streets Approach supports the creation of public space that maximises opportunities for walking, cycling and public transport use. Existing restrictions to vehicle access on Pope's Road between 08:00 and 18:00 from Monday to Sunday would maintain safe movement for pedestrians and cyclists using the space, whilst the proposals provide shade, shelter, and places to stop and rest. The existing market stall activity which would continue at Pope's Road creates an active place function. Contributions towards Legible London (£15,000) and toward improvements to walking and cycling routes on Atlantic Road and Brixton Station Road (£300,000) would also support wider connectivity to the development. These improvements would

contribute to the public realm by creating widened pavements and reduced street clutter, with upgraded lighting and materials, and safer crossing points.

447. Site permeability is constrained by the railway lines to the north and south, and the creation of new north-south routes utilising the railway arches has not been possible due to this being outside of the applicant's control. To allow maintenance access for Network Rail the building is set back from the railway viaduct on both sides which creates long narrow routes that may not be desirable for pedestrian use unless future opportunities for use of the railway arches could be realised.
448. Whilst improvements for pedestrian permeability are limited due to the site constraints, the widened public square on Pope's Road accords with London Plan Policy T2 and Lambeth Local Plan Policies T1 and T2.

Cycling

449. The applicant is proposing a total of 356 long stay and 30 short stay cycle parking spaces to be provided within the site. The Pope's Road Public Realm and Arts Strategy prepared by Gort Scott demonstrates that a further 70 short stay cycle parking spaces could be provided within the public square. The proposed long stay cycle parking would comprise 20 percent Sheffield stands, 70 percent two-tiered stands and 10 percent foldable cycle lockers. The total amount of long stay cycle parking meets the minimum standards, however the London Plan Policy T5 supporting text states that space for folding cycles is not an acceptable alternative to conventional cycle parking and would only be considered for office development in the CAZ. In this instance, however, the site is situated directly adjacent to an existing rail terminus, which lends itself to greater levels of folding cycle use. The 10 percent foldable provision is therefore acceptable.
450. When calculated on the basis that the 3,212 sq.m. of flexible A1-A3 floorspace would comprise entirely A3 use (the highest potential cycle parking standard), the proposed short stay cycle parking represents a shortfall from the minimum standards by 79 spaces, including the spaces that could be accommodated within the public square.
451. The Transport Assessment (TA) determines the requirement for cycle parking assuming a 50:50 split between A1 and A3 Uses. On this basis, there would still be a shortfall of 53 spaces.
452. A contribution toward the delivery of additional visitor cycle parking across the wider town centre is therefore secured in the section 106, which is considered suitable mitigation by the Council and accords with London Plan Policy T5(d). The contribution would range between £8,100 and £18,600 (based on £300 per Sheffield stand) depending on the amount of cycle parking required.
453. Conditions requiring details of the cycle parking and lift access to the cycle store are secured. The details should demonstrate that the cycle parking is designed in accordance with the guidance contained in Chapter 8 of the London Cycling Design Standards (LCDS) and subject to this the proposals

accord with London Plan Policy T5 and Lambeth Local Plan Policies T3 and Q13.

454. A contribution of £220,000 towards a new Cycle Hire docking station and cycle hire memberships has been secured.

Public transport

455. There are up to 16 bus routes which serve the development from the bus stops nearest the site on Atlantic Road (stops L and LA) and on Brixton Road (stops N, Q, R, S and T). The development is anticipated to generate an additional 276 two-way bus trips in the AM peak hour and 264 two-way bus trips in the PM peak hour. Although these trips would be spread across the various bus services, the additional 253 arrival trips in the AM peak hour are of particular concern when existing bus services are already at capacity on routes to Brixton town centre. On this basis, a contribution of £450,000 towards additional bus capacity has been agreed to meet the demand.
456. Brixton London Underground (LU) Station is located 220 metres from the site on Brixton Road. LU services on the Victoria Line terminate at Brixton and depart northbound every few minutes throughout the day (and up to every 10 minutes at night on Friday and Saturday until 03:00). The station has step-free access. Brixton Station, which is operated by Southeastern Rail and is located within 100 metres of the site, is accessed from Brixton Station Road and Atlantic Road. Step-free access is not currently available to this station. A contribution of £300,000 towards improvements at Brixton Station to provide lift access (£150,000 per lift based on a requirement of two lifts) has therefore been secured.
457. For these reasons, the proposals are considered to comply with London Plan Policies T3 and T4, and Lambeth Local Plan Policies T1 and T4.

