

# DAVIES MURCH

DEVELOPMENT | STRATEGY | PLANNING

## Town Planning Statement

For:

219-223 Coldharbour Lane, SW9 8RU

Prepared by:

DaviesMurch

April 2020

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## 1. Introduction

1.1 This Town Planning Statement is submitted in support of a full planning application on behalf of Coldharbour Lane Limited, for the redevelopment of the site at 219-223 Coldharbour Lane, Loughborough Junction, SW9 8RU. The proposal will provide a mixed-use development comprising commercial floorspace at ground and part first floor and eight residential units on part first to fourth floor.

1.2 The description of development is as follows:

*“Retention of the existing building and upward extensions to provide a mixed-use scheme over five floors comprising eight residential dwellings (C3 Use Class), retention of 205sqm shop (A1 use class) and/ or cafe (A3 use class) and 339sqm of business floorspace (B1 Use Class) including the provision of a 35 cycle parking spaces, amenity space and ancillary facilities.”*

1.3 This application seeks to address the reasons for refusal of two previous applications on this site ref: 16/03749/FUL and 19/02623/FUL following detailed discussions with officers.

1.4 This statement considers the various town planning aspects of the application, which is supported by a number of other documents which are listed below:

- Application Forms and Certificates;
- Design and Access Statement;
- Application Drawings;
- Accommodation Schedule;
- CGI's;
- Daylight and Sunlight Report;
- Town Planning Statement;
- Crime Prevention Strategy;
- Noise Impact Assessment;
- Phase 1 Environmental Report;
- Air Quality Assessment;
- Air Quality Technical Addendum;
- Transport Statement;

- Delivery and Servicing Management Plan;
- Outline Construction Traffic Management Plan;
- Energy and Sustainability Statement; and
- Addendum Viability Study.

1.5 This statement is broken down into the following chapters:

- Introduction;
- Site and Surroundings;
- Planning History;
- Planning Policy Context;
- Description of the Proposals;
- Response to the Reasons for Refusal of the Previous Application;
- Other Planning Considerations; and
- Summary and Conclusions.

## **2 Site and Surroundings**

- 2.1 The site is located at the junction of Coldharbour Lane and Hinton Road within Loughborough Junction. It is currently occupied by a two storey building fronting Coldharbour Lane and single storey building fronting Hinton Road. It is a mixed-use area and located approximately 50 meters from Loughborough Junction overground station.
- 2.2 The site is used for retail at ground and first floor fronting Coldharbour Lane. The remaining part of the site, along Hinton Road is recently vacant having previously been used for car repairs/ car wash.
- 2.3 The site is 0.065 hectares (ha) in size. The site is bordered to the north by Coldharbour Lane, to the west by Hinton Road, to the east by 215-217 Coldharbour Lane and 1-9 Hinton Road to the south. Building heights in the area range predominantly between one to four storeys, with commercial uses at ground floor and a mix of commercial and residential on upper floors.
- 2.4 The building at 215-217 Coldharbour Lane, has recently been completed.
- 2.5 The site lies to the north of the Loughborough Park Conservation Area.
- 2.6 The site is highly accessible bordering on a location that has a Public Transport Accessibility Level (PTAL) rating of 5/4/3. There are various bus stops in the local area with routes to Shoreditch, Kings Cross and Peckham. Very nearby is Loughborough Junction station providing Thameslink and overground services into Central London.
- 2.7 The existing building accommodates a 229sqm furniture shop (A1 use class), split over ground and first floor fronting Coldharbour Lane. The remainder of the site, fronting Hinton Road, accommodates 314.5sqm of sui generis space, that was previously used as garage servicing/ repair and car wash and has recently become vacant.

