

PLANNING APPLICATIONS COMMITTEE

Tuesday 18 December 2018 at 7.00 pm

MINUTES

PRESENT: Councillor Ben Kind, Councillor Jessica Leigh, Councillor Joanne Simpson (Vice-Chair), Councillor Becca Thackray, Councillor Clair Wilcox (Chair) and Councillor Timothy Windle

APOLOGIES: Councillor Marianna Masters

ALSO PRESENT: Councillor Jack Hopkins

1. DECLARATION OF PECUNIARY INTERESTS

With regard to Application 17/05807/EIAFUL, Councillor Joanne Simpson declared in the interests of transparency that she was married to Councillor Jack Hopkins, who would be speaking in objection to the application as a Ward Councillor, but this would not influence her decision-making.

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

2. LAND BOUNDED BY WANDSWORTH ROAD, PARRY STREET, BONDWAY AND VAUXHALL BUS STATION (OVAL) 17/05807/EIAFUL

Case No. 17/05807/EIAFUL (agenda item 3, page 57 of the agenda pack, page 7 of the addendum and page 2 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 14 December and the day of the meeting. Members were advised of the key material planning issues for consideration which included the construction of a mixed-use development of two towers of up to 53 storeys, with a connecting 10-storey podium, the provision of a 618 room hotel, 257 dwellings and a new public square. A £30 million payment in lieu of affordable housing was considered appropriate due to the site constraints. The application would enable the removal of the gyratory and associated works to Vauxhall Bus Station. The development would be car-free except for Blue Badge parking, and cycle parking met London Plan standards. Servicing would be done from the basement car park which was accessible via vehicle lifts, and on-streets loading bays would be available for ad hoc deliveries. The south tower at 185 metres was higher than the 150 metres identified for the site and was therefore considered a departure from the development plan. There was an extant planning permission on the site. Members were shown images of the existing context, proposed road layout, proposed floorplans, the application within the context of other

approved schemes and proposed views.

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

- The development was too large for the site, and combined with other developments in the area would have an unacceptable impact on neighbouring buildings.
- Bus users transferring between bus stops would have to walk further than in the existing bus station, and would have to walk around large buildings.
- The number of vehicle lifts for servicing was insufficient, and servicing arrangements did not fully consider the number of deliveries that would be associated with 250 flats.
- The development would result in increased traffic, particularly on Wandsworth Road, thereby worsening air pollution.

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

- The applicant had worked with the Council for two years to develop a solution for the site. The development would help to achieve the long-term goal of the removal of the Vauxhall gyratory.
- Approximately 2,000 people would be employed at the development.
- There would be affordable housing on-site and a £30 million contribution to off-site affordable housing.

Councillor Jack Hopkins then spoke as Ward Councillor for Oval:

- The application did not meet a number of the Council's policies, such as on height, affordable housing, playspace and amenity space.
- The requirement for the gyratory to be delivered before the development could be occupied was positive, but Members needed to be confident that it would be delivered.
- Financial contributions to parks would not create new space, and existing parks were already busy.
- The impacts on daylight and sunlight were unacceptable, and rough sleepers were no less deserving of light.
- Neighbouring developments had had issues around community safety, and leases should prevent flats being used for short-term lets.

A representative from BNPP was in attendance in order to answer questions from Members relating to viability considerations.

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

- The emerging revised draft Local and London Plans were at early stages and should be given very little weight.
- The viability assessment included the cost of finance as it was unlikely that a developer could build without borrowing.
- Spending the payment in lieu elsewhere in the borough could provide more units as the land cost would likely be lower.
- It was acknowledged that the Planning Practice Guidance referred to a range for assumed rates of return to developers of 15-20% of gross development value. The financial viability appraisal had worked on a return rate of 17.5% although in fact at present the

scheme did not reach this rate. The developer needed to assume growth in order to achieve 15%. The figure of 17.5% was considered appropriate in this case bearing in mind the risks of the scheme, including the nature of the current market for high value residential units and the risks associated with securing a hotel operator. The S106 Agreement included a late stage affordable housing review mechanism.

