

Committee	PLANNING COMMITTEE (B)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 01 February 2018

MINUTES

To approve the minutes of the meeting of Planning Committee (B) held on the 21st December 2017.

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (B) held in ROOMS 1 & 2, CIVIC SUITE, CATFORD SE6 on 21st DECEMBER 2017 at 7:30PM.

PRESENT:

Councillors: Ogunbadewa (Vice-Chair), Ingleby, Mallory, Moore, Muldoon, McGeevor.

OFFICERS: Suzanne White - Planning Service, Paul Clough - Legal Services, Andrew Harris - Committee Co-ordinator.

APOLOGIES: Reid (Chair), Wise, Hilton

1. DECLARATION OF INTERESTS

There were no declarations of interests.

2. MINUTES

Councillor Ogunbadewa (Vice-Chair), asked if Members agreed that the Minutes of the Planning Committee (B) meeting held on 9th November 2017 were a true and accurate record. Members agreed that they were.

3. 13 Calmont Road, BR1

The Planning Officer Suzanne White outlined the details of the case to Members, and confirmed that six objections and a petition in favour of the scheme had been received. Members asked questions of the officer relating to: the reason for the application being brought to committee and whether comments from the Council's Children and Young People Service were relevant planning considerations.

The committee then received verbal representation from Mr Matt Corcoran (agent). He relayed to members that the application was for a bespoke crèche which would operate between Monday-Friday and which would be 100% privately funded. He went on to outline that the facility would cater for 10 children and three staff members and that the petition which had been received demonstrated a need for the development. Mr Corcoran then asserted that the scheme was compliant with the NPPF and that DM Policy 33 was not applicable as the proposal was not for a new dwelling. Finally he added that the Council's Highways team had not objected to the scheme, but instead had stated that more information was required.

Councillor Moore asked the applicant to confirm the number of children which the crèche would facilitate, highlighting that the application stated it was for 15. Mr Corcoran responded stating that the application was for up to 15 children, but that he envisaged that there would be an average of 10 children at any one time. He added that this would allow parents to bring children in on short notice.

Councillor Muldoon then asked whether the applicant had sought pre-application advice prior to the submission of the application. Mr Corcoran confirmed that the applicant had not sought pre-application advice, but had instead taken on board feedback from a previously refused scheme on the same site for a new dwelling. Councillor Muldoon then followed this by asking how the business would work, given the number of children could change at short notice, and whether that meant the staff would be on 0 hour contracts. Mr Corcoran confirmed that all three staff would be employed full time.

Councillor Ingleby commented that he liked the proposed design and noted the petition in favour of the scheme. He then reiterated the earlier question as to why pre-application advice had not be sought, highlighting that the proposal was missing significant amounts of detail. He then added that the documents submitted with the proposal contained hints of weekend use. Mr Corcoran responded to this, confirming that the first application included weekend use, but that this aspect had been removed following the previous refusal. He continued, asserting that there had been no objections from environmental health about the proposed use, and that this would be purely between Monday-Friday. In response to the query about pre-application advice, Mr Corcoran stated that the applicant had been given no chance to discuss the scheme with Officers during the course of the application.

The committee then received verbal representation from Mr Piotr Tworzydlo (neighbours) and Mr Borislav Donchev (neighbour). They highlighted to members the presence of similar facilities within close distance to the application site and also raised concerns regarding the potential intensification of use of Ambleside. There were no questions from members.

The Planning Officer Suzanne White then responded to the points made by Mr Corcoran, asserting to members that in order for the scheme to be considered acceptable in light of the in-principle objection, great weight was needed to show that it would provide for the local community. She followed by outlining that as the scheme was proposed to cater for an average of 10 children, this was not considered to do so. The Planning Officer Suzanne White then went on to state that the first part of DM Policy 33 applied to all forms of development. Finally she said that the additional information which had been requested by the Highways Officer could not be dealt with by condition as it was needed in order to make an informed decision about the principle of the proposal and its impact.

Following further deliberation by members, Councillor McGeevor moved a motion to accept the Officer's recommendation of refusal. It was seconded by Councillor Moore.

Members voted as follows:

FOR: Mallory, Moore, McGeevor, Muldoon, Ingleby.

ABSTAINED: Ogunbadewa (Vice-Chair)

RESOLVED: That planning permission be refused in respect of application DC/17/103830, as per the Officer's recommendation.

4. 8 Eliot Park, SE13

The Planning Officer Suzanne White outlined the details of the case. Discussion took place between members regarding the history of mulberry trees within the locale, and why the existing tree would not be replaced by another mulberry.

The committee received verbal representation from Mr Marco Nardini (applicant). Mr Nardini outlined the history of the site to members, including details of soil contamination. He stated that if possible they would have preferred to retain the existing tree, but that this was not possible due to the contamination. He went on to state that mulberries should be a shrub or a bush rather than a full grown tree, and that the Council's Tree Officer had agreed with this. Councillor McGeevor asked whether it was possible to replant the existing mulberry, which the applicant confirmed it was not. Mr Nardini continued by stating that the repositioning of the proposed tree to the front of the site would continue the established line of trees on the streetscene. However, he added that he was willing to make whatever changes were considered necessary in order to support the scheme. Councillor Ingleby then asked if it would be possible to use a mulberry from a different site, which the applicant confirmed it was.

The committee then received verbal representation from Ms Rachel Ellis (neighbour). She stated that she had objected to the original application as it was not compliant with Council policy. She then added that the applicant had previously misled Officers by stating that the tree was dead and that she had video evidence of them trying to damage the tree. Ms Ellis asserted that while the mulberry may not be a native tree, the existing tree had been in place for over 160 years and formed part of the historic streetscene. Councillor Mallory asked whether the objector considered it appropriate to replace the tree with a nearly nature mulberry, to which she responded that it would be a step in the right direction.

Further deliberation between members took place, concerning the logistics of replacing the tree with another mulberry. Councillor Mallory then moved a motion to attach an additional condition requiring the replacement tree to be a mulberry tree. It was seconded by Councillor Ingleby.

Members voted as follows:

FOR: Ogunbadