

PLANNING APPLICATIONS COMMITTEE

Tuesday 11 October 2016 at 7.00 pm

MINUTES

PRESENT: Councillor Malcolm Clark, Councillor Bernard Gentry, Councillor Nigel Haselden, Councillor Diana Morris (Deputy Chair), Councillor Luke Murphy (Substitute), Councillor Mohammed Seedat and Councillor Clair Wilcox (Chair)

1. WELCOME AND DECLARATION OF PECUNIARY INTERESTS

The Chair informed the Committee and members of the public that the application for 17 Newport Street (15/06029/FUL) had been withdrawn by the applicant so would not be considered.

In relation to application 15/01219/FUL (79-81 Clapham Common South Side) (item four), Councillor Gentry stated that he would stand down from this item and would be speaking in his capacity as a Ward Member.

2. MINUTES

Regarding the minutes of the meeting of 2 August 2016, Councillor Gentry requested that a sentence be added to item three (52 Walnut Tree Walk) to state that 'Councillor Gentry called for an investigation into the reasons for the plans not being available at the time of publication, and therefore for the item being deferred.

RESOLVED: That subject to the amendment proposed by Councillor Gentry in respect to item three, the minutes of the previous meeting held on 2 August 2016 be approved and signed by the Chair as a correct record of the proceedings.

Councillor Morris requested that an addition be made to the minutes of the 16 August 2016 meeting, item four (10 Albert Embankment), fourth bullet point on page 16 to state that 'only the front two rows of the roof panels would be open'.

Councillor Gentry asked that it be noted as regards item five (The Spinney) (in respect of which Councillor Gentry observed that he had stood down from the item although had informed the meeting of 16 August 2016 that he had not been involved in discussion about the matter at CCMAC or FCC) that he had subsequently received an email from the Head of Legal Services which said 'I advised you that that there was no need for you to stand down from membership of CCMAC and FCC but that you need to

consider whether, when items come up for consideration at PAC, you can take part in the PAC decision making process. This will be a matter for you depending on the circumstances and the degree to which you have been involved in the discussions at CCMAC and FCC around planning issues'.

RESOLVED: That subject to the amendment proposed by Councillor Morris in respect to item four, the minutes of the previous meeting held on 16 August 2016 be approved and signed by the Chair as a correct record of the proceedings.

RESOLVED: That the minutes of the previous meeting held on 6 September 2016 be approved and signed by the Chair as a correct record of the proceedings.

The Chair announced a provisional timetable for the meeting in accordance with Standing Order 9.9.1.

3. 52 WALNUT TREE WALK (BISHOP'S) 15/04488/FUL

Case No. 15/04488/FUL (agenda item four, page 71 of the agenda pack).

The Chair explained that officers were recommending deferral of the item so that the report could be re-published and the application heard at a future meeting. The reason given to the committee was that the report made reference to Appendix A (the report to the meeting of 2 August 2016) but this was not appended to the papers published for the meeting on 11 October 2016 and had therefore not been publicly available for the required five clear working days.

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

RESOLVED, unanimously

To defer consideration of the application.

4. 79-81 CLAPHAM COMMON SOUTH SIDE (CLAPHAM COMMON) 15/01219/FUL

[Councillor Gentry vacated the committee for the duration of the item].

Case No. 15/01219/FUL (agenda item three, page 29 of the agenda pack, page one of the addendum and page one of the second addendum).

The Planning Officer gave a presentation which included the information included in the agenda pack and subsequent addenda which had been published on Friday 7 October 2016 and on the day of the meeting. Members were advised of the material planning issues for consideration which included the acceptability of an additional four rooms to the hotel, the impact on parking and highway conditions and amenity to local residents. The Planning Officer explained that there had been some queries as to whether structures at the rear of the property had planning permission. A slide was displayed showing those structures which had been subject to a previous planning permission and those which had become lawful through the passage of time. This also showed the location of a further small structure which did not benefit from planning permission,

but was not part of the present proposals. The site visit and transport information had been requested when the application had previously been presented to the Committee in August 2015.

Following the Planning Officer's presentation, objectors raised the following points:

- The application broke key aspects of the London and Local Plans. The area was residential and was not one specified for hotel development.
- There was insufficient space for taxi and coach set down and pick up.
- The proposal to have access by spiral staircases raised accessibility issues and the proposed rooms were not of sufficient quality.
- There was currently considerable impact on amenity, with commercial vehicles using nearby roads from early in the morning.
- The impact of an additional 50 guests to the multi-purpose room had not been considered. This would mean that there could be 180 guests using the hotel at one time.
- The proposal would bring the number of rooms to 67, a figure previously given as 'overdevelopment'.
- The issues with enforcement were disappointing.

