

PLANNING APPLICATIONS COMMITTEE MINUTES

Tuesday 14 December 2021 at 7.00 pm
Committee Room (B6) - Lambeth Town Hall, Brixton, London, SW2 1RW

PRESENT: Councillor Scarlett O'Hara (Vice-Chair), Councillor Ibrahim Dogus, Councillor Mohammed Seedat and Councillor Joanne Simpson (Chair)

APOLOGIES: Councillor Malcolm Clark, Councillor Iain Simpson and Councillor Becca Thackray

ALSO PRESENT ONLINE: Councillor Kevin Craig

1 Declaration of Pecuniary Interests

There were none.

2 Minutes

RESOLVED: That the minutes from the 2 November meeting were agreed as the correct record of proceedings.

Guillotine arrangements

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

3 124-126 The Cut (Bishops) 21/01864/FUL

Case No. 21/01864/FUL, (agenda item 3, page 21 of the agenda pack, page 11 of the first addendum and page 7 of the second addendum).

Planning Officers confirmed that this item was deferred from the 19 October 2021 meeting due to the statutory requirement to consult Historic England. After consulting Historic England, the application was appropriate to be brought back to the Committee. Officers indicated that Historic England advised that they did not wish to make any comments on the application. Officers stated that:

- The proposal was a commercial unit on the ground floor with nine residential units on the upper floors. There would also be cycle and commercial storage in the basement and a roof garden accessible to residents.
- Residential units would be of high quality and would exceed the London plan space guidelines.

- Permission had been granted on site for the commercial use on the ground floor, which would have pedestrian access on both adjacent roads.
- The application site was not located in a conservation area but there were four conservation areas in the wider context of the site.
- The site was located in the Central Activity Zone (CAZ) and was within the Waterloo Opportunity Area.
- Officers utilised four important views which had been identified by the Old Vic in their previous submissions and added one additional view they deemed important. This was considered to be the setting of the heritage asset. Officers confirmed that for one of the important views, the site would be visible and not dominant. It was confirmed by Officers that the site would not result in any harm to the significance or setting of the grade II* listed Old Vic.
- The development would comply with the council's requirements on private external amenity space.
- The overshadowing of the Emma Cons Gardens public amenity space and the majority of gardens to the rear of the adjoining three storey terrace on The Cut would pass BRE guidelines for sunlight and daylight. There would be two gardens that would not pass the BRE guidelines but officers provided a comparison of the impacts of the extant permission and the proposal, concluding that there would only be a minor increased impact.
- Biodiversity and sustainability improvements on the site would include a green wall, bird boxes on the top floor and an overall carbon reduction of 49.3% throughout the site over Building Regulations 2013 Part L.
- The commercial unit would achieve BREEAM excellent and there would be solar panels on the east elevation and air source heat pumps in the development.
- There would be no unacceptable transport or amenity impacts to the surrounding area.

The Committee heard the following points in objection to the application:

- The proposal would harm the public realm and neighbouring landowners, businesses, residents and theatres which were opposed to the development.
- The design of the building did not maintain the architectural integrity of the Waterloo area.
- It was not clear how the solar panels and green walls would be maintained.
- There would be harm to the grade II* listed Old Vic theatre and the grade II listed Old Vic National Studio. The proposal would detract from the setting of both listed buildings.
- The Chair of the New Cut Housing Co-operation stated that their site was directly adjacent to the proposed development. The height and direction of proposed windows would be overlooking the New Cut site and the adjoining development site, on which they plan to implement at least ten new residential units.
- The New Cut development site aimed to provide more additional homes than the current application and would provide social housing for residents.

The following points were raised in support of the application:

- The planning consultant stated that the proposed development would respond well to the local context as the area of Waterloo was changing and noted the presence of nearby areas which were recently designated for tall buildings.
- The proposal was for a mid-rise building and not a tall building and following the deferral from the 19 October, Historic England advised that they did not wish to make any comments.
- There would be no heritage harm caused by the proposal and the applicant had engaged with the CEO of the Old Vic to come to a conclusion to the disagreement.

