

MINUTES OF THE PLANNING COMMITTEE C

Thursday, 29 November 2018 at 7.30 pm

PRESENT: Councillors Olurotimi Ogunbadewa (Chair), Stephen Penfold (Vice-Chair), Aisling Gallagher, Leo Gibbons, Louise Krupski, Jim Mallory, Hilary Moore, Sakina Sheikh and Alan Smith

ALSO PRESENT: **Officers:** Mehdi Rezaie (Head of Development Management); Kheng Chau (Senior Legal Advisor); Zahra Rad (Committee Co-ordinator).

Apologies for absence were received from Councillor Bill Brown

1. Declarations of Interests

Councillor Smith declared that he will not be participating in the debates on item 6 of the agenda

2. Minutes

The meeting Commenced at 19:30.

The Minutes of the Planning Committee (C) meeting held on 11 September 2018 were reviewed. Councillor Penfold wished to correct record of his vote for item 5 on that agenda as abstained instead of for. The Minutes of the Planning Committee (C) meeting held on 11 September 2018 were approved once corrected.

Changes to standing order: Item 4 to be considered first as Councillor Smith has to leave early.

3. THE ARCHES, CHILDERS STREET, LONDON, SE8 5PL

(DEBATE ON reading out the entire letter from Councillor Feis-Bryce). Mr. Rezaie expressed that matters of a material planning consideration had been summarised in his forthcoming presentation. Members pursued the Chair to have the whole document to be read out, the Chair refused and instead opted to adjourn the meeting for 5 minutes to allow members to read the document.

Mr. Rezaie outlined the details of the application to members and explained that certain planning matters had already been judged to be acceptable in principle at a previous planning committee and that the current determining issues should be focused on the marketing aspect.

Mr. Rezaie outlined the site constraints material to the application site, summarising those as "other employment"; 'Floodrisk Zones 2-3' and a 'PTAL rating 1/2'.

Mr. Rezaie outlined particulars of the existing and proposed Change of Use, the accompanying design alterations, both at elevation and floor plan. He explained that previous and current consultation with statutory bodies/authorities had resulted in no objections being raised, however there had been objections from nearby residents and a non-statutory body.

Mr. Rezaie gave brief response to the written objections received, steering members to relevant sections from the officers report which addressed concerns raised. Principally, and on the topic of marketing, Mr. Rezaie highlighted the applicants efforts, the period by which he had marketed the site for with no success in generating interest for their current use, stipulating that the marketing evidence provided demonstrated that a long and extensive process had been carried out which from a planning policy perspective those efforts far exceeded the minimum local plan policy requirements, which subsequently aligned with national guidance.

Mr. Rezaie commented on the late objection letter which had been received by Councillor Bryce, expressing that he could only regard comments from a material planning perspective, that some comments were unsubstantiated and non-material. Mr. Rezaie expressed that consideration of the marketing report had been dealt with within paragraphs 6.9-6.11 of the original report. That the applicant had provided copies of all sales literature, which unequivocally accorded with Paras. 2.75 and 7.76 of the justification for DM Policy 11 and relevant paras under Para. 2.152 from DM Policy 20.

Mr. Rezaie outlined that officers remained satisfied that due marketing steps had been taken and evidence provided. Based no new material planning considerations raised since members last resolved to grant planning permission on the same application in February, officers recommended to members that approval should remain unchanged and that planning permission be granted without delay subject to legal agreement and imposition of conditions.

Councillor Gallagher queried the reason for appeal to be allowed in June and Councillor Penfold indicated that some of the factual information in the officer's report regarding amenities (restaurants and cafes) nearby are incorrect. Mr. Rezaie explained that the principle of this weighed against access to services, and that the relevant statutory authority in this regard the Highways had been consulted and officer's recommendation aligned on those consultations.

Councillor Gibbons made reference to the local plan core strategy and stated that the proposal is contrary to the aims and objectives of the local plan for the area. Mr. Rezaie responded by indicating that local plan policies and national guidance allow for Change of Use applications to take effect when sites become unviable/unsustainable, but only if it has been successfully demonstrated that all marketing criteria's had been carried out and to a satisfactory degree, which in this case had.

Councillor Sheikh asked about provision of social housing/affordable homes in the proposed application. Mr. Rezaie expressed that there are no such planning policy requirements for development of under 10 units.

Councillor Sheikh expressed discontent that provision of social housing/affordable homes could not be applied here.

Councillor Penfold asked for points of clarification regarding DM 9 & 10

Mr. Rezaie responded by expressing that those policies were not relevant to the site in question as they related to mixed-use employment locations and the site is now dedesignated and now outlined as "other employment" and only policy DM11 applies.

