

## PLANNING APPLICATIONS COMMITTEE

Tuesday 17 May 2016 at 7.00 pm

### MINUTES

PRESENT: Councillor Malcolm Clark, Councillor Bernard Gentry, Councillor Nigel Haselden, Councillor Diana Morris (Vice-Chair), Councillor Mohammed Seedat and Councillor Clair Wilcox (Chair)

APOLOGIES: Deputy Mayor Marcia Cameron

#### **1. DECLARATION OF PECUNIARY INTERESTS**

Although not a declaration of a pecuniary interest, Councillor Morris stated that in relation to Application 16/01749/FUL (38 Hydethorpe Road), she had a close relationship with the applicant and in order to avoid the possibility of perception of bias, would vacate the committee for the duration of the item.

#### **2. MINUTES**

RESOLVED: The minutes of the meeting held on 03 May 2016 had not been available at the time of publication and would be considered at the next meeting of the Planning Applications Committee.

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

#### **3. REAR OF 6 AND 8 LARKHALL LANE (STOCKWELL) 15/05543/FUL**

Case No. 15/05543/FUL (agenda item five, page 105 of the agenda pack and page three of the second addendum).

The Chair explained that the applicant had brought a scale model to the meeting that would enable the committee to better visualise the spatial arrangements of the proposed development in the context of the local setting. The committee therefore briefly adjourned to allow Members to observe the model.

The Planning Officer gave a presentation which included a summary of the report and subsequent second addendum that had been published on the day of the meeting. Members were advised of the key material planning considerations which included the proposed land use, design of the studio, the loss of a Sycamore tree, basement construction and the effect on neighbouring residential amenity. It was noted that a full basement impact assessment and separate arboricultural report had been submitted by the applicant and that the council's Building Control Team and Arboricultural

Officer had assessed the documents and raised no objections to the scheme subject to the recommended conditions.

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

- The model provided by the applicant incorrectly depicted a rose bush in a neighbouring garden as a tree.
- The location of the Larkhall Conservation Area meant that pollution from nearby roads often spilled into residential gardens. The Sycamore tree that currently provided protection from the pollution would be felled as a result of the development and another tree would be greatly endangered. In August 2015, local residents had petitioned to save the Sycamore tree which provided a habitat for birds and wildlife and was the largest and most beautiful tree in the locality.
- Despite the damage, the council's Arboricultural Officer had indicated that the Sycamore Tree could live for another 10 years. It therefore did not need to be felled.
- The construction works would prevent the neighbouring occupant from working.
- The submitted basement impact assessment was considered flawed by two expert structural engineers that had provided independent advice to the objectors.
- The principle of planning democracy had been disregarded.
- The proposal broke the SW8 light industrial courtyard boundary and protruded into garden setting of SW4; making the description of application incorrect and misleading.
- The construction of the basement represented a clear risk to the safety of neighbouring residents given that there had been no hydrology or geology assessments submitted and policy on basements remained unclear.
- Whilst neighbouring residents were not in principle opposed to the development of a studio at the site, however the current proposals were indiscreet and did not conform to the residential conservation area guidelines. The application therefore needed to be withdrawn and revised.
- Residents were opposed to a destructive excavation entirely for commercial purposes.
- By extending down to a full basement level, the plans constituted overdevelopment of a small site. Such basements were at odds with the characteristics of the local conservation area.

The applicant, agent and independent arboricultural consultant (engaged by the applicant) then provided the following information in support of the application:

- The applicant was an artist, curator and teacher that had lived in the area for many years and would sign up to a considerate building scheme in order to address the concerns of neighbouring residents.
- The applicant had previously built a number of other high quality studios in the local area, some of which had subsequently been endorsed by English Heritage. The proposals were of an equally high architectural standard.
- The future tenants were likely to be successful artists whose work was respected globally.

- The applicant had worked extensively with officers who had now recommended the approval of the scheme. The proposals had been thoroughly assessed and confirmed to be policy compliant.
- Basement engineers had confirmed that the studio would have no adverse effect on the neighbouring structure.
- The proposed studio was in keeping with the character of the surroundings.
- The Sycamore tree was not the largest tree in the local area and was not of significant amenity value. It could only be observed publically from Lansdowne Way and was not prominent. The removal of the tree would not significantly alter the character of the road or conservation area.
- The tree had been damaged by fire and would not survive for more than 10 years.
- Condition 7 would give the council the authority to agree the replacement tree with the applicant.

