



PLANNING APPLICATIONS COMMITTEE – SECOND ADDENDUM PUBLISHED 24 SEPTEMBER

Date: **Tuesday 24 September 2019**

Time: **7.00 pm**

Venue: **Committee Room (B6) - Lambeth Town Hall, Brixton, London, SW2 1RW**

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Members of the Committee

Councillor Scarlett O'Hara, Councillor Malcolm Clark, Councillor Ben Kind, Councillor Joanne Simpson (Vice-Chair), Councillor Becca Thackray, Councillor Clair Wilcox (Chair) and Councillor Timothy Windle

Substitute Members

Councillor Liz Atkins, Councillor Jennifer Brathwaite, Councillor Marcia Cameron, Councillor Joe Corry-Roake, Councillor Nigel Haselden, Councillor Jessica Leigh, Councillor Marianna Masters, Councillor Jennie Mosley, Councillor Mohammed Seedat and Councillor Sonia Winifred

Further Information

If you require any further information or have any queries please contact:
Maria Burton, Telephone: 020 7926 8703; Email: mburton2@lambeth.gov.uk

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Map



AGENDA

PLEASE NOTE THAT THE ORDER OF THE AGENDA MAY BE CHANGED AT THE MEETING

	Page Nos.
7. Second Addendum	1 - 16

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ITEM 3
Hero of Switzerland
19/01481/FUL

Page Number	Report Changes	Decision Letter Changes																																																																	
14 and other	<p>The Greater London Authority (GLA) confirmed in writing on the 23rd September that they no longer object to the scheme on the basis of affordable housing.</p> <p>This follows the applicant proposing an uplift in on-site affordable units from six to seven. This represents an affordable offer of 20% when calculated on units, or 20.4% when calculated on habitable rooms.</p> <p>The GLA have confirmed that their officers consider this to be the maximum viable contribution that the scheme can make towards affordable housing.</p> <p>At the request of the GLA, the additional affordable unit will be a two bedroom flat and will be secured on an intermediate tenure. This results in a blended profit of 16%.</p> <p>The residential details table from page 3 of the committee report has been updated below to reflect the additional affordable unit secured.</p> <table border="1" data-bbox="577 911 1507 1310"> <thead> <tr> <th rowspan="2"></th> <th rowspan="2">Residential Type</th> <th colspan="6">No. of bedrooms per unit</th> <th rowspan="2">Total Habitable Rooms</th> </tr> <tr> <th>Studio</th> <th>1</th> <th>2</th> <th>3</th> <th>4</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td rowspan="3">Existing</td> <td>Affordable</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Private/Market</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>0</td> <td></td> </tr> <tr> <td rowspan="3">Proposed On-Site</td> <td>Affordable</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Rented</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Social Rented</td> <td></td> <td></td> <td>3</td> <td>1</td> <td></td> <td>4</td> <td>13</td> </tr> </tbody> </table>		Residential Type	No. of bedrooms per unit						Total Habitable Rooms	Studio	1	2	3	4	Total	Existing	Affordable								Private/Market								Total						0		Proposed On-Site	Affordable								Rented								Social Rented			3	1		4	13	No
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			Intermediate – Shared Ownership	1	1	1			3	6																			
			Private/Market	7	3	11	7		28	74																			
			Total						35	93																			
27	<p>Update table within paragraph 12.5.5 to read as follows:</p> <table border="1"> <thead> <tr> <th colspan="3">All affordable units</th> </tr> <tr> <th>Unit type</th> <th>Amount</th> <th>Percentage mix (rounded)</th> </tr> </thead> <tbody> <tr> <td>Studio/1-bed</td> <td>2</td> <td>29%</td> </tr> <tr> <td>2-bed</td> <td>4</td> <td>57%</td> </tr> <tr> <td>3+ bed</td> <td>1</td> <td>14%</td> </tr> <tr> <td>Total</td> <td>7</td> <td>100%</td> </tr> </tbody> </table> <p>And add additional paragraph 12.5.7:</p> <p><i>The GLA’s feedback and request for an additional affordable unit has resulted in a further deviation from the prescribed unit mix as set out in Policy H4 (a) (i). However, the mix as now proposed would allow for the optimum number of on-site affordable units being delivered and so meets the overall aims of Policy H2.</i></p>											All affordable units			Unit type	Amount	Percentage mix (rounded)	Studio/1-bed	2	29%	2-bed	4	57%	3+ bed	1	14%	Total	7	100%
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69	<p>Update first row within the obligations table as indicated in bold:</p> <table border="1"> <thead> <tr> <th>Item</th> <th>Details</th> </tr> </thead> <tbody> <tr> <td>Affordable housing - on-site provision</td> <td> <p>Six units of affordable housing with the following mix:</p> <p>Affordable rent (London Affordable Rent): 3 x 2 bedroom 1 x 3 bedroom</p> <p>Shared ownership: 1 x studio 1 x 1 bedroom 1 x 2 bedroom</p> </td> </tr> </tbody> </table>											Item	Details	Affordable housing - on-site provision	<p>Six units of affordable housing with the following mix:</p> <p>Affordable rent (London Affordable Rent): 3 x 2 bedroom 1 x 3 bedroom</p> <p>Shared ownership: 1 x studio 1 x 1 bedroom 1 x 2 bedroom</p>	No													
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76	<p>Amend condition 13 as indicated in bold:</p> <p>Prior to the commencement of above ground works, a scheme of noise and vibration attenuation and ventilation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall achieve the habitable and commercial room standards as detailed in BS8233:2014 with no relaxation for exceptional circumstances and must include details of post construction validation. The approved noise and vibration attenuation measures shall thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.</p> <p>The scheme of noise and vibration attenuation shall ensure that operational noise levels from the commercial uses and building services plant do not exceed NR25 within potentially adversely affected residential or other noise sensitive locations during typical operations. The scheme must include details of stages of validation during the construction phase and a post construction scheme of validation and measurement to demonstrate substantive compliance.</p> <p>Details of the post construction validation shall be submitted to and approved in writing by the Local Planning Authority within three months of completion of the development.</p> <p>Reason: To ensure that no nuisance or disturbance is caused to the detriment of the amenities of future occupiers and to ensure that there would be no undue restriction on the operation of the public house that would be detrimental to its ongoing viability (policy Q2 and ED7 of the London Borough of Lambeth Local Plan (2015)).</p>	Yes

