

PLANNING APPLICATIONS COMMITTEE

Tuesday 6 February 2018 at 7.00 pm

MINUTES

PRESENT: Councillor Malcolm Clark, Councillor Diana Morris, Councillor Mohammed Seedat, Councillor Joanne Simpson (Vice-Chair) and Councillor Clair Wilcox (Chair)

APOLOGIES: Councillor Nigel Haselden

ALSO PRESENT: Councillor David Amos

1. DECLARATION OF PECUNIARY INTERESTS

With regard to application 17/02936/FUL (Graphite Square), Councillor Simpson stated that she would stand down from the Committee for the duration of the item as she had a pre-determined view and would be speaking in objection to the application.

2. THE LONDON TELEVISION CENTRE, 60 - 72 UPPER GROUND (BISHOPS) 17/03986/FUL

Case No. 17/03986/FUL (agenda item four, page 85 of the agenda pack, page 7 of the addendum and page 3 of the second addendum).

The Planning Officer gave a presentation which included a summary of the report and subsequent addenda that had been published on Friday 2 February 2018 and the day of the meeting. Members were advised of the key material planning issues for consideration which included the demolition of the existing building on site, the proposal for new television studios, office space and 213 residential units, the provision of 22 affordable units and a contribution to off-site affordable housing, the provision of landscaping and of a public square and the public benefits of the scheme. Members were shown images of the site and its surroundings, the protected views potentially impacted by the development, and the proposed layout of the scheme. Two additional conditions had been included in the addenda.

Following the officer's presentation, the objectors raised the following concerns:

- Redevelopment of the site would enhance the appearance and environment of the area.
- There were concerns of the impact that noise and vibration from

construction work would have on nearby businesses. This was a particular issue due to the noise-sensitive work of IBM and the 3.5 year expected construction period.

- IBM employed 3,500 people in its building adjacent to the site and representatives from IBM and ITV had been in contact regarding the application.
- Conditions 5 and 48 did not go far enough to protect neighbours from noise, dust and vibration. Condition 48 should include specific reference to IBM as a noise receptor and should require impact from vibration to be monitored. Condition 5 should be amended to include specific reference to consulting IBM.
- The s106 agreement should include a commitment to a Section 61 notice.
- Lambeth had had a policy to secure a pedestrian link from Upper Ground to the riverside since 1992. The pedestrian link that had been proposed in August 2017 would not now provide a route to the riverside. LB Southwark had expressed disappointment that the pedestrian link would not be secured by this application.
- CSCB considered that the applicant could provide a pedestrian route as they owned all of the necessary land. A legal agreement should be put in place to secure this pedestrian link.

The applicant, agent and architect then provided the following information in support of the application:

- There had been extensive consultation with individuals, community groups and businesses.
- The application included a draft Construction Environmental Management Plan (CEMP) and demolition plan.
- Section 61 was not part of the planning regime and should be addressed outside of the planning system.
- The application aimed to complement and enhance the character of the South Bank. It would provide office space and studios for ITV, a new public square and a pedestrian connection to the river.
- The use of a podium and three towers reduced the massing of the proposal.
- The design was distinctive, with curved glass corners and internal blinds. Cut-out balconies would maintain the sleek appearance throughout the development. The proposal was high quality and respectful to the surroundings.
- ITV had been based at the site for 45 years and intended to return after completion. The current building was outdated and inefficient.
- The proposal would benefit the South Bank, the borough and the rest of London.
- Specific employment and skills initiatives would form part of the heads of terms of the s106 agreement.

Officers then provided the following information in response to questions from Members:

- There would be no north-facing single aspect units. All single aspect units would be studio or one-bedroom flats, reducing the number of people within the development living in single aspect units.
- Although some smaller flats would not have private amenity space, there would be additional floorspace within these units and amenity space for residents on the ground floor and in the basement.
- The length of construction time limited the ability to specify where

contributions to playspace should be spent. Jubilee Gardens and Bernie Spain Gardens were both near the site. Not specifying a site allowed some flexibility.

