

PLANNING APPLICATIONS COMMITTEE

Tuesday 12 December 2017 at 7.00 pm

MINUTES

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

APOLOGIES:

ALSO PRESENT:

1. DECLARATION OF PECUNIARY INTERESTS

Regarding application 17/04483/RG3 (114-118 Lower Marsh), Councillor Haselden stated that he had been on the selection committee, but that he was satisfied that he was able to make an objective decision.

With regard to application 17/04184/REM (Woodmansterne Primary School), Councillor Wilcox stated that she would stand down from the Committee for the duration of the item as she was the Ward Councillor and had spoken in favour of the application at previous meetings and had a pre-determined view.

2. 159 ACRE LANE (BRIXTON HILL) 17/01696/FUL

Case No. 17/01696/FUL (agenda item two, page one 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 Friday 8 December. Members were advised of the key material planning issues for consideration which included the erection of a two storey building for a builder's merchants, the creation of up to 25 full-time equivalent jobs, the proposed operating hours, the location of the site within the Key Industrial Business Area (KIBA) and adjacent to a conservation area, the provision of cycle parking, the proposed materials, the proposed arrangements for vehicle access and deliveries, the lack of impact on daylight for residential neighbours, the mitigations against noise and disturbance and the planning obligations associated with the application. Members were shown images of the site, the frontage of the previous building, and proposed frontage, elevations and floorplans.

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

- The introduction of a traffic island on Acre Lane to prevent traffic turning right out of the site was unnecessary. Preventing vehicles

- from turning right would lead to other roads being used as rat runs.
- The design constituted a form of branding and would breach policies Q2 and Q6. Heritage assets would be harmed as a result of the application.
- The application would create a darkened alley in the southwest of the site.

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

- The application would be purpose-built and the design had been considered. The colour of materials would not be out of keeping with the area.
- The darkened area raised by the objector was a fire escape for a neighbouring development. The area would be illuminated.
- The traffic island on Acre Lane would be extended to prevent vehicles turning right out of the site. This had been agreed following concerns from Highways officers.
- Up to five vehicle movements per hour were expected as a result of the application.
- The applicant was a family-owned business that employed over 400 staff. The business would be an asset to the local area with its focus on employee training, profit sharing and support for charities.

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

- The cumulative trip generation in the area had not been considered.
- Enforcement had been taken against the unlawful use of the site as a car showroom, but officers were unaware of the source of the complaint.
- The current use had been described as 'nil use' as officers considered it an abandonment due to the length of time the site had been out of use. The proposed use was appropriate within the KIBA and the previous use, a printworks, did not need to be considered.
- There was no size limit for vehicles using the car parking on Acre Lane and bays had been extended to accommodate larger, Transit-style vans.
- Deliveries to building sites would be made by HGVs, but it was likely that customers would use vans.
- The car park barrier would have a sensor and would be able to detect cycles. There would be space in the car park for 10 standard bikes, and the possibility of providing more space to accommodate cargo bikes could be explored.
- Electric lorries could be used to reduce noise.
- The timber inserts would give the appearance of a front door and would soften the predominantly metal design.
- There would be two types of metal cladding on the front elevation, and a canopy above the main entrance.
- The use of the site as a builders' merchants meant that the majority of customers would arrive by private vehicle, which had in turn dictated the building design and car parking configuration.
- A landscaping plan would be secured by condition. As much soft landscaping as possible would be included and the boundary treatment would be replaced.
- The operating hours would be from 06.00-19.00 Monday to Friday

and 07.00-13.00 Saturday, with customer opening hours from 6.30-17.00 Monday to Friday and 8.30-13.00 Saturday. The extended hours would allow staff to arrive and for deliveries to be made.

- A number of mitigation measures, such as the installation of acoustically sealed roller blinds, quieter lorries and loading morning deliveries the previous day, would be required. A full noise assessment had been undertaken from the nearest residential receptors, and noise levels would be within guidelines. Environmental Health officers were satisfied with the mitigations.
- Condition 9 could be amended to restrict delivery and servicing until 07.00. However, early deliveries to building sites were necessary.