The agent for the applicant spoke in favour of the application, stating that:

- The application met planning policies.
- The applicant understood the concerns regarding the multi-purpose room and had accepted conditions on times of operation and numbers of guests.
- The parking survey had demonstrated that there was sufficient parking provision. It was expected that a large number of guests would arrive by public transport.

Councillor Bernard Gentry then spoke as a Ward Councillor for Clapham Common, raising the following points:

- The conditions were largely unenforceable as they covered events inside the building.
- Coaches could not unload onto Clapham Common South Side due to Cycle Superhighway 7 (CS7).
- He had received a large number of complaints around parking and requesting a ban on commercial vehicles.

In response to questions from Members, officers and the agent for the applicant explained that:

- In the main agenda, condition 7 required the multi-purpose room to be ancillary and not hired out to non-patrons of the hotel, condition 8 limited the number of rooms to 67, condition 9 set limits on background noise levels and condition 10 placed restrictions on amplified sounds or music. The addendum contained an additional condition to limit the hours of operation.
- Background noise would be measured from outside the nearest residential window.
- The main impact on the multi-purpose room being used for events and functions would be on parking. If the room was solely used for

hotel guests, such as for dining or a lounge, the servicing impacts would be accounted for as part of the increase in servicing associated with the additional hotel bedrooms.

- A specific design for the ground-level grille had not yet been decided on, but most designs would allow light to penetrate. Condition 3 had been amended to clarify that further details on materials and finishes would be sought.
- The amount of light that rooms could be expected to receive was lower in hotels than in permanent residential property, due to the temporary nature of hotel stays. An informative could be added to maximise daylight.
- Having railings instead of a grille would be visually intrusive and would make the forecourt look cluttered. Policy Q11 stated that basement lightwells should reduce visual impact through good design.
- Traffic orders could be amended on a road-by-road basis to restrict certain types of vehicle, but that would have to be separate to the planning process. This had not been done in Lambeth and was not usually used in these circumstances.
- The pedestrian interview survey had recorded 13 vehicle arrivals to the hotel between 06.30 and 00.00 on 5 November 2015.
- The parking stress survey had covered the three roads closest to the hotel. The maximum stress level was on Lessar Avenue at midnight, with 88% stress and leaving 10 spare spaces. Across the three roads there were 59 spare spaces at midnight.
- 'Small scale provision' was not defined in policy so officers had taken a pragmatic definition. The proposal itself was a minor expansion due to it being only four additional rooms.
- The hotel was spread across three buildings and had been expanded over time. Therefore the design standards that would be applied to a new build could not be applied in this case.
- While a lightwell would allow water into the basement level, the existing lightwell had a soakaway. A condition referring to drainage could be developed further.
- The additional refuse generated by the four additional rooms would likely come to one large bin. Waste Services had not raised objections to the application. The refuse generated by the multi-purpose room had been considered in terms of the total amount of provision required for the additional bedrooms when in ancillary use, but not when for use such as functions as this would not be everyday use.

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

- There were concerns at the quality of the proposal and the levels of light that the new rooms would receive.
- The history of the site, including the use of lawful use certificates, was concerning.
- The appropriateness of the development was questionable, given that it was situated in a residential area.
- The fact that there could be an additional 49 guests using the multi-purpose room raised an issue around local plan policy ED12.
- Cycle Superhighway 7 raised issues around coach and taxi set

down.

- The proposal was in contravention of policy ED12.
- The site visit had shown that there had been considerable development to the hotel site and that capacity was at its current limit. It had also shown that the courtyard where the spiral staircase would be located was currently used for a number of purposes, such as bin storage and cycle storage. Adding the spiral staircase would intensify this use further.
- While the number of additional hotel guests would be small at 10, the number of potential guests using the multi-purpose room was much higher, at 49.
- There were concerns at the ability to enforce conditions, as they controlled activities inside the building, such as the number of guests using the multi-purpose room but officers advised that this in itself should not constitute grounds for refusal.
- Officers advised that there was a lawful use on the site for 63 bedrooms and that Members needed to focus on the impacts of the additional four bedrooms and the multi-purpose room and to consider whether that could be said to 'tip the scales'.

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

RESOLVED, unanimously

To refuse officers' recommendation and REFUSE Planning Permission for the following reasons:

- i. The proposal did not meet Local Plan policies ED12(a)(i) (space for taxi and coach set down), ED12(a)(ii) (the balance and mix of uses in the area), ED12(b) (accessibility and inclusion standards to new accommodation) and ED12(d) (accessibility and inclusion by design to modified accommodation).

