

PLANNING APPLICATIONS COMMITTEE

Tuesday 9 June 2020 at 7.00 pm

MINUTES

PRESENT: Councillor Scarlett O'Hara, Councillor Nicole Griffiths (Substitute), Councillor Ben Kind, Councillor Jessica Leigh, Councillor Mohammed Seedat, Councillor Joanne Simpson (Vice-Chair) and Councillor Clair Wilcox (Chair)

ALSO PRESENT: Councillor Becca Thackray

1. DECLARATION OF PECUNIARY INTERESTS

There were none.

2. MINUTES

RESOLVED: That the minutes of the previous meeting held on 12 May 2020 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. 313 TO 315 RAILTON ROAD (HERNE HILL) 19/03371/FUL

Case No. 19/03371/FUL (agenda item three, page one of the agenda pack, and page one of the second addendum).

The Planning Officer gave a presentation which included a summary of the report and subsequent addendum that had been published on the day of the meeting. Members were advised of the key material planning issues for consideration which included the change of use of the front part of No. 315 Railton Road from retail to a substation, and the amalgamation of the rear part of No. 315 Railton Road with the retail unit at No. 313 Railton Road to form additional retail space for No. 313 Railton Road. The doors and windows of the existing shopfront of No. 315 Railton Road would be replaced with louvred panels and doors. The 12 alternative sites for a new substation which were outlined in the report were considered unfeasible. The change of use of the front part of No. 315 Railton Road to a substation would provide the necessary power required for the vacant units. No harm to heritage assets and neighbouring amenity were identified. Vehicle access would only be required if the transformer needed replacement.

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

- The parade of shops was the key retail area in Herne Hill and any loss of retail space would jeopardise the economic sustainability of the area. It would cause permanent damage to an already fragile retail area.
- There was no demand for additional A3 use premises in the area as it had reached saturation.
- They requested that the applicant commissioned a redesign that incorporated alternative sources and uses of energy to deliver a parade of low energy use retail units.
- There were viable alternative locations that were not properly consulted on and considered. The application should be refused or deferred until this had occurred.

- The application had only come about because the applicant had not paid the electricity bill.
- It seemed inappropriate to lose a newly refurbished shop because the applicant or previous owner omitted to plan for sufficient power supply.
- It seemed unwise to locate such a use below a residential unit.
- If permission were to be granted, the objectors requested that the window display be used imaginatively rather than just presenting a blank frontage.
- The proposed plan did not adhere to sustainable development policies contained in the NPPF, nor did it meet Lambeth Council's Local Plan ambitions to tackle climate change.
- An energy strategy should be required otherwise officers cannot be satisfied that this was the only feasible location.

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

- He acknowledged local people's passion for the area and the row of shops.
- The application was the result of extensive consultation and on-site visits with the Herne Hill Forum, the Herne Hill Society, the Traders' Forum and their consultants Re-Powering London, and the local Councillors.
- In early 2017 Network Rail launched the investment scheme on Railton Road. The electrical power required for the scheme was not secured and only made apparent in the construction of the scheme. This resulted in the remaining available power only being sufficient to power three retail units and the two flats.
- A total of 12 alternative locations were considered in the vicinity of the scheme, including the possibility of an alternative power source through the use of photo-voltaic cells on the roof areas. However, No. 315 Railton Road was deemed the only suitable option.
- The land immediately adjoining the site had been rejected as it was not owned by the applicant.

Councillor Becca Thackray then spoke as Ward Councillor for Herne Hill, stating the following:

- The London Plan suggested ways of reducing reliance on electricity and strain on the national grid by using 'smart' technologies to cut energy use at peak times, such as by sharing energy use between shops.
- The Lambeth Local Plan encourage the use of renewable energy technologies, including solar roofing.
- She expressed concern for Herne Hill's roads which were prone to sewer and surface water flooding and how the scheme would adapt to this.
- She questioned the noise assessment and whether the humming noises could be mitigated against.
- She requested that due to the Herne Hill Society's application to extend the Conservation Area two years ago, the status should be of an emerging Neighbourhood Plan.

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

- The car parking area adjacent to Herne Hill Station was not a viable option as it was owned by South Eastern, who would not release the site to the applicant as they required it for their own functioning.