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

- Members should assess the application based on the drawings and information provided within the officer's report. The applicant's model drew upon artistic license and was indicative only.
- The replacement tree would not be as mature as the Sycamore tree but officers could request it to be of an extra heavy standard variety should Members consider this necessary. The applicant confirmed they would be willing to work alongside the council's Arboricultural Officer to agree the species and size of the replacement.
- There was no condition proposed to stipulate the working hours of unit as none of the other existing studios had restricted working hours.
- The existing studios did not have prescribed delivery times and officers had not considered a Delivery and Servicing Plan appropriate in this case. The applicant confirmed that deliveries to the existing studios were infrequent and the proposed studio would not result in a significant increase in the number of deliveries.
- The application had been assessed on the basis that the development site was a garden rather than land forming part of the existing commercial development. The proposal was therefore assessed against policy Q14 in relation to backland development.
- A Construction Management Plan would need to be submitted to officers and would be secured by condition. Due to the confined nature of the site, the excavation and construction was likely to be facilitated with small scale machinery and hand digging. If required, the Construction Management Plan could be amended to specify the hours of operation and include details of how vehicles would transfer materials to and from the site.
- The Transport Officer advised Members that there was adequate capacity in the immediate area to facilitate the excavation and construction operations.
- The Building Control Officer and Flood Risk Officer had raised no objection to the proposed scheme and the construction methodology had been considered sound.
- The Larkhall Conservation Area was characterised by early twentieth century housing and many of the properties already had semi-basements. The proposed backland development was

discreet and would not affect the appearance of the conservation area.

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

- Some Members acknowledged the low impact B1 use class of the scheme but noted the potential for intensification and therefore requested an additional condition restricting the hours of servicing and delivery to the site. Officers advised that this might be inappropriate given the council had no control over the delivery hours of the existing studios. Members were also advised that standard delivery times for B1 units in a residential setting would fall between the hours of 08:00 and 19:00.
- An additional informative was required to advise the applicant that the replacement tree be of an extra heavy standard variety with a significant ultimate size. The replacement should also be semi-mature and reflect the value of the Sycamore tree.
- Detail of the plans to remove the excavation spoils from the site should be included as part of the Construction Management Plan and the wording of the plan should also restrict the hours of delivery and construction to protect residential amenity.
- The wording of the Condition 4 needed to be revised to formalise the arrangements for the management of waste and collections at the site.

It was **MOVED** by Councillor Wilcox, **SECONDED** by Councillor Gentry, 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 requesting that the replacement tree planting shall be agreed in consultation with the council's Tree Officer and the new planting shall comprise stock of extra heavy standard variety.
- ii. Condition 4 to be amended to the specific details of how the applicant proposes to manage waste at the site.
- iii. Condition 13 to be amended to include reference to the hours of construction and details of how spoil is to be removed from the site.
- iv. An additional condition to restrict the hours of delivery to between 08:00 and 19:00 Monday to Saturday and not at all on Sundays or Bank Holidays in order to protect the amenity of neighbouring residential occupiers in accordance with policy Q2 of the Lambeth Local Plan 2015.

#### **4. 16-22 SOMERLEYTON ROAD (COLDHARBOUR) 15/07308/FUL**

Case No. 15/07308/FUL (agenda item three, page one of the agenda pack, page one of the addendum and page one 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 13<sup>th</sup> May 2016 and the day of the meeting. Members were advised of the key

material planning issues for consideration and it was noted that the application site formed part of the wider masterplan redevelopment site bounded by Somerleyton Road, Coldharbour Lane and the Railway Line.

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

- Brixton Green were opposed to the application which would fundamentally alter the character of the community-led masterplan redevelopment.
- The current proposals were of poorer design than those of the previously approved scheme and there would be no significant improvement of Somerleyton Passage.
- When viewed in isolation, the scheme was unacceptable on grounds of scale, height and bulk. The application was contrary to Local Plan Policies Q5 and Q8.
- The proposed development would dominate the street scene and significantly overshadow the adjoining sites.
- Only a portion of an undefined financial contribution would be secured to improve Somerleyton Passage. The applicant should pay for the full improvement of the passage and the current application should not be approved until the level of financial contribution had been confirmed.