- The hotel and office elements of the development would be lower-risk as they would be pre-let, whereas selling the dwellings would have more risk.
- If affordable housing were required to be provided off site, the difficulty was that it would be rare to find a site that would be large enough to prevent the resulting development from being mono-tenure. If a scheme were given planning permission for, for example, 100 residential units, that scheme would need to meet its own applicable target for a proportion of those units to be affordable in addition to delivering the off site affordable units from this development. That could result in as many as 90 of those 100 units being affordable, which was a very high proportion on one site. Specific sites had been explored but discounted. The payment in lieu allowed for greater flexibility.
- The density of the development was due to a number of factors including the fact that it was mixed-use. Higher densities were to be expected and were supported in the Opportunity Area.
- The contributions that this development would make towards the Council's housing targets had been included in the housing trajectory.
- St George's Tower had originally been envisioned to be the pinnacle of the tall buildings cluster, but over time other taller buildings had been approved. Although the proposal was taller than the 150 metre maximum, officers did not consider that it would harm the Westminster World Heritage Site. The extant scheme was below the 150 metre threshold.
- The tall buildings cluster would step down from 1 Nine Elms.
- Vauxhall Park and Vauxhall Pleasure Gardens had been identified as recipients for the contributions towards off-site playspace. The contribution only took into consideration on-site units. The contribution towards maintenance of Vauxhall Park was time-limited due to the changing nature of Vauxhall with public realm improvements.
- The bus station application had already been approved. Although there would be increased distances between bus stops compared to the current bus station, the site would be level and sheltered.
- As well as the existing loading bay on Wandsworth Road, there would be new bays on Bondway provided through the redesign of the bus station and gyratory and a layby on Parry Street provided through this development. Ad hoc deliveries would be made to the concierge on the ground floor, rather than to individual flats.
- The areas of the hotel on the podium level would be a bar and would be accessible to the general public.
- It was intended that residents of the intermediate housing would have the same access to amenities as residents of market-level housing. The law did not allow for differential service charges to be levied so other ways of ensuring that charges were appropriate would need to be used.
- There would be two taxi bays on Parry Street, which could also be

used as coach drop-off. It was anticipated that there would be 52 taxi movements per day associated with the development.

- TfL had done advanced modelling on pedestrian movements, with an expected increase from 40,000 pedestrians in 2016 to 70,000 in 2023. The south and east of the site, where there was heaviest pedestrian flow, would be opened up.
- There was no D1 community space currently provided on the site so provision was not required by policy. The use mix was considered appropriate given the town centre location.
- It was not physically possible to deliver this development without the completion of the bus station scheme. Substantial works above ground level would not be allowed to start until a contract was awarded for the gyratory works and the site could not be occupied until the completion of the gyratory works unless the Council agreed otherwise.
- Other legislation restricted the short term letting out of residential accommodation to an annual 90 day limit, and it was not considered possible through the planning process to impose more onerous restrictions on the use of residential units for this type of occupation. Restrictions on short term lets that had been used in student accommodation developments were concerned with preserving accommodation for student uses, which was a different situation to the current proposal.

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

- Some Members were of the view that policy on affordable housing had not been followed as not all of the possible sites within a mile had been explored, such as the Carmelita Centre. The payment in lieu could be spent anywhere in the borough.
- Other Members were satisfied with the reasons for the payment in lieu of affordable housing.
- Some Members considered that there would be an unacceptable loss of daylight, sunlight and outlook for some neighbouring residents.
- Although the height was greater than envisaged in the SPD, the proposal formed part of the emerging tall buildings cluster.
- The development would help to deliver the removal of the gyratory.
- Some Members expressed their disappointment at the lack of D1/D2 community space.
- If it was possible, a review of local parks should be undertaken to assess the level of pressure as a result of recent development.
- The design was of a high quality and would add to the skyline without affecting the Westminster World Heritage Site. Consistency between the design of the development and the bus station would be important in determining the success of the development.
- There was a high level of hard landscaping in the public realm areas, and more green landscaping should be used.
- When allocating the financial contribution to off-site affordable housing, officers should explore sites within a one mile radius, in consultation with Ward Councillors.

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

- The payment in lieu of affordable housing was consistent with policy, which followed a cascade approach and allowed a payment in lieu to be considered where provision was not possible on or off site. There was no policy justification for requiring the payment in lieu to be spent within a certain distance of the site. Members' wishes regarding exploring the location of any off-site affordable housing could however be minuted.
- The Carmelita Centre was a longer-term option for development so had not been considered for off-site affordable housing in this case.
- Even if the financial viability assessment had assumed a return of 15% the affordable housing payment would still have been lower than the £30m that was proposed. It would have been necessary to drop to only a 9% return on private residential units in order to be able to deliver a payment in lieu equivalent to the amount that was being offered. The developer was taking a commercial view of the prospects of future growth.
- Members had been advised that there was no harm to the Westminster World Heritage Site.
- The period of 10 years for contribution to park maintenance was considered generous.
- There were a number of planning benefits to the scheme which were material considerations, including employment and skills benefits and the affordable housing contribution. The scheme enabled the gyratory to come forward and there were safeguards in place to prevent the development happening without the gyratory works.
- Local policy and the SPD supported a tall building on this site, and the extant permission was for a tall building. The impact of this development was not significantly greater than the impact of the consented scheme.

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

TIED, three votes for, three votes against.

The Chair then used her casting vote, and it was

RESOLVED

- To GRANT planning permission subject to a Section 106 Agreement, the conditions as outlined in the officer's report and published addenda and any direction as may be received following further referral to the Mayor of London and any direction received from the Secretary of State.
- Agree to delegate authority to the Assistant Director of Planning, Transport and Development to:
 - Finalise the recommended conditions as set out in the report, addendums and/or PAC minutes; and
 - 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).
- In the event that the Section 106 Agreement is not completed within four 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.