Kevin Craig, Ward Councillor for Bishops Ward, made the following points:

- There was an overwhelming view from the local community that this application would cause harm to the listed buildings and the Old Vic Theatre.
- There had been previous less damaging and less high schemes that had been turned down for height, mass and bulk.

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

- The top floor was largely decorative and with the enclosure for communal garden which in addition to the three additional stories, would contribute to the high-quality architecture and give the impression of a lightweight structure. This helped to justify the additional height on the site.
- The architecture on this scheme was an improvement from the previous scheme and the quality would be more visually attractive.
- Officers provided images of the extant permission granted in 2017 and stated that further details of what species of trees would be planted at the top of the building would be secured through the recommended planning conditions.
- The Planning Policy Framework had been updated in 2021 and pushed for more roof level amenity space.
- All rooms within the unit would meet BRE daylight and sunlight guidelines and the best use of the east elevation of the building, which could not have any windows due to amenity impacts, was to contain solar panels.
- The bird boxes and planting contributed to the biodiversity of the site. Further to this, conditions could be attached to secure details of how pest birds could be discouraged from accessing the bird boxes.
- The site was outside of a conservation area and within an area experiencing developmental change. Officers considered that a bit of extra height in comparison to the previous applications on the site was acceptable and justified due to the high-quality architecture.
- The proposal would secure a £60,000 financial contribution to secure improvements to the public realm including refurbishment to Emma Cons Gardens.
- Officers were not aware of any future developments of the adjoining car park development site, but had nevertheless sought alterations to the proposal (including obscuring north-facing glazing) to ensure there would be no impact on the adjoining development site's potential to bring forward development.
- The maintenance of the green wall would be achieved by abseiling and Condition 14 required additional details of the green wall, including maintenance. It was confirmed that abseiling did not require oversailing rights and could be conducted as routine maintenance.
- The solar panels would contribute to 15% of the overall carbon reduction of the site, which was 49% in total.
- Condition 11 would require section drawings of the PV arrays and Condition 3 would also require details of the high-quality brick work including the façade behind the green wall.

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

- The scheme was well designed and an improvement from the previous scheme and there was more emphasis on high-quality materials.
- The provision of funding by the developer for improvements in the area was welcomed.
- The prominence of the Old Vic Theatre should not be taken away by the new taller building.

- There were concerns of the height and mass of the building; however, the design itself was an attractive building.
- The scheme would detract from the setting of the grade II* listed Old Vic Theatre and would have an inappropriate height and scale which would negatively impact on the townscape and local character.
- One Member confirmed that they would agree with Officer recommendations if Condition 11 was strengthened, and the determination of the condition was brought back to the Committee.

The Presiding Officer recapped Members' views and indicated that he, along with the officer group and technical advisors, would assist Members in formulating potential grounds for refusal. The three areas of tension highlighted were:

- The issue of the disruption and failure to respond to the townscape and prevailing local character. Objectors had identified the failure of Policies Q5 and Q7 of the local plan, which related to urban design and local context.
- Members felt that the proposal would be a dominant building within its context and result in harm to the setting of the Old Vic Theatre.
- The scheme was not a major planning application yet reached the benchmark for sustainability performance and carbon emissions for a major development. For minor developments, the carbon reduction should be 19%, but this scheme was 49.3%.

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

And

RESOLVED, with four in favour and one against,

1. To REFUSE planning permission for reasons related to the adverse impact of the proposal on the townscape of the Waterloo area and failure to respond to the local development character, and the impact of the excessive height resulting in a low degree of less than substantial harm to the setting of the grade II* listed heritage asset being the Old Vic Theatre.

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 Committee adjourned for 10 minutes between 9:03pm and 9:13pm.

4 Lambeth Hospital (Larkhall) 20/04194/EIAFUL

Case No. 20/04194/EIAFUL, (agenda item 4, page 105 of the agenda pack, page 15 of the first addendum and page 11 of the second addendum).