### 3 Planning History

3.1 The sites recent planning is set out in the table below.

Application Ref:	Description of Development	Decision
16/03749/FUL	Demolition of existing 2 storey building and rear extension and erection of part 2-, part 5-storey mixed use building comprising of approximately 145sqm commercial floorspace on ground floor (Use Class A1/A3), 209sqm (Use Class B1(a)) floorspace on first floor, 268sqm flexible workshop/creative units (Use Class B1) on ground and first floors, nine Class C3 residential flats on remaining upper floors (4 x no1 bedroom, 5 x no2 bedroom); including provision of balconies, communal roof garden, bin stores and cycle parking; and other ancillary works.	Refused 25th October 2016
19/02623/FUL	Alterations and extensions to the existing building and upward extensions to provide mixed-use scheme up to 7 storeys high comprising 13 residential dwellings (C3 Use Class), 208sqm of flexible floorspace consisting of retail/café/restaurant (use classes A1 and A3), and 207sqm of business floorspace (B1 Use Class), including the provision of 22 cycle parking spaces, amenity space and ancillary facilities.	Refused 6 <sup>th</sup> March 2020

3.2 The decision notice for the first scheme (ref: 16/03749/FUL) confirms permission was refused for six reasons, which are listed below:

1. The proposed residential accommodation would fail to provide an appropriate and balanced mix of unit sizes, including family-sized accommodation to meet current and future housing needs contrary to the London Plan (MALP) 2016 Policies 3.5 and 3.8, and Lambeth Local Plan (2015) Policies H1, H2, H4 and D4;
2. The proposed development, by reason of the absence of any provision by which to secure an appropriate contribution toward delivering affordable housing, would fail to contribute to

balanced and sustainable communities which is contrary to London Plan 2016 Policies 3.10, 3.11 and 3.12 and Lambeth Local Plan (2015) Policies H2, H4 and D4;

3. The proposed development, by virtue of its detailed design would result in an incongruous form of development, which would be visually intrusive in the streetscene. As such the development would fail to integrate within the surrounding context and would be harmful to the character of the area, local distinctiveness and the visual amenities of the neighbouring occupiers. The proposal is therefore considered to be contrary to Paragraphs 17 and 56 of the NPPF, London Plan (2016) Policies 7.4, 7.5, 7.6 and 7.7; and Lambeth Local Plan (2015) Policies: D1, Q2, Q5, Q7, Q8, Q16, Q17 and PN10;
4. The proposed development, by virtue of its scale, height and design would result in an unneighbourly form of development, which would result in unacceptable loss of outlook, increased sense of enclosure, loss of privacy and loss of daylight to the occupiers of the adjoining sites contrary to Lambeth Local Plan (2015) Policy Q2;
5. The application fails to adequately accommodate and mitigate against the highways and parking impacts of the proposal by way of legal agreements to secure adequate highways and pedestrian improvements including safe access to the site and to secure car club bays and membership for the future occupiers of the building contrary to Lambeth Local Plan (2015) Policies T2, T6, T7 and T8; and
6. The application fails to demonstrate that a Sustainable Urban Drainage System (SUDS) would be employed to result in a net decrease in both the volume and rate of run-off leaving the site by incorporating SUDS in line with the London Plan drainage hierarchy and National SUDS Standards, contrary to London Plan (MALP) 2016 Policy 5.13 and Lambeth Local Plan (2015) Policy EN6.

3.3 The decision notice for the second refusal (ref: 19/02623/FUL), confirms permission was refused for eight reasons which are listed below:

1. The proposed development, by virtue of its scale and height would result in an unneighbourly form of development, which would result in unacceptable loss of outlook, increased sense of

enclosure, and loss of light to the occupiers of the adjoining site at 215-217 Coldharbour Lane, contrary to Lambeth Local Plan (2015) Policy Q2.

2. The proposal would result in an unacceptable loss of employment generating land, to the detriment of the Lambeth and wider London economy and the range of local business and job opportunities. As such the proposal is contrary to Policy ED2 of the Lambeth Local Plan (2015).
3. In the absence of clear and robust information which demonstrates that the proposed scheme has been designed to mitigate the impact of the adjoining noise generating uses on the future occupiers of the proposed building (external amenity space), it has not been demonstrated that the proposed scheme complies with the agent of change principles and will not prejudice the long-term viability of the adjoining commercial. As such the proposal is contrary to Draft London Plan (2019) Policy D13.
4. In the absence of sufficient information to demonstrate that the requisite cycle parking for the development can be accommodated on the site, the proposals fails to fully incorporate sustainable modes of transport and the application contrary to Policies Q1, Q13 and T3 of the Lambeth Local Plan (2015) and Policies 6.3, 6.9, 6.10 and 6.12 of the London Plan (2016) and Policy T5 of the Draft London Plan (2019).
5. In the absence of a S106 legal agreement to ensure that local people are provided with employment during the course of the development the proposal fails to mitigate the impacts of the development in terms of employment and training which is contrary to Policy 3.1 of the London Plan (2016) and Policies ED14 and D4 of the Lambeth Local Plan (2015) and the Employment and Skill SPD (2018).
6. In the absence of a S106 legal agreement to secure affordable housing provision to support the scheme, which has been deemed viable by the local planning authority by way of a viability appraisal, the proposal would fail to provide the maximum reasonable amount of affordable housing. This is contrary to Policies D4 and H2 of the Lambeth Local Plan (2015), Policy 3.12 of the London Plan (2016), Lambeth's Development Viability SPD (2018 and the Mayor's Affordable Housing and Viability SPG (2017).



