

## PLANNING APPLICATIONS COMMITTEE

Tuesday 3 December 2019 at 7.00 pm

### MINUTES

- PRESENT:** Councillor Liz Atkins (Substitute), Councillor Malcolm Clark, Councillor Ben Kind, Councillor Mohammed Seedat (Substitute), Councillor Clair Wilcox (Chair) and Councillor Timothy Windle
- APOLOGIES:** Councillor Scarlett O'Hara, Councillor Joanne Simpson and Councillor Becca Thackray
- ALSO PRESENT:** Councillor David Amos, Councillor Jon Davies and Councillor Maria Kay

#### 1. **DECLARATION OF PECUNIARY INTERESTS**

Although not a pecuniary interest Councillor Ben Kind stated that at Full Council in October, he had arrived late and thought he was joining a deputation on nursery schools in the borough. He accidentally appeared in a photograph for the presentation on 8 Albert Embankment. Once he had realised this, he raised it with Democratic Services, Legal and Chair and was advised to place it on record. He stated that he did not have a pre-determined view on the application.

#### 2. **8 ALBERT EMBANKMENT & LAND TO REAR BOUNDED BY LAMBETH HIGH STREET, WHITGIFT STREET, THE RAILWAY VIADUCT, SOUTHBANK HOUSE TOGETHER WITH LAND AT THE CORNER OF BLACK PRINCE ROAD AND NEWPORT STREET (PRINCES) 19/01304/FUL AND 19/01305/LB**

Case No. 19/01305/LB (agenda item four, page 131 of the agenda pack, page 13 of the addendum and page five 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 29 November 2019 and the day of the meeting. Members were advised of the key material planning issues for consideration which included the new operational Fire Station, a new Fire Brigade museum, 443 residential units (172 of which would be affordable housing totalling to 40%), a hotel comprising of up to 200 bedrooms, a rooftop restaurant, a gym, retail and commercial units, hard and soft landscaping and basement and surface parking. Members were advised of vehicle access, existing and proposed views from different directions and parking which comprised of 528 residential cycle parking spaces, 161 office cycle parking spaces and 44 Blue Badge car parking spaces at basement level. The previous appeal had been taken into consideration, and that this application would increase the jobs provided by 52%, the affordable homes by 67%, and provide a permanent home for the fire station museum. The resulting harm would be outweighed by the following public benefits of the proposal: heritage, new fire station and emergency base, museum, new homes, new and diverse employment opportunities and public realm.

At this point in the meeting the members, presiding officer and design officer viewed the model of the proposed development.

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

- The application failed to take account of height, mass and scale of the neighbouring buildings.
- There were over 3000 objections with online petitions and over 280 objections on Lambeth Planning portal.
- The application breached the Council's policy on Key Industrial Business Areas (KIBAs).
- The appeal decision for the Graphite Square application did not set a precedent.
- This application would affect 96 windows on Black Prince Road, and not only Whitgift House.
- 12 children living on the ground floor of Whitgift House, three of which were disabled, would be most affected through the reduction in sunlight and daylight.
- Council tenants needed to be protected and have their light maintained, as they did not have a choice where they lived.
- The London Fire Brigade Museum were currently under investigation for manipulation of the consultation.
- Historic England did not support the scheme as it would cause harm to conservation areas.

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

- The applicant had experience in restoring heritage buildings and had been involved in restoring other Fire Brigade buildings.
- The redevelopment of the site had been proposed in the past, and the site had been derelict for over a decade. The applicant had consulted with Council officers and community to ensure the proposals had wide support.
- The applicant recognised that substantial change in an urban context was difficult and that the applicant had the responsibility to ensure it was correct. A consultation was undertaken over a period of three years in a pop up Fire Museum.
- The development would create 1300 new jobs, 443 new homes, a new fire station and museum, which would be a lasting legacy for Lambeth and London.
- The development would be highly sustainable, reducing the CO2 emissions by 52%.
- The fire station would be in a key location to deliver fast response and required significant modernisation. It would also include accommodation for firefighters.
- The application would deliver a permanent home for the Fire Brigade Museum and celebrate Lambeth's heritage. It was anticipated to attract over 100,000 visitors a year, 15,000 being school children, of which an estimated 20% would be from Lambeth.
- The postponement in this planning permission would delay investments in Brixton and Clapham Fire Station.

Councillor Jon Davies and Councillor David Amos then spoke as Ward Councillors for Prince's, stating the following:

- They objected to the application.
- The loss of daylight and sunlight to Whitgift House and the park should be considered.
- Although the arguments on job creation were persuasive, there were concerns about the

traffic implications on residential roads.

- The scheme was pitting the local community against the Fire Brigade and it was disappointing that a smaller scheme was not suggested.
- The scheme should provide 50% affordable housing.
- Residential developments should not be permitted in KIBAs.