The Planning Officer highlighted that a site visit for PAC Members took place on the 4 December 2021 at 10:30am and the notes of the site visit were recorded and distributed among all PAC Members. There had been three additional representations which were reported in the

addendum. The following points were highlighted by the Officer:

- The site was located to the south of Landor Road, 500m northwest of Brixton Town Centre and was not located within a conservation area.
- The proposal would result in the loss of the South London and Maudley Hospital from the site, with the existing services to be relocated to elsewhere and the site redeveloped with 550 new homes that would contribute to meeting Lambeth Housing need and two units for community use.
- The proposal would provide 50% affordable housing (by total habitable rooms). Of the affordable housing, 67.19% would be low cost rented affordable homes (in the form of London affordable rents and social rented 3 & 4 bed dwellings) and the rest would be London's shared ownership (intermediate). The housing would be provided in nine residential blocks arranged around courtyards of open space and along either side of an avenue that will give access.
- The lowest scale blocks would be located around the site perimeter, with taller blocks being more central.
- Block 7, comprising of 18-storeys, was defined as a tall building and although the site was not identified in the Local Plan as appropriate for tall buildings, LLP Policy Q26, stated that where tall buildings were proposed outside appropriate areas, a robust justification be provided by the applicant. This was provided and reviewed through analysis by officers and was considered to be acceptable in this instance. It was also stated that the tall building would mark the end of the avenue and thus providing a strong townscape role.
- Brick would be the predominant material used in elevations.
- Officers considered that the Porters Lodge and Landor House had sufficient heritage significance to warrant their consideration as non-designated heritage assets and had been assessed. The proposed development would provide benefits that would outweigh the low degree of heritage harm to these buildings.
- There would be designated cycle stores and waste stores located within the building. Some standalone cycle stores would be provided along the western boundary.
- The proposal would provide play spaces for all ages on site, and it would not be segregated by tenure.
- The proposal was not considered to result in an unacceptable loss of privacy or outlook.
- There would be no unacceptable impacts on the surrounding transport services, and appropriate mitigation would be secured where necessary through conditions and planning obligations.
- There would be enhancements to public realm, realm and creation of active frontages along Landor Road.
- A financial contribution of just over £365,000 would be secured towards employment and skills.

The following points were raised in objection to the application:

- The proposal goes against several Lambeth Local Plan policies including Q7, Q26 and Policy Q2 regarding amenity.
- The proposed 18 storey tower would be built 25m from a kitchen window blocking sunlight and views of the sky. Neighbours would have a similar impact and the impact on the levels of daylight and sunlight and sense of enclosure would be severe.
- Proposal would impact on mental health of residents of neighbouring properties as enjoyment of gardens and outdoor spaces would be negatively affected.
- Guys and St Thomas' Foundation Trust occupy the Pulross Centre and the Trust do not object to the principle of the scheme, however acknowledge that the scheme should be

brought forward sensitively with regards to the Trusts' assets and operations.

- The development would create a potential pedestrian/cycle lane from the development to Pulross Road, which would link the proposal with the Trusts' land.
- The Trust would like to request a clause be inserted in the S106 agreement and relevant schedule, requiring consultation with the Trust regarding the pedestrian/cycle lane.

At 9:49pm the Committee agreed to suspend standing orders and continue the meeting until 10:45pm.

The following points were raised in support of the application:

- As a user who had received care at Lambeth Hospital the wards and rooms are not ideal for current users. The plans to move Lambeth Hospital for inpatient purposes would be great for privacy, dignity and safety. All rooms will be en-suite with therapeutic outdoor spaces.
- The proposal would provide much needed affordable homes that would benefit the borough. The Trust provided the widest range of mental health services in the UK and Lambeth Hospital was no longer fit for purpose. Construction of the new building was underway and will offer a high-quality environment for people that use services. This development would release value from the surplus estate to reinvest back into current and future hospital and community facilities whilst creating new homes and affordable housing that would benefit the area.
- The Trust have worked hard alongside the Council's professional officers to develop a scheme which delivers as much affordable housing as possible but also deliver a capital receipt as required by the Trust to upgrade its facilities.
- In addition, it would also include private amenity space and outdoor communal space for residents, it would be car free, provide approximately 1,100 cycle parking spaces and create new community spaces on Landor Road that would be available at a discounted rate for local groups.