7. In the absence of a S106 legal agreement to prevent future occupiers from obtaining parking permits and to secure car club memberships for occupiers the proposal would not promote sustainable modes of transport and less private car ownership, and fails to mitigate the impacts of the development on the adjacent highways. The proposal is therefore contrary to London Plan (2016) Policies 6.3 and 6.12 and Policies T1, T6 and T7 of the Lambeth Local Plan (2015).
  
8. In the absence of a S106 legal agreement to provide a carbon offset financial contribution, the proposal would fail to minimise carbon dioxide emissions in accordance with Policy 5.2 of the London Plan (2016) and Policy D4 of the Lambeth Local Plan (2015).

## 4. Planning Policy Context

4.1 Section 47 of the National Planning Policy Framework, February 2019, states in relation to determination of planning applications:

*“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timeframes unless a longer period has been agreed by the applicant in writing.”*

4.2 The Development Plan consists of:

- The London Plan (2016); and
- Lambeth Local Plan (2015).

4.3 Consideration is also given to the following:

- The National Planning Policy Framework; and
- Planning Practice Guidance.

4.4 Regard is also had to regional and local supplementary planning guidance where relevant.

4.5 At the time of writing, a new draft London Plan, is at an advanced stage of progression. It is likely it will be adopted prior to the determination of this application. Given its advanced status, considerable weight is given to its policies and therefore we have referred to them below, where relevant, alongside the policies of the current London Plan.

### Site Specific Policies

4.6 The Lambeth Local Plan - Policies Map 2015, confirms that the site does not benefit from any site specific policies. However, it is adjacent to an allocation for a Local Centre and to the North of the Loughborough Park Conservation Area.

- 4.7 Consideration is given to the schemes compliance with the relevant planning policies within section 5 and 6 below.

#### Loughborough Junction Masterplan

- 4.8 The Council have been progressing consultation of the Loughborough Junction Masterplan which was due to be adopted in late 2017, but we understand has stalled and not progressed. Whilst it does not and will not have any formal policy status, it's intention is to guide future development coming forward in the Loughborough Junction Area.
- 4.9 The latest version of this document (Stage 4), identifies the site with the potential for a four/ five storey building with the potential for providing mixed use development including retail fronting Coldharbour Lane, commercial and residential on the upper floors.

## **5. Description of the Proposals**

- 5.1 The proposal is to retain the existing building and provide upward extensions for a mixed-use building comprising eight flats, 205sqm of retail (A1 use class) and 339sqm of employment space (B1 use class).
- 5.2 At ground floor level, 115sqm of retail fronting Coldharbour Lane and 260sqm of employment use fronting Hinton Road is proposed. Plant, refuse, 35 cycle parking spaces are also provided at ground floor, of which 20 are provided for residents and 15 are provided on street for visitors. Access to the residential accommodation on the upper floors is provided via a new entrance core off Hinton Road.
- 5.3 At first floor the scheme comprises 90sqm of retained retail space (A1 use class) fronting Coldharbour Lane. An 89sqm communal roof garden is provided for the benefit of the residents fronting onto Hinton Road, which is accessed from the residential core at ground floor.
- 5.4 One two bed flat is provided at first floor. The remaining seven flats are provided at second to fourth floors.
- 5.5 The schemes unit mix is as follows, four one bed units, three two bed units and one three bed units.
- 5.6 All the units benefit from private amenity space ranging in size between 5sqm and 8.2sqm.
- 5.7 The scheme has been designed to tier/ step away from the neighbouring property at 215 to 217 Coldharbour Lane. A detailed description of the building design is provided within section D and E of the Design and Access Statement that accompanies the application.