**3. GLENBROOK PRIMARY SCHOOL, CLARENCE AVENUE (THORNTON)
18/03236/FUL**

Case No. 18/03235/FUL (agenda item 2, page 1 of the agenda pack, page 1 of the addendum and page 1 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 14 December and the day of the meeting. Members were advised of the key material planning issues for consideration which included the construction of a four-storey secondary school on the existing primary school site, with entrances on Clarence Avenue and Clarence Crescent. The application for the redevelopment of the primary school had already been approved. The principle for a new secondary school was supported and would provide new school places. Car use would be discouraged through the use of a Travel Plan, and there would be contributions towards highways improvements, 'school streets' consultation, Controlled Parking Zone (CPZ) review and additional bus capacity. Members were shown images on the existing site, views to and from the site, the proposed layout, sunlight distribution of playspace and the relationship between the new primary school and the proposed secondary school.

The agent, highways consultant and representative from Harris Federation then provided the following information in support of the application:

- Harris was an experienced provider of education and the site was capable of supporting a secondary school. The school would help to meet the urgent demand for secondary places. The new school would open in September 2020.
- There had been extensive consultation with parents, carers and community groups. The Department for Education was fully supportive of the application.
- Break and lunch times would be staggered to prevent overcrowding.
- The development would only have parking for blue badge holders and there would be no space for drop-off and pick-up of pupils.
- The applicant had undertaken a travel study and found that there would not be a severe highways impact.
- The applicant would make contributions to footpaths, cycle paths, bus services, 'school keep clear' road markings and a CPZ review. The travel plan would be reviewed as the number of pupils increased.
- The building would be over 30 metres from neighbouring properties, and would not affect neighbouring amenity, daylight or sunlight.
- The building would be primarily made of brick, with coloured accents for break up of the façade. The elevation of the sports hall would allow further circulation on ground level.

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 cycle storage was in the southwest of the site, and would all be Sheffield stands.
- There would be a number of deliveries through the week for servicing, which would use vehicles in a range of sizes. Refuse vehicles would not be able to enter the site so would have to use Clarence Avenue.
- The site was in the Clapham 'L' CPZ but this did not prevent servicing or deliveries. Vehicles could not be parked on 'school keep clear' markings. Highway improvements were included as mitigation for the impact of the development.
- The cycle lane on Clarence Avenue could be segregated, but the details would have to go through the normal design process.
- There would have to be consultation on the introduction of a 'school streets' scheme. Clarence Avenue was not included in the proposal for school streets as it connected the South Circular with other routes.
- Officers were aware of potential future issues relating to the Clapham Park Estate and changes in its road layouts.
- Policy required developments to meet BREEAM 'excellent' unless it could be justified why this was not possible, and Condition 12 reflected this.
- Neighbouring buildings were of a mixed character, and there would be considerable changes with the forthcoming Clapham Park Estate development.
- The raised sports hall would make the design appear more playful, and officers considered that brick would not suit the raised sports hall. Final materials would be subject to condition.
- There would be three sittings at lunch to prevent overcrowding, and pupils would not be allowed to leave the site at lunchtime.
- TfL had confirmed that demand would increase to the extent that additional school route bus capacity would be required. Its survey had shown that the 355 route had no spare capacity in the morning peak.
- The school would gradually fill each year. It was anticipated that when the Clapham Park Estate was complete, the intake area would be smaller, reducing the number of children who travel by bus.
- Harris operated other schools with no teacher parking and promoted park and ride and car-share schemes.
- Younger pupils would be encouraged to walk to school through the use of incentives like house points, which would develop a habit of walking to school.
- The contribution to a school streets scheme would include the costs of consultation and implementation if the scheme went forward.

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

- A school streets scheme would help mitigate any impact on the highway network but it was acknowledged that the introduction of such a measure would be subject to a separate process that included consultation.
- The suggestion made by ward Councillors in their written submission of establishing a construction management group should be added to the relevant condition.

- The wider area bounded by King's Avenue and the South Circular should be explored in connection with any proposed 'school streets' scheme.

It was MOVED by Councillor Wilcox, SECONDED by Councillor Simpson, 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 addenda and subject to the following:
 - i. An informative requesting that the scope for any 'School Streets' scheme to extend beyond Clarence Crescent to the wider area bounded by King's Avenue and the South Circular be explored.
 - ii. An amendment to the relevant condition to add a Construction Management Group along the lines proposed by ward Councillors.
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 (four) 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 and the PAC minutes.

4. APPEAL AND ENFORCEMENT DECISIONS JUNE 2018

Members thanked officers for their work in defending Council policies.

5. APPEAL AND ENFORCEMENT DECISIONS JULY 2018

This item was considered alongside Appeal and Enforcement Decisions June 2018.

CLOSE OF MEETING

The meeting ended at 10.45 pm

CHAIR
PLANNING APPLICATIONS COMMITTEE
Tuesday 22 January 2019

Date of Despatch: Monday 14 January 2019

Contact for Enquiries: Maria Burton

Tel: 020 7926 8703

Fax: (020) 7926 2361

E-mail: MBurton2@lambeth.gov.uk

Web: www.lambeth.gov.uk