

PLANNING APPLICATIONS COMMITTEE

Tuesday 4 December 2018 at 7.00 pm

MINUTES

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

APOLOGIES: Councillor Marianna Masters and Councillor Joanne Simpson

ALSO PRESENT: Councillor Philip Normal

1. **DECLARATION OF PECUNIARY INTERESTS**

There were none.

2. **MINUTES**

RESOLVED: That the minutes of the previous meeting held on 30 October and 13 November 2018 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. **TESCO STORES, 275 KENNINGTON LANE AND 145-149 VAUXHALL STREET (OVAL) 18/02597/EIAFUL**

Case No. 18/02597/EIAFUL (agenda item four, page 53 of the agenda pack, page 8 of the addendum 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 30 November 2018 and the day of the meeting. Members were advised of the key material planning issues for consideration which included the provision of 571 dwellings, 35% affordable housing with an acceptable tenure split, a replacement Tesco store, flexible A1/A2/A3/B1 space, parking spaces for the Tesco store, 24 disabled parking spaces for residents, the new public realm and the less than substantial harm to heritage assets. The reduced size of the proposed replacement Tesco store reflected changing shopping habits and greater efficiencies, but would still be suitable for doing a weekly shop. As the application met the Mayor of London's affordable housing threshold, it went through the fast track scheme and was not subject to a viability assessment. Members were shown images of the site, its relationship with the Kennington and Vauxhall Conservation Areas, the proposed floorplans, the proposals for the public realm, servicing

arrangements, views of the site and links to the Oval Gasholder development.

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

- The proposed landscaping was poorly thought out and could not be achieved due to low levels of daylight.
- Playspace should be located in sunny areas.
- The park in Cutlers Way would be windy and would receive minimal sunlight. The noise of children's voices in the courtyard playspace may disturb residents.
- Residents had raised concerns over the cumulative height when considered with the Gasholder site. This development was not sympathetic to the surrounding area.
- The density of the site and consequent overshadowing would create an environment that would struggle to support plants and trees.
- The public realm was also designated a main service route, and objectors questioned how the space could perform both functions.

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

- This application was part of the OAKDA masterplan and was the result of a number of years' work with officers to secure new homes, public realm and employment space. It had been designed in tandem with the Gasholder site, and pedestrian and cycle routes would link the sites.
- The development would provide training and employment opportunities.
- Tesco had been on Kennington Lane for 20 years and would continue to work with the community in the future.
- There would be a 70% reduction in car parking spaces for Tesco customers. There would be parking for cargo bikes and electric vehicle charging points would be provided.
- A large temporary store and car park were proposed during construction, which was application 18/02598/FUL, to be considered at this meeting.
- The development was formed of three plots. There was a stepping down in height from the rear of the site to Kennington Lane.
- It would be a mixed-use development, with active frontages on Kennington Lane and Cutlers Way.
- The new public realm was central to the development.

Councillor Philip Normal then spoke against the application as Ward Councillor for Oval:

- The application was unnecessarily dense and did not engage with the wider community. The level of densification went against the London Density Matrix.
- The buffer strip along the edge of the site raised the risk of crime, particularly for residents immediately adjacent to the site.
- There had not been consideration of the impact of the development on local schools, and Lilian Baylis Secondary School had not been consulted.