## 6. Response to the Reasons for Refusal of the Previous Application

6.1 The scheme seeks to address the reasons for refusal of the previous two planning applications which have been subject to detailed discussion with Council officers and their advisors. This application follows the advice provided by officers.

6.2 Below, we have identified the reasons for refusal of the previous application and explained how they have been addressed by the current proposal.

*Reason 1 – Scale and height and associated impact on outlook, sense of enclosure and loss of outlook*

6.3 Paragraph 7.59 of the officer's report for the refused scheme, confirms the proposed height of the refused scheme at seven storeys was acceptable, insofar as the proposal relates to its context and the site occupies a prominent position at a spacious junction. Paragraph 7.66 goes onto conclude:

*“The scale, height and massing is appropriate for this site, and would create a marker for this junction without visually dominating other attractive buildings in the vicinity, specifically Green Man.”*

6.4 The details behind this reason for refusal are explained within paragraphs 7.102 to 7.109, which relate to daylight and sunlight impacts and 7.121, which relates to overbearing impact/ sense of enclosure. In both instances, it is the impact to 215-217 Coldharbour Lane that is considered unacceptable.

6.5 Daylight and sunlight and sense of enclosure are an inter-related issue. In planning terms, as a rule of thumb, if daylight and sunlight impacts are considered to be acceptable, the sense of enclosure is also likely to be considered acceptable.

6.6 To address this reason for refusal, Point2 have continued to work with the Council's independent consultant to agree a massing envelope for the scheme which would allow meaningful development to come forward, balanced against the impacts on 215 to 217 Coldharbour Lane. The result of that dialogue is the revised application, which reduces the height of the building from seven storeys to five storeys. The scheme has also been designed to slope away from 215-217 Coldharbour Lane as it

steps up. This will significantly increase the view of sky from the units within 215-217 Coldharbour Lane, particularly for those on the lower levels.

6.7 Furthermore, the scheme has been designed to increase the distance between the proposed building as it steps up and away from 215-217 Coldharbour Lane.

6.8 In respect of daylight and sunlight, the conclusion of the updated report from Point2 is as follows:

*“Given the low level of massing currently occupying the site, proportionate VSC reductions that exceed the BRE Guidance are inevitable. Nevertheless, the only 3 properties experience some derogation from default guidance, namely: 209a, 225 and 215-217 Coldharbour Lane.*

*In relation to 209a, when considering VSC and NSL holistically, the overall changes to the site facing room is assessed as being of minor significance. In relation to 215-217 and 225, whilst there may be some higher proportionate reductions which could be noticeable, it must be remembered that the existing site comprises a very low rise warehouse and the BRE Guide recognizes that a greater level of obstruction may be unavoidable if new developments are to allow meaningful redevelopment of neighbouring sites. Nevertheless, the retained levels of daylight are considered to be commensurate with a typical urban locality*

*We fully support this planning application in terms of daylight and sunlight amenity.”*

6.9 The Council’s daylight and sunlight advisors have previously reviewed the massing for the proposed scheme. A copy of their letter is attached at Appendix 2. They specifically considered the impact the proposal would have on the flats 2 and 4 within 215-217 Coldharbour Lane. Their conclusion was that the impact would not result in the flats being ‘poorly lit’ and that the impact, as restricted to these two flats living areas ‘might be acceptable’.

6.10 Taking account of the above, it is considered that the proposed scheme strikes an appropriate balance between protecting the impacts of neighbouring residents within 215-217 Coldharbour Lane and allowing meaningful development to come forward on this corner site.

*Reason 2 – Loss of employment generating land*

- 6.11 The officers report notes that this reasons for refusal relates to the loss in employment generating uses from 314sqm of existing sui-generis use to 107sqm of proposed B1(a) office floorspace. It goes onto note that this is contrary to Local Plan policy ED2 and in the absence of at least one year’s worth of marketing evidence to demonstrate no demand for alternative employment uses it would be unacceptable.
- 6.12 This application proposes to respond to this by re-providing the employment space on a like for like basis. It is therefore proposed to replace the existing 314.5sqm of sui-generis with a slight uplift of 339sqm of B1(a) office space.
- 6.13 This change will address the Council’s reason for refusal.

