

PLANNING APPLICATIONS COMMITTEE

Tuesday 13 November 2018 at 7.00 pm

MINUTES

PRESENT: Councillor Ben Kind, Councillor Jessica Leigh, Councillor Marianna Masters, Councillor Joanne Simpson (Vice-Chair), Councillor Becca Thackray, Councillor Clair Wilcox (Chair) and Councillor Timothy Windle

ALSO PRESENT: Councillor Jon Davies

1. DECLARATION OF PECUNIARY INTERESTS

With regard to application 18/03773/FUL (Graphite Square), Councillor Simpson stated that she would stand down from the Committee for the duration of the item as she had a pre-determined view and would be speaking in objection to the application.

2. MINUTES

RESOLVED: That the minutes of the previous meeting held on 09 October 2018 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. GRAPHITE SQUARE (PRINCE'S) 18/03773/FUL

Councillor Joanne Simpson stood down from the Committee for the duration of the item.

Case No. 18/03773/FUL (agenda item 3, page 7 of the agenda pack, page 1 of the addendum and page 1 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 09 November and the day of the meeting. Members were advised of the key material planning issues for consideration which included the demolition of existing office, warehouse and church buildings and redevelopment of the site to provide residential, office and replacement community space, improvements to public realm within and outside the site, the provision of 35% affordable housing and the changes made to the application compared to the previously refused application. These changes included increased separation distances from 79 Vauxhall Walk and a reconfiguration of the block heights to reduce the height of Block C.

Members were shown images of the site and its context, conservation area designations and the existing buildings on the site, the proposed uses for each floor of the proposed development and comparison images of the proposed and refused developments. The Council's daylight and sunlight consultant provided Members with information on the daylight and sunlight impacts that the development would have on neighbouring residential properties., He advised that while there would be improvements in Vertical Sky Component (VSC) levels compared to the refused scheme there would still be significant reductions in light, however these were considered acceptable given the minimal massing currently on site and the urban context.

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

- The community wanted the site to be developed, but not in such a way that would negatively affect residents.
- Solar panels had recently been installed on nearby residential blocks for a co-operative solar panel scheme. There had been no consideration of the potential impact on the panels.
- Nearby buildings were five storeys tall, and this development would be significantly higher than neighbouring buildings.
- Although kitchens under 13m² had been considered 'uninhabitable' when assessing daylight and sunlight impacts, residents spent a lot of time in their kitchens. Residents' living rooms would face the development, with associated impacts on the light received to these rooms.
- The development would not benefit local residents.
- The length of construction time could increase pollution in the immediate area.

Kate Hoey then spoke in opposition to the application as the MP for Vauxhall, stating that:

- This application was a new application, so the reasons for refusing the previous scheme were not applicable.
- The height of the proposed development did not match surrounding blocks and had been justified based on the height of nearby Hayman's Point, although this development was one storey taller.
- The tallest element had been moved from Block C to Block A.
- The surrounding area was predominantly low-rise, and the development would be imposing.
- Limited changes had been made to the application, with the building line being moved only one metre further from Arne House.

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

- The existing site was an eyesore and did not benefit the area.
- 35% of the new housing would be affordable, with a policy-compliant tenure split. The application met Local and London Plan guidance.
- Six more affordable homes would be provided than the refused application. The affordable family-sized units would be let at London Affordable Rent, in line with social rent.
- The community space would be let at nil rent.
- The applicant had worked with officers to deliver improvements on the previous application.
- There had been particular focus on the daylight and sunlight

impacts on Arne House and 79 Vauxhall Walk. The applicant and officers had visited a number of flats in these buildings, and had acquired full floorplans. They were confident that no living rooms or principal bedrooms faced the site. Many rooms retained good light levels.

- The scheme had been designed to reflect the industrial heritage of the area, and would be built with high quality materials.
- All residential units would meet or exceed space standards. There would be a high proportion of dual aspect homes, with no north-facing single aspect units.
- The design of Block C had been amended considerably to reduce the impact on 79 Vauxhall Walk.
- Up to 1,000 new jobs would be provided by the development.

