

PLANNING APPLICATIONS COMMITTEE

Tuesday 24 September 2019 at 7.00 pm

MINUTES

PRESENT: Councillor Malcolm Clark, Councillor Ben Kind, Councillor Jessica Leigh (Substitute), Councillor Becca Thackray, Councillor Clair Wilcox (Chair) and Councillor Timothy Windle

APOLOGIES: Councillor Joanne Simpson

ALSO PRESENT: Councillor Scarlett O'Hara and Councillor Jane Pickard

1. DECLARATION OF PECUNIARY INTERESTS

With regard to application 19/01481/FUL (Hero of Switzerland, 142 Loughborough Road), Councillor Becca Thackray stated that while not a pecuniary interest, she attended meetings of Loughborough Junction Action Group, which had objected to the application, in her role as Ward Councillor for Herne Hill. She confirmed that she did not have a pre-determined view.

2. HERO OF SWITZERLAND 142 LOUGHBOROUGH ROAD (COLDHARBOUR) 19/01481/FUL

Case No. 19/01481/FUL (agenda item two, page one of the agenda pack, page one of the addendum and page one 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 20 September and the day of the meeting. Members were advised of the key material planning issues for consideration which included the demolition of the existing public house and the erection of a 13 storey building to provide 35 homes and a replacement public house, public realm improvements to Hero Square, the provision of disabled parking spaces and waste and cycle storage. The Greater London Authority had withdrawn its objection to the application as a result of an additional affordable unit being provided. The replacement pub use would be slightly larger than the existing pub, and would reprovide features such as ancillary staff accommodation which would be secured by the S106 Agreement, beer garden, kitchen and cellarage. All residential units would exceed space standards, with good levels of natural light, would have private amenity space, and all units would be accessible. All residents, regardless of tenure type, would have access to the communal amenity space. Playspace would be provided on site for younger children, and a financial contribution for playspace for older children would be made to a playground to the rear of the site. The amenity impact on neighbouring buildings had been tested, with one

property being materially affected to a kitchen, bedroom and bathroom. Concrete fins would be used in the south elevation of the proposal to minimise overlooking onto 1-9 Featley Road. Members were shown images of the site, its context, proposed materials and design, and existing and proposed views.

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

- The application was an overdevelopment of the site and would be a visual intrusion on the area. Insufficient affordable housing would be provided and the public realm improvements would be of poor quality.
- The proposal was a higher density than the London Plan suggested in an urban context.
- The affordable housing offer was below the 40% policy requirement.
- The playspace provision was not sufficient and the payment in lieu did not compensate for it.
- There would be a conflict between the pub and residential units, and the successful operation of the pub would require residents to keep windows closed.

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

- The application was the result of extensive consultation with the current pub landlord, residents' groups, officers and the GLA.
- Tall buildings were part of the established local character, and the height of the proposal was considered acceptable by both officers and the GLA. The slender shape of the building would limit the amenity impact, and the building would be set back in line with existing building lines.
- Public realm improvements would provide a more welcoming environment in Hero Square and greater connectivity. The Loughborough Estate Management Board had been consulted on the public realm improvements and were supportive of the proposals.
- Pubs were closing across London and this application would reprovide the pub use. Facilities, such as the two-bedroom ancillary accommodation, kitchen and cellarage would ensure the pub's future viability. A management plan would be required in order to ensure the protection of residents.
- The affordable housing offer had been increased following viability assessments. All residents would have the same access to amenity space and all units would be indistinguishable, regardless of tenure.
- The residential units exceeded space standards, had private amenity space and all units would be dual or triple aspect.

Councillor Scarlett O'Hara then spoke as Ward Councillor for Coldharbour, stating the following:

- Residents had raised concerns on height and massing, the impact on the local area, and the level of affordable housing.
- The proposal would be taller than neighbouring blocks and was not sympathetic to the Loughborough Estate.
- There were concerns that the replacement pub would not be affordable and would therefore not be used by residents.