*Reason 3 – Mitigation of the impact of adjoining noise generating uses*

- 6.14 Paragraph 7.84 of the officer’s report states that this reason for refusal relates to draft London Plan Policy D13, Agent of Change, and the potential impact of the adjoining MOT centre on the external amenity space within the proposed development. We understand that this relates to the MOT centre at 1-5 Hinton Road.
- 6.15 We had previously clarified with officers that the MOT use has ceased and that conversion of the ground floor from B2 to B1(a) was in the process of taking place. Photographs of the front of the building is provided at Appendix 1.
- 6.16 We understand that this change has been achieved following the owners establishing the lawful use of the building as B2 via application ref: 19/00977/LDCE. The owners have then carried out the conversion using permitted development rights within Class I, Schedule 2, Part 3, of The Town and Country Planning Use Classes Order as amended.
- 6.17 Based on the above there is no longer an MOT use next to the site and therefore the issue falls away.

#### *Reason 4 – Cycle Parking Provision*

6.18 Paragraph 7.149 of the officer's report stated that officers were not convinced that the refused scheme could accommodate the necessary cycle parking spaces required by the development and Q13 of the Local Plan.

6.19 The Transport Assessment submitted with the application confirms that the proposed scheme will require 35 cycle parking spaces. 20 spaces will be provided in covered storage area for residents. The other 15, will be provided for visitors on the public footway, adjacent to the building. Further detail is provided within section D of the Design and Access Statement.

#### *Reasons 5 to 8*

6.20 Reasons 5 to 8 all relate to the absence of a legal agreement to secure the following:

- Employment of local people during construction of the development;
- Affordable housing;
- Prevention of future residents applying for parking permits; and
- Carbon offset contribution.

6.21 The applicant is happy to agree appropriately worded obligations within a s106 agreement in relation to the four points above. On this basis, it is understood that these reasons for refusal would fall away. We have therefore not commented on them further and look forward to discussing the details of the obligations in due course.



## **7. Other Planning Considerations**

7.1 This section of the Town Planning Statement considers the various other town planning issues associated with the development that have not already been considered in section 6 above. None of these considerations formed reasons for refusal of the previous application.

### Land Use

7.2 We have already dealt with the land use issues relating to the existing sui-generis and proposed B1(a) office uses in section 6 above.

### Land Use - Retail

7.3 The officers report for the refused scheme supports the provision of A1 (shops) and A3 (restaurants and cafes) on the site, which is consistent with Policy ED7 and ED10 of the Local Plan. It is proposed to replace the existing 229sqm on site with 205sqm, which is a slight reduction of 24sqm. The reduction is as a result of removing the site away from the boundary with 215-217 Coldharbour Lane to accommodate the design changes requested by officers.

7.4 The refused scheme proposed a similar, slight reduction, which officers confirmed at 7.6 of their report was acceptable.

### Land Use - Residential

7.5 The provision of residential uses on the site is supported by policy at all levels, including Policy H1 of the Local Plan and London Plan Policies 3.3 and 3.4. Paragraph 7.13 of the officer's report confirms that there are no objections in principle to provision of residential accommodation on the site.

### Affordable Housing

7.6 The refused scheme was supported by a viability assessment that was reviewed by an independent consultant on behalf of the Council. The conclusion of that review is set out in paragraphs 7.20 to 7.46 of the officer's report for the refused scheme.

- 7.7 That review process helped to fix many of the moving parts associated with the development. The Viability Study has been updated taking account of the inputs previously agreed with the Council's advisors. The conclusion is that the development cannot afford to provide any affordable housing.
- 7.8 Whilst it is understood that the provision of affordable housing is a priority for the Council, in this instance, the Council has prioritised the impact of the development on neighbouring properties. This has significantly constrained the level of development that can be brought forward on the site and, consequentially, it cannot afford to provide any affordable housing.
- 7.9 Furthermore, the Council will be aware of the contents of Annexe A of the Secretary of State's letter to the Mayor of London dated 13<sup>th</sup> March 2020 and specifically Direction DR3. This clearly states that affordable housing and tariff style contributions should not be sought on developments of 10 units or less.
- 7.10 The Viability Study has been submitted with the application for completeness and to demonstrate to officers that the development could not have provided any affordable housing in any event. However, taking account of the clear statement from the Secretary of State, my client does not expect to have any further discussions with the Council relating to viability.