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<u>ITEM 4</u> <u>6 Lansdowne Hill (Knight's Hill)</u> <u>19/02840/FUL</u>		
Page Number	Report Changes	Decision Letter Changes
178	<p>Correction at viii. to read:</p> <p>viii. The proposal is considered acceptable in design terms. The amended proposal seeks to demonstrate how it would sit in the context of the West Norwood town centre, and how it would contribute to Norwood's sense of place. One of the principal amendments to the proposal relates to the palette of materials. The choice of brick type and colour has been re-examined in order to respond positively to, and echo, the wider context, particularly the York Hill Estate and the Norwood Road. The site layout would maximise the potential of the application site and would facilitate the future development of contiguous land on the neighbouring sites, acting as a catalyst for wider Site 18 development progression in line with policy PN7. The amended application includes ceramic backed glazing and aluminium panels on the northern portion of Block C, to address the previous reason for refusal. This would ensure that a potential future perpendicular block could abut proposed Block C. However, rather than having bricked up recessed openings presenting as a partially blank facade, the proposed amended finish would allow the east elevation (and the north elevation) of Block C, on observation on approach from the town centre, to read as an active and animated building frontage opening to Waylett Place. Officers are satisfied that Block C would not prejudice the future development of the adjoining sites. The amended proposal has No harm has been identified to heritage assets.</p>	No
182	<p>Correction at 3.4 to read:</p> <p>3.4 The proposal would provide a mixture of 1-bed (x16), 2-bed (x26) and 3-bed (x9) units, of which 16 units (33.66% 35.66% by habitable room) would be affordable housing, with a tenure split of 11:5 in favour of social rent, with 5 units in shared ownership. This would represent a 71:29 tenure split. Block B would be dedicated to the provision of affordable housing units, while Block A would primarily serve the private market dwellings (with the exception of the own-door maisonette units and one shared ownership unit).</p>	No
184	<p>Add text at end of section 4:</p> <p>The applicant has subsequently submitted an appeal to the Planning Inspectorate.</p>	No

191

Add text and table after 7.18 to read:

An additional objection was received on 19/09/2019 asserting that the initial objection had not been addressed in the committee report. The objection is appended in full for completeness (Appendix 5). Officers provide a response to the issues raised in the table below.