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

- The surrounding roads had narrow pavements which were not pedestrian friendly. The scheme would provide enhanced public space and better connectivity between Black Prince Road, Lambeth High Street and Whitgift Street allowing pedestrians to travel through the site.
- There would be a number of conditions to control noise and space if the scheme was approved.
- The servicing route would be open to pedestrians and cyclists and the proposal would contribute to healthy routes.
- There would be conditions to secure landscaping details which would be finalised. Currently 25% of the 2000m<sup>2</sup> within the site had been designed to be soft landscaping, which would not include the roadway along the south.
- TfL intended to remove the Lambeth Bridge roundabout, which would impact the route for fire engines back to the Fire Station.
- The wind mitigation banners would be flush against the building and would be secured with the S106 Agreement.
- The draft Construction Traffic Management Plan estimated that 10 trucks per hour would be generated during the peak of the construction phase.
- The material to be used on carriageways / footways would be confirmed at S278 and ongoing maintenance would be covered by scheme, by way of a commuted sum if non-standard materials were used.
- Within the Delivery and Servicing Plan (DSP) there would be a commitment for service vehicles to route from Albert Embankment, rather than approaching from local roads. The DSP also included a commitment to 50% freight consolidation, which would apply to all uses on site, including the residential. The daily anticipated 144 delivery and servicing trips, including residential deliveries, would be subject to a daily cap. This would be monitored by the developer, which would be required to submit regular monitoring reports. Due to Albert Embankment being a red route, stopping would not be permitted, therefore deliveries would have to use other loading opportunities. Three loading bays were proposed within the site on the internal service road, while the closest loading bay on the public highway would be on Whitgift Street.
- The amenity areas for the Garden Museum main garden area met BRE guidance on sunlight, with 67% of the amenity space receiving at least two hours of sunlight at the equinox.
- The previous scheme 2013 appeal decision was refused due to harm to Whitgift House and 2 Whitgift Street, which would be significantly better in the new scheme. The Mayor's Housing SPG was issued in 2016 and made reference to applying a degree of flexibility when using the BRE guidance to access the daylight and sunlight impacts of new development on surrounding properties. A number of planning appeals had referred to VSC values in mid-teens being acceptable in major developments across London.

- In Whitgift House's case, the retained average VSC values were typically 20% higher than the appeal scheme, and retained average VSC values for each floor were all above mid-teens which could be considered acceptable. For No 2 Whitgift Street, there were six flats with windows facing the development. The bedrooms to these flats had large balconies that had existing restricted daylight and sunlight. Two of the bedrooms did not meet the daylight distribution criteria in terms of default BRE Guide target criteria. For VSCs to windows with balcony soffits above, there would be disproportionate reduction in VSC.
- In 9 Albert Embankment Building B, there would be isolated adversity in rooms below balconies. In Building A East, daylight adversity was higher below windows with balconies. Of the 162 windows assessed, 59% would have reductions not meeting the BRE criteria, but the BRE Guide allowed theoretical consideration of 'without balcony' analysis. The 'without balcony' VSC reductions were typically just over 20% for floors one through six, and not exceeding 20% for seventh to eleventh floors.
- The criteria for sunlight reduction was not considered for 73-79 Black Prince Road as the windows were north-facing.
- From a viability perspective, a mix of land uses was proposed within the scheme to mitigate risks, which would include the hotel.
- The Government's Housing Infrastructure Fund had been included in the provision of 40% affordable housing. If additional GLA Affordable Housing Grant were secured in the future, it could be possible to increase the level of affordable housing beyond 40%. This would be considered in the late stage viability review of the scheme.
- . It could be possible to provide London Affordable Rent (the Mayor of London's equivalent to Social Target Rents) rent levels if GLA Grant could have been attracted into all the affordable housing in the proposed development, but financial viability had been assessed on the basis of the Council's Tenancy Strategy Rent Levels where rents for 1 and 2 bedroom were set at Local Housing Allowance Levels.
- The OAPF had identified a maximum height of 90m in tall building clusters. In 2012-13, the then Lambeth SPG requested a stepping down of building heights due to impact on Lambeth Palace. Since then, more applications for tall buildings had come forward.

*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.*

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

- Some members felt uncomfortable with the height of the building, although agreed with the officers that the preservation of the Fire Brigade building would be beneficial.
- Members expressed a number of concerns on the implications of transport and how this would be mitigated.
- Some members expressed difficulty in accepting reasons to depart from KIBA designation.
- The impact of sunlight and daylight particularly on 71 Black Prince Road and the three windows were a further concern. Members stated that impact on bedrooms was equally as important as on living rooms.
- Some members expressed the positive elements to the scheme, and supported the improved museum and benefits to the public realm.
- The benefit of affordable housing, was also commended, as the site was currently

vacant and with no affordable housing.