Councillor Krupski raised the question of lack effective marketing which would pave the way to change of use into residential.

Mr. Rezaie explained that policies DM 11 & 20 determines the effectiveness of marketing, which prescribes 36 months to be undertaken in which in this case the applicant had covered 96 months' worth of effective marketing which adhered to both policy requirements.

The chair invited the property owners to speak for 5 minutes.

Mr. Simon Fowler planning agent for the property owners confirmed the proposal and asked the Committee to agree with the officer's recommendation.

4.19. Mr. Hensher the property owner introduced the company which owns the site as a main office space operators in (20 years) Lewisham. They had acquired the concerned property as office space but have been unable to commercialize it due to various reasons such as infrastructure and access. They have not been able to negotiate directly with Catford folk who have objected to the proposed change of use.

Councillor Gibbons pointed out that information about the potential of the site was inaccurate as there were two shops nearby, and that the site had been unsuitable for the purpose it was originally bought. Discussion took place around marketing strategy by agent and Councillors Smith, Penfold.

Councillor Sheikh asked questions surrounding the applicant's motives for purchasing the premises, and if an alternative use other than residential had or could be considered, such as shops, cafes...artist studios etc. The property owner explained that as they are office space developers, other activity has not been considered.

Councillor Smith expressed discontent over green space provision, internal space standards, and questioned ceiling heights within the units, and crime and safety.

4.23. Mr. Rezaie responded to points raised around green space provision, expressing that it was not a planning policy requirement to provide open green space for a proposal of this scale/density. Mr. Rezaie made further emphasis that the applicant's motives/intentions are not material planning considerations, nor should ceiling heights be as this is covered by Building Control. Mr. Rezaie further expressed that the proposed units all exceeded the minimum internal space standard in accordance with Nationally Described Space Standards 2015.

Mr. Rezaie also emphasised that residential developments will come equipped with "secure by design" principles, implemented by way of condition which would ultimately improve aspects of public realm and crime/safety measures.

Councillor Smith questioned the validity of arguments in favour of change of use to residential, primarily on grounds of internal space standard, open green space provision, ceiling heights and crime/safety concerns, shifting members to refuse.

Mr. Rezaie suggested that perhaps decision could be deferred till after a site visit by Councillors. Also that members need be mindful of an earlier committee's decision to approve the scheme in February, and that only marketing matters need be deliberated further.

Councillor Gallagher explained that it was a different committee which had approved that scheme and they now wanted to review the whole scheme.

Mr. Rezaie advised that there is an appeal in place at the moment and the implication of such appeal is that the inspector would take the previous committee's decision into consideration and that members need to be mindful of this.

Councillor Smith suggests to differ the application and suggested that maybe a site visit would be beneficial.

Mr. Chau the legal counsel advised on the appeal process and its impact on the decision and recommend that in order to establish a solid decision when there are not enough documentation or local knowledge regarding the area, the motion to conduct a site visit would be recommended and decisions deferred until after a site visit. Mr Chau further informed the meeting to be mindful of the time table of the next committee and delays in decision.

Discussion took place and it was decided that before voting to defer involving Councillors, Moore, Mallory, Sheikh, Penfold and the legal advice requested. Mr. Chau explained that planning inspector intervention can be quite long but it is something that can be expedited. Then councillor Sheikh insisted the objectors should present their objection in 5 minutes.

A discussion took place on whether there needs to be a vote on site visit, and also if in that case objectors need to present to this meeting or not. Finally Councillor Smith proposed a motion to defer the application until after a site visit. This motion was seconded by councillor Mallory.

However without vote taken on the motion to defer on councillors Gibbons and Sheikh the objectors were invited to present their case as they have been waiting all this time.

Ms. Lynskey spoke as the chair of Catford Folk, indicating that the area is one of the poorest in Lewisham and that this change of use application does not suit the area, as it will cause loss of employment space forever.

Councillor Kelleher mentioned the history of discussions with the developer and made a statement against change of use on the grounds that marketing has not been proper.

Councillor Gallagher asked Mr. Rezaie about their options, the implication of their decision in this committee against the pending appeal.

Mr. Rezaie explained the flexibility behind deferring for a site visit, which could take account of the appeal timeframe so the scheme would be presented before the next committee. He also explained that at appeal, any appraisal by an inspectorate would be weighed against the earlier committee decision which recommended to approve and the current policy standpoint, and that an overturned refusal would have cost implications for the council.

Councillor Gallagher was satisfied with the clarification, but moved to reject officer's recommendation. Councillor Penfold seconded.

Councillor Gallagher could not draw a refusal reason, expressing that the minutes should be used.