The applicant's agent then provided the following information:

- The application met of the required standards of the Brixton SPD and Future Brixton masterplan as well as the Local Plan and London Plan.
- The rest of the masterplan remained deliverable without this site.
- The current proposal complemented the wider masterplan development.
- The scheme provided 40% affordable housing and would introduce a range of community and employment uses at ground floor level.
- Improvements to Somerleyton Passage would be secured through the Section 106 agreement.
- The amount of people employed on the site could increase tenfold.
- The applicant would consider changing the ground floor D1 unit to a more flexible B1/D1 use class if the nursery was not required.
- The building would be of high quality design.

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

- Should the current application be approved, there would be more affordable units across the site when considered alongside the wider scheme (excluding Plot E). However, this was likely to necessitate a review of the viability on the wider scheme as its delivery was based on this site being part of the wider proposal with all of the residential units available for rent. There had been no formal indication that any of the market units under the proposed scheme would be available for rent, although this was not a planning consideration.
- The design of the current scheme was freer than the more uniform extant scheme, particularly in relation to the balconies and balustrades. Officers felt the current design was more interesting

and attractive.

- The various blocks in the wider masterplan scheme had been intended to have distinct structures with an associated character. The unifying factor on all the buildings would be the use of brick. The proposed development would fit in well with the rest of the previously approved scheme.
- Members were advised to assess the application both within its existing context and within the context of the wider masterplan development. Officers considered the proposed scheme to be acceptable in policy terms even if the masterplan scheme was not forthcoming.
- It would not be possible to include electric charge points on-street or on-site as these had not been included as part of the wider masterplan scheme. There was also no provision for car parking within the application.
- The applicant would be able to erect a telecommunications mast on to the roof of the building under permitted development.
- Full details of the materials to be used on the development would need to be submitted to officers before construction could commence.
- The affordable housing tenure split would be 64% social rented and 36% intermediate. The majority of the social rented units would be three bedroom or more and would meet an identified housing need in Lambeth.
- Officers had not considered it appropriate to seek the full cost of the improvement works to Somerleyton Passage from this development alone. If the wider masterplan was to come forward, the cost of the improvement works would be apportioned between the various developments. However, if the masterplan was not forthcoming, the council would decide how best to spend the financial contributions resulting from this application.
- It had not been considered reasonable to request marketing evidence from the applicant because the site was under threat of Compulsory Purchase Order.
- The applicant explained that no detailed discussions had yet taken place with any potential end users of the nursery unit. The unit was currently classed D1, however there was future scope to revise this to a more flexible B1/D1 use class.
- The non-residential units on the ground floor would not operate beyond 23:00 hours at night.
- All single aspect units would be market units.

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

- Some Members felt that the proposed design was a significant improvement on the previously approved scheme. It was positive that the various blocks within the masterplan had an associated character with differing structures. Other Members conversely felt that the design lacked coherence and did not respond well to the wider masterplan scheme.
- Members expressed that it was difficult to assess the current scheme in the light of the previously approved masterplan and this presented challenges regarding the funding of works to Somerleyton Passage. There was inadequate provision in place to

ensure that the works to Somerleyton Passage would be carried out in the event that the masterplan was not forthcoming. It was also uncertain how the cost of the works would be apportioned should the masterplan come forward.

- It was altogether unclear what level of financial contribution would be secured towards the work on Somerleyton Passage.

In response to Members comments, officers confirmed that approval of the proposed scheme would not prevent the previously approved masterplan development from coming forward in planning terms. Members were also advised that the council would make a judgement about how to spend the Section 106 contributions based on the circumstances that had prevailed at the time. The sum of money negotiated was commensurate to the impact of the scheme and had been calculated in the usual way. The cost of works to Somerleyton passage would be shared between the proposed development and the site opposite. The proposed development would therefore be expected to contribute 50% of the total cost, subject to further discussion with the applicant.

