

PLANNING APPLICATIONS COMMITTEE

Tuesday 20 December 2016 at 7.00 pm

MINUTES

PRESENT: Councillor Bernard Gentry, Councillor Nigel Haselden, Councillor Ben Kind (Substitute), Councillor Diana Morris (Deputy Chair), Councillor Mohammed Seedat, Councillor Joanne Simpson and Councillor Clair Wilcox (Chair)

ALSO PRESENT: Councillor Amélie Treppass

1. DECLARATION OF PECUNIARY INTERESTS

Councillor Ben Kind stated that application 16/03367/FUL (164 – 168 Westminster Bridge Road) was located in his ward but that he had no interest to declare.

With regard to application 16/04838/FUL (28 Deerhurst Road), Councillor Clair Wilcox declared that she would absent herself from the meeting and move to another room for the duration of the item as she lived on Deerhurst Road and knew the parties involved.

Councillor Mohammed Seedat stated that application 16/04838/FUL (28 Deerhurst Road) was located in his ward but that he had no interest to declare.

2. MINUTES

RESOLVED: That the minutes of the previous meeting held on 29 November 2016 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. JOHN VETCH HOUSE, 6 ELMS ROAD (CLAPHAM COMMON)
16/05628/FUL**

Case No 16/05628/FUL (agenda item three, page 13 of the agenda pack and page one of the 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 impact of the

existing building on the conservation area, the quality of the housing provided in the proposal and the impact on the streetscene. Members were advised that this application had been deferred from the previous meeting due to a lack of time.

Following the officer's presentation, the applicant's representative raised the following points:

- The current building was a negative contributor to the conservation area. The proposed building would be sympathetic to surrounding Georgian buildings and would enhance the streetscape.
- Following the refusal of a prior application, the applicant and officers had worked to address the issues raised.
- The proposal was compliant with policy.
- Over 70% of the original garden would remain.

In response to questions from Members, officers explained that:

- There were currently 11 trees on the site. Four trees in poor condition would be removed; three from the front garden and one from the back garden. There was a recommendation to remove these trees regardless of the outcome of this application. The removed trees would be replaced and all of the remaining trees would be safeguarded.
- The unorthodox ground plan had arisen out of an effort to make as many units as possible dual aspect. Only the studio unit would be single aspect. The floor plan would not harm the design or surrounding area, and the units was in keeping with Georgian developments.
- The residential amenity of future residents would not be harmed. The units would be high quality, with high ceilings and large windows.
- There would be robust boundary treatment to ensure the security of the development. Further details and specifications of the cycle storage would be provided for by condition, to ensure security and functionality.
- BNP Paribas had advised the Council on the viability of affordable housing on site, stating that providing that more than one affordable unit would not be viable.
- As the studio flat shared the core with other units, it was unlikely that it would be attractive to registered providers (RPs).
- A marketing exercise to explore interest by RPs in providing affordable housing on site would be carried out.
- A Council Housing Officer had considered the application and had recommended the six month marketing exercise. If the exercise showed that there was no interest in providing affordable housing onsite an additional in lieu contribution of £420,000 towards affordable housing would be required.
- The s106 payments were fixed.
- An additional condition requiring the approval of a waste management strategy was included in the addendum.

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

- The lack of comments from local residents demonstrated the quality of the proposal.
- It was unfortunate that RPs could not be compelled to provide

affordable housing.

- The proposal would remove a building that was detrimental to the conservation area and would replace it with a building that would enhance the area and provide better quality accommodation.

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

RESOLVED, unanimously,

To GRANT planning permission subject to conditions and completion of a S106 agreement as set out in the report and published addendum and subject to the following delegation

to the Director of Planning and Development to:

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

4. 28 DEERHURST ROAD (STREATHAM WELLS) 16/04838/FUL

[Councillor Wilcox vacated the Committee and absented herself from the meeting room for the duration of this item. Councillor Morris acted as Chair for the duration of this item.]

Case no 16/04838/FUL (agenda item four, page 65 of the agenda and page nine of the 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 and that officers recommended approval on a one year temporary basis and subject to conditions. Condition 9 had been amended in the addendum published on the day of the meeting.

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

- Residents had experienced difficulties around photo shoots for a number of years. These issues had been largely due to a lack of management.
- It was not possible for crews to self-regulate activity and there needed to be an independent manager.
- Vehicles, including goods vehicles, would wait outside for up to an hour. Vehicles were sometimes parked on corners and equipment would be left on the pavement, causing unacceptable impact to residents.

- Although there were spaces for two vehicles on the driveway, residents had never seen them being used by photographic crews.
- Residents had been prevented from entering or exiting the road by photographic crews, cars had been scratched at the time of photographic shoots and there had been erotic film shoots by windows.

The applicant then provided the following information:

- The previous owner had used the house as a film and photographic shoot location. The applicant was aware of the problems that occurred with the use of the house as a film location and as such had applied for the use of the application site as a mixed use residential (C3) and photographic shoot location (B1) only.
- Future photographic shoots would be on a smaller scale, with no generators, cranes or lights on the street. There would be limited light, noise and traffic pollution associated with the photographic shoots.
- The applicant had worked closely with officers to develop appropriate conditions.

Councillor Amélie Treppass, speaking on behalf of residents opposed to the application, stated the following:

- There had been unlawful business use for a number of years and residents had complained about the business activities.
- Policy H3 required that existing housing be safeguarded.
- Residents had no faith that conditions would be upheld.
- The Council had limited ability to control parking by crews as there was no CPZ.
- One resident had recently moved out of the area as he could not deal with the stress associated with the property.