Councillors Joanne Simpson and Jon Davies then spoke as Ward Councillors for Prince's:

- The application did not overcome the previous reason for refusal.
- Officers' arguments that the bedrooms facing the site were secondary bedrooms misunderstood how many residents used their homes. There was no definition of 'secondary' bedrooms in policy.
- The report acknowledged the major adverse loss of light, but argued that this was acceptable due to existing light levels.
- The development would cause unacceptable harm to neighbouring residents.
- The application site was directly adjacent to four local businesses, which in total employed 300 staff. These businesses had tried to engage with the applicant but did not receive responses. The development would negatively impact on the operation of these business, and there was a risk that jobs in these businesses would be lost to create new jobs in the development.
- No affordable workspace was offered as part of the application.

Officers, the Council's daylight and sunlight consultant and the applicant's representatives then provided the following information in response to questions from Members:

- There were 87 flats in Arne House. Officers had inspected three flats, and the applicant had inspected eight. There had also been considerable external observations from the deck access. Officers were confident of the layout and the uses of each room.
- A full floorplan for the southern third of Arne House had been obtained from the Lambeth Archives. For other parts of Arne House, estate agents' floorplans and other sources had been used.
- The use of 'secondary' bedroom did not denote the importance of the room, but referred to the room being smaller than the other bedroom and facing towards the application site. Residents could choose to sleep in the 'secondary' bedroom if they wished.
- Appendix D to the report showed the daylight review. The second and third floors had been sampled and largely met all target criteria.
- If solar panels were on the southern end of Arne House, there would be no impact. If they were on the northern or middle thirds, there would be some reduction in sunlight received in the afternoons, with a greater effect in winter. However, there would not be a major effect on the level of light the panels would receive.
- The existing VSC levels were low. Therefore a relatively small change in term of percentage points would have a greater proportional change.

- The playspace would meet BRE guidance on daylight and sunlight.
- Average Daylight Factor was an absolute, not a comparable test, but was acceptable to use as a supplementary reference.
- There was no legal definition of a small kitchen, but practically it was less likely that a small kitchen would be used as living space compared to a larger kitchen.
- The treatment of the land between the site and Jameson House and Kennedy House was indicative at present and would be secured by the S106 Agreement.
- Access to the on-site public realm was likely to be open, with no gate. A gate on Vauxhall Walk would be replaced.
- There was no direct overlooking to Block C so privacy screening was not necessary. Screening would only be used on the first to the fourth floors, as these directly faced the offices on Vauxhall Walk. There would be no screening for the playspace.
- The mix of hard and soft landscaping would be secured by condition. There would be a larger amount of hard landscaping on the ground floor public realm as this was an access route. On the podium level there would be approximately 40% soft landscaping and 60% hard landscaping.
- Final designs of the playspace would be secured by condition. The playspace was aimed at younger children and would be designed in line with national standards. Although softer surfaces would be used in the playspace, it would still be considered hard landscaping.
- Use of the ground floor public realm, and any restrictions, would be up to the management of the development, including the use of skateboards. The management plan for the community use could be amended to include the public realm area. There would be no security guards on the site.
- Trees would be planted along the public realm to provide space to stop and relax. Planting the trees further apart would ensure that they thrived. The species choice would be secured by condition, but would be chosen based on what species would thrive in such an environment.
- The workspace would be flexible and could support a range of uses. It would be aimed at small- and medium-sized businesses including start-ups.
- The maximum number of jobs that could be provided was 1,000, but this would depend on the type of businesses and the configuration of the workspace. The 2008 London Plan provided guidance on calculating the number of created jobs, with each job requiring 10-14m².
- The applicant had spoken to providers of serviced offices, which tended to use space more densely, with each job needing 6-7m². Based on this denser usage, there would be up to 1,000 jobs provided.
- Officers considered there to be no reasons why the existing businesses on Vauxhall Walk would not be able to stay in the same location as they would remain serviceable.
- The Council was currently consulting on an affordable workspace policy, but this could be given very little weight given the early stage of policy development. This was why no affordable workspace policy was included in the development.
- The D1 usage would not be restricted to church use, although the applicant was in discussion with the church on the existing site.

