

## **PLANNING APPLICATIONS COMMITTEE MINUTES**

**Tuesday 14 September 2021 at 7.00 pm**

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

**PRESENT:** Councillor Scarlett O'Hara (Vice-Chair), Councillor Marcia Cameron (Substitute), Councillor Rezina Chowdhury (Substitute), Councillor Ibrahim Dogus, Councillor Mohammed Seedat, Councillor Joanne Simpson (Chair) and Councillor Becca Thackray

**APOLOGIES:** Councillor Malcolm Clark and Councillor Iain Simpson

### **1 Declaration of Pecuniary Interests**

There were none.

### **2 Land To The East Of Shakespeare Road, Shakespeare Road (Herne Hill) 20/01822/EIAFUL**

Case No. 20/01822/EIAFUL, (agenda item 2, page 17 of the agenda pack, page 11 of the first addendum and page 9 of the second addendum).

The Planning Officer introduced the key aspects of the application and informed Members of the following points:

- The addenda included further objections to the proposal, updated wording of conditions, and information on other examples of how compensatory waste provision had been secured. Officers recommended to the Committee by way of a verbal addendum that the time period for commencement of the development in Condition 1 should be extended from 3 to 4 years. The rationale for this proposed amendment was to allow time for compensatory waste provision to be secured as required under the proposed Grampian condition (Condition 4).
- The site was to be redeveloped to provide 218 residential units, with 35% of which were to be offered as affordable. Provision would be made for 386 cycles in dedicated storage areas.
- The site was a safeguarded waste site and a non-designated industrial site.
- It was noted that the site was located near a conservation area. Officers had concluded that the proposal would not impact on any heritage assets.
- The application was submitted by the same applicant as the Windsor Grove application, which was previously reported to Committee at the 13 July and 27 July meetings.
- Officers advised that the outcome of this application would not affect the Council's position where the Windsor Grove decision to be appealed. If consent for the application was granted subject to the restrictions formed by the proposed Grampian condition and the recommended s106 planning obligations, then the proposal would comply with the requirements of policy SI 9 of the London Plan and policy EN7 of the Lambeth Local Plan (2015) and also the draft revised Lambeth Local Plan.

- Officers advised the Grampian condition would prevent commencement on the Shakespeare Road site until a scheme had been approved in writing by the Council that secured to its satisfaction, compensatory waste capacity within the borough with a minimum annual throughput of 21,151 Tonnes Per Annum.
- The application departed from Policy E7 Part C of the London Plan and Officers were satisfied that the proposal departure was outweighed by material considerations, namely the benefits of the scheme from relocating the waste facility to a more appropriate location, provision of new housing, and environmental improvements.
- The Council's viability consultant confirmed that there would be a deficit of minus £317 against the benchmark land value, however the proposal would provide 35% affordable housing, which was considered to be the maximum reasonable amount of affordable housing for the proposed development.
- The proposal would have an impact on the daylight and sunlight received by some of the surrounding properties according to the environmental impact assessment. This was largely a result of the development of a low-rise site and the retained levels were largely considered to be within the context for this location. Furthermore, the relevant policies seek to optimise density on suitable development sites to address housing demand in Lambeth and wider London.
- The development would be car-free, except for 8 blue badge car parking spaces, and residents would be encouraged to use sustainable modes of transport.
- All residential blocks would be covered with green roofs, which would cause a 51% improvement over the baseline carbon emissions, and there would be a net biodiversity gain of 182%.

The Committee heard the following points raised in objection to the application:

- The Herne Hill Society objected to the development on the grounds of no suitable alternative site and overdevelopment.
- It was submitted before the new London Plan was adopted, which highlighted that a density of between 120 and 420 habitable rooms were acceptable, however this development had 574 and would be over the limit.
- There were doubts over the validity of the Grampian condition and the timing of alternative provision.
- It was suggested that the consideration of the application be deferred until the Windsor Grove position was clear.