- Some members expressed their preference for greater housing provision compared to the proposed hotel and top floor restaurant, and believed that it would detract from the listed building.
- Some members agreed that the application was a significant improvement than the previous scheme, and better than the plot remaining vacant.
- Members requested that if the application were to be approved, that condition 27, Delivery and Servicing Management Plan and Construction and Environmental Management Plan, would be presented to the committee, and that condition 43, relating to Noise Mitigation and Control for Noise Generating Uses, would be changed as outlined in the addendum. In addition, it was expressed that condition 34 to be amended to reflect the Committee's preference for soft landscaping to be maximised.
- Members requested that deliveries be consolidated as far as possible.

In response to comments from Members, the Assistant Director, Planning, Transport and Development provided the following information:

- The scheme addressed local and borough plan objectives, and would bring the building back into use.
- The application would provide a large number of public benefits including employment, affordable work space, and new homes, which would contribute to the borough's housing trajectory.
- This scheme was the first viable scheme to be presented in the past six years since the previous refusal. As a whole, officers considered the application acceptable, and would deliver investment to the borough.
- A more balanced tenure split mix was not possible due to the constraints and difficulty of the site. The affordable housing provision had gone beyond the level that the viability assessment considered viable.

## **19/01304/FUL**

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

TIED, three votes for, three votes against.

The Chair then used her casting vote, and it was

### **RESOLVED**

1. To grant conditional planning permission subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) containing the planning obligations listed in the report and any direction as may be received following further referral to the Mayor of London and the following:
  - i. The Delivery and Servicing Management Plan to come to Committee for approval.
  - ii. The Construction and Environmental Management Plan to come to Committee for approval.
  - iii. Condition 34 to be amended to reflect the Committee's preference for soft landscaping to be maximised.
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 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 matters identified in the report, addendums and/or the PAC minutes.

### **19/01305/LB**

It was MOVED by Councillor Wilcox, SECONDED by Councillor Seedat, and TIED, three votes for, three votes against.

The Chair then used her casting vote, and it was

#### **RESOLVED**

1. To grant conditional listed building consent subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) containing the planning obligations listed in the report and any direction as may be received following further referral to the Mayor of London.
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 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 matters identified in the report, addendums and/or the PAC minutes.

### **3. TERRITORIAL ARMY CENTRE, 73 KINGS AVENUE (BRIXTON HILL) 19/02719/FUL**

Case No. 19/02719/FUL (agenda item three, page 51 of the agenda pack, page five of the addendum and page one of the second addendum).

Members agreed to proceed without an officer's presentation due to time constraints.

The Planning Consultant and the Executive Principal of the proposed Academy then provided the following information in support of the application:

- A shared vision existed to provide excellence in sixth form education in Lambeth and maintain more students within the borough.
- The application would provide a range of A level and vocational qualifications, with a focus in Science, Technology, Engineering and Mathematics.
- The management of the entry and exit of students to the school would be organised in blocks, avoiding mass entry.
- There would be extensive canteen facilities minimising the exit of students during the day.

- The principle of development was accepted by policy ED2.
- The application was design sensitive, taking into consideration the location of buildings, the daylight and sunlight testing and townscaping of materials.
- The scheme would be car free, apart from onsite disabled spaces with EV charging, with no parking permits to be allowed for teachers. It was anticipated that 5% of trips would be made by car and the scheme would have provisions for cycle parking provision that met draft London Plan standards. In addition to the school Travel Plan, a contribution would be made to TfL to increase capacity on bus route 355, and towards the implementation of the Healthy Routes Network.
- The application would support the green scheme, with an estimated reduction of 36% of CO2.
- The consultants would be working with officers to agree conditions and the S106 Agreement.

Councillor Maria Kay then spoke as Ward Councillor for Brixton Hill, stating the following:

- She objected the application and Councillor Adrian Garden had also submitted his objections.
- There were two schools within 100 metres from the site, and queried whether there was a need for another school.
- The scheme needed a more robust transport strategy.
- There was a lack of recreational outdoor space for 600 students.
- There had been little consultation with residents and community groups.

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

- The minimum requirements for floor standards and external amenity space were met. Students would not be allowed to exit and enter the site during the day and lunchtime.
- Lambeth's Education department confirmed the benefits of having a further school in the vicinity.
- The school would include a sports hall, gym, break out areas and facilities for the use of the public.
- The requirements for outdoor space from the Department of Education for Sixth Form Colleges were not the same as primary and secondary schools.

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

RESOLVED, by four votes for to two against

1. To grant conditional planning permission subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) containing the planning obligations listed in the report.
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 this 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 the date 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. LANSLOWNE WOOD CLOSE (KNIGHTS HILL) 18/03492/FUL**

The Chair explained that due to time constraints, this item would be deferred to the following meeting.

It was MOVED by Councillor Wilcox, SECONDED by Councillor Kind, and  
RESOLVED, unanimously

To defer consideration of the application.

**5. APPEAL DECISIONS JULY 2019**

Members thanked officers for their work in upholding Council policies.

**CLOSE OF MEETING**

The meeting ended at 10.45 pm

CHAIR  
PLANNING APPLICATIONS COMMITTEE  
Tuesday 17 December 2019

Date of Despatch: Thursday 2 January 2020

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