The Legal Officer provided the following advice to the Committee:

- It was not possible to impose a condition that could be amended at a later date.

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 an opening hour of 06.00, particularly regarding HGV movements, was too early considering the proximity of the site to residential properties.
- The cycle parking racks should be configured to accommodate cargo bikes.
- Bringing an empty site back into use and providing jobs was positive.
- The design of the application had been well-considered. It was unfortunate that the corner site had not been made more prominent, and landscaping should be used to create a clear presence.
- A height restriction on customer car parking should be imposed to prevent HGVs having to use residential roads after leaving the premises.

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

RESOLVED, by five votes to one

1. To APPROVE planning permission subject to a Section 106 Agreement and the conditions as outlined in the officer's report and published addenda and the following:
 - i. Amendment to Condition 23 to impose a height restriction to the customer car parking entrance on the grounds of residential amenity;
 - ii. An informative requesting that the customer cycle parking be configured to accommodate cargo bikes;
 - iii. An informative requesting that soft landscaping is maximised, particularly at the boundary, to assist with drainage, and that the trees planted are as mature as possible.
2. Agree to delegate authority to the Director of Planning and Development to:
 - a. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or

- deletions as the Director of Planning and Development considers reasonably necessary;
- b. 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
 - c. Complete the planning obligations referred to above.

3. 114-118 LOWER MARSH (BISHOPS) 17/04483/RG3

Case No. 17/04483/RG3 (agenda item four, page 107 of the agenda pack, page four of the addendum and page three 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 8 December and the day of the meeting. Members were advised of the key material planning issues for consideration which included the demolition of the existing single storey building, the erection of a 2/3/4/5 storey building with mixed use and flexible community space, the public realm improvements to Granby Place, the proposed design, the relationship with existing buildings on Lower Marsh and the use of materials that were within the character of Lower Marsh. Members were shown images of the proposed streetscape, elevations, massing and public space improvements. Samples of materials were shown to Members.

The applicant, agent and architect then provided the following information in support of the application:

- The application would redevelop a council-owned site and would contribute to objectives in the Borough Plan and the Council's strategic objectives.
- Office space would be provided, which was in high demand in the Waterloo area, and would provide space for SMEs.
- The configuration proposed would provide the densest employment use, allowing a greater contribution to the local economy.
- The site was an infill site, with excellent public transport accessibility. It was located within the Waterloo Opportunity Area and the Central Activities Zone and was an appropriate use.
- The proposal would contain office, retail and community use.
- A unilateral undertaking would ensure that if the D1 space was not reprovided at Oasis Johanna Primary Academy or at another site within 250 metres, it would be provided at the site.
- The design would sit within the context of Lower Marsh, while having its own character. The active frontage would be restored.
- The choice of materials was a response to the traditional shop fronts.

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

- The unilateral undertaking would require the applicant to provide D1 space on the site unless it could be demonstrated that a replacement facility of the same quantity and quality had been provided. The definition of 'quality' would be a judgement call by officers, and quantity would be determined by the amount of floorspace to be provided.

