

PLANNING APPLICATIONS COMMITTEE

Tuesday 7 May 2019 at 7.00 pm

MINUTES

PRESENT: Councillor Liz Atkins (Substitute), Councillor Malcolm Clark, Councillor Becca Thackray and Councillor Clair Wilcox (Chair)

APOLOGIES: Councillor Scarlett O'Hara, Councillor Ben Kind, Councillor Joanne Simpson and Councillor Timothy Windle

ALSO PRESENT:

1. DECLARATION OF PECUNIARY INTERESTS

There were none.

2. LAND ADJACENT TO SOUTHWARK UNDERGROUND STATION, GREET STREET (BISHOPS) 18/05029/FUL

18/05029/FUL

The Planning Officer explained that due to a technical error interested parties were incorrectly informed that the consultation would end after this meeting. Officers recommended deferral.

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

RESOLVED, unanimously

To defer consideration of the application

3. OCCC ESTATE, CORNWALL ROAD, WOOTTON STREET AND WINDMILL WALK (BISHOPS) 16/06172/FUL

Case No. 16/06172/FUL (agenda item 04, page 45 of the agenda pack and page 5 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 existing buildings and construction of a 7 to 12 storey building comprising of 215 dwellings, including 40 at discounted market rent and 34 replacement protected tenancy units, with a theatre rehearsal

space and small offices. Members were shown images of the site, its context, neighbouring heritage assets, proposed materials, existing and proposed views.

The application was deferred from the Planning Applications Committee in September 2017 due to issues around the status of the protected tenancy units. An appeal had been lodged on the grounds of non-determination, and officers were recommending that the Committee agree to instruct officers to defend the appeal as set out in the recommendations. A third recommendation was added in the second addendum, delegating to the Assistant Director for Planning, Transport and Development to amend or withdraw any reasons for refusal, in consultation with the Chair.

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

- Certain family members living in the property were eligible to succeed the protected tenancies.
- Officers and the appellant had discussed making the protected tenancy units affordable housing in perpetuity, but there was no policy justification for this and they were advised that this would impact the viability of the scheme. Officers had also requested a 10 year review on the status of protected tenancy units.
- Officers had advised that the discount market rent units be set at Local Housing Allowance (LHA), not the proposed London Living Rent.
- The requirement for rent levels at LHA levels were considered by officers to a marginal impact on the viability position.
- Only two bedrooms did not meet BRE targets for daylight, which officers considered acceptable.
- The unit mix and the loss of 3 bed units overall met the criteria in policy. All of the protected tenancy units would be provided on a like-for-like basis. Build-to-rent units tended to be smaller, resulting in the larger number of studio and one-bedroom units.
- As this application was now subject to an appeal, it would not have to be referred to the Mayor of London.
- The viability assessment had shown that this was the maximum level of affordable housing that could be provided. The high existing use value and constrained nature of the site made it more difficult to provide greater amounts of affordable housing.
- As the existing protected tenancies were not currently provided in perpetuity, it was not possible to require that they be reprovided in perpetuity.

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

- Members were satisfied with the massing and design of the scheme.

- Members were supportive of the additional viability reviews that officers had pursued and the proposed use of LHA levels for the DMR given the low levels of affordable housing being secured.
- The Chair appreciated the further information now before PAC on rent levels and accessibility.

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

RESOLVED, unanimously

1. To agree that that, had it been empowered to determine the application, it would have resolved to refuse planning permission on the basis the appellant is not prepared to enter into a planning obligation that would secure two review mechanisms in relation to the Protected Tenancy Units and Build to Rent Units required by officers to make the application acceptable.

2. To instruct officers to defend the appeal in accordance with recommendation and delegates to the Assistant Director of Planning, Transport and Development (that officer having regard to this report, addendums and PAC minutes) the negotiation of a list of conditions and the negotiation and completion 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 should he/she allow the appeal.

3. To delegate to the Assistant Director for Planning, Transport and Development authority to amend or withdraw the grounds in consultation with the Chair of the Planning Applications Committee.