5. WINTER FESTIVAL, SOUTHBANK CENTRE, ROYAL FESTIVAL HALL (BISHOPS) 16/04445/FUL, 16/04447/LB & 16/04446/ADV

Case Nos. 16/04445/FUL, 16/04446/ADV and 16/04447/LB (agenda item six, page 143 of the agenda pack, page 13 of the addendum and page 19 of the second addendum).

The Planning Officer gave a presentation of the information included in the report and subsequent addenda that had been published on Friday 7 October 2016 and on the day of the meeting. Members were advised that the second addendum proposed that condition 4 revert to the wording as detailed on page 166 of the published officer report. This wording had been used in 2014 and 2015 and environmental health officers were satisfied with this. An amendment to condition 15 was also being proposed to restrict the number of circus performers using the temporary caravan park to 37 and to require the submission of an updated accommodation management plan for approval prior to first opening of the Winter Festival. This updated accommodation management plan should detail measures to be put in place by the applicant to regulate and monitor occupancy levels of the temporary accommodation area (Zone 1) to ensure adherence to the maximum occupancy figure cited in the proposed

condition. The Planning Officer explained that the Spiegeltent was being replaced with the NoFit State circus tent this year, that there would be a mobile ATM on site, that the number of market stalls would be reduced from 48 to 38, that there would be three licensed premises and that there would be a 2 metre high plain screening around the back-of-house and temporary accommodation/caravan area.

Representatives from the applicant then provided the following information in support of the application:

- This would be the fourth time that the Winter Festival had been held in its current form. It would be the last year of using the Hungerford Car Park.
- The Festival would be managed by the Southbank Centre and a partner, with a dedicated team of project managers and site managers. Facilities would be provided to the Southbank Centre's usual standard.
- The on-site accommodation was a new element that had been requested by the NoFit State circus. The circus had an ethos of performers living and working together to establish a community.
- The NoFit State circus was a world renowned contemporary circus that had been established for 30 years. It provided a unique and immersive experience.

In response to questions from Members, officers and the applicants provided the following information:

- The Festival would not be affected by the Garden Bridge proposal as construction of the Garden Bridge development would not begin before the temporary Winter Festival permission expired on 31 January 2017.
- The number of market stalls on Queens Walk had been reduced to improve the flow of people along the South Bank and Queens Walk. Transport officers were satisfied with the pedestrian comfort levels.
- The precise number of gas canisters to be stored on site in the dedicated storage compounds was not confirmed yet, but a health and safety assessment had already been completed. Gas canisters had been used in previous years without incident. Southbank Centre staff would do health and safety and Control of Substances Hazardous to Health (COSHH) checks during the event.
- Approximately 75% of the Hungerford car park was Metropolitan Open Land (MOL). Using this MOL for a temporary purpose would not compromise the aspirations of the Council to incorporate the car park into the neighbouring Jubilee Gardens and to promote the expansion of the arts and cultural activities of Waterloo.
- Permitting the caravan site for performers would not set a precedent for future use of the site for gypsies or travellers or travelling showpeople. Government guidance was clear in that travelling performers were not classified as gypsies or travellers. The site was not suitable for permanent residential accommodation due to the flood risk, the noise levels in the area, heritage sensitivities and the MOL designation as detailed in paragraph 6.12 of the officer report.
- An operational management plan and accommodation management plan had already been submitted, along with emails from the agent for the applicants. These could be consolidated into one document as part of an updated accommodation management

plan to be secured through an amendment to Condition 15. This updated condition could be accompanied by an informative to advise the applicant that the amended document should include details of gas, electricity and sewer connections as well as further details of site security.

- The temporary accommodation would be connected to mains electricity and there would be three toilets on site – one male, one female and one for disabled users.
- Security would ensure that only people with staff passes would be allowed into the back-of-house area.

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

RESOLVED, unanimously

To grant planning permission for application 16/04445/FUL subject to the conditions as outlined in the officer's report, published addenda and the amendment proposed by officers to condition 15 to require an updated accommodation management plan as well as an accompanying informative.

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

RESOLVED, unanimously

To grant advertisement consent for application 16/04446/ADV.

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

RESOLVED, unanimously

To grant Listed Building consent for application 16/04447/LB

CLOSE OF MEETING

The meeting ended at 9.30 pm

CHAIR
PLANNING APPLICATIONS COMMITTEE
Tuesday 1 November 2016

Date of Despatch: Wednesday 19 October 2016

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