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

- The cumulative effect of all major consented developments had been considered.
- Officers had taken the view that the application met the 35% affordable housing threshold for the fast track scheme, despite the amount of affordable housing being 34.95%. The Mayor of London had also accepted that the application met the fast track threshold.
- Affordable housing provision was based on the number of habitable rooms, as stated in the Mayor of London's Affordable Housing Supplementary Planning Guidance. Officers did not have information on affordable housing provision by bedrooms.
- Members were shown the location of playspace for each age group. All of the playspace for under 12s would be provided on-site. Some facilities for over 12s would be provided within Plot A, and Kennington Park and Vauxhall Pleasure Gardens were within 800 metres of the site. Kennington Park could be reached by crossing one or two main roads, and Vauxhall Pleasure Gardens was reached by crossing one main road and two minor roads.
- The podium amenity areas would receive relatively little sunlight at the spring equinox, and the playspace would be located in the sunnier areas. The rooftop amenity areas would receive more sunlight. The Gasholder development would have an impact on the light levels on the site, but some areas of low light, such as the podium area, would be due to the configuration of this development.
- Access to communal amenity space on each plot would be reserved for residents of that plot. Each plot would have sufficient amenity space and playspace. Plot C would have access to amenity space in the Gasholder development.
- Cutlers Way would be the main vehicular access to Tesco, with the remainder of the road being used for landscaping, and playspace separated from the road. There were further opportunities for landscaping on the Gasholder site.
- Phoenix Street would be a one-way service road for the development, with visitor parking and loading bays and it was not anticipated that it would attract much traffic, with approximately 92 vehicle movements per day (compared to a normal residential street). It would not be adopted as public highway and any enforcement would be responsibility of the landowner. Landscaping would be used to suggest pedestrian priority.
- No boundary treatment was proposed between the road and landscaping area on Cutlers Way, but this could be added if Members felt it necessary.
- The impact on match days (at the Oval) had not been considered in the transport assessment.
- The visitor parking spaces on Phoenix Street would be for general use by visitors to the residential units. Restrictions on use had not yet been considered.
- The applicant had discussed with car club operators on the anticipated demand, and one car club space would be provided on-site. If demand was greater than expected, an additional space could be provided.
- Enforcement of the 90 minute maximum stay in the Tesco car park would be the responsibility of Tesco. This was commonly done through CCTV number plate recognition.
- Residential parking for blue badge holders relied on provision within the Gasholder site. There would be a lift from Plot C to the

basement car park in the Gasholder development.

- No formal space for taxis using Phoenix Street to pick up and drop off had been included, but this could be considered in the servicing plan.
- The building line encroached slightly onto the public highway. Transport for London (TfL) had agreed to the proposal to widen the footway on Kennington Lane, although this was at an early stage. There would be a Section 278 Agreement between the applicant and TfL, and any additional costs would be borne by the applicant. Works on the public highway would have to be complete before commencing construction work on Plot A.
- Residential cycle parking for Plot A was on the first floor, accessible by a lift and was on the ground floor for Plots B and C. 10% of residential cycle parking would be Sheffield stands, with the remainder being two-tier stands.
- The buffer strip would be secured by a 3 metre tall gate at each end. In order to build to the border of the site, there would need to be access for maintenance and ventilation of the car park, resulting in the addition of the buffer strip.
- Normally maintenance of landscaping would be done on an annual basis, but would be done every six months in this development. CCTV could be used to identify issues outside the monthly inspections.
- Access arrangements for the leisure facility on the Gasholder site would be available to residents of this development on the same terms. This would be secured in the Section 106 Agreement.
- There were no proposals to restrict activities such as skateboarding or ball games on the Cutlers Way playspace.
- Vauxhall Street would be more convenient for cyclists travelling through the site, but the pedestrian priority in the public realm would not restrict cycling in that area.
- Heritage assets were to the east of the site, so there was a conscious effort to step down the height of the development on that side. There was a wider effort to blend the height into the wider context. There were longer-term plans for the densification of sites to the west of the development.
- Semi-dual aspect units were not defined in policy, and were a response to the difficulty in achieving dual aspect units in an urban context. 50% of residential units would be genuinely dual aspect.
- Symptoms of overdevelopment included space standards not being met, overlooking and quality standards not being met. This application met all required standards.
- Construction vehicles would only access the site from Kennington Lane, to the north of the site.

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

- The density of the site was double the recommended density for the context. There were issues that related to this density, such as those around the quality of playspace, daylight and sunlight, and access to amenity space. The development would also increase pressure on local health services.
- Members raised concerns that the application had been considered under the fast track scheme despite not reaching 35% affordable housing.

- There would be overlooking of properties on Kennington Lane, and the 12 metre separation distance was too small.
- The application relied on the Gasholder site for a number of benefits, such as playspace and disabled parking, and there would be a significant impact on this development if it was not completed.
- The high proportion of single aspect units was concerning.
- The design was well considered, with early concerns having been addressed.
- The communal amenity space and playspace should be as accessible as possible, with a range of options, particularly for older children. There was little detail on where residents using this space would be able to sit and enjoy the space, and this could be addressed through conditions.
- The potential for restricting uses of public spaces needed to be managed through conditions and informatives.
- Members expressed concern at the reliance on the Gasholder development to provide the necessary number of disabled parking spaces.
- The permeability of the site and the experience for pedestrians would be positive.
- There was the possibility that new health facilities would be provided in the Gasholder development.