- The application site was in one of the most deprived areas in the borough, and insufficient affordable housing would be provided. The viability should be reassessed.

Members then viewed models of the application and proposed materials.

Officers and the Council's viability consultant then provided the following information in response to questions from Members:

- The modelling on trip generation had been carried out using the standard methodology. The Transport Officer did not consider the trip generation figures to be abnormally low.
- The additional affordable home would be shared ownership. The affordable units would be located on the same floors, as it was easier to secure a registered provider with such a configuration. The S106 Agreement included a review mechanism and a cascade mechanism.
- The small footprint of the site, the proposed height and the need to dig a basement would increase the projected construction costs. The review mechanism would ensure that more affordable housing would be provided if the construction costs were lower than anticipated.
- Reprovision of the pub was a policy requirement so had been considered in the viability assessments. Ancillary features of the pub would be reprovided, as required in policy, and it was hoped that by providing these features, particularly the accommodation, a more traditional pub operator would be found.
- The difference in the findings of the viability assessments were due to changing sales values, changes in construction costs, as well as further evidence provided throughout the process. The viability had been tested by both the Council and the GLA, and it was considered that the current affordable housing offer was the maximum that could be supported.
- London Affordable Rent (LAR) was equivalent to social rent, and was controlled in the same manner as social rent. The largest affordable units would be at LAR, and smaller units would be shared ownership. The cost of shared ownership units were linked to local household income.
- The applicant had agreed a planning brief with officers on what would be provided in the public realm improvements to Hero Square, including planting, lighting and resurfacing. The conditions attached to the S106 Agreement for this application would have to be considered if an application for Hero Square was brought in the future.
- The playspace to be provided on site would be for younger children, due to the low numbers of older children expected to live in the development. The off-site contribution would be directed to playspace 10 metres from the site. Final details of the equipment to be provided on site would be secured via condition.
- Access to the communal amenity area would be open to all residents and would be controlled by fobs. The rooftop opening hours had been limited to 07.00-22.00 following an objection from a Ward Councillor.
- Planting on the roof terrace would be selected based on species' abilities to withstand high winds, with final details to be provided at a later stage.
- It would be unreasonable to restrict the possibility of short-term

letting beyond the existing provision of 90 days per year. Year-round use of residential units for short-term let would require an application for change of use and could be subject to enforcement action.

- There was a 15 metre, of five storey, difference in the height of the proposal and existing nearby blocks.

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

- Members considered the proposed use acceptable, particularly given the re-provision of the pub. The height of the proposal was acceptable given the local context.
- Some Members requested an amendment to the terms of any S106 Agreement to include review of the need for the ancillary accommodation after a period of six months and if the accommodation was not needed for the operation of the pub, it would be used as affordable housing.
- Some Members stated that their initial concerns at the level of affordable housing provision had been addressed by the information provided on the interrogation of viability assessments, particularly given the GLA's withdrawal of its objection.
- The mural and vertical sign should be retained.
- The applicant should be encouraged to work with the community and any other future developers, particularly on issues such as off-site playspace contributions. The management plan for the pub should be developed in conjunction with the local community.
- Conditions relating to the hours of operation of the roof terrace should be relaxed to allow access at all times, with amplified noise to be controlled instead.
- Some Members queried why the applicant had not been requested to have a lower profit margin in order to provide more affordable housing.

The Assistant Director, Planning Transport and Development, advised Members that:

- As the application did not meet the 40% affordable housing threshold, it had gone through the viability process, as required by policy. Officers and the GLA considered that the current proposal was the maximum possible provision of affordable housing.
- There was a strong presumption in policy in favour of retaining pubs due to the trend of pub closures in Lambeth and the rest of London. The provision of ancillary features, particularly the accommodation, would make the pub more attractive to a potential operator. The accommodation would have the class use of a pub. If the ancillary flat proved to be unnecessary, a change of use application should be made, with that application and any viability impacts to be considered at that point. An informative request that a change of use be explored if the ancillary flat was not be used to its full potential, could be added.