No

Objection	Officer Response
<p><u>Land Use</u></p> <ol style="list-style-type: none"> 1. Policy PN7 carries greater weight than general Lambeth policy such as ED2. 2. Policy PN7 does not promote office use. 3. No regard to viability of the office use and this must have impacted the provision of affordable housing delivery. 4. Suggest promoting other uses such as leisure, fitness, food and drink uses, and retail to better meet policy PN7 objectives 	<ol style="list-style-type: none"> 1. This is incorrect. Policy PN7 does not hold greater weight than policy ED2. Refer to paragraph 1.5 of the Local Plan at page 8, where it is stated that: <p style="margin-left: 20px;"><i>“The policies in the Local Plan are designed to be read and applied as a whole. Proposals for development should address all relevant policies in the plan, including site allocations where relevant. Site allocation policies are included in order to:</i></p> <ul style="list-style-type: none"> - <i>add value to the strategic and development management policies</i> - <i>provide greater clarity and steer about the sort of scheme that is likely to be acceptable over and above the assessment required against the other policies in the Local Plan</i> - <i>assist the council’s development management function in its consideration of proposals</i> - <i>secure the delivery of essential infrastructure in some cases.”</i> <p>The proposed development needs to be compatible with the stated aspirations for the wider site (the site specific policy for</p>

		<p>Site 18 under PN7) which supports development on all or part of Site 18. As the proposal comprises part of the wider Site 18, it is legitimate, as a matter of ordinary planning principle, and adopted policy, that development of part of an area should not restrict other development and not prejudice the development potential of adjoining sites. Policy Q6(i) requires the proposal to provide the most effective use of the site in the context of the proposed use and ensure it does not prejudice the potential development of, or access to, adjoining plots. This was achieved through design (blocked up openings on a portion of the east elevation as a reasonable consequence of adopted policy). The proposal must also be consistent with other development plan policies (such as policy ED2 which supports the provision of B Class floor space). These issues have been addressed in the Land Use Principle section of the report.</p> <ol style="list-style-type: none"> 2. As stated above, policy ED2 supports the provision of B Class floor space. This includes office use (B1a). This has been addressed in the Land Use Principle section of the report (10.14 onwards). 3. Policy ED2 supports the proposed office use. The report explains that there is a demand for the proposed B1 office floor space and the suitability of the proposed office element is described in paragraphs 10.14 to 10.10.27, where mechanisms (such as obligations and conditions) 	
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		<p>describe how the applicant will seek to actively attract an end user to the office block. The proposed built form, site layout and complementary land uses would represent an efficient use of the application site. It would deliver an acceptable balance of uses and act as a catalyst for the development of neighbouring sites.</p> <p>4. The Local Planning Authority are obliged to assess the planning application that has been proposed.</p>	
	<p><u>Defeat of Policy PN7</u></p> <ol style="list-style-type: none"> 1. No new public destinations 2. Privatisation of the space 3. Residential and office uses would offload the responsibility of delivering PN7's objectives onto surrounding sites 	<ol style="list-style-type: none"> 1. Policy PN7 encompasses a broad geographical area centred on the West Norwood area. This is spatially represented and defined on page 197 of the Local Plan. The aspiration of policy PN7 relates to the whole of the West Norwood area. There are Site 18 specific design principles and key development considerations under the Site 18 – 286 – 362 Norwood Road SE27 subcategory of policy PN7. The criteria relate to the whole of the Site 18 area. The planning application consists of approximately one-sixth of the overall Site 18 designation and it is a backland development site set 45 metres behind the main street. What is suitable for a public destination needs to be understood in this context. Public destinations should be concentrated in prominent locations with higher footfalls to draw people into the area. Indeed, policy PN7 promotes taller buildings and landmarks to act as focal points to achieve this in such locations. The application site 	