The Assistant Director for Planning, Transport and Investment responded to Members' comments, stating that:

- The site was close to the edge of the Central Activities Zone, and this should be taken into account. Advice included in the second addendum stated that the density matrix should not be applied mechanistically, and that the acceptability of the development should be considered. The draft London Plan showed a policy shift towards density being applied on a site-by-site basis.
- The development would provide all of the required playspace for under 12s on-site, as required by policy, with some playspace for over 12s to be provided on-site. The majority of playspace would be provided on the podium levels, with some on Cutlers Way.
- A Community Infrastructure Levy of £5million would be provided as part of the development, which could be used for new health facilities if the Clinical Commissioning Group considered it necessary.
- The separation distance between windows on the development and on Kennington Lane was 18 metres, which met standards.
- Members could seek an uplift in affordable housing to bring the provision to 35%. Doing so would require an amendment to conditions and a revised Heads of Terms.
- There was a degree of interdependence between this development and the Gasholders development, such as with disabled parking, and the Heads of Terms reflected this.

Members expressed their frustration that 35% affordable housing had not been provided at the outset, and that Members had had to request this increase.

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

TIED, three votes for, three votes against.

The Chair then used her casting vote, and it was

RESOLVED:

1. To GRANT planning permission subject to a Section 106 Agreement containing the planning obligations listed in this report and any direction as may be received following further referral to the Mayor of London and the Secretary of State and the conditions as outlined in the officer's report and published addenda and the following, with final wording to be agreed by the Assistant Director for Planning, Transport and Development and the Chair:
 - i. An informative relating to landscaping conditions asking that particular attention be paid to the boundary treatments on Cutlers Way and Phoenix Street, with consultation with the Tree Design Action Group.
 - ii. An informative requesting that the playspace and landscaping be delivered to as high a quality as possible, with an imaginative approach to be taken where possible.
 - iii. An informative in relation to conditions on the Management Plan to ensure that all amenity uses balance the needs of pedestrians, cyclists and users of the playspace, and how those uses work together.
 - iv. An informative to Condition 58 for vehicle movements on match days to be managed on site.
 - v. An amendment to the Heads of Terms and Condition 2 (approved plans) to increase the affordable housing offer to 35% by increasing the number of affordable habitable rooms.
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.
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 and the PAC minutes.

4. TESCO STORES, 275 KENNINGTON LANE AND 145-149 VAUXHALL STREET (OVAL) 18/02598/FUL

Case No. 18/02598/FUL (agenda item five, page 155 of the agenda pack and page 43 of the addendum).

The Planning Officer gave a presentation which included a summary of the report and subsequent addendum that had been published on Friday 30 November 2018. Members were advised of the key material planning issues for consideration which included the provision of a temporary Tesco store during the construction of application 18/02597/EIAFUL and the reconfiguration of the existing car park. Members were shown images the site, proposed floorplans and elevations, and examples of other temporary

Tesco stores.

The representative from Tesco then provided the following information in support of the application:

- The provision of the temporary store would secure continuity for customers and staff.
- The temporary store would be more intensively stocked, with higher shelves to maximise stock levels.

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.

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

- The temporary store would be built in a modular method while the existing store was still in operation. The existing store would then be demolished, and Plot A of application 18/02597/EIAFUL would be built. When the replacement store was open, the temporary store would close.
- The staff cycle parking would be in secure spaces at the entrance to the car park.
- 63 car parking spaces were proposed for the temporary store, similar to the number to be provided with the new store. The review mechanism was in place for the new store due to the anticipated reduction in car usage in the future, but this was not considered appropriate for this application due to the temporary nature of the application. A similar review condition could be added if Members felt it necessary.
- It was anticipated that the same number of customers would use the temporary store as the existing store.
- Use of cargo bikes for deliveries could be explored.
- Servicing would be done from Vauxhall Street. The applicant's assessment had shown that there would be no difference in the number of deliveries compared to current arrangements.
- A clothing recycling point could be accommodated on the site.
- There would need to be careful management of vehicle movements on site, as construction and delivery vehicles would use the same road.

