

PLANNING APPLICATIONS COMMITTEE MINUTES

Tuesday 27 July 2021 at 7.00 pm

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

PRESENT: Councillor Scarlett O'Hara (Vice-Chair), Councillor Malcolm Clark, Councillor Mohammed Seedat, Councillor Iain Simpson and Councillor Joanne Simpson (Chair)

APOLOGIES: Councillor Ibrahim Dogus, Councillor Jessica Leigh and Councillor Becca Thackray

1 Declaration of Pecuniary Interests

There were none.

2 Land Off Windsor Grove, Adjoining Railway At West Norwood (Gipsy Hill) 20/01066/EIAFUL

Case No. 20/01066/EIAFUL, (agenda item 2, page 15 of the agenda pack, page nine of the first addendum and page 11 of the second addendum).

Members were advised that Neil Cameron QC was in attendance to provide legal advice to the committee if required.

Members noted that this item was deferred from the 13 July meeting due to the guillotine being reached. All members in attendance at this meeting would have heard all the information presented on 13 July.

The Presenting Officer gave a brief summary of the key issues that were discussed at the 13 July meeting which included:

- The principle of development and intensification of the waste use.
- Transport matters including
 - The survey data and modelling of additional vehicle movements, with particular attention on HGVs,
 - The impact of these movements on traffic flows in Windsor Grove, Norwood High Street, the junction of these two roads and the wider area;
 - The impact on access for the adjoining Royal Mail depot;
 - Implications from additional vehicle movements on road safety;
 - The routing strategy, booking system and monitoring;
 - Accident survey data; and
 - The length of time to process each vehicle's waste through the proposed facility.
- Air Quality matters, including:
 - Emissions from operations on site; and
 - Emissions from the additional vehicle movements on Windsor Grove, Norwood High Street and the wider area.
- Noise impacts, including:
 - Noise outbreak from the operations on site; and

- Noise emissions from the additional vehicle movements on Windsor Grove.

The following points were made in objection to the application:

- A representative from Royal Mail indicated that their objection was still relevant after a meeting with the applicant. The National Planning Policy Framework (NPPF) stated that existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established.
- The resulting noise conditions and carbon outcomes would cause a negative impact on global warming and the officer report did not mention this.
- The heavy goods vehicle (HGV) routing strategy was unenforceable, and this would increase carbon emissions.
- The development was in conflict with Lambeth's health and air quality aims.

The following points were made in support of the application:

- The site was designated for waste usage and the proposal accorded with relevant NPPF policies.
- The traffic generated by the development would cause a negligible impact and all conditions proposed by officers were enforceable.
- The methodology contained within the supporting technical documents was agreed through consultation with Lambeth officers and advisors.
- The development complied with London Plan Policy SI1 and the air filtration system was appropriately located away from the surrounding buildings.
- There would be a negligible impact on air quality which meant that this shouldn't be a reason for refusal.
- There would be no harm caused to pedestrians or cyclists.

Councillor Matthew Bennett, Councillor Pete Elliott, Gipsy Hill Ward, and Councillor Jane Pickard of Knight's Hill Ward raised the following points:

- Other waste sites in Lambeth were away from residential developments whereas this was next to a council estate, a primary school, a number of businesses and in a hybrid residential area.
- There was a petition with 5,558 signatures opposing this application, with 2,500 residents sending formal objections.
- Major developments like this would need an enforceable travel plan, which this application did not have.

Helen Hayes, MP for Dulwich and West Norwood, made the following points:

- The conflict between the proposed scheme and the Royal Mail delivery office was paramount.
- There had been objections from Network Rail due to the likelihood of an increase in bridge strikes arising from increased traffic movements.

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

- Transport for London (TfL) had been consulted by officers and were satisfied that there would not be a significant transport impact on the surrounding road network.
- Officers had provided input into the scoping of the submitted transport statement and confirmed that the geographic locations of Norwood High Street and Norwood Road had been considered.
- The Equalities Impact Assessment (EIA) considered the impact of the development on people with protected characteristics. Officers confirmed that the development would not cause undue harm to the nearby school and pupil referral unit (PRU).
- The application did not constitute EIA Development for the purposes of the Regulations. However, an assessment had been carried out and an Environmental Statement submitted.
- The environment surrounding the nearby school was noisy due to the adjoining railway lines and this had been considered in the noise assessment.
- The recent planning appeal decision for the nearby site at 80 Norwood High Street included a condition to restrict reversing from that site onto Norwood High Street.
- The Automatic Number Plate Recognition (ANPR) camera would record registration plates

and would record vehicles entering the site and at the right-turn-ban junction.