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

RESOLVED, by five votes for to one against

1. To GRANT planning permission subject to a Section 106 Agreement and the conditions as outlined in the officer's report and published addenda, any direction as may be received following further referral to the Mayor of London and the following:
 - i. An amendment to Condition 34 to remove the restrictions on access hours of the roof terrace and to restrict amplified noise, with final wording to be agreed by Assistant Director of Planning, Transport and Development in consultation with the Chair.
 - ii. An informative requesting that should the ancillary housing attached the public house use prove to be unnecessary, and an application be made for a change of use to residential, that affordable housing is prioritised and considered as part of the affordable housing offer of the development.
2. To delegate authority to the Assistant Director of Planning, Transport and Development to:
 - a. Finalise the recommended conditions as set out in the 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 (as amended).
3. In the event that the Section 106 Agreement is not completed within six months of committee, to delegate authority 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, addendums and/or the PAC minutes.

3. 6 LANDSDOWNE HILL (KNIGHT'S HILL) 19/02840/FUL

Case No. 19/02840/FUL (agenda item four, page 171 of the agenda pack 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 the existing buildings and the erection of three buildings of up to seven storeys, with the provision of residential and office space, including waste storage, cycle storage, car parking, landscaping and new pedestrian links. Members were shown images of the site, its context, the areas covered by Policy PN7 and Site 18. Members were advised that this was a new application following the refusal of a previous application on this site in March 2019. Changes in this application compared to the previous application included the materials used for Blocks A and B which would now be red brick, and the introduction of ceramic glazed panels in place of a blank façade to Block C, which would provide visual interest while enabling future neighbouring development.

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

- Four community groups had objected to the application on the grounds that it did not meet Local Plan Policy PN7 (West Norwood). It was a failed opportunity for development.

- The previous application had been refused by the Committee and a number of the reasons for refusal had not been addressed.
- Policy PN7 should take precedence over Policy EN2.
- Windows, rather than glazed ceramic, should be used throughout the office element.
- The footpath access to the York Hill Estate was not accessible and was not wanted by the community.

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

- This application sought to overcome the reasons for refusal of the previous application.
- The introduction of red bricks for Blocks A and B made visual reference to the York Hill Estate, while Block C would remain in buff brick, referencing the commercial buildings on Norwood High Street. The use of both red and buff bricks were common in West Norwood.
- The base of all blocks would use the same materials to demonstrate continuity between them.
- The ceramic glazing would give the appearance of glazing while allowing future development to abut Block C. The glazed ceramic could be replaced with glass in the event that neighbouring development did not materialise.
- The application was successful as both a standalone development and within the wider aims of Site 18.
- Step-free access to the York Hill Estate had been explored, but could not be achieved at this site without mechanisation.
- The application would provide in excess of 36% affordable housing (by habitable room) and office space, and would enable future development on neighbouring sites.

Councillor Jane Pickard then spoke as Ward Councillor for Knight's Hill, stating the following:

- The height of the proposed buildings was too tall and inappropriate given the suburban context. There should be a stepped approach from the York Hill Estate.
- The footpath was not necessary, as there was already pedestrian access to the town centre.
- Policy PN7 required that plans for the western side of Site 18 should be sympathetic to the York Hill Estate.
- The piecemeal nature of the development of Site 18 raised the prospect of all of the site being used for flats and offices, going against the aspirations of the site-specific policy.

Members then viewed the proposed materials with the Head of Conservation and Design.

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

- The officer's report included the decision letter for the previous application at page 183, which included the Committee's reasons for refusal. Officers considered that this application addressed Members' previous grounds for refusal.
- This was a new application and should be considered on its own merits. However, due weight should be given to material considerations, including the recent planning history of the site,

particularly given the similarities between the previous application and this application.