- The site at 239 Railton Road did not form one of the sites in the assessment, however officers did review this, and it was not considered feasible as it was actively being used as a workshop and storage and was outside the applicant's ownership.
- The vehicle access to the bank of land behind the old Station Coal House (Option 6), would be from the north. The replacement or installation of the transformer would be impossible for this location, and therefore it was not a viable option.
- The dimensions for the updated transformer of 500 kVa was similar to the 800 kVa initially proposed.
- It was not possible to upgrade the existing substation adjacent to Herne Hill Station as a larger transformer could not be accommodated in the premises.
- It was not possible to construct a new substation above the existing substation as UK Power Network's installation and servicing requirements required the transformer to be at ground level.
- The application did not require an energy report or to achieve carbon reduction as it was an application for a change in use and was not a major application.
- Solar panels were considered for the roof of the application site and the adjacent site at Nos. 317-327 Railton Road, but due to the pitch, size and orientation, were not considered a viable option. Only solar panels were considered as they were the most feasible alternative energy source.
- The limited twice yearly maintenance visits were not considered to affect the use of the pavements. The door opened 180 degrees (thereby giving easy access) and would not affect passage along the pavement.
- The transformer's noise measurements were low and should not be audible to the residents above. A new ceiling was to be inserted and sound proofed.
- Electrical plant would need to meet technical standards, which fell outside of planning considerations.
- Fire safety was governed by the Building Regulations and was not a material consideration. The New London Plan policy (D12) on fire safety only applied to major developments.
- The platform would be isolated from ground flooring so that no vibrations would occur.
- The transformer would be set back within the unit and laid on top of a trench cover within the unit, therefore mitigating impacts from flooding if it were to occur. There was already a precedence for a transformer in the location. There was no requirement for a flood risk assessment as it was not a major development.
- The steel louvres were necessary for air to enter into and be expelled from the unit, and also to ensure the location was secure. It was likely to be painted to match the front of the shop in order to maintain the ongoing appearance, as the remainder of the shops were owned by Network Rail. Signage was not anticipated but would be subject to the Advertisement Regulations.
- Policy Q16 was applicable to shop fronts, whereas the application was for a substation.

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

- Members expressed their disappointment of losing an attractive frontage and street scene and expressed concern over the appearance of the proposed development.
- Members understood that the louvres needed to remain functional but raised concerns

about their aesthetics. They were not convinced that all alternatives had been explored in respect of the design and were concerned about its negative impact on Herne Hill's economic centre. They requested that a creative solution be explored in conjunction with the residents, as it was an attractive row of shops.

- It was disappointing that no more information was provided on other sources of renewable energy apart from solar panels.
- The application required balancing the need to provide an energy supply to the vacant units to encourage their occupation against the design of the application site.
- Members expressed their concerns on how long the units would remain vacant if the application were not approved.
- Members expressed regret that there had been no other possible alternative sites, but understood that the car park was not a viable option due to it being owned by another company.

It was **MOVED** by Councillor Wilcox, **SECONDED** by Councillor Leigh, and **RESOLVED**, by five votes for to two against

1. To **GRANT** conditional planning permission subject to the following:
 - a. An amendment to the informative to engage with community in a creative way to make the louvres aesthetically pleasing.
 - b. An additional condition to address policy EN5, concerning flood risk.
2. To delegate authority to the Director of Planning, Transport and Sustainability to finalise the recommended conditions as set out in the report, addendums and/or PAC minutes.

4. 330 CLAPHAM ROAD, LONDON, SW9 9AJ (STOCKWELL) 19/02191/FUL

Case No. 19/02191/FUL (agenda item four, page 43 of the agenda pack, page one of the addendum and page two 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 5 June 2020 and the day of the meeting. Members were advised of the key material planning issues for consideration and noted that the application requested a change of use of office floor space at lower ground, ground, first, second, third, fourth and fifth floor levels to a dual use comprising of B1 and/or D1 floor space. The development built pursuant to permission reference 13/03248/FUL had not secured tenants. It was built to turnkey standards but remained vacant since its completion in March 2018. There were no proposed changes to the footprint, bulk or mass of the building. Condition 10 was recommended to exclude certain uses from the scheme to ensure no undue noise or disturbances to residents. To ensure that there were no unacceptable transport impacts, conditions and obligations were proposed concerning cycle parking, submission and approval of a delivery and servicing management plan and a waste management plan. Obligations were also proposed for funding one on-street blue badge car parking space and restricting on-street car parking permits.

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

- The applicant's specialist consultant had advised that the rents sought in 2017 were reasonable and these were later reduced. Emails were provided to officers to demonstrate how the applicant had offered lower rents to prospective parties. No prospective tenant identified the rent level as the only reason why they did not lease the property. The price was later lowered further at the suggestion of Lambeth's Regeneration Team.

- All office spaces could potentially be used as D1 use, as no end user was identified in the proposal. Some end users were excluded to safeguard residential amenities.
- There were no planning policies requiring child play space.
- The applicant had received interest from an education facility provider but could not comment further.

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

- Members were content with the scheme being policy compliant, robust and clear.
- It was positive that D1 use was taken into consideration, as it would potentially provide as many jobs as possible to local residents.
- A condition should be added to restrict the scheme to B1 and D1 uses.

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

RESOLVED, unanimously

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 also subject to the following:
 - a. A condition to remove permitted development rights.
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 six 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.

CLOSE OF MEETING

The meeting ended at 9.25 pm

CHAIR
PLANNING APPLICATIONS COMMITTEE
Tuesday 28 July 2020

Date of Despatch: Thursday 16 July 2020

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