- Policy S1 protected the use class, rather than the precise usage, so it was not possible to ensure that library use would continue. The Culture 2020 programme required a replacement library to be provided at the Oasis Academy site for three years, and a permanent site at Oasis Johanna was being proposed.
- Limited weight could be given to the Culture 2020 programme, as it could be easily removed. The unilateral undertaking meant that the proposed D1 space could not be used by any other class until the library's location was decided.
- No studies on the existing usage had been done, and were not required by policy.
- The structure of the unilateral undertaking would require the replacement D1 use to be in close proximity to the site.
- The worst case scenario for refuse and servicing had been established and plans would be based on this scenario. Condition 9 d) would require occupiers to provide details of servicing.
- The architect had been keen to reflect the industrial character of Station Approach and Waterloo Station. The pigmented concrete was a modern take on the render used along Lower Marsh. Officers were of the opinion that the design and materials would not detract from the conservation area. The roof would not be visible to pedestrians on Lower Marsh and the building would not dominate.
- The roof terraces on 112-113 Lower Marsh did not have planning permission. If BRE guidance was applied strictly, the terraces would not receive enough light for seven months of the year. Were they lawful, officers would likely have advised that BRE guidance was guidance, rather than a requirement, and was designed for a suburban context. The site was in a dense, urban environment and the impacts on the roof terraces would be acceptable.
- While there were markings for play in Granby Place, there was no formal use for play or sport at present. Granby Place would be used as public realm, with not sport use.
- The Construction and Management Plan (CMP) assumed that construction would take place from Lower Marsh. The applicant would discuss with Network Rail the possibility of using Station Approach instead of Lower Marsh, and would need to provide evidence of attempted negotiations before Lower Marsh could be used. The applicant had contacted Network Rail regarding the use of Station Approach, but no agreement had yet been reached.
- There were no details yet of how residential amenity would be preserved during construction, but efforts could include limiting construction hours, limiting delivery times of materials or using Granby Place to store materials.
- As the Council owned the land and was the applicant, it was not possible to enter into a s106 agreement. The unilateral undertaking would be enforceable by law and if the land was sold, the obligations would transfer to the new landowner.
- The ground floor vents would service the basement and ground floor, and the vents at the top floor would service all other floors. The vents would not emit any smoke or smells onto the street.
- The final selection of materials was a condition and would be done by officers.

The Legal Officer provided the following advice to Members:

- Criteria to assess the quality of replacement D1 use could be included in the unilateral undertaking.

- It was not possible to protect the existing library use, as any library could convert to another D1 use without the need for planning permission.
- Requiring the replacement D1 use to be a library would be too prescriptive and was not supported by planning policy.
- The unilateral agreement could be drafted in consultation with the Chair in terms of the definition of 'quality' of the D1 use.

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

- Clear effort had been made to secure the future library use, but there was still a considerable level of uncertainty. Criteria on the quality of the replacement D1 use should be included in the unilateral undertaking.
- Some Members found the design to be well thought through, particularly given the infill nature of the site. Other Members felt that the design was inelegant and did not find the materials to be appropriate.
- The proposed use was welcome, particularly the provision of flexible office space.
- Improving the public realm at Granby Place would be positive and should result in increased usage.

It was **MOVED** by Councillor Wilcox, **SECONDED** by Councillor Simpson, and

RESOLVED, by five votes to one

1. To **APPROVE** planning permission subject to a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 and the conditions as outlined in the officer's report and published addenda and the following:
 - i. The unilateral undertaking to be drafted in consultation with the Chair in terms of the definition of 'quality' of the D1 use.
2. To delegate authority to the Director of Planning, Transport and Development to:
 - a. Finalise the recommended conditions as set out in this report.
 - b. Negotiate, agree and finalise the planning obligations as set out in this report pursuant to Section 106 of the Town and Country Planning Act.

4. WOODMANSTERNE PRIMARY SCHOOL (STREATHAM SOUTH) 17/04184/REM

Case No. 17/04184/REM (agenda item three, page 71 of the agenda pack, page three 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 8 December and the day of the meeting. Members were advised of the key material planning issues for the reserved matters application regarding appearance and landscaping to be approved. It included an overview of the proposed materials of the building and elevation studies, an overview of the proposed soft and hard landscaping that included details of the

proposed planting and hard landscaping materials and the rationale for their inclusion. Officers were satisfied that the design was suitable and appropriate and would differentiate the building from the primary school building. Images of the proposed views of the building and the site were shown. Members were informed that outline consent for the development had been granted in 2015 and that minor amendments had been approved under delegated powers in September 2017. Proposed materials were shown to Members.

[At 22:00 the Committee elected to proceed with the meeting for a further 45 minutes in order to conclude the remaining matters of business.]