Any change of use from D1 would require planning permission, so officers did not consider an Article 4 directive to be necessary.

- The Greater London Authority (GLA) was strongly supportive of this scheme and the previously refused scheme. Concerns raised at the first consultation had been addressed.

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

- Members raised concerns around the D1 community use, the public realm space and particularly the impacts on daylight and sunlight.
- It was difficult to fully assess the impact on neighbouring buildings as the uses of rooms in all flats was not known. Members expressed unease around the use of 'primary' and 'secondary' bedrooms. The development would only exacerbate already low levels of light.
- Some Members felt that the stated benefits did not overcome the harm of the development.
- The provision of affordable housing in line with policy requirements was positive.
- There were minimal changes to some areas of the development from the previously refused scheme.
- Some issues raised by objectors and Members could be overcome through the use of conditions.
- The design was reflective of the industrial vernacular of the area and was of a high quality.
- The attempt to move the bulk of the building from Block C to Block A had been partially successful. However, this removed the stepping down effect from Hayman's Point that had originally been envisioned.

Following Members' discussion of the application, the Assistant Director, Planning, Transport and Development provided the following information:

- Although there were provisions to move outside the D1 use, the space was not large so would not have considerable impact. It would however be possible to place a condition limiting the use of the space.
- Members could strengthen the public access and management of the ground floor public realm.
- Officers and the applicant had used a variety of sources to establish the uses of rooms in Arne House, but without accessing each flat it was not possible to be certain of the uses. Members should consider typical use, and the layout of the larger rooms facing away from the site suggested that typically residents would use these rooms as living rooms and bedrooms.
- There would be an increase in commercial floorspace, and at a higher density than the light industrial space currently on the site.
- The GLA's position was that kitchens smaller than 13m² were not classified as habitable rooms.
- The height of the scheme had been considered appropriate in the previously refused application, and the maximum height had not changed.

The Legal Officer told the Committee that while each application had to be considered on its own merits, previous reasons for refusal could be taken into account to ensure consistency. The Committee was not bound by the

previous decision but it was capable of being a material planning consideration.

It was MOVED by Councillor Wilcox, SECONDED by Councillor Kind, and RESOLVED, by five votes to one

1. To REFUSE planning permission against officers' recommendations for the following reasons:
 - i) The proposed development, by reason of its scale and massing and proximity to neighbouring residential properties, would have a detrimental impact on the residential amenity of the occupiers of Jameson House, Vauxhall Walk and Kennedy House, Glasshouse Walk; and would adversely impact on the amenity of residential occupiers in Arne House, Worgan Street and 79 Vauxhall Walk in terms of sunlight and daylight. As such, the proposal would be contrary to Policies Q2 (iv) and Q26 (vi) of the Lambeth Local Plan (2015) and Policy 7.7(D) (a) of the London Plan (2016).
2. In the event that there is a subsequent appeal, to delegate authority to the Assistant Director of Planning, Transport and Development, having regard to the heads of terms set out in the report and PAC minutes, to negotiate and complete a document containing obligations pursuant to Section 106 of the Town and Country Planning Act 1990 in order to meet the requirement of the Planning Inspector.

4. SURREY COUNTY CRICKET CLUB, KENNINGTON OVAL (OVAL) 18/01799/FUL

Case No. 18/01799/FUL (agenda item 4, page 101 of the agenda pack, page 5 of the addendum and page 2 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 09 November and the day of the meeting. Members were advised of the key material planning issues for consideration which included the demolition of the existing Lock Laker stand and the erection of a three tier spectator stand and linked four storey buildings for a concourse, club shop, ticket office and hospitality, the net increase of 2,303 seats, the relationship with heritage assets, the application history of the site and proposed changes to the footpath which were reserved by condition. Members were shown images of the site and its context, proposed floorplans and views, comparisons between the application and previously approved but unimplemented schemes and the proposed materials. Members viewed samples of the proposed materials with the Conservation and Design Officer and were advised that the final choice of materials was reserved under condition.