Delivery, servicing, construction, and travel planning

458. A Framework Delivery and Servicing Plan (DSP) has been submitted in support of the application. In response to concerns, the TAA confirmed that all deliveries and servicing for the proposed development would take place from the service yard which is accessed via Valentia Place. Vehicle swept path analysis demonstrates that there will be adequate space within the service yard for a maximum of three 7.5 t box vans at any time. This is considered to sufficiently accommodate the 52-53 vehicles per day for this purpose, with consolidation of trips. This would be supported by a detailed DSP secured by condition, including a restriction on the size of vehicles to a maximum 7.5 t box van. A 50 percent consolidation of office servicing trips would be supported with a monitoring mechanism secured in the section 106 agreement. The arrangements for deliveries and servicing comply with London Plan Policy T7 and Lambeth Local Plan Policy T7.
459. London Plan Policy T7 and Lambeth Local Plan Policy T7 promote the provision of Construction Logistics Plans (CLP) and membership of the Fleet Operators Recognition Scheme (FORS), to minimise the impact and safety

risks of construction activities on people and the transport network. An Outline Construction Logistics Plan has been submitted with the application and a detailed version is secured by pre-commencement condition.

460. A Draft Employee Travel Plan has been submitted and would form the basis for a full Travel Plan to be prepared for the development prior to occupation. Submission of the full Travel Plan is secured by condition, supported by a contribution of £8,000 towards monitoring and enforcement through the section 106 agreement.

Transport Conclusion

461. The proposed development would enhance the public realm on Pope's Road, creating a wider space and could allow for an improved connection to Brixton Station should a new entrance come forward in the future. The proposed car and cycle parking is acceptable, subject to conditions. The package of mitigation measures for public transport, along with improvements for walking and cycling are accepted to support the proposals to be secured in the section 106 agreement.
462. Subject to a suitable framework of controls and mitigation as identified above being secured through the section 106 agreement and use of appropriate planning conditions, the transport impacts of this development are in accordance with strategic and local transport policies in the London Plan and Lambeth Local Plan Policies T1, T2, T3, T4, T5, T6 and T7.

Planning obligations

463. Regulation 122 of the Community Infrastructure Levy Regulations 2010 states that a section 106 planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. These are statutory tests.
464. The NPPF states that "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."
465. At the regional level, London Plan Policy DF1 identifies that priority should firstly be given to affordable housing and necessary public transport improvements. Following this, the policy recognises the role that large sites can play in delivering necessary health and education infrastructure, the importance of affordable workspace, and culture and leisure facilities in delivering good growth.
466. At the local level, Lambeth Local Plan Policy D4 provides the basis for determining planning obligations when considering planning applications for development in the borough.

467. As matters stand, the s106 agreement has not yet been agreed and there were a number of issues outstanding. There were detailed discussions between the GLA, applicant and Lambeth Council in the first half of 2022 with a number of important matters highlighted as needing attention in relation to the section 106 planning obligation but there has been limited progress since then.
468. The following planning obligations are proposed by the applicant to appropriately mitigate the impact of this development.

Employment and affordable workspace

- A minimum of 2,400 sq.m. (NIA) of affordable workspace to be provided at a 50 percent discount on market rates to eligible businesses until 2090.
- A new Brixton job training fund of £40,000 per annum for a period of 25 years. This fund would be applied towards employment and skills initiatives in the Coldharbour Ward and surrounding area to target the improvement of employment prospects for local BAME community youth.
- Employment and training contribution to provide an ongoing financial benefit to local employment and training initiatives in Lambeth. It would consist of a £150,000 upfront payment following commencement and then an annual index linked payment of £75,000 for 25 years following occupation of the development.
- Provision for additional payments towards employment and training initiatives where annual rents for the development exceed a threshold value
- Employment and skills plans, for both the construction phase and the first two years of the end use phase, which include a commitment to use reasonable endeavours to achieve the following targets for local labour (i.e., Lambeth residents):
 - 25 percent for all employment opportunities in both phases
 - 25 percent for apprenticeships in the construction phase
 - 75 percent for apprenticeships in the first two years of the end use phase (with two thirds of those being for BAME apprentices from Brixton)
- Monitoring of implementation of the employment and skills plans with provision for financial contributions where there is a shortfall against employment targets.