- The site-specific policy for Site 18 established the aspiration of the creation of pedestrian links between the York Hill Estate and the High Street. All areas within the site would be fully accessible, but a step-free link to the York Hill Estate was not possible due to the four metre difference in ground height between the site and the York Hill Estate. Step-free footpaths to the York Hill Estate could be provided elsewhere on Site 18 if future applications were made.

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

- Older buildings in West Norwood were made of yellow stock brick, whereas the bricks of the newer Iceland building were a chalkier shade. Buff bricks would darken with age and wear. The final selection of bricks was delegated to officers via condition, but Members could add an informative if they had a view on the preferred shade of bricks.
- The Design Out Crime Officer had been consulted on both the previous and this application, and had confirmed that the application could meet the Secure by Design certification. Condition 20 required a Security Management Plan.
- Members could add an informative requesting consultation with Ward Councillors on the Secure by Design process.

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 not prejudice future development elsewhere on Site 18.
- The changes, such as the introduction of red brick and glazed ceramic, were a good compromise and an improvement on the previous application.
- Members expressed disappointment at the lack of an accessible footpath to the York Hill Estate, while appreciating the difficulties of the topography of the area.
- Some Members raised concerns regarding the failure to meet Policy H5 on dual aspect properties, stating that this was not an 'exceptional circumstance'.
- An informative should be added requesting consultation with Ward Councillors in the discharge of the footpath, particularly regarding the design of the steps.

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

RESOLVED, by five votes for to one against

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. An informative requesting that regard be taken to the local context when selecting the shade of buff brick.
 - ii. An amendment to condition 20 with an attached informative

requesting consultation with Ward Councillors during final discharge of Secure by Design conditions and the design of the footpath, with final wording to be delegated to Planning Officers in consultation with the Chair.

2. Agree to delegate authority to the Assistant Director of Planning, Transport and Development to:
 - a. Finalise the recommended conditions as set out in the 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 (as amended).
3. In the event that the Section 106 Agreement is not completed within six 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, addendums and/or the PAC minutes.

4. 1-7 AYTOUN ROAD, AYTOUN COURT, CROWHURST HOUSE AND 41-42 NORTON HOUSE (FERNDALE) 18/01713/FUL

Case No. 18/01713/FUL (agenda item three, page 99 of the agenda pack and page 7 of the addendum).

Members agreed that an officer's presentation was not required.

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

- None of the affected windows referenced in paragraph 12.15 of the report belonged to the same flat.
- The contribution to off-site playspace had to be allocated to a site near the application.
- 13 new trees would be planted as part of the soft landscaping: 11 on the southern boundary; and two within planters.
- Ground floor units would have cycle parking within their front gardens. Communal secure cycle storage would be provided in the ground floor communal area. While residents would need to go through four doors to access the cycle storage, officers were exploring the possibility of providing automatic doors to improve ease of use.
- Disabled car parking would be provided and the S106 Agreement secured the provision of car club membership.
- Members were shown images of the proposed materials and where they would be used.

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

- The provision of fully affordable housing was commendable. The quality of homes was high, with some having their own front door and gardens, and all units being dual aspect.
- It was positive for a derelict site to be brought back into use.
- The proposed bricks were sympathetic to the local context.

It was MOVED by Councillor Clark, SECONDED by Councillor Kind, 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 addendum.
2. To delegate authority to the Assistant Director of Planning, Transport and Development to:
 - a. Finalise the recommended conditions as set out in the 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 (as amended).
3. In the event that the section 106 agreement is not completed within three months of committee, to delegate authority 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, addendums and/or the PAC minutes.

5. APPEAL AND ENFORCEMENT DECISIONS APRIL 2019

Members requested policy guidance on demonstrating local need for houses of multiple occupancy, following the dismissed appeal regarding 1 Atkins Road and cases that had been considered at Committee previously.

Members thanked officers for their work in defending Council policies.

CLOSE OF MEETING

The meeting ended at 10.30 pm

CHAIR
PLANNING APPLICATIONS COMMITTEE
Tuesday 15 October 2019

Date of Despatch: Wednesday 2 October 2019

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