It was **MOVED** by Councillor Seedat, **SECONDED** by Councillor Haselden, and the vote was tied with three votes for and three votes against.

The Director for Planning and Development advised the Chair that the design and perceived lack of coherence between the proposed development and wider masterplan scheme would be difficult to substantiate as a reason for refusal at appeal. It was also within the Chair's gift to use her casting vote either for or against the proposed motion.

Following careful consideration and advice from the officer, the Chair noted her reservations about the coherence of the design and the lack of clarity about likely end users but on balance decided that the application warranted approval and therefore used her casting vote to vote in favour of the proposed motion.

It was **RESOLVED**

To grant planning permission subject to the conditions and a Section 106 Agreement as outlined in the officer's report and published addenda and to agree to delegate authority to the Director of Planning and Development to:

- Finalise the recommended conditions as set out in the report including such amendments, additions and/or deletions as the Director of Planning and Development considers reasonably necessary; and
- Negotiate, agree and finalise the planning obligations as set out in this report pursuant to Section 106 of the Town and Country Planning Act 1990, including adding to, amending and/or deleting the obligations detailed in the heads of terms as the Director of Planning and Development considers reasonably necessary.

**5. TINTAGEL HOUSE, 92 ALBERT EMBANKMENT (PRINCES)  
16/00908/FUL**

Case No. 16/00908/FUL (agenda item four, page 55 of the agenda pack, page eight 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 13<sup>th</sup> May 2016 and the day of the meeting. Members were advised of the key material planning issues for consideration which included the intensification of office and ancillary floor space, the improvement of green space and public realm, the activation of the Thames side frontage, cycle parking provision and the relationship with neighbouring residential accommodation.

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

- The proposals would result in a net gain of landscaped amenity and open space across the site.
- The Environment Agency (EA) had advised that the scheme was acceptable in principle subject to proposed conditions. The proposals allowed for future flood defence works to be carried out by the EA when necessary.
- Thames Tideway Tunnel raised no objections to the scheme.
- The applicant confirmed that the amount of short stay cycle parking spaces had been calculated based upon their experience with a similar sized building in Westminster. The on-site team would manage the cycle parking spaces and anyone visiting the site could use the larger cycle store if they wished to.
- There were no proposed changes to the windows on the larger part of the building and the character and appearance would be maintained.

The committee briefly adjourned to allow Members to view examples of materials to be used on the development. Officers provided the following information following further questioning from Members:

- The exact tone of the materials would be confirmed following formal submission to the planning authority.
- Current lighting would be replaced by new lighting fixed to the outside of the building. This would remove obstruction and allow for flood defence work to be undertaken in future.
- The majority of visitors to the building would arrive by public transport.

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

- The application to modernise, upgrade and expand flexible working space was welcomed.
- The proposals to widen the Thames footpath and improve the public realm were commended.
- The design and choice of materials were suited to the development and its surroundings.
- The net gain of landscaped amenity and open space was welcomed and would protect neighbouring amenity.

Members noted the amendments to conditions as set out in the published addenda as a result of comments received from the EA.

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

RESOLVED, unanimously

To grant conditional planning permission subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 of the planning obligations listed in this report and published addenda and any further conditions and informative recommended by the Environment Agency and to delegate authority to the Director of Planning and Development to:

- Finalise the recommended conditions as set out in the officer's report and published addenda; delegation to the Director of
- Further negotiate, agree and finalise the consultation with the EA and any conditions and informatives they recommend and;
- Negotiate, agree and finalise the consultation with the Environment Agency and any conditions and informatives they recommend.

**6. 38 HYDETHORPE ROAD (THORNTON) 16/01749/FUL**

*[Councillor Morris vacated the committee for the duration of the item].*

Case No. 16/01749/FUL (agenda item six, page 135 of the agenda pack and page 17 of the addendum).

The Planning Officer gave a presentation which included a summary of the report and subsequent addenda that had been published on Friday 13<sup>th</sup> May 2016.

The committee considered the information provided by officers in conjunction with the report and welcomed the use of reclaimed brick.

It was MOVED by Councillor Seedat, SECONDED by Councillor Clark, and

RESOLVED, unanimously

To grant planning permission subject to the conditions as outlined in the officer's report and published addenda.