Community uses

- A Community Use Strategy and Management Plan for the community (D1) floorspace and publicly accessible spaces in the development, to include:
- Local community access to on-site facilities in perpetuity.
- Appointment of a Local Community Partner Lead (within the Council), including payment of an £80,000 contribution towards funding of the role
- Establishment of a community use steering group and community use committee (each to operate for five years from occupation).
- Frequent communications and publicity of opportunities available to the local community within the development.
- Meanwhile/pop-up strategy to provide that vacant flexible/retail units are readily activated and available for short periods to local businesses and charities.
- Community access to free or discounted meeting rooms and spaces.
- Dedicated community space and programming for the local community, with community access to the space for free or at discounted rates (with an average discount of 50 percent).
- Social value monitoring to be published annually.

Transport

- £15,000 toward legible London wayfinding signage.
- £300,000 towards improvements to walking and cycling routes.
- £220,000 towards a new cycle hire docking station.
- £300,000 towards Brixton Rail Station improvement works.
- £450,000 towards improvements to bus services in the area
- £10,000 towards electric vehicle rapid charging points on local highways.
- £20,000 towards two new disabled car parking bays on Brixton Road.
- Financial contribution towards additional visitor cycle parking of between £8,100 and £18,600, depending on the number of cycle parking spaces that are provided within the public realm of the scheme.

- Free cycle hire memberships for the first two years from occupation.
- Requirement for section 278 agreement to secure highway reparation works.
- Delivery and servicing management plan, including provision for consolidation of deliveries and maximum daily deliveries.

Other Obligations

- £599,925 Carbon off-set payment to ensure compliance with the zero-carbon standard set out in the London Plan.
- Public Art Strategy for the delivery of on-site public art at a cost of not less than £80,000 or, if on-site provision is not feasible, a payment in lieu of £80,000 towards off-site public art.
- Delivery of a public realm scheme comprising a new public square to the site's frontage (part within the application site and part within the adjacent adopted highway), including the removal of the existing toilet block. There is a commitment to retain if possible and reconfigure the existing market pitches although no commitment that this would be a like for like replacement. Includes a requirement to enter into a s278 agreement for delivery and maintenance of the works within the adopted highway, including payment of a commuted sum of \$279,000 towards the cost of ongoing maintenance
- Public toilets within the development
- Commitment towards Be Seen energy monitoring
- Connection to the District Heating Network where financially and technically viable, with provision of a connection point in any event to enable potential connection in the future
- Site and security management strategy to provide for safety of occupiers and visitors
- A Section 106 monitoring fee

Human Rights Act, Equality Act and Public Sector Equality Duty

469. When determining this planning application, the Deputy Mayor is under a duty to take account of the provisions of the Human Rights Act 1998 as they relate to the development proposal and the conflicting interests of the applicants and any third party affected by, or opposing, the application, in reaching his decision. Planning decisions on the use of land can only be taken in line with the Town and Country Planning Acts and decided in accordance with the development plan unless material considerations indicate otherwise.

470. The key Articles to be aware of include the following:

(a) Article 6 - Right to a fair trial: In the determination of his civil rights and obligations... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

(b) Article 8 - Right to respect for private and family life: Everyone has the right to respect for his private and family life, his home and his correspondence.

(c) Article 1 of the First Protocol - Protection of property: Every person is entitled to the peaceful enjoyment of his possessions.

471. It should be noted, however, that article 8 and article 1 of the first protocol are not absolute and set out circumstances when an interference with a person's rights is permitted i.e., necessary to do so to give effect to the Town and Country Planning Acts and in the interests of such matters as public safety, national economic well-being and protection of health, amenity of the community etc. Whilst there are some impacts on neighbouring amenity, as set out in the report, these are justified as described in the planning analysis above. Accordingly, they represent a proportionate and justified interference with convention rights (article 8 and article 1 of the first protocol).