- Officers stated it would be unreasonable to penalise the applicant for illegal traffic movements carried out from an adjoining site.
- The previous use of the site as a car breaker's yard was unsealed, and it was speculative to determine what intensity of development could be carried out without requiring planning permission.

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

- The impact on transport, noise levels, air quality and pollution were of concern.
- The land use was designated specifically for waste and therefore a waste site could be proposed in future schemes.
- The amount of work put into the application by planning officers was welcomed, however Members were concerned about the adverse effects this site would have on the residents, local businesses and Key Industrial Business Area (KIBA).
- The transport assessments conducted were inadequate and completed for the wrong section of the road, which was notably less busy.
- The intensification of the traffic movements on Windsor Grove had been mitigated through the S106 agreement, however the impact on the wider neighbourhood and adjoining roads had not.
- The local amenity of the neighbourhood would be detrimentally affected and could not be mitigated.

Officers reminded Members that if they were inclined to reject the application, Neil Cameron QC was in attendance to provide legal advice on the reasonableness of potential reasons for refusal and risk of cost exposure in the event that an appeal was made. Members did not wish to hear from Mr Cameron and continued discussing the merits of the application.

The Chair advised that before the committee moved to the decision stage, it was important to receive advice from the Presiding Officer about any potential reasons for refusal.

The Presiding Officer noted that Members had raised concerns on transport, noise, air quality and the negative impact on the neighbourhood. He indicated that he, along with the officer group and technical advisors, would assist Members in formulating potential grounds for refusal. He stated the following points:

- The application had been subject to a Planning Performance Agreement (PPA) and discussions had been ongoing for almost two years.
- The application had been subject to Environmental Impact Assessment (EIA) even though it didn't constitute EIA development for the purposes of the Regulations. The application was accompanied by an Environmental Statement (ES) which assessed the likely environmental effects of the development.
- The ES had been reviewed by officers and the council's technical advisors and further clarifications and additional information had been secured during the application assessment. This additional information had been subject to further public consultation.
- Members were advised to have significant regard to the advice of the council's technical advisors in respect of transport, noise and air quality aspects of the proposal.
- The application was accompanied by a transport statement and there would be a negligible impact to the surrounding roads, during construction and after the development had been completed.
- The NPPF stated that a development should only be refused on highway grounds if there was an unacceptable impact on road safety, however this scheme would cause a negligible impact and not a severe one.
- The application was accompanied by an air quality assessment and noise assessment which concluded that the impact for both those aspects would be negligible and therefore Members were advised that a refusal on those grounds would be difficult to defend.
- Members comments about the impact on the amenity of the local neighbourhood had been noted.
- The London Plan defined amenity as an element of a location or neighbourhood that helped to make it attractive or enjoyable for residents and visitors.

- It could be argued that Windsor Grove had an identifiable character as it served a mix of land uses, it was a short and narrow road and a relatively low trafficked cul-de-sac. It comprised of 58 dwellings and had a Royal Mail depot, which had predictable vehicle movements.
- It could be concluded that the proposed development would result in increased traffic movements on Windsor Grove, which was a relatively narrow access road that served 58 residential properties. The likely level of additional vehicular movements, including HGV movements, generated by the development would result in an adverse impact on the character of Windsor Grove, and on the amenity of pedestrians and cyclists using that road and residents living adjacent to it.

20/01066/EIAFUL:

It was MOVED by Councillor J Simpson, SECONDED by Councillor O'Hara

And

RESOLVED, unanimously:

1. To REFUSE planning permission against officers' recommendations for a reason related to the adverse impact on the character of Windsor Grove, and on the amenity of pedestrians and cyclists using that road and of those residents living adjacent to it, due to the additional vehicular movements generated by the proposed development.
2. In the event that there is a subsequent appeal, delegated authority is given to the Director of Planning, Transport and Sustainability having regard to the heads of terms set out in the report, addendums and/or PAC minutes, to negotiate and complete a document containing obligations pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) in order to meet the requirement of the Planning Inspector.
3. Delegated authority is given to the Director of Planning, Transport and Sustainability to finalise the wording of the reason for refusal in conjunction with the PAC Chair.

The meeting ended at 9.15 pm

CHAIR
PLANNING APPLICATIONS COMMITTEE
Tuesday 19 October 2021

Date of Despatch: Monday 13 September 2021

Contact for Enquiries: Farah Hussain

Tel: 020 7926 4201

E-mail: fhussain1@lambeth.gov.uk

Web: www.lambeth.gov.uk