		<p>would not be conducive to such a provision. This is explained in paragraphs 10.3 to 10.5 of the report.</p> <ol style="list-style-type: none"> It is proposed to create or facilitate new access routes through the site from the north, east, south and west. This has been explained in the Transport and Servicing section of the report. This is not the case. Officers have addressed this in the report (10.1 to 10.5 of the report). 	
	<p><u>Pedestrian Access</u></p> <ol style="list-style-type: none"> Pedestrian access from York Hill Estate is unwelcome 	<ol style="list-style-type: none"> Criteria vi of the site specific policy for Site 18, under policy PN7, requires the proposal to improve permeability and linkages through the site, including a pedestrian link through the site to improve access to the York Hill Estate. 	
	<p><u>Issues related to fake windows</u></p> <ol style="list-style-type: none"> Officers acted ultra vires by requesting the blocking up of windows on the east elevation of Block C and went far beyond the guidance of the Manual for Delivery. It is not lawful to direct a developing application to have regard for something that may or may not ever happen and this is not part of adopted or emerging policy. Compromised light and ventilation as a result of blocked up openings Dark lifeless building due to fake windows Lack of passive surveillance Suggest normal windows that can be removed at a later date through a legal obligation 	<ol style="list-style-type: none"> As explained above, the proposed development needs to be compatible with the stated aspirations for the wider site (the site specific policy for Site 18 under PN7) which supports development on all or part of Site 18. As the proposal comprises part of the wider Site 18, it is legitimate, as a matter of ordinary principle, that development of part of an area should not restrict other development and not prejudice the development potential of adjoining sites. The proposed design evolved as a reasonable consequence of adopted policy and guidance to ensure that it was acceptable in planning terms. The status of the Manual for Delivery is described from paragraph 9.4 onwards. 	

		<ol style="list-style-type: none">2. Block C would have openings on the east and west elevations allowing natural light and ventilation.3. The ceramic panels would be concentrated on the northern end of the east elevation of Block C. The southern portion of the east elevation (approximately 50% of the total) would have regular windows and would include the entrance which would activate the frontage. The applicant has demonstrated that the office building would be attractive to, and suitable for, a wide selection of business types. This is described in the Proposed Employment Use section of the report.4. The east elevation would be the primary façade, where the entrance would be located. This would generate regular journeys for between 76-124 full time equivalent employees, activating Waylett Place and integrating it into the wider town centre. The building would be overlooked by habitable rooms from the south-east and west, ensuring additional passive surveillance of the building outside of business hours.5. Suggesting that windows could be blocked up in the future would raise uncertainty for prospective occupants of the office accommodation; it would be difficult to enforce the removal of windows at a future point; and there is no planning reason to require such action i.e if the inclusion of regular windows was acceptable at this time, then it would be unreasonable to	
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		<p>suggest their unacceptability at a future point. In contrast, the proposal includes fake windows that will invite future neighbouring development to abut Block C. The omission of regular windows on a portion of the east elevation is a reasonable consequence of policies PN7 and Q6, and the omission of regular windows makes the proposal acceptable in planning terms. Further, the applicant has demonstrated that the office building as proposed (with blocked up openings) would be attractive to, and suitable for, a wide selection of business types. Officers note that future users of the building would not be precluded from submitting a further application to introduce new window openings. In that circumstance, officers would consider the individual merits of such a proposal, and officers would need to be satisfied that those windows would not prejudice the development of the neighbouring site to the east (for example, has it come to light that the area to the east of the application site would not include a building to abut Block C).</p>	
	<p><u>Site assembly</u> 1. Policy PN7 has absolutely no reference to supporting development on part of Site 18</p>	<p>1. Refer to page 201 of the adopted Local Plan 2015, where the site specific criteria of policy PN7 (at Site 18 – 286 – 362 Norwood Road SE27) states that “The council will support development on all or part of this site”.</p>	

300

Add Appendix 5:

Objection to omissions in Officer Report to PAC re 19/02840/FUL

6 Lansdowne Hill, SE27 0AR

Norwood Action Group and Norwood Planning Assembly submitted carefully considered concerns and objections regarding this application yet some of the issues have not been addressed in the Officer Report.

An overarching issue is the application of Policy PN7. Only the site specific elements of PN7 are referred to in the Officer Report rather than the entire policy of which there are site relevant elements. The entire policy from Lambeth Local Plan 2015 as relating to this application can be found in Appendix A.