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

RESOLVED, unanimously

To GRANT planning permission subject to the conditions as outlined in the officer's report and published addenda and the following:

- i) An additional informative regarding condition 18 requesting that space be provided for cargo and Christiania bike parking.
 - ii) An additional informative with regard to the waste management strategy asking the applicant to consider installing a clothing and possibly other recycling points.
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,

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

5. GASHOLDER STATION, KENNINGTON OVAL (OVAL) 18/04063/DET

Case No. 18/04063/DET (agenda item six, page 191 of the agenda pack, page 48 of the addendum and page 8 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 30 November 2018 and the day of the meeting. Members were advised of the key material planning issues for consideration which included the Construction Logistics Plan that Members had requested return to Committee for approval, the aim to minimise the amount of time that construction vehicles spend on Vauxhall Street, the access routes to and from the Gasholder and Tesco sites and the amendments to the cycle lane on Vauxhall Street.

The applicant then provided the following information in support of the application:

- Berkeley Homes took Health and Safety concerns seriously and had responded to comments made previously by the Committee.
- The proposed use of Vauxhall Street had been significantly reduced, and there would be improved safety measures for pedestrians and cyclists.
- Deliveries would be managed online and reviewed daily.
- Traffic marshals would be fully trained.
- The project team would be contactable 24 hours a day and would work with community groups.

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

- 2% of vehicles would exit via Vauxhall Street, and would then turn left onto Kennington Oval. Vehicles would use the strategic road network, rather than local streets. The precise route from Vauxhall Street to the strategic road network could be specified.
- There were proposals to temporarily suspend parking bays in order to allow large vehicles not to encroach on the footpath when exiting via Vauxhall Street and Kennington Oval. These suspensions would be for a matter of hours, so re-provision of the space was not planned. Any re-provision would require surveys of nearby roads to assess capacity.
- Any penalties if vehicles parked in suspended bays would be a matter for Highways Enforcement.
- Four parking spaces on Montford Place would have to be permanently suspended where the new Phoenix Road would join Montford Place, and three parking spaces would be temporarily suspended. It would be desirable to re-provide the permanently suspended parking bays, but a parking survey would be required.
- Any changes to the highway would be under a Section 278 Agreement, and the Council would be in control of the process.
- The staff welfare facilities would include offices, showers, toilets and a canteen. There would be no staff car parking.
- The existing contraflow cycle lane on Vauxhall Street would be

converted to a two-way cycle lane, and would be widened in order to allow this. There would be a separation to the main highway, but the type of barrier had not yet been determined. The barrier would need to be relatively robust, with a minimum kerb height to prevent vehicles, particularly HGVs, overrunning into the cycle lane. This would form part of the Section 278 Agreement.

- Any changes to the highway would be consulted on.

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

- Reprovision of the parking spaces would likely be on Kennington Oval, with potential negative impact on cyclists.
- Highways should take a reasonable approach to enforcement of suspended parking bays.

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

RESOLVED, unanimously

1. To **GRANT** approval of details pursuant to Conditions 15, part (f) of Condition 52 and part (v) of Condition 53 of Planning Permission ref: 17/05772/EIAFUL, with the following:
 - i) The final Construction Logistics Plan to establish the defined route in which vehicles leave the site to the strategic road network.
 - ii) An informative requesting that the Construction Logistics Plan include details of clear communication with residents on the suspension of parking bays.
2. To delegate authority to the Assistant Director of Planning, Transport and Development to determine Condition 52 parts (a) to (c) and Condition 53 parts (i) to (iv) and (vi) to (x) of Planning Permission ref: 17/05772/EIAFUL.

6. ZENNOR ROAD INDUSTRIAL ESTATE, ZENNOR ROAD (THORNTON) 18/03142/FUL

Case No. 18/03142/FUL (agenda item three, page 21 of the agenda pack, page 1 of the addendum and page 1 of the second addendum).

Members agreed to hear the item without an officer's presentation.

Members noted that the opportunity to upgrade windows had been removed in the addendum.

It was **MOVED** by Councillor Leigh, **SECONDED** by Councillor Kind, and

RESOLVED, unanimously

1. To **GRANT** planning permission, subject to conditions.
2. To delegate authority to the Director of Planning, Transport and Development to finalise the recommended conditions as set out in the report including such refinements, amendments, additions

and/or deletions as the Director of Planning, Transport and Development considers reasonably necessary.

7. APPEAL DECISIONS APRIL 2018

Members thanked officers for their work in defending Council policies.

8. APPEAL DECISIONS MAY 2018

This item was considered alongside Appeal Decisions April 2018.

CLOSE OF MEETING

The meeting ended at 10.35 pm

CHAIR
PLANNING APPLICATIONS COMMITTEE
Tuesday 18 December 2018

Date of Despatch: Thursday 13 December 2018

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