In response to questions from Members, officers stated that:

- The table in paragraph 6.2.3 of the report had been provided by the applicant and was not independently verified. Transport officers considered that the figures provided were reasonable.
- Parking stress levels had been shown to be low, although officers did not have to hand the date of the parking stress survey. There was ample space to accommodate crew parking on Hill House Road but these spaces would not be reserved for photographic crews.
- The planning statement estimated the average stay of LGVs to be 10 minutes to drop off and pick up people and equipment. There was space for two vehicles to park on the front driveway.
- Condition 9 set out when deliveries would be made. Crew could not park on Deerhurst Road and vehicles larger than supermarket home delivery vans could not deliver on Deerhurst Road.
- The delivery and servicing plan would be reviewed after three months.
- A photographic event would be defined as an event where the applicant had a fee-paying client with a pre-arranged appointment. Ad hoc photography would not be included.
- While there was no requirement to provide evidence, such as invoices, to demonstrate compliance, it could be requested if

there were issues.

- Restricting all external lighting through a condition would be too prescriptive. Restricting operation between 08.00 and 20.00 was sufficient.
- There would be no loss of residential space as the floor plan would not change and the applicant would continue to live at the property. The B1 use would be restricted to 52 days per year so there would be full residential use for the majority of the time.
- The applicant would be responsible for the three month review of the delivery and servicing plan.
- If the property were to be sold, the terms of any permission and conditions would remain with the property.
- The applicant had informed the meeting that most photographic shoots operated between 09.00 and 18.00. The conditions would ensure that any commercial activity, including the setting up and taking down of equipment, would only take place between 08.00 and 20.00. Members were advised by the Legal Officer that if they considered it appropriate the wording of the relevant condition could be amended to specify that the operating hours included time to set up and dismantle equipment.

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

- It was not clear how the business activity could be monitored or how the conditions could be enforced.
- There was not sufficient recent evidence of the levels of parking stress.
- Approving the application would result in the temporary loss of residential housing, thereby breaching policy H3.
- The proposal was a hybridisation of residential and business use and it would be difficult to discern when the property was in business or residential use.
- Proposing a temporary permission of one year was a positive suggestion.
- It was difficult to enforce parking rules even in areas with CPZs. Without a CPZ the conditions relating to parking could not be enforced.
- The three month review being carried out by the applicant was not ideal.

It was MOVED by Councillor Morris, SECONDED by Councillor Haselden and

RESOLVED, unanimously,

To refuse officers' recommendations and REFUSE planning permission for reasons relating to the following matters:

- i. The potential loss of residential use (contrary to policy H3) arising out of the hybrid nature of the proposed use.
- ii. The potential impact on residential amenity (contrary to policy Q2) due to the increased traffic, lighting and numbers of people associated with the proposed business use.
- iii. The potential difficulties in enforcing conditions that were intended

to mitigate concerns.

To delegate to the Director of Planning and Development in consultation with the Vice Chair the precise formulation of the reasons for refusal.

5. 164 - 168 WESTMINSTER BRIDGE ROAD (BISHOP'S) 16/03367/FUL

Case no 16/03367/FUL (agenda item five, page 83 of the agenda and page ten of the 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 provision of additional office and retail space, the impact of the existing building on the conservation area and the impact on the adjacent locally listed building.

Following the officer's presentation, the applicant's representative stated that:

- The existing building was a negative contributor to the conservation area.
- There would be an additional 53m² of flexible office floor space provided and A1/A2/A3 usage on the ground and basement floors.
- Secure bike parking, off-street bin storage and renewable energy provision would be provided through the scheme.

In response to questions from Members, officers provided the following information:

- While there was no direct link between the application and the Westminster Bridge Road renewal project, it was normal practice for construction management plans to require reinstatement to any damage to the highway, including pavements and street furniture.
- The details of the construction methodology had not yet been discussed and would be finalised as part of the construction management plan.
- Requiring applicants to consult with the community had led to issues in other cases, largely due to a difference in expectations from different groups.
- Condition 5(b) required the applicant to provide advance notification of road closures.
- The condition included in the addendum required the developer to join the Waterloo Maintenance Group which would cover traffic works.
- The design and layout of cycle storage could be reviewed via condition to ensure that it was satisfactory.
- The applicant did not own the space at the rear of the building so could not use it for disabled parking.

- Condition 13 could be amended to include 'reveals' and condition 6 could be amended to include the return of refuse containers after collection.

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

- The proposal was a vast improvement from the current building in terms of use, amenity and the active frontage.

It was MOVED by Councillor Simpson, SECONDED by Councillor Haselden and

RESOLVED, unanimously

To GRANT planning permission subject to the conditions and completion of a S106 agreement as outlined in the officer's report and published addendum and subject to the following:

- i. Condition 7 to be amended to read 'Notwithstanding the basement layout in the submitted drawings the cycle parking shall be redesigned in order to secure a more convenient arrangement for the manoeuvring and storage of cycles. The revised design shall be submitted to and approved in writing by the Council and implemented prior to occupation.'
- ii. 'Reveals' to be added to condition 13(c).
- iii. Condition 5 to be amended to read 'shall not commence'.

Condition 6 to be amended to include 'and including measures to ensure that refuse containers are returned to bin store after collection'.

CLOSE OF MEETING

The meeting ended at 9.30 pm

CHAIR
PLANNING APPLICATIONS COMMITTEE
Tuesday 17 January 2017

Date of Despatch: Friday 30 December 2016

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