4. BRIXTON VILLAGE (COLDHARBOUR) - 19/00559/FUL

Case No. 19/00559/FUL (agenda item 02, page 1 of the agenda pack, and page 01 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 3 May 2019 and the day of the meeting. Members were advised of the key material planning issues for consideration which included the change of use for the ground floor units to flexible A1/A3 use. The presentation included images showing the proposed uses. The second addendum included an additional condition 12.

As part of the management plan, two points of exit would be available after 23:30hrs onto Atlantic Road. Policy PN3, which applies to the site, sets an acceptable mix of uses in Brixton. The Section 106 Agreement and Conditions 10 and 11 would ensure an adequate mix of units.

The Market is in the Brixton Conservation Area and Grade 2 listed

with entrances on Popes Road, Atlantic Road, and Coldharbour Lane.

As part of the proposal, at least 50% of the units (42 units) identified would remain within Class A1 (shops) use with no more than 50% of the units (41 units) within the market being used within Class A3 (food & drink) use.

The proposal will extend market trading on Mondays until midnight to provide consistency with the remainder of the week and would allow an additional hour of opening each day after the public have left at midnight to allow market staff to clean the premises.

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

- Although all of the units were included in the change of use application, no specific units were identified for a change of use. It was anticipated that an increase in the number of A3 units would increase footfall within the market.
- Brixton Market was a diverse cultural pillar within the community which brings people of different nationalities and backgrounds together.
- This application would help to protect the unique character and cultural commodity of the market.
- There were a number of commitments, updating the lighting, free Wifi, accessible toilets, cash point and building improvements, integrity, increased CCTV and a reduction of litter.
- New traders' applications would be looked at with favour especially if they had strong links to the borough and Brixton.

- The council's policy PN3 allows a 50 50 split ground floor change of use. This change would not be implemented immediately.
- The management plan, which works in close cooperation with officers, strives to deliver better facilities for traders and customers.
- The applicant is working with the local community and charities, such as by supporting the opening of a black ethnic book shop in the market, working with Brixton Kitchen to offer free six-month leases and by supporting Windrush Day events.
- It was encouraged that local traders in the market were given the first option of obtaining any vacant plots in line with the Section 106 agreement.

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

- Listed Building Consent would be required to do internal works to improve accessibility – but efforts were being made to improve accessibility taking into account conservation considerations.
- It was stated that new tenants would only be brought in and managed when units became available. Existing tenants had seen revenues fall due to certain conditions, such as higher vacancy in

certain areas and different trading hours.

- The proposal would affect people positively and help create greater local trade. Offers would be made to local residents and businesses first, an on-site management team will be available, and vacancies would be advertised through the Council's street traders website.
- Trading hours would be adjusted and Condition 7 could be amended to include 'all trading' to prevent trading after midnight. Operating hours would be subject to the Licensing regime.
- The conditions allowed a minimum of 50% A1 floorspace, and a maximum of 50% A3 floorspace.
- Locations of the substation would not result in the loss of retail.
- The applicant was in discussion with the Lambeth Food Network and several similar organisations with regard to food growing and production.
- The same business would operate the ground floor and linked mezzanine level unit, and any splitting of units would require listed building consent.
- Condition 8 should be deleted as it was a duplication of Condition 7.
- Condition 6 should be amended to include the hours of servicing and deliveries. Surveys have been undertaken and it was noted that there has been a decline in footfall over the last three years. Vacant uses are a disincentive for visitors. Some parts are occupied with day time traders. There is currently a decline in footfall in the evenings. By introducing the idea of being expense led with hot food being cooked along with vegetables for sale.
- The Lambeth street trading website will allow applicants to ask questions, find out vital information and apply for future vacant plots.
- If an applicant is a member of the borough they would be considered with a greater priority than a non-resident.
- If several people apply for the same plot, a member of the Traders team will aim to make the decision in the fairest and best way.
- This application provides a positive approach for the future of the markets.
- The management plan would secure local advertising when units became available.