472. The Equality Act 2010 and the Public Sector Equality Duty provides that in exercising its functions (which includes the functions exercised by the Mayor as Local Planning Authority), that the Mayor as a public authority shall amongst other duties have due regard to the need to a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

473. The protected characteristics set out in the Equality Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

474. Concerns have been raised within letters of representation that the proposal would have a negative impact on BAME businesses near the site. In addition, whilst it is clear that attempts have been made to re-provide the external market space where possible, there is currently no commitment within the s106 agreement that the external markets would be replaced like for like. However, the proposal does provide increased employment opportunities for the local area, an uplift in commercial floor space overall and employment support packages / initiatives which provide targeted apprenticeship and training opportunities for local residents and BAME communities. In addition, the

proposal provides affordable workspace which exceeds policy requirements along with a dedicated community space at first floor level. The s106 agreement also secures a 'Commercial and Community Use Strategy and Management Plan' to ensure that these spaces are targeted to the local community.

475. In addition, this application has been assessed against Development Plan policies which have all been assessed against the duty and have been tested through the completion of Equality Impact Assessments during policy preparation.
476. Officers are satisfied that the application material and officers' assessment has taken into account the equality and human rights issues referred to above and due regard has been given the relevant protected characteristics. In officers' view the Mayor could decide to refuse or grant planning permission and would be compatible with the Mayor's duty under s149 of the Equality Act 2010.

Legal considerations

477. Under the arrangements set out in Article 7 of the Order and the powers conferred by Section 2A of the Town and Country Planning Act 1990 the Mayor is the Local Planning Authority (LPA) for the purposes of determining this planning application ref: 20/01347/FUL.
478. Section 35 of the Greater London Authority Act 2007 inserts section 2F into the Town and Country Planning Act 1990 a requirement that for applications the Mayor takes over, the Mayor must give the applicants and the LPA the opportunity to make oral representations at a hearing. He is also required to publish a document setting out:
- who else may make oral representations;
 - the procedures to be followed at the hearing; and,
 - arrangements for identifying information, which must be agreed by persons making representations.
479. The details of the above are set out in the Mayor's Procedure for Representation Hearings which reflects, as far as is practicable, current best practice for speaking at planning committee amongst borough councils.
480. In carrying out his duties in relation to the determination of this application, the Deputy Mayor must have regard to a number of statutory provisions. Listed below are some of the most important provisions for this application.
481. In determining any planning application and connected application, the Mayor is required by section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine the application in accordance with the Development Plan (i.e., the London Plan and the adopted Local Plan) unless material considerations indicate otherwise.

482. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that in dealing with such an application the authority shall have regard to:
- a) The provisions of the development plan, so far as material to the application;
 - b) Any local finance considerations, so far as material to the application; and
 - c) Any other material consideration.
483. Section 70(4) defines “local finance consideration” as:
- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
484. These issues can be material planning considerations when determining planning applications or planning appeals.
485. National policy is a material consideration. Other guidance, which has been formally adopted by Lambeth Council and the GLA (e.g., Supplementary Planning Documents and Supplementary Planning Guidance), will also be material considerations. Those that are relevant to this application are detailed in this Representation Hearing report. It is important to appreciate that these are not parts of the development plan.
486. Officers are satisfied that the current report to the Deputy Mayor has had regard to the relevant provision of the Development Plan. The applicants proposed section 106 package has been set out and complies with the relevant statutory tests.
487. As regards Community Infrastructure Levy (CIL) considerations, the proposal will be required to pay CIL in accordance with the Mayoral and LB Lambeth levies.
488. In accordance with his statutory duty in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Deputy Mayor shall have special regard to the desirability of preserving Listed Buildings, their settings and any features of special architectural or historic interest which they possess. The Deputy Mayor is also required to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas which may be affected by the proposed development in line with the NPPF.
489. Regulation 122 of the Community Infrastructure Levy Regulations 2010 states that a section 106 planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. These are now statutory tests.