- Residential amenity space over basement and ground floor (potentially including a gym and screening room) would have to be available to all residents under the heads of terms. Service charges would not be known until a residential provider had been identified.
- The site had a very high existing use value, which had impacted on the number of affordable units that could be provided.
- The affordable units would be intermediate rented housing in perpetuity. Changing this in the future would require planning permission. Intermediate rented housing was aimed at households with a maximum income of £60,000 and rents would be approximately £320 per week.
- Payments in Lieu (PIL) for off-site affordable housing provision could be spent within one mile of the site. However there was no policy requirement for this.
- The majority of intermediate units were one-bedroom to maximise the number of intermediate flats that could be offered.
- The Greater London Assembly (GLA) had considered the viability assessment and had concluded that the £3.7 million contribution to off-site affordable housing was reasonable. Including the off-site PIL, the council's housing officers estimated that 14.5% of the housing provided through the development would be affordable.
- The first payment towards off-site affordable housing would be made at the start of the construction of the residential element of the scheme, with two further payments at later stages of development.
- The viability assessment submitted by the applicant and assessed by BNP Paribas did not include abnormal costs and had found the scheme to be marginal, resulting in the relatively low amount of proposed affordable housing. Officers had concluded that the affordable housing offer was acceptable. The GLA had also considered the viability of the scheme and supported BNP Paribas' position, albeit adopting an occupier specific approach to their assessment.
- The £3.7 million PIL could be reviewed upwards, and any reduction would have to be approved by the Council through a deed of variation.
- The 40,000m² of office space would be liable for business rates.
- Officers had considered the immediate context of the area and considered the design to be a calm, restrained response. The current tower had considerable impact on the immediate setting and conservation area.
- A range of measures to mitigate the effect on wind had been proposed by the applicant and secured by condition, including canopies, planters, recessed entrances and screening. Additional wind testing would be conducted to ensure that these measures would be adequate. Any variation to the layout or built form of the development would have to be accompanied by a revised Wind Microclimate Assessment which details any additional identified adverse wind microclimate impacts
- The treatment on the uppermost floors would be a grey, ribbed metal. This would provide depth and texture, would screen the plant and would add definition to the top of the building.

- While development in an area with such a high Public Transport Access Level (PTAL) such as this would normally be car-free, the majority of the 54 car parking spaces would be for disabled residents or operational use and was a reduction on the 100 spaces that were on the current site. The 20 private car spaces would have limited impact on local roads.
- The large quantity of cycle parking to be provided on site necessitated dual level cycle parking. A range of cycle parking would be provided, including Sheffield stands and wider spaces suitable for other types of cycles.
- It was not appropriate to name neighbouring landowners and stakeholders in conditions which required details to be discharged. There would be a Considerate Constructors agreement, and a private civil agreement between IBM and ITV could be possible.
- Statutory guidance required that relevant noise receptors be considered. As IBM was immediately adjacent to the site, it would be appropriate to include the building as a noise receptor. Officers had requested that a qualified acoustician be named in conditions to ensure accountability. Conditions 5 and 48 could be amended to include reference to impacts of vibration during construction.
- The pedestrian route from Upper Ground to Queens Walk was included in the site allocation in the Local Plan. However, this allocation had been made in anticipation of the Garden Bridge and the greater footfall associated with it. There was an existing walkway between the site and the IBM building that was poorly used.
- There were land ownership issues making a pedestrian route harder to achieve. The applicant intended to reach an agreement with the landowner and would seek a s73 variation of the planning permission to allow the route to be connected through to Queens Walk.
- Constraining development through s106 clauses and conditions, such as limiting residential occupation before a certain level of commercial occupation, was considered by the applicants to threaten the viability of the scheme. The applicants explained that scheme was unusual as different developers would be delivering the commercial and residential elements.
- Paragraph 6.10.2 had been amended in the second addendum to require that the viability be reassessed should ITV, or a similar media organisation, not occupy the building.
- A s106 clause would require the basement to be fully excavated and built out before any above ground work on the residential tower could commence, safeguarding against partial implementation of the development. A further s106 clause required that in the event of a material change to the consented scheme requiring planning permission or Section 73 approval, the LPA may require a reassessment of viability. Any such reassessment of viability would consider the whole scheme, including the residential element, even if that part of the development has been sold to be built out by another party.
- Consultation with neighbours on a CEMP (or a Method of Demolition Statement) was not normally required as it related to the discharge of a condition, but, given the scale and impact of the development in this case, consultation would take place.
- The applicant had proposed timings for the payment in lieu, with the first tranche to be paid before construction and later payments to be

made as early as reasonably possible. While Members could require all of the contributions to be made prior to construction, the impact on viability would have to be considered.