#### Design and Architecture

- 7.11 Commentary in relation to the bulk and massing of the proposed building is set out in section 6 above. Paragraphs 7.61 to 7.64 of the officer's report sets out comments on the refused application in respect of design and architecture. It confirms that the general approach is acceptable, including the choice of materials.
- 7.12 It notes the need for planning conditions to be used in respect of specific details, such as brick specification, signage and screening for the amenity space. The applicant has no objection to the use of materials to ensure a high-quality development will be delivered.

#### Daylight and Sunlight

- 7.13 A Daylight and Sunlight Assessment has been submitted in support of the application. Consideration has already been given in section 5 above to the results in relation to 215-217 Coldharbour Lane. In

respect of other surrounding properties, it confirms that impacts from the proposed scheme are considered to be acceptable.

- 7.14 It is therefore considered that the proposed scheme achieves acceptable standards in terms of impact on surrounding properties and within the proposed accommodation in accordance with Policy Q2 of the LLP and section 5.5 of the Mayor's Housing SPG.

#### *Overlooking*

- 7.15 Detailed discussions took place with officers as part of the refused scheme in relation to overlooking of 215-217 Coldharbour Lane. These discussions have informed the proposed design and the proposed layout and orientation of windows within the scheme remove the potential for overlooking. Where there are windows within the facing elevation, they relate to bathrooms or kitchens and will be obscured.
- 7.16 All other opportunities for overlooking from the scheme are across Coldharbour Lane or Hinton Road which provides more than sufficient separation distances and therefore no concerns are raised in this regard.
- 7.17 Officers confirm their agreement of this within sections 7.90 and 7.91 of their report.

#### Floorspace Standards

- 7.18 Full details of the residential floorspace standards achieved by this development are set out in section paragraph 1.3 of section D of the enclosed Design and Access Statement, which confirm that they comply with the National Housing Standards and the Mayor's Housing SPG.

#### Amenity and Playspace Standards

- 7.19 Policy H5 of the LLP requires that flatted development provide at least 50sqm of communal space plus an additional 10sqm per flat in the form of a balcony, terrace, garden or consolidated within community space.

- 7.20 The scheme provides a total of 139sqm of amenity space of which 89sqm is communal amenity space, provided at first floor roof level along Hinton Road. Each flat benefits from its own balcony which meets or exceeds the standards set out in the Mayor's Housing SPG. A total of 50sqm of private amenity space is provided, which when combined with the 89sqm of communal amenity space (total of 139sqm of amenity space) is more than the 130sqm required by Policy H5 of the Local Plan.

#### Aspect

- 7.21 Standard 5.2.1 of the Mayor's Housing SPG required that developments should avoid single aspect north facing dwellings, with paragraph 2.3.31 requiring that, where possible, dual aspect dwellings should be maximised.
- 7.22 Seven of the eight proposed units are dual aspect and it is considered that the scheme will provide a very high standard of accommodation in this regard.

#### Wheelchair Accommodation

- 7.23 The enclosed accommodation schedule confirms that two units are designed to meet M4(3) of the Building Regulations, which are the three bed and a one bed. All other units designed to meet M4(2).

#### Transport Considerations

- 7.24 We have already dealt with the reason for refusal relating to cycle parking in section 6 above.
- 7.25 A Transport Assessment has been submitted in support of the application. Amongst other things, it considers the impact the development will have on parking on surrounding streets. It concludes:

*"The parking survey has demonstrated that there is substantial vacant kerbside parking space available in the vicinity of the site even when residential parking is at its heaviest overnight, which would cater for any conceivable level of car ownership by residents of this development without causing problems for others in the area."*

- 7.26 In parallel, a Delivery and Servicing Management Plan is also submitted to minimise the impact on traffic conditions on the highway and will be operated for the lifetime of the development.

## Energy and Sustainability

- 7.27 In respect of energy, the Energy and Sustainability Report submitted with the application confirms that it can achieve an 83% reduction in CO<sub>2</sub> emissions over the Part L 2016 baseline by using air source heat pumps and PV's. A carbon offset payment of £3,705 will be required to ensure the scheme complies with Policy SI 2, Minimising greenhouse gas emissions, of the draft London Plan.
- 7.28 In respect of sustainability, section 4 of the Energy and Sustainability Report details the measures included within the proposal to meet the highest standards of sustainable design and construction.

