

Committee	PLANNING COMMITTEE (A)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 14 SEPTEMBER 2017

MINUTES

To approve the minutes of the meeting of Planning Committee (A) held on the 3rd August 2017.

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (A) held in ROOMS 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU on 3rd August 2017 at 19:30.

PRESENT: Councillors Amrani (Chair), Jacq Paschoud (Vice Chair), Bourne, De Ryk, Till, Raven, Walsh.

OFFICERS: Suzanne White – Planning Service, Paul Clough – Legal Services, Amanda Ghani – Committee Co-ordinator

APOLOGIES: Councillors Jeffrey, Adefiranye & Kennedy.

1. DECLARATION OF INTERESTS

There were no declaration of interests.

2. MINUTES

Members approved minutes for Planning Committee (A) held on 22nd June 2017.

3. Land Adjacent to 51 Marischal Road, SE13 5LE (Item 3 on the agenda)

The Planning Officer Suzanne White outlined details of the proposal for the retrospective change of use from a workshop (Use Class B1c) to a tyre changing and selling business (Sui Generis). The officer gave an overview of the history of the activities on site and the number and content of objections received.

The new leaseholder had been bailing tyres, using heavy machinery and the tyres were then being collected by large trucks. Due to an enforcement enquiry activities were reduced to tyre fitting only.

Discussions took place between members and the planning officer regarding a possible resumption of tyre bailing on site. The officer confirmed that since tyre bailing would be considered a B2 planning use, it is not an activity that would be considered acceptable in a residential area. This application had been submitted as a result of Planning Enforcement being made aware of this use.

Discussions also centred on impacts on the highway with regards to intensity of deliveries, servicing and noise generated by existing activity on site.

The planning officer directed members to paragraph 6.24 in the officers report regarding delivery and servicing and paragraph 6.15 regarding noise. Although the existing use will generate noise, the officer stated that it would not be expected to be so severe given the tools being used and due to the level of background noise around the site.

The Committee received verbal representation from the current leaseholder of the site AK Tyres and Wheels, who has been in business on the site for 3 years. Confirmation was given that tyre bailing had stopped on site and that deliveries take place to the site once or twice a week. The leaseholder opined that previously, the tyres he gathered were mostly exported and since cessation the tyres were being dumped.

Members questioned the leaseholder as to why planning permission was not sought before the commencement of tyre bailing in 2015. The leaseholder stated that he was unaware this activity constituted a different use class and would need permission.

Further discussions were had around operating times. The leaseholder explained that if a customer came in just before closing time, work would be carried out on the vehicle which could extend past the designated closing time; which would be done behind locked front gates. Cllr Walsh sought clarification of operating times and asked the planning officer if it was possible to re-word Condition 3 to ensure all operations ceased at a certain time. Members also queried why arc lights were left on during the night. The leaseholder said there was no reason to have the lights on and if they had been left on it was an oversight.

The committee received verbal and written/visual representation from Councillor Reid who spoke under standing orders on behalf of the residents who objected. The councillor read from a prepared statement, copies of which were distributed to members. Specific points the Councillor wanted clarification on included development being restricted in accordance with application plans, delivery times, trading hours, lighting on site.

The planning officer stated that if the leaseholder was using land behind the rear gardens of properties in Marischal Road, this could be unlawful. However, this application does not relate to this area. The officer also confirmed that no application had been submitted for advertisement consent, which is required.

Councillor Walsh proposed new delivery times of between 9.30-3.30. Councillor De Ryk proposed a boundary treatment that would demarcate the area of land the present application relates to in relation to the whole site.

Members discussed amending current conditions and decided that with regards to Condition 3, Sunday and Bank holiday operating hours should be removed and the wording changed to have all activity cease at 6.30pm Monday-Saturday. Members also sought amendments to Condition 4 by having timers on lighting, Condition 2, limiting delivery times and adding a condition regarding boundary treatment.

Councillor Walsh proposed a motion to accept the officer's recommendation, with new conditions and grant planning permission. It was seconded by Councillor De Ryk.

Members voted as follows:

FOR: Councillors Amrani (Chair), Bourne, De Ryk, Walsh and Paschoud (vice-chair).

AGAINST: Councillor Till.

ABSTAINED: Councillor Raven.

RESOLVED: That planning permission be granted in respect of application No. DC/16/098512 subject to the conditions outlined in the report and the amended conditions 2, 3 and 4 and new condition regarding boundary treatment.