The Committee considered points raised by speakers and information provided by officers in conjunction with the report before making the following observations:

- An application coming forward at the site and ITV's commitment to staying at the South Bank was welcome.
- Members expressed concern at the affordable housing offer, but accepted that a considerable amount of work had been done on the viability of the site that supported the affordable housing offer.
- The level of car parking to be provided was disappointing, given that this was not required in policy and considering the lack of on-site playspace. It was, however, difficult to change the car parking provision at this point in the planning process.
- The design was well-considered and fit well into the site and its requirements. The possibility of requiring materials to be approved by the Committee was raised. Concern was raised at the treatment of the plant screening.
- Improvements for one major employer in the area, ITV, should not come at the expense of the business of another significant employer, IBM, and officers should work to ensure that this would not happen.
- The contributions to employment and skills was positive, but it was imperative that there were benefits for people in Lambeth. The Council should have oversight of the development of the Employment and Skills Plan.
- Conditions 5 and 48 should be amended to include 'noise and vibration'. IBM should be considered as a sensitive noise receptor and the impact of vibration on IBM should be considered.
- Bernie Spain Gardens was the closest green space, and contributions for off-site playspace would ideally be allocated there.
- The removal of permitted development rights in condition 49 should be expanded. While the condition currently concerned the potential loss of employment space, there would be amenity impacts of increasing the amount residential space.
- Delegated negotiations on the s106 agreement regarding the timings of the PIL should be spent should be made in consultation with Housing officers.

The Legal Officer provided the following information:

- As Bernie Spain Gardens was not owned by the Council, it was not possible to specify in the s106 agreement that contributions for off-site playspace be allocated there.

It was MOVED by Councillor Wilcox, SECONDED by Councillor Seedat, and

RESOLVED, unanimously

1. To APPROVE planning permission subject to and direction that may be received following a referral to the Mayor of London, a Section 106 Agreement and the conditions as outlined in the officer's report and published addenda and the following:
 - i. An amendment to the Section 106 Agreement to include

consultation with Housing officers on the timings of the Payment in Lieu.

- ii. Condition 5 iii. to be amended to read 'high levels of noise, dust or vibration' and Condition 5 vii. to be amended to read 'regarding dust, noise and vibration mitigation measures'
- iii. Condition 48 (d) to be amended to read 'details regarding dust, noise and vibration mitigation measures to be deployed including identification of sensitive receptors and ongoing monitoring'.

2. To delegate authority to the Director of Planning and Development to:

- Finalise the recommended conditions as set out in this report including such amendments, additions and/or deletions as the Director of Planning and Development (in consultation with the Planning Committee Chair) considers reasonably necessary; and
- Negotiate, agree and finalise the planning obligations as set out in this report pursuant to Section 106 of the Town and Country Planning Act 1990, including adding to, amending and/or deleting the obligations detailed in the heads of terms as the Director of Planning and Development (in consultation with the Planning Committee Chair) considers reasonably necessary.

3. If the Section 106 Agreement is not signed by 31 March 2018 the Director of Planning, Transport and Development be given delegated powers to consider refusing the application in the absence of a legal agreement.

3. PRINCES WHARF, UPPER GROUND (BISHOPS) 17/04152/FUL

Case No. 17/04152/FUL (agenda item two, page one of the agenda pack and page one of the second addendum).

The Planning Officer gave a presentation which included a summary of the report and subsequent addendum that had been published on the day of the meeting. Members were advised of the key material planning issues for consideration which included the demolition of structures on the west of the site alongside the London Television Centre. This demolition would enable the London Television Centre development to come forward.

It was **MOVED** by Councillor Morris, **SECONDED** by Councillor Wilcox, and

RESOLVED, unanimously

To **APPROVE** planning permission subject to the conditions as outlined in the officer's report and published addendum.

4. 41-45 ACRE LANE (BRIXTON HILL) 17/03846/FUL

This application was deferred due to a lack of time.

5. GRAPHITE SQUARE (PRINCES) 17/02936/FUL

Councillor Joanne Simpson stood down from the Committee for the duration of the item.

Case No. 17/02936/FUL (agenda item five, page 179 of the agenda pack, page 24 of the addendum and page 17 of the second addendum).

The Planning Officer gave a presentation which included a summary of the report and subsequent addenda that had been published on Friday 2 February 2018 and the day of the meeting. Members were advised of the key material planning issues for consideration which included the demolition of existing buildings, the construction of an up to 14-storey residential-led mixed-use development with 160 residential units, 50 of which would be affordable, offices, flexible commercial space and community use space. The site was within the Albert Embankment conservation area. Members were shown images of the existing site, the local context, proposed floorplans, the impact on protected views and the amenity impact on neighbouring properties. The second addendum included five additional objections and officer responses. New pedestrian access routes through the site would be provided, public realm improvements would be secured, there would be an increase in flexible B1 floorspace and the community use currently on the site would be re-provided. A petition objecting to the application based on the height and massing of the application, and its impact on Arne House, had been submitted by one of the objectors.

Following the officer's presentation, the objectors raised the following concerns:

- Residents wanted the site to be redeveloped but the proposal was inappropriate. The site should be developed in a way that would complement the local area.
- The applicant had not complied with NPPF paragraph 66 in its failure to work with local people, and the application failed London Plan policy 7.6 on the impacts of tall buildings.
- Residents of neighbouring properties would be closer to the development than the recommended 18 metres. There would be a reduction in light in a number of flats.
- Construction works would have a significant impact on air quality for neighbours.
- The application was not in the tall buildings cluster and the height was not appropriate.
- Vulnerable residents of neighbouring buildings would be harmed by the development due to the loss of daylight and sunlight.