## Statement of Community Involvement

- 7.29 Details of the consultation undertaken in connection with this site is set out in section B.5 of the enclosed Design and Access Statement.

## Noise Impact

- 7.30 A Noise Impact Assessment has been submitted in support of the application. The assessment concludes:

*"Measured noise levels allowed a robust glazing specification to be proposed which would provide internal noise levels for all residential environments of the development commensurate to the design range of BS8233.*

*No further mitigation measures should be required in order to protect the proposed habitable spaces from external noise intrusion."*

- 7.31 In light of these conclusions it is not considered any issues are raised in this regard.

## Air Quality

- 7.32 An Air Quality Assessment and Air Quality Technical Addendum have also been submitted in support of the proposals which considers the impact of construction activity on local air quality and the suitability of the site for the intended use. This assessment concludes:

*“Despite the change in the proposed scheme design, the conclusions and outcomes reported within the original 2019 submission remain the same and therefore, based on the assessment results, air quality issues are not a constraint to planning consent for the proposed development.”*

## 8. Summary and Conclusions

8.1 Section 47 of the National Planning Policy Framework, February 2019, states in relation to determination of planning applications:

*“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timeframes unless a longer period has been agreed by the applicant in writing.”*

8.2 The application proposes:

*“Retention of the existing building and upward extensions to provide a mixed-use scheme over five floors comprising eight residential dwellings (C3 Use Class), retention of 205sqm shop (A1 use class) and/ or cafe (A3 use class) and 339sqm of business floorspace (B1 Use Class) including the provision of a 35 cycle parking spaces, amenity space and ancillary facilities.”*

8.3 The proposed development responds to the reasons for refusal of the previous application and will provide a high-quality scheme, including new homes and employment space.

8.4 The development has been shaped with significant attention given to the impacts of the neighbours at 215-217 Coldharbour Lane. The massing for the scheme has been the product of collaborative working with the Council’s independent daylight and sunlight advisor. The outcome of this process is the proposed scheme, which will deliver meaningful development of the application site, whilst protecting the amenities of neighbours.

8.5 This Town Planning Statement considers the proposals against the policy requirements of the development plan. The proposals fully accord with development plan policies for the reasons set out above. It also takes account of the issues identified within the officer’s report of the refused scheme. We therefore consider the proposals to be acceptable and in accordance with the development plan. There would be no reasonable basis for refusal. We would respectfully request that planning permission is granted without delay.

## Appendix 1



Photographs of fit out of 1-5 Hinton Road





Our Ref: IA/02B905890

Your Ref:

31 October 2019

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Dear Sirs

### **Application 19/02623/FUL – Daylight and Sunlight Assessment**

Lambeth Council have appointed us to review the analysis of Daylight and Sunlight Impact as submitted by Point 2 Surveyors on behalf of the developer in June 2019.

In assessing this report no drawn analysis has been made and only three flats of 215-271 Coldharbour Lane have been inspected internally. We have relied on the accuracy of the submitted report and comment on the content and conclusions thereof.

The basis for this report is correctly stated as the BRE document “Site Layout planning for Daylight and Sunlight, A Guide to good Practice “.

This guidance advises that in terms of Daylight and Sunlight reductions of 20% or more will be noticeable by neighbours. This therefore means an assessment must be made of the existing levels of Daylight and sunlight and compared to the levels of Daylight and Sunlight left by the proposed development.

This is undertaken by building 3-D computer models of the two situations and running specialist software that analyses the percentages of Daylight and Sunlight under the BRE guidance.

As far as it is possible to check it appears that the above has been undertaken correctly using surveys and research for the information on the ground. We therefore rely on the figures shown within the report analysis.

### **Assessment**

#### **Daylighting**

There are a number of surrounding buildings assessed but only two show impacts that would concern in terms of the level of reduction. These are 219a Coldharbour Lane and 215-217 Coldharbour Lane.

219a Coldharbour Lane

This appears to have been incorrectly labelled in the analysis tables as 209a, however the rooms have been assessed without the benefit of internal survey and the assumption has been made that they are two bedrooms.

Losses of daylight are 38% and 44% respectively for these two rooms, reference to the table for the daylight distribution (NSL) shows that here is no impact on the daylight distribution within the room.

This is not a surprising finding as these two north facing windows face directly along the access way between the application site and 215-217.