Planning Balance and Conclusion

Compliance with the Development Plan

490. As detailed above, Section 38(6) of the Planning and Compensation Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Where conflict with an up-to-date development plan has been identified, permission should not usually be granted. The development plan should be read as a whole and whether a scheme is contrary to the development plan is a matter of planning judgement.
491. Officers have identified a number of breaches of the development plan in relation to heritage and urban design which need to be considered against the parts of the Development Plan which support the proposal. This is further summarised below:

Conflicts with the Development Plan

Heritage:

492. In striking the planning balance it is important to have regard to the statutory protection and the considerable weight that should be given to the preservation of the setting of listed buildings. Although the settings of conservation areas are not protected by statute, protection is afforded by national policy.
493. GLA officers were asked by the Mayor at Stage 2 to further consider the impacts of the proposal and expert heritage advice has been sought. Additional heritage assets have been considered and the extent of harm on the 'less than substantial' scale has now been stated compared to the assessment carried out within the Stage 1 and 2 reports. The advice from Historic England should also be noted where they state that "Though dramatically breaking the scale of the established townscape, the harm to the setting of the Conservation Area is considered to be at a moderate-high level. Under the terms of the NPPF, this harm is 'less than substantial', and represents an unacceptable impact."
494. Officers conclude that the proposal would result in 'less than substantial' harm to six listed buildings, five conservation areas and two registered parks and gardens, with two of the buildings being Grade II* listed. The individual harm to each of the assets identified is 'less than substantial' ranging between the lower to moderate ends of harm. Taken together and individually, that harm should be given considerable weight in the consideration of this application, due to the level of harm, the number of assets impacted and the importance and interest of some of those assets. As such, the proposal is contrary to the NPPF, London Plan Policies D9 and HC1 and Lambeth Local Plan Policies Q20, Q21 and Q22.

Urban Design, Architecture and Public Realm:

495. GLA officers appreciate there is a mix of views on the design of the proposal, with some strong differing opinions. In terms of the architectural quality and materials of the proposed building, GLA officers recognise the architect's record and reputation for designing developments that are of a high architectural quality and, subject to conditions, the detailing and finish of the proposed building would no doubt be to a high standard.
496. In relation to public realm, there are benefits from improvements secured at the Pope's Road frontage. Officers previously noted that the site layout was well conceived within the constraints, however, as officers have scrutinised the details of the proposal further, clarified ownerships, and received additional advice, we have some concerns about the ground floor layout and also note that certain key elements remain unsecured. We consider that this could have consequent impacts on the quality and functionality of the building, particularly at ground floor level, and to permeability through the site which would weaken a number of proposed benefits of the scheme. Overall and very much on balance, the layout and public realm are considered acceptable subject to necessary controls securing improvements to the site's frontage through the s106 / planning conditions and delivery on site.
497. However, officers are of the opinion that the height, scale and massing of the scheme does not respond to the local context and the proposal represents a maximisation rather than an optimisation of the site, with the proposals seemingly quantum-led as opposed to design or plan led. The proposal would be visible in several views, and indeed prominent in a number. In particular, the proposal would result in harm to the appearance of the iconic Electric Avenue, Atlantic Road and Brixton Hill. Whilst it is recognised that tall buildings are likely to come forward on the adjacent allocated sites, the height allowance on those sites is approximately 30 metres lower than this proposal, those sites are further to the north, have a different orientation, and development of those site would therefore be less impactful from these views.
498. It is GLA officers' view that although the principle of a landmark tall building was previously supported in strategic planning terms and the architectural detailing of the proposal is of high-quality, the form and scale of the proposed design does not accord with the locational requirements or design-led approach for tall buildings set by the current Development Plan. The architectural quality and detailing of the proposal would not overcome the issues identified with respect to the scale, height and massing. A landmark building does not inevitably give rise to the harms assessed as being generated by this proposal.
499. Taking all this into account, the scale, height and massing of the main 20 storey tower would result in harm to the character and appearance of the area. The proposal is, therefore, contrary to the NPPF, the National Design Guide, London Plan Policies D3 and D9, Lambeth Local Plan Policies Q5, Q7, and Q26 and Site Allocation 16.