Mr. Chau pointed out that the reason for the rejection of Officer's recommendation should be stated.

Mr. Rezaie supported Mr. Chau that a refusal reason should be provided, and reiterated that refusal on grounds of insufficient space standard and/or marketing may not uphold at appeal as officers considered those aspects to be policy compliant. 4.42. The motion for refusal was put to the committee on the grounds that it breaches DM 9 and 10 and it is contrary to Core strategy 4, 5 & 7b. Mr. Chau requested that the actual wording of reasons for refusals to be delegated to the officers.

All Councillors voted against the officer's recommendation and the application was refused,

Councillor Ogunbadewa (Chair), Councillor Penfold (Vice-chair), Councillor Gallagher, Councillor Gibbons, Councillor Krupski, Councillor Mallory, Councillor Moore, Councillor Sheikh, Councillor Smith.

4. 42 LEWISHAM PARK, LONDON, SE13 6QZ

Mr Rezaie provided details of application and proposal stating that determining issues being the principal of development, the potential impact on occupant/neighbour amenities, and the potential character and appearance of the area.

After due consideration of aspects of the proposal Planning officer advised the councillors that with minor adjustments the proposal would be permitted under General Planning Development Order (GPDO) and therefore recommended that planning permission be granted subject to conditions.

The original application had been revised to reduce overall height and removing solar panels, which makes the proposal compliant with local and national planning guidelines.

No question were raised from the committee members.

The applicant was invited to speak by the chair. He explained the purpose of the proposed application and reject the objection.

Councillor Smith asked about the reasons for removal of solar panels from the roof design.

The chair then invited the applicant to speak in support of the proposal.

Then the objectors were invited to speak by the Chair. Mr. Cunningham that proposed development would not respect the existing design and would change the existing character of the area.

Councillor Moore moved to accept officer's recommendation, which was seconded by Councillor Sheikh.

All councillors present voted in favour of the motion and the application was approved, Councillor Ogunbadewa (Chair), Councillor Penfold (Vice-chair), Councillor Gallagher, Councillor Gibbons, Councillor Krupski, Councillor Mallory, Councillor Smith

5. 29 INCHMERY ROAD, LONDON, SE6 2NA

Mr. Rezaie detailed the application, stipulating that the property is located in a Conservation Area and informed the committee that Culvery Green Residents Association had objected to the principle of creating a new opening in the façade of the property.

Mr. Rezaie outlined that the planning case officer had consulted conservation officers who had initially raised an objection as to the size of the new proposed opening. The owners had consequently revised their proposal so as to adhere to earlier Conservation Officer's guidance, since the Conservation Area Officer retracted their objection and offered full support and the planning case officer weighed this in when forming their recommendation for approval.

Councillors Gibbons and Penfold asked for more information regarding the window and how it would facilitate the loft conversion and the officer stated the function of this type of windows.

The chair invited the planning agent to speak in support of the proposal. Ms. Marshall, the architect on behalf of the applicant and explained the proposed development would have minimum impact on the character of the area.

Then the objector from Culverley green Residential Association Mr. Kently was invited to speak out by the Chair. His emphasis were on proposed windows on gable, would change the character of area. A discussion on the comparative advantages or disadvantages of window or skylight in the loft took place, by Councillor Gibbons, Gallagher, Penfold and Mr Rezaie.

Councillor Gibbons moved to accept officer's recommendation. Councillor Mallory seconded

For approval were councillors; Councillor Ogunbadewa (Chair), Councillor Penfold (Vicechair), Councillor Gallagher, Councillor Krupski. Abstained; Councillors Councillor Moore, Councillor Sheikh

6. 90 EFFINGHAM ROAD, LONDON, SE12 8NU

Mr. Rezaie presented the application, informing the committee that revisions had been received adjusting the size of proposed mansard (due to objections by Lee Green society). Consequently changes to the submitted plans were made to reduce the bulk.

Mr. Rezaie also indicated that determining issues with regards to this application were concerned with potential impact on amenities (overbearing/overlooking) and the potential impact on character and visual amenities (Conservation Area).

Mr. Rezaie expressed that the building is located in Lee Manor Conservation area and is subject to Article 4 direction, situated within flood risk zone 2. Mr. Rezaie advised members the case officer recommended approval of planning permission subject to conditions, which was supported given precedence of similar proposals in the area.

Councillor Krupski raised a question on the subject of overlooking of the mansard and Mr Rezaie explained the assessment of officers, highlighting no detrimental impact in this regard.

The applicant was invited by the Chair to defend their proposed planning application. He defend their proposed plan and mentioned other examples in that area.