On this basis I would agree with the conclusion that here is no harmful impact.

#### 215-217 Coldharbour Lane

This is a development of flats on five floors with windows that run along the flank wall which faces the flank of the application site. Rooms vary from bedrooms to lounges to living/kitchen/dining areas.

The existing building on the application site is a low rise light industrial unit and the proposal is of a height that is taller than 215-217 albeit with some articulation of the rear elevation facing 215-217.

It is clear from any view that windows in the flank of 215-217 will see a significant alteration in their available daylight and sunlight.

The comparison of the existing levels to that proposed show that in terms of Daylight 15 of the 23 rooms that face the application site will see a reduction in excess of 20% of the light reaching their windows. In addition 9 of these 15 also see a loss of daylight distribution in excess of 20%.

Specifically to the Ground Floor the bedroom to Flat 1 has a 42% loss of daylight and a 36.9% loss of distribution, Flat 2 sees over 60% Daylight loss to both bedroom and living/kitchen diner with over 60% loss of distribution to both rooms. In this latter room inspection has noted that the size of room assessed in the report is incorrect with a much larger room noted than has been drawn. This will serve to increase the level of loss of light distribution.

To the first floor the bedroom to Flat 3 has a 71% loss with a 49% loss of distribution and flat 4 has a 60% loss of available daylight with a 27% loss of distribution.

To the second floor Flat 5 has over 70% losses to its two bedrooms and 30% and 40% reduction in distribution respectively. Flat 6 has 51% loss of available daylight.

Above this level flats 7 and 8 have daylight reductions of over 50% to bedrooms and living rooms respectively whilst flats 9 and 10 see reductions of between 20 and 30%.

In daylighting terms the impacts are significant, especially for the lower level flats which do enjoy reasonably high levels of light in the existing condition. This is especially so for Flat 2 where daylight is 21% in the existing condition (the ideal BRE levels is 27%) and it is reduced to just 7% with a large loss of distribution within the flat, it will undoubtedly be a very dark flat.

Similarly flat 4 has its living room daylight reduced to 12.37% and again its distribution reduced significantly.

In an overall sense the impact on the living accommodation is major adverse impact.

Turning to Sunlight all the flats on the ground and first floors will see reductions on sunlight availability for the whole year and for the winter months reduced to below the BRE guidance levels of 25 Annual Probable Sunlight Hours with 5% in the winter and will see a reduction of more than 20% in both cases.

The sunlight is impacted to a major adverse degree for these flats.

In terms of mitigation, the report relies on the use of mirror massing, a test set out in the BRE guidance at Appendix F paragraph 5. This suggests that where a building neighbouring a development stands

on or close to the boundary between the two sites, it has the potential to use more than its fair share of the light across that boundary. In other words, a development may be restricted in the height it can achieve because of the need to respect a neighbour's Daylight and Sunlight.

In that case the BRE suggests testing the level of daylight available to the neighbour if, hypothetically, a building were on the development site that was the same height as the neighbour. This may then give an alternative target for the development to hit in terms of the retained levels of light in that neighbour.

In this case we do not believe there is a valid situation to apply this test. 215-217 sits 4.6 m back from the boundary with the development site, separated by a small roadway and pavement. In fact it is the development site buildings that sit exactly on the boundary. The report has built this hypothetical situation with a building of the same height as 215-217 directly on its own boundary and suggests that in impact terms it need only meet what they then find are very low daylight and sunlight figures.

If one were to accept this testing scenario, then the test has been incorrectly applied. The BRE states that the two buildings should be set equally astride the boundary and as such the hypothetical building on the application site should have been set 4.6 m back from the boundary, with 215-217 (its own flank wall lie) and then the analysis undertaken. It would seem clear that in that scenario a higher standard of retained light would have been found and that would have led to a lesser height proposal for the application site in order to create an equal situation in terms of retained daylight to 215-217.

### **Conclusions**

The analysis correctly shows in its figures that there will be a very significant impact on the residents of 215-217 in terms of loss of daylight and Sunlight, its only mitigation to this is a mirror massing analysis which we do not believe is applicable and in any event has been incorrectly applied.

In terms of the other neighbouring buildings, we can see no reason why Daylight and Sunlight issues should be of any concern.

Please do not hesitate to contact us for any further information.

Yours faithfully



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