The Committee then heard the following points from supporters:

- The proposed development would provide new homes in line with policy requirements of the London and Local Plan and would improve the locality with an enhanced public realm.
- The design of the building would be sustainable, and the site's open space area would be pedestrian-only for residents to enjoy. The proposal was car-free except for blue-badge parking.
- The proposal would be optimising the use of the site. Daylight and sunlight losses to neighbouring properties were considered reasonable.

The Friends of Brockwell Park were not consulted on the application. There was no statutory requirement to consult the group; however, the Presiding Officer stated that the Council should have informed them as a local amenity group in line with the requirements of the Council's Statement of Community Involvement. The application had been published on the Council's

website in the usual way, as had the agenda papers. No comments had been received from the Friends of Brockwell Park. The Presiding Officer invited Members to consider whether the Friends of Brockwell Park would have been likely to raise any issues that were not already covered in the assessment of the application such as the impact on views from the Park and increased usage of the Park. The Presiding Officer advised Members that it was open to them to resolve to defer the item if they considered the non-consultation having warranted this. The Chair noted what had occurred and indicated to the meeting that she was not minded to propose to defer consideration of the item, and no such resolution was put to the meeting.

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

- The applicant would have four years within which to commence the development.
- Passive surveillance was a positive part of the development and gave residential units the ability to overlook public spaces which could assist in lowering crime and anti-social behaviour.
- The highest point of the development, which would be eleven storeys, would be in the centre of the site and stepped down to a height of four storeys to relate to the scale of the neighbouring properties, which were two to three storeys.
- Residents with different tenures would be distributed across the buildings and the proposal would deliver tenure blind communal open spaces for residents to use.
- 10% of the units would meet the requirements for wheelchair user units and the rest of the units would be adaptable for wheelchair users.
- Condition 41 provided that the rating level of noise emitted from the proposed building services plant would be 5dB less than background noise.
- Discussions about grant funding for affordable housing were ongoing with the applicant and the eventual position in terms of delivery of affordable housing would be secured by S106 obligation.
- Three-bed units were not included in the shared ownership tenure as they would be unlikely to meet the requirements for shared ownership as they would be too expensive.
- The Brixton Society had raised concerns of overdevelopment and the impact on local infrastructure. It was confirmed that in the early morning peak service, the railway station would be impacted by four additional passengers per service. Transport for London (TfL) had assessed the development and had no concerns about overcrowding.
- The cost of constructing the development was high due to the requirement to de-contaminate the land, and a condition required approval of details of remediation works and verification to ensure that the site would be robust and fit for residential use.

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

- The development would make use of the existing land and would provide affordable housing in the area.
- The departure from the development plan was justified and the site was appropriate for residential development.
- The potential impact on views from Brockwell Park was raised, however Members appreciated that users of the Park could move around and view the city's skyline from other vantage points within the Park.
- The impact on sunlight and daylight to a number of neighbouring properties, and the impact on the transport services, were raised as concerns by Members, but these needed to be balanced against the benefits of the development.

- The design of the development, the benefits to the local community and the sustainability aspect of the scheme were welcomed.
- Members queried the robustness of the Grampian condition and whether there was a risk of the development going ahead without compensatory waste provision being made, but were satisfied with the proposed mechanism following officer advice.

20/01822/EIAFUL:

It was MOVED by Councillor J Simpson, SECONDED by Councillor Seedat

And

RESOLVED, unanimously:

1. To GRANT conditional planning permission including a Grampian condition relating to the provision of compensatory waste capacity, and subject to:
  - a. 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
  - b. An amendment to Condition 1 to provide for a 4 year period for the commencement of the development.
2. Agree to delegate authority to the Director of Planning, Transport and Sustainability 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 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 committee, delegated authority is given to the Director of Planning, Transport and Sustainability to refuse planning permission for failure to enter into a section 106 agreement for the mitigating contributions identified in this report, addendums and/or the PAC minutes.

The meeting ended at 8.48 pm

CHAIR  
PLANNING APPLICATIONS COMMITTEE  
Tuesday 2 November 2021

Date of Despatch: Wednesday 20 October 2021

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