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

- The proposal was sympathetic to the primary school but would differentiate between the two schools.
- Two drop-in sessions had been held and had been successful.
- Work on the primary school was now complete.
- The same landscaping would be used throughout the site.
- The proposals were compliant with the outline planning permission.
- Following consultations, the proposed materials had been changed from metal cladding to brick.
- There would be minimal fenestration on the northern façade, minimising any overlooking.

Councillor Clair Wilcox then spoke in support of the application as the Ward Councillor for Streatham South, stating that:

- Streatham South Ward Councillors had championed the proposal for a secondary school in the area.
- The small number of objections reflected the officers' work and communication with residents.
- The final materials should be of the highest quality and the areas closest to residential neighbours should be given particular consideration. Landscaping should be well-maintained.
- The slight underprovision of playspace was regrettable.
- Sports facilities should be opened up to the whole community.

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

- The dark grey colour of the bricks had been chosen to relate positively to the primary school while differentiating between the two schools. Darker bricks would be affected less by staining.
- The warmer tones, such as yellow details to the fenestration and bronze fins on the sports hall would brighten the site and would provide contrast.
- Asphalt was a flexible and easily maintained material and could be painted to provide contrast with the building materials. The approach to the main school entrance would be paved in granite, while there would be areas with resin-bound gravel which would offer space to socialise.
- The plant equipment on the roof would not be visible from most views. Screening would be required and details be submitted as part of the condition secured on the planning permission to ensure that it would not be perceptible.
- Rooflights were not sought for the sports hall as installing rooflights would make it more difficult to control light and heat. The applicant

had provided tests on the amount of sunlight that the sports hall would receive and had obtained guidance from Sport England.

- An informative was included requesting that the applicant consider reducing the height of the fence between the car park and sports hall as part of the boundary treatment details to be submitted.
- The car parking area would be relatively open, with planting to separate it from the main play area. The boundary treatment would be a 2.1 metre tall fence, and while planting could be added to the fence, the viability of any planting would have to be considered.
- The coloured glazing suggested through an informative on the outline permission had been in relation to the primary school, and it had been advised that the coloured glazing was not incorporated. The applicant advised officers that the bell tower clock from the original primary school had been retained and would be included within the landscaped area. An informative referring to this has been included.
- The number of bins being provided was below Lambeth's standards. However, the school would not be at capacity until 2023 and the level of waste generated could be monitored as the school grew. Providing more space for refuse would reduce the space available for landscaping and play spaces. Underground waste storage had not been considered due to the cost. Additional waste collections could be organised if the refuse generated was higher than anticipated.
- The windows on the first floor would have the deepest recess. There would be a substantial amount of reveal on all windows.
- No areas had been identified as food growing space, but could be easily accommodated.
- Condition 5 related to colour palettes and lighter tones could be requested through an informative.

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

- An informative should be added to request that the soft landscaping in the car park be made as attractive as possible.
- A request to provide food growing space should be included in an informative.
- Some Members felt that the design was acceptable, while others felt that the dark grey brick would appear oppressive, particularly on cloudy days and in the winter. All Members appreciated the need to differentiate between the primary and secondary schools.
- The proposed planting area could create a setting similar to parkland.

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

RESOLVED, unanimously

To APPROVE the reserved matters subject to the conditions as outlined in the officer's report and published addenda and the following:

- i. Informative 8 referring to hard and soft landscaping details to be expanded to encourage the applicant to encourage food growing within the site and for soft landscaping within the car park to be as attractive as possible.

- ii. Informative 2 referring to details to be submitted as part of condition 5 to be amended to request that lighter tones of brickwork be considered.

5. APPEAL & ENFORCEMENT DECISIONS AUGUST 2017

Members thanked officers for their work in defending the Council's policies.

CLOSE OF MEETING

The meeting ended at 10.40 pm

CHAIR
PLANNING APPLICATIONS COMMITTEE
Tuesday 19 December 2017

Date of Despatch: Wednesday 20 December 2017

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