The Lee Manor Society representative, Mr. Batchelor explained that they do not raise any objections to loft conversion, however their consideration is for the setback and explained that their preference is for bigger set back as in other applications which have a setback of between 25 to 30%, while this proposed application has agreed to a setback of 10%.

After these presentations a short discussion took place on the dimensions and set back of the mansard, and the likely harm to the conservation area by councillor Gibbons, and Mr. Batchelor.

Councillor Mallory sought advice of Mr. Batchelor and his degree of satisfaction over amount of setbacks he considers acceptable and whether those changes could be made.

Mr. Rezaie expressed that only the applicant should answer the aforementioned line of request as they held the authority to decide whether or not to make those amendments.

Councillor Gibbons explained that the main consideration is not about percentage setback, but about the impact on the visual amenities of the conservation area and asked if there is precedent for this type of extension in the area.

Mr. Rezaie explained that as long as no harm is caused by the development the amount of setback would be assessed on a case by case basis. He further explained that the conservation society guideline document has no weight in planning decisions as it was not an adopted document.

Councillor Gallagher asked about the method for establishing precedent in these cases and how to establish whether there is harm particularly in a conservation area.

Mr. Rezaie further explained that as the mansard is to the rear of the building and could not be seen from the street scene and is outside of public domain, there are no harm to the visual amenities of the area.

Councillor Mallory requested the officers to go back to the applicant and request further set back to the mansard.

Legal advice was sought by the chair whether the applicant is willing to amend the plan and

Mr. Chau explained that members would be able to reject the application or differ it or accept the officer recommendation, and on that basis requests to applicant could be processed.

Councillor Gallagher moved the motion to differ decision to see if the applicant is prepared to setback the mansard more inline with the recommendation of third party. Councillor Sheikh seconded.

For the motion Councillor Penfold, Councillor Krupski, Councillor and Councillor Moore.

Against the motion Councillor Gibbons, Abstention Councillor Ogunbadewa.

7. 15 PERKS CLOSE, LONDON, SE3 0XD

Mr. Rezaie outlined the details of the application to members and explained that the primary planning considerations for the application were regard to potential impact on occupant/neighbour amenities and potential impact on the Conservation Area. The officers were satisfied that the proposal should be approved subject to conditions noting that reasons for previous refusals has been overcome in the current application.

Councilor Gibbons raise the question of clarification with regards to the previous reasons for the refusal.

Mr. Rezaie outlined the previous refusal reasons and expressed that the current proposal had adjusted the scale of the proposal and its skylights and consequently planning officers considered the amendment to appear more subservient to the existing building than previous efforts.

Councillor Krupski requested information with regards to regulation about locations of skylights.

Mr. Rezaie explained that there is no such a regulation on such application types and that the proposal should be considered on its individual planning merits.

Objections had been raised by neighbours on grounds of impact on their privacy and the design impact on the Conservation Area.

The applicant Mr. Mike Jaques was invited to speak by the chair. Mr Jaques stated that their proposal for loft conversion is similar to other conversions nearby (Hurren Close) and he rejected objections which have been made due to impact on the Conservation Area and neighbours amenities.

Councillor Gallagher questioned information about the material to be used and if this is a condition of the approval of this proposal.

Mr Jaques explained that all the material would match the existing and Mr Rezaie indicated that this requirement is reflected under condition 3.

Councilor Penfold asked Mr. Rezaie for details about potential overshadowing/overlooking impact and what those parameters were.

Mr. Rezaie explained parameters concerned (45 and 25-degree rule), and that the necessary sunlight/daylight assessment had been carried and that officers remained satisfied that there would not be any adverse effect on loss of natural light on windows serving habitable rooms of both neighboring properties.

Objectors were then invited to come forward.

Donna Bamford Pringle (14 Perks Close) and Debbie Bowen (17 Perks Close) joined neighbours. They both objected underground that the back extension would impact natural light entering the open green space, and the proposed extension is not within the character of the area.

Councillor Smith asked Mr. Rezaie for details related to privacy issues and Councillor Gallagher asked points of clarification on the proposed application.

Mr. Rezaie outlined that the siting of the proposed windows would overlook the applicants own private amenity space and no detrimental impact on neighbor amenity by virtue of privacy intrusion would manifest.

Councillor Smith moved to vote in favour of the officer's recommendation to allow the application. Councillor Sheikh seconded.

Members voted as follows;

For: All Councillors voted for the officer's recommendation to approve the application with conditions Councillor Ogunbadewa (Chair), Councillor Penfold (Vice-chair), Councillor Gallagher, Councillor Gibbons, Councillor Krupski, Councillor Mallory, Councillor Moore.