Ward Councillor, Andrew Wilson, representing Larkhall Ward, addressed the Committee and raised the following points:

- The application was being driven by a number of factors, current site was not fit for purpose, the new inpatient mental health unit be funded from redevelopment of this site and Lambeth Council local plan asks for residential development on public land provide 50% affordable housing. It means that this application had to have a large number of new homes to satisfy all these criteria.
- This proposal was not in keeping with current low rise residential environment enjoyed by existing residents. Lambeth's own tall building study (2014) indicated that Pulross Road was inappropriate for tall building and the proposal would contravene this.
- The proposal would cause pressure on the existing infrastructure in the local area. There would also be an impact on the surrounding public transport. TfL facilities at Clapham North were already under pressure and will increase the pressure there.

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

- A pedestrian link to the Pulross Centre would be secured through a planning obligation on the application site which could provide through access if a future development came forward at Pulross Centre.
- The impact of daylight and sunlight had been considered throughout the design of the scheme. The building height and massing of the scheme stepped down to neighbours and the majority of impacts on neighbouring properties were negligible to minor adverse, with instances of moderate to major impact. Where moderate to major impacts were found retained, light levels have been reviewed to ensure there would be adequate light

for the residents and amenity was satisfactory.

- In terms of overshadowing to gardens, six gardens adversely affected which was quite low given number of surrounding gardens. Those gardens were constrained by existing situation or see marginal effects.
- The Council's daylight consultant concluded that overall the effect on daylight and sunlight to neighbouring properties would be acceptable, taking into account the nature of the existing built form and character of the area, design of the scheme and the retained level of light.
- The daylight and sunlight consultant advised that the 18-storey building was setback from the boundary and narrow end-facing neighbours and satisfied that retained levels were adequate.
- The proposal would provide the required areas of play spaces required across all age groups on site and in separate locations. There was a condition which included details of the play space to be provided.
- The commercial units would be used for community uses and there was a condition securing the two units for community uses.
- The London Plan Policy basis for affordable housing overall rate was based on habitable rooms and officers confirmed the scheme delivered the policy requirement for 50% of new homes to be affordable housing. The tenure split was based on unit numbers in line with Lambeth Local Plan.
- The applicant had indicated to officers that they had approached the Greater London Authority (GLA) to seek grant funding, and that there was none made available at that time.

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

- This was a large, well-designed scheme that would provide much needed housing in the local area.
- It was unfortunate that some surrounding neighbours would suffer from reduced daylight and sunlight, but this was outweighed by benefits explained by officers.
- The scheme had evolved and responded to points made by officers and Design Review Panel (DRP) had done a good job at balancing the outcomes and achievements it wishes to achieve.
- The development would facilitate a replacement for a not fit for purpose NHS facility with the added provision of 50% affordable housing.

It was MOVED by Councillor J Simpson, SECONDED by Councillor Dogus

And

RESOLVED, with four votes in favour and one abstention:

1. To GRANT conditional planning permission including a Grampian condition requiring 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:
2. Agree to delegate authority to the Director of Planning, Transport and Sustainability to:
 - a. Finalise the recommended conditions as set out in this report, addendums and/or PAC minutes; and
 - b. Negotiate, agree and finalise the planning obligations as set out in this 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 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 this report, addendums and/or the PAC minutes.

The meeting ended at 10.24 pm

CHAIR
PLANNING APPLICATIONS COMMITTEE
Tuesday 22 February 2022

Date of Despatch: Thursday 27 January 2022

Contact for Enquiries: Farah Hussain

Tel: 020 7926 4201

E-mail: fhussain1@lambeth.gov.uk

Web: www.lambeth.gov.uk