The main issues that the Officer Report has not addressed are:

1. Land use
2. Defeat of Policy PN7
3. Pedestrian access
4. Issues related to 'fake windows'
5. Site assembly

Re 1. A key issue is that Policy PN7 carries greater weight than general Lambeth policy such as ED2. Nowhere in PN7 is office use contemplated other than generic "commercial activity", so such use has to be considered critically. The applicant's first plans did not include an office block, instead active ground floor uses on all blocks, residential above.

Officers persuaded the change to solely residential and solely office building but with little regard to viability of the latter. After more than two years, it is acknowledged at 10.23 that no operator "has yet been identified", despite the lengthy positive but vague preamble.

Our objection proposed other employment types. We are aware that Lambeth's policies define employment as only the B class and related uses. We contend that there are other forms of commercial employment (also public sector employment) that include leisure, fitness, food/drink and retail that would better meet PN7 objectives by providing new destinations and footfall for West Norwood's future vitality and prosperity.

	<p>There is no response to this in the Officer Report.</p> <p>Re 2. At 7.2 of the Officer Report it states: “The Planning Policy Team explained that the application site is key to the development and regeneration of West Norwood”.</p> <p>The absence of new public destinations of any kind within the application, indeed the effective privatisation of the space works against PN7’s detailed specific requirements for a “vibrant district centre”. (Appendix A)</p> <p>This issue is not addressed in the Officer Report.</p> <p>We also argue that in using the application site for solely residential and office use it unrealistically (and never envisaged) puts all responsibility for achieving PN7’s key objectives onto surrounding sites that may or may not be redeveloped.</p> <p>There is no response to this in the Officer Report.</p> <p>Section 5 below addresses site assembly and the possibility of a comprehensive plan that fully accommodates PN7.</p> <p>Re 3. We argued that the pedestrian access (for able bodied persons only) to and from York Hill Estate is unwelcome by residents, and indeed may have legal issues as there are no public rights of way within YHE.</p> <p>At 20.3 of the Officer Report under Pedestrian Access it does introduce the realisation that there may be legal issues with public access to YHE, and that access will be built but left gated!</p> <p>We argued that it is perverse to insist on this contentious and unwanted element of PN7 (which may never be used due aforementioned legal issue) when so many other PN7 elements have been ignored.</p> <p>There is no response to this aspect in the Officer Report.</p>	
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Re 4. The plans presented by the applicant for public exhibition included windows and doors involving the entire east elevation of the office block. The submitted application had the northern 50% of this elevation bricked up, on the applicant's statement that it was directed by officers. This was said to anticipate the abutment of possible later development.

We argued that officers acted ultra vires in such a direction. This went far beyond Manual for Delivery guidance. It is not lawful in planning matters to direct a developing application to have regard for something that may or may not ever happen, and indeed is not part of LLP 2015 or draft 2020 (as consulted).

This is particularly so when to the detriment of the built office, which can only make it a tougher commercial proposition to let (and no operator has yet been found). The low commercial prospects must have fed-through into the calculations regarding affordable housing, which must be lower in quantum than otherwise.

Depending on internal layout, there would be no daylight or natural ventilation, or at best substantially reduced if open plan. The external appearance is another issue, which is not satisfactorily answered by 'fake windows'. These are merely dark lifeless panels seemingly indicating a dark lifeless building. It will not "read as an active and animated building frontage" as contended at viii of the Executive Summary.

We are not aware whether the lack of passive surveillance has been considered under Secure by Design.

We suggested a way round this (if PAC otherwise inclined to approve the application). That is to have normal windows when built in northern and eastern elevations, but s106 protection for their closure if and when an abutting building is approved. An s106 agreement could require that if an application is granted on an adjoining site and is implemented within say 10 years, windows must be blocked if the new plan requires this.

There is no response to any of these matters in the Officer Report.

Re 5. At 7.2 of the Officer Report it states: "The council's preference is for the comprehensive redevelopment of the site." Then at (v) of the Executive Summary it says that PN7 "states that the

	<p>council will support development on all or part of Site 18". This is absolutely not the case – see Appendix A where no such content will be found.</p> <p>Site assembly is being actively pursued. Lambeth Council acquired a major site earlier this year and other developments are likely.</p> <p>These facts are planning considerations that the Officer Report is silent on.</p> <p>[END]</p>	
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