The parts of the Development Plan which support the proposal:

500. The NPPG (18a-020-20190723) describes what is meant by the term public benefits and states that these “could be anything that delivers economic, social or environmental objectives” and “They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit.” In summary, the proposal would provide the following public benefits which would weigh in favour of the scheme:

Economic impact:

501. The introduction of 25,435 sq.m. of office floorspace in this highly accessible, town centre location would significantly contribute towards the projected need for office space within Brixton, Lambeth, and inner London (outside of the CAZ and NIOD) in accordance with local and strategic development plan policy and is supported. The affordable workspace provision would exceed the policy requirements by proposing 12.5% affordable workspace (if using NIA) compared to 10% stated in policy and being for a period up to 2090 compared to 25 years in policy.
502. The proposal would provide approximately 1600 FTE new jobs and additional jobs would be created during the construction phase of the development. The applicants submitted employment initiatives including the new Brixton job training fund and additional apprenticeship opportunities which are also considered a benefit. These employment initiatives would be targeted to the local community and are supported. Whilst there are some concerns around the ground floor layout and the circulation spaces provided throughout the development, subject to certain controls in a s106 agreement, the scheme could offer an enhanced market and retail offer at the site.
503. Overall, the proposed employment floorspace, commercial uses and affordable workspace would offer a benefit of significant weight.

Community use:

504. The applicant is proposing a dedicated community space on the first floor which is in line with local and strategic policy aspirations to promote social inclusion and strong communities. The community use is considered a benefit which should be given moderate weight in the planning balance and the commitments made in the S106 regarding the funding of a Community Coordinator role are to be welcomed.

Contributions (including transport and public art):

505. The proposed contributions would have limited weight given the size and nature of the contributions provided.

Public Toilets

506. The existing public toilets are proposed to be demolished and replaced. The replacement facilities would be new and subject to suitable controls to secure the opening hours, accessible design, management and maintenance, would be a benefit in terms of supporting the town centre and the local community/visitors. However, given this is a replacement facility this should only be given limited weight as a benefit in the planning balance.

Heritage

507. The proposed removal of the existing toilet block in the Brixton Conservation Area and its replacement with an area of public realm is an enhancement to the conservation area. The degree of enhancement is limited since it is only a visual enhancement and relates to a small and peripheral part of the conservation area. As such this benefit is small and given limited weight in the planning balance.

Development Plan Conclusion:

508. The harms identified on heritage assets and the character and appearance of the area would result in a number of conflicts with the policies of the adopted Development Plan as outlined above.
509. These harms and conflicts with the Development Plan are to be weighed against the parts of the Development Plan that support the proposal, the stated benefits set out above. The position is balanced but it is officers' view that the public benefits and areas of compliance with the Development Plan do not outweigh the harms and policy conflicts identified. In striking this balance it is important to have regard to the statutory protection and the weight that should be given to the conservation of the heritage assets affected.
510. It is therefore considered that the proposal should be regarded as being in conflict with the development plan when considered as a whole.

Other material considerations:

Heritage balance pursuant to the NPPF:

511. The proposal would result in harm to a number of heritage assets of significance and would be contrary to heritage policies within the development plan. In all cases the harm to heritage assets is 'less than substantial' in terms of the framework's definition, but to varying degrees. Paragraph 202 of the framework states that harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The framework states that the more significant the heritage asset the greater the weight to be attached.
512. GLA officers do not consider that the public benefits including the heritage benefit associated with this proposal outweigh the harm to a number of

important heritage assets. The proposal would conflict with the parts of NPPF that relate to the historic environment including paragraph 202.

Overall planning balance and conclusion

513. The proposal offers some significant benefits particularly the extent of employment floorspace delivered and the associated employment initiatives which are targeted towards the local community. However, following careful scrutiny of the proposals, officers consider that the proposal would result in harm to heritage assets and the character and appearance of the area,
514. Having taken these matters into account, and considering the proposal overall, including the benefits it would deliver, on balance GLA officers consider this application to be unacceptable in planning terms.
515. Accordingly, the proposal is considered contrary to the Development Plan when considered as a whole and material considerations do not indicate that planning permission should be granted. It is therefore officers' recommendation that the proposed development be refused planning permission for the reasons set out in this report.

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

Lucinda Turner, Assistant Director of Planning and Regeneration

email: Lucinda.turner@london.gov.uk

John Finlayson, Head of Development Management

email: john.finlayson@london.gov.uk

Alison Flight, Deputy Head of Development Management

email: alison.flight@london.gov.uk

Richard Green, Team Leader, Special Projects

email richard.green@london.gov.uk

Grace Harrison, Principal Strategic Planner (Case officer)

email: grace.harrison@london.gov.uk