The architect and agent then provided the following information in support of the application:

- The development would bring improvements to the streetscape and public realm and would double the existing quantity of employment space. The community space had been designed in collaboration with the Methodist Church that currently occupied part of the site.
- The application had been designed to complement its surroundings and would continue the building line of Jameson House.
- The outdoor amenity space and playspace would be accessible to all residents.
- New homes and jobs would be provided through the application, which would also remove a local eyesore.
- Extensive consultation had taken place in developing the application. There was broad support for the development.
- The affordable housing provision met local policy. 72% of the affordable homes would be for social rent and 88% of the affordable

- units would be 2 and 3 bedroom family units.
- The site was well-located for public transport.

[At 22:00 the Committee elected to proceed with the meeting for a further 45 minutes in order to conclude the remaining matters of business.]

Councillor David Amos spoke as Ward Councillor in objection to the application, raising the following points:

- The officer's report conceded that there would be a harmful amenity impact to neighbours. The majority of affected residents were in council homes.
- There would be a major loss of light for a number of properties.
- The short separation distances would add to the sense of enclosure.
- The level of children's playspace to be provided did not comply with policy.

Councillor Joanne Simpson then addressed the Committee objecting to the application as Ward Councillor for Prince's, stating that:

- The design was out of keeping with the area. The height of tall buildings stepped down from the riverfront, but the site was some distance from the tall buildings cluster.
- Although Haymans Point was a similar height, it was set back from the boundary of the site.

Officers then provided the following information in response to questions from Members:

- A separation distance of 18 metres was a benchmark for facing windows, rather than an absolute minimum. Directional glass fins would be fitted to windows to reduce overlooking while still allowing light to enter the properties.
- Human rights implications had been considered extensively and noted that the Council was entitled to interfere with property rights if it was in the public interest.
- Of the neighbouring buildings, 79 Vauxhall Walk, Arne House and Haymans Point would be the most affected by the proposal. The buildings currently on the site were low-rise, meaning that any increase in building height would have a considerable impact on daylight and sunlight compared to the present situation.
- At 79 Vauxhall Walk, six living rooms would have a major adverse reduction (a reduction of at least 40%) in daylight, and eight living rooms would have a major adverse reduction in sunlight.
- Arne House had deck access to flats, which limited the amount of light that could enter flats. The impact to the southern section of Arne House was within BRE guidance, but the northern and central sections would have a moderate to major adverse impact.
- There would be reductions in daylight for the living rooms in the bottom four floors of Haymans Point, but there would be no adverse effects on sunlight levels.
- The level of light to the residential amenity area would be slightly below target.
- The impacts on Vauxhall Walk and Arne House were significant compared to other similar applications.
- The majority of the approved schemes on the Albert Embankment were up to 90 metres tall, with building heights stepping down from the river into central Vauxhall. There were a number of buildings of

a similar height in the area, such as Haymans Point. Officers felt that the height was appropriate given the urban context. The four storey podium level was in line with the majority of building heights in the immediate area.

- Half of the site was within the conservation area, and the design and materials would reflect the industrial heritage of the area.
- The pedestrian routes would be locked at night to ensure the safety of residents.

The Committee considered points raised by speakers and information provided by officers in conjunction with the report before making the following observations:

- The application would provide desirable benefits, such as workspace, 35% affordable housing and community space. The scheme was well-designed and would contribute positively to the area.
- The adverse amenity impact on such a large number of residents of neighbouring buildings was unacceptable.
- There was insufficient justification for the height, scale and massing in that location. The site was too small to accommodate such a development and the separation distances between the proposal and neighbouring properties were too small.

It was MOVED by Councillor Wilcox, SECONDED by Councillor Morris, and

RESOLVED, unanimously

1. To REFUSE planning permission against officers' recommendations for reasons related to the following:
 - i. The adverse impact on neighbouring amenity, particularly sunlight and daylight, resulting from the inappropriate massing and scale and the insufficient separation distances.
2. In the event of a subsequent appeal, to delegate authority to officers, having regard to the heads of terms set out in the report, to negotiate and complete a document containing obligations pursuant to Section 106 of the Town and Country Planning Act 1990 in order to meet the requirements of the Planning Inspector.

CLOSE OF MEETING

The meeting ended at 10.45 pm

CHAIR
PLANNING APPLICATIONS COMMITTEE
Tuesday 27 February 2018

Date of Despatch: Wednesday 14 February 2018

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