4. 8 Eliot Place, SE3 0QL (Item 4 on the agenda)

The Planning Officer Suzanne White described the application site, noting that it is located within the Blackheath Conservation Area and within the curtilage of a Grade II listed building (No 8). She also noted that No8 is part of a semi-detached pair including 7 Eliot Place, also Grade II listed. She outlined the history of the application site and stated that the application is for retrospective planning permission for the retention of a trellis and single-storey garden structure in the rear garden of No. 8. The application was originally granted permission in January 2014 but was quashed after a Judicial Review due to the Council's failure to consult the adjoining neighbour at No.7. The application was now being re-determined and being brought before this committee due to four letters of objection having been received by the Council from neighbouring properties.

The Planning Officer briefly outlined details regarding the principle of development, impact on amenity and design. Photographs taken by Planning Officers during site visits and by the neighbouring occupier at No7 were shown to members. The objections outlined in the report were listed in summary.

Members questioned the Planning Officer over the application, including the length of time the applicant has lived at the property and the distance of the application structure from the main dwelling house and neighbouring dwellings. It was confirmed that other structures exist in neighbouring gardens.

The Committee received verbal, written and visual representation from Mr Lock and Matthew Horton QC. As a preliminary, Mr Horton outlined his resume. He noted that the present committee was different in membership to that which had considered the application originally in 2014.

Mr Horton stated that a recounting of the site's history would in itself take longer than his allotted 5 minutes to speak. He also stated that he was unsure whether Members had read the background papers and that the poolhouse in Mr Lock's garden was not larger than the proposed outbuilding on the application site.

Mr Lock distributed copies of photographs of his rear garden and the applicant's garden, showing the application structure in various states of being built and as it appeared when it was originally completed. Copies of the Oral Objection on Behalf of William Lock ESQ., the Owner of the Adjoining Property, No.7 Eliot Place, SE3, were distributed to members and was read out in full to members by Mr Horton. The oral objection is appended to these minutes (Appendix A).

Councillor Bourne asked if Mr Lock had any photographs that had been taken recently of the application structure, to which Mr Lock replied he had not. Members questioned Mr Lock over the effects felt by having the application structure in various states of being built and as it now appears. Mr Lock stated that the application structure was built directly next to the part of his garden that he uses the most. The top of the application structure is visible when sitting on benches in this part of the garden. As a consequence Mr Lock said he does not use this part of the garden as much as he used to.

Members acknowledged the exquisite nature of Mr Lock's garden but questioned whether it was fair to expect ones neighbours to share his level of taste. Mr Lock was also asked that in the interest of neighbourliness, could a compromise not be reached between himself and the applicant.

Mr Horton interrupted members to remind them that his client was not suggesting that the applicant could not build in her back garden. Moreover, the issue in hand was ensuring the design of the structure and trellis was of the "highest quality" as stated in Policy 15 of the Core Strategy and referred to in the conclusion of the officers report which states that the overall design is considered to be of "sufficiently high quality" rather than "highest quality".

Councillor Walsh asked what was being asked for in terms of "highest quality" and how reasonable was such a request and on balance was this development not reasonable.

Mr Horton reminded members that the Council is obliged to apply their policies and this should be done.

Paul Clough, the Councils legal representative, partially agreed with Mr Horton but also stated that section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 states that special regard should be paid to the desirability of preserving the setting of a listed building. A similar requirement is to be found in section 72 of the same Act, which calls for special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. In the National Planning Policy Framework, paragraph 133 of Chapter 12 – Conserving and enhancing the historic environment states that "*Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent*". Mr Clough asked members to consider whether in light of this development, any harm had occurred to the listed buildings or the conservation area. Mr Clough stated that "the Council could depart from Policy 15 of the Core Strategy due to the proposal having little or no impact of the relevant listed buildings or the Conservation Area".

Mr Horton addressed members by stating that the test is, is what is proposed of the highest quality. If this was not addressed his client would seek redress at the High Court. Mr Horton stated that there was no reference to recent advice from Historic England in the officer's report and that the proposal cannot be justified by screening, even though the application structure is now less visible from Mr Lock's property than when originally erected. Mr Horton said he was troubled that members had not undertaken a site inspection and had not read about the history of this site before this committee meeting.

Mr Lock said that the applicant's building was ok but not when placed in this setting. He stated that when building his pavilion, he took the setting into consideration and as such his buildings cannot be seen by neighbours.

The Chair asked members to consider what highest quality was and that it would mean different things to different people. The committee must be fair and equal to all residents.

Mr Horton interrupted saying fairness was not to be judged.

Councillor Walsh spoke to members reminding them that they had looked at heritage areas before. He asked for clarity on how contemporary design was to be considered in a heritage setting.