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

- Condition 12 should be amended to make clear that the mezzanine units in Market Row should not be separated from the linked ground floor units without further permission on the grounds of accessibility with reference to Policy Q1 being made in the reason for the condition.

It was MOVED by Councillor Wilcox, SECOND by Councillor Clark, and

RESOLVED, unanimously

1. To GRANT planning permission subject to a Section 106 Agreement and the conditions as outlined in the officer's report and published addenda and the following:

i. Condition 6 a) and b) to be amended to include the hours of deliveries to the site and other servicing vehicles such as refuse collections.

ii. Condition 7 to be amended to add "or trade" after "the general public".

iii. Condition 8 to be removed.

iv. Condition 12 be amended to include the reason of accessibility relating to Policy Q1 and to remove "unless otherwise agreed in writing by the Local Planning Authority".

2. Agree to delegate authority to the Assistant Director of Planning, Transport and Development to:

a) Finalise the recommended conditions as set out in this report, addendums and/or PAC minutes; and

b) Negotiate, agree and finalise the planning obligations as set out in the report, addendums and/or PAC minutes pursuant to Section 106 of the Town and Country Planning Act 1990.

3. In the event that the Section 106 Agreement is not completed within six (6) months of committee, delegated authority is given to the Assistant Director of Planning, Transport and Development to refuse planning permission for failure to enter into a section 106 agreement for the mitigating contributions identified in the report and the PAC minutes.

5. MARKET ROW (COLDHARBOUR) - 19/00560/FUL

Case No. 19/00560/FUL (agenda item 3, page 23 of the agenda pack, 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 3 May 2019 and the day of the meeting. Members were advised of the key material planning issues for consideration which included the change of use for the ground floor units to flexible A1/A3 use. The presentation included images showing the proposed uses. The second addendum included an additional condition 12.

Policy PN3, which applies to the site, sets an acceptable mix of uses in Brixton. The Section 106 Agreement and Conditions 10 and 11 would ensure an adequate mix of units.

The Market is in the Brixton Conservation Area and is Grade 2 listed with entrances on Electric Lane and Coldharbour Lane.

In relation to Brixton no more than 41% would be in Class A3. As part of the proposal, at least 50% of the units (27 units) identified would remain within Class A1 (shops) use with no more than 50% of the units (26 units) within the market being used within Class A3 (food & drink) use.

The proposal would extend market trading on Mondays until midnight to provide consistency with the remainder of the week and would allow an additional hour of opening each day after the public have left at midnight to allow market staff to clean the premises.

Questions and discussion of this application were heard alongside Item 1, Brixton Village.

It was MOVED by Councillor Wilcox, SECOND by Councillor Thackray, and

RESOLVED, unanimously

1. To GRANT planning permission subject to a Section 106 Agreement and the conditions as outlined in the officer's report and published addenda and the following:

- i. Condition 6 a) and b) to be amended to include the hours of deliveries to the site and other servicing vehicles such as refuse collections.
- ii. Condition 7 to be amended to add "or trade" after "the general public".
- iii. Condition 8 to be removed.
- i. Condition 12 be amended to include the reason of accessibility relating to Policy Q1 and to remove "unless otherwise agreed in writing by the Local Planning Authority".

2. Agree to delegate authority to the Assistant Director of Planning, Transport and Development to:

- c. Finalise the recommended conditions as set out in this report, addendums and/or PAC minutes; and
- d. Negotiate, agree and finalise the planning obligations as set out in the report, addendums and/or PAC minutes pursuant to Section 106 of the Town and Country Planning Act 1990.

3. In the event that the Section 106 Agreement is not completed within six (6) months of committee, delegated authority is given to the Assistant Director of Planning, Transport and Development to refuse planning permission for failure to enter into a section 106 agreement for the mitigating contributions identified in the report and the PAC minutes.

CLOSE OF MEETING

The meeting ended at 9.20 pm

CHAIR

Date of Despatch: Wednesday 22 May 2019

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