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

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

- This was the third application for the site. The applicant was a long-time occupier of the site and wanted broad support for the application, having conducted discussions and consultations.
- The application would improve facilities on match days with more toilets and catering, and non-match day events through the provision of space for conferences. The applicant hosted 1,500 non-match day events per year.

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

- Construction traffic would enter the site from the south, while traffic for the gasholder site would enter from the northeast.
- Kennington Oval was closed on major match days to ensure pedestrian safety.
- The cycle hire docking station was adjacent to the site and would be retained. Six Sheffield stands would be provided, but given the low modal share for cycling on match days, more cycle parking was not considered necessary.
- The lift shaft would be higher than the rest of the building to enable access to the upper tier of the stand. It was set back from the building line by seven metres and the contrasting style would make it a feature. The signage shown on the images was indicative and was not part of the application.
- Issues around cyclists' access on match days would have to be addressed separately to the application, as it was part of the safety management plan. However, an informative could be added to ask the applicant to consider these issues.
- Condition 9 required a Construction and Environmental Management Plan (CEMP), which could control the movement of large vehicles. Given consent had been granted at the gasholder site, it would be expected that the CEMP for this application would consider the movements related to both sites.
- There were no on-site parking spaces.
- The details of the improvements for pedestrians had not yet been finalised and would be subject to a S278 application. Two options were being considered: a raised crossing and widening the footway.
- The finish of the materials was guaranteed for a minimum of 25 years, as a warranty would not be given for a longer period. The materials would not need to be replaced after 25 years.
- The use of the mesh element would provide space between the proposal and the existing pavilion, and would give prominence to the pavilion.
- The final choice of materials was secured by condition, and officers could work to ensure the closest match to Portland stone possible.
- The application would achieve a 19,4% carbon reduction, which the Council's sustainability consultant had advised was the highest possible. A cash in lieu payment of approximately £30,000 would be made to offset the shortfall.
- Policy EN4 required non-residential schemes to meet BREEAM 'Excellent' standards. This application did not quite meet this standard, but was higher than the minimum for 'Very good'.

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

- Officers should aspire to improve the BREEAM rating.

- The impact of construction vehicles on cyclists, pedestrians and local schools needed to be considered. The roads surrounding the site were narrow, with tight corners.
- The mesh provided a difference in appearance that was difficult to appreciate out of context. Officers should pay particular attention to the mesh, especially given the significance of the façade of the pavilion.

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

RESOLVED, unanimously

1. To APPROVE planning permission subject to a Section 106 Agreement, any direction as may be received from referral to the Health and Safety Executive and the conditions as outlined in the officer's report and published addenda and the following:
 - i. An additional informative requesting that the Management Plan take into account pedestrian and cyclist safety, particularly at the junction of Harleyford Street and Kennington Oval.
 - ii. An additional informative requesting that the Construction and Environmental Management Plan have regard to safety of local schools and the development of the gasholder site.
2. To delegate authority to the Assistant Director of Planning, Transport and Development to:
 - a. Finalise the recommended conditions as set out in the report; and
 - b. Negotiate, agree and finalise the planning obligations as set out in the report pursuant to Section 106 of the Town and Country Planning Act 1990.
3. In the event that the Section 106 Agreement is not completed within 3 months of committee, delegated authority is given to the Assistant 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 the report and the PAC minutes.

CLOSE OF MEETING

The meeting ended at 10.45 pm

CHAIR
PLANNING APPLICATIONS COMMITTEE
Tuesday 4 December 2018

Date of Despatch: Wednesday 21 November 2018

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