The Planning Officer reminded members that the application should be judged against the development plan as a whole, which includes the London Plan and Development

Management Local Plan and not just on Policy 15 of the Core Strategy. She referred members to paragraphs 6.30-6.32 of the officer's report regarding the use of contemporary materials and paragraph 60 of the NPPF which states that planning decisions should not impose architectural styles or tastes on development. In summing up, the Planning Officer said that due to the simple design of the single storey structure, it neither apes the appearance of a genuine historic building or draws attention away from the listed buildings and garden setting. It is a successful design which causes no harm to the conservation area and therefore preserves it.

Councillor Till moved a motion to accept the officer's recommendation and grant planning permission. It was seconded by Councillor Bourne

Members voted as follows:

FOR: Councillor Amrani (Chair), Raven, Paschoud, Walsh, Till and Bourne.

ABSTAINED: Councillor De Ryk

RESOLVED: That planning permission be granted in respect of application No. DC/13/85586.

5. 58 Pepys Road, SE14 (Item 5 on the agenda)

Suzanne White, the Planning Officer outlined details of the proposal for the construction of a single storey extension on the rear elevation, noting key changes made in this application and how they have addressed the previous application's reasons for refusal. Members discussed window alignment and materials with the officer.

The Committee received verbal representation from Malcolm Bacchus from the Telegraph Hill Society. Concerns were raised over the proposed roof lights and he disagreed with the statement made in paragraph 6.8 of the officer's report, regarding light spillage. The stacking of units was also a concern, with regards to living rooms above bedrooms and this was something Mr Bacchus believed had not been answered in the report. Furthermore, he considered the design to be poor, very modern and uncompromising.

Further discussions between members and the Planning Officer took place. Although amendments to the scheme had been made, members still had concerns regarding the fenestration not lining up with existing windows, the UPVc materials and overall design of the extension being considered poor and the possibility of light pollution due to the roof lights.

Councillor Walsh moved a motion to reject the officer's recommendation to grant planning permission. It was seconded by Councillor De Ryk.

Members voted as follows:

FOR: Councillors Amrani (Chair), Paschoud (Vice-Chair), Bourne, Raven and Till.

RESOLVED: That the application DC/16/098786 be refused due to poor design and materials.

6. 50 Bargery Road, SE6 2LN (Item 6 on the agenda)

The Planning Officer outlined details regarding the construction of a single storey extension and the installation of two replacement side windows. The scheme has been revised with a reduction in the extension's depth and change of roof pitch, resulting in an increase in maximum height and a reduction in eaves height. The Planning Officer spoke about planning considerations and listed the objections.

The Committee received verbal representation from the architect, Cherry Bailey, who spoke about her design. She was accompanied by structural engineer, Ade Ogunrinde.

There were no questions from members so Councillor Walsh moved a motion to approve the officer's recommendation and grant planning permission. It was seconded by Councillor Bourne.

Members voted as follows:

FOR: Councillors Amrani (Chair), Paschoud (Vice-Chair), De Ryk, Raven, Bourne, Walsh and Till.

RESOLVED: That planning permission be granted in respect of application No. DC/17/100931, subject to the conditions outlined in the report.

7. Land behind 26-32 George Lane (Item 7 on the agenda)

On 31 March 2016 Planning Committee A granted permission for application DC/15/090510. The permission included a number of pre-commencement conditions.

The Planning Officer outlined details of the proposal and condition 5b regarding the external detailing. The Planning Officer highlighted the proposed high quality materials. Members discussed the simplicity of the design and palette of materials. Councillor Walsh noted the brick work being dark in the submitted drawing.

The Committee received verbal representation from the architect, Chris Mole who showed members brick samples he had brought along.

No further discussion took place and Councillor Amrani asked members if they considered the submitted information sufficient to be able to approve the materials and discharge the condition.

Members voted unanimously to approve the discharge of the condition.

RESOLVED: That Condition 5b be discharged in respect of application No. DC/17/100485.

8. Our Lady and St Philip Neri RC Primary School, 208 Sydenham Road, SE26 5SE (Item 8 on the agenda)

On 7 October 2016 Planning Committee A granted permission for application DC/16/096041. The permission included a number of pre-commencement conditions.

The Planning Officer outlined details of the proposal and condition 12a regarding boundary treatments. The officer highlighted the differing proposed boundary treatments and materials proposed.

Members discussed with the Planning Officer where the railings would be sited and whether that could entail large banners being subsequently erected on the railings as a way of obscuring views into the school site. The Planning Officer confirmed that the position of the railings would be unlikely to precipitate a need for the school to do this.

No further discussion took place and Councillor Amrani asked members if they were happy to approve the boundary treatments and discharge the condition. Members voted unanimously to discharge the condition.

RESOLVED: That Condition 12a be discharged in respect of application No. DC/16/096041.

The meeting ended at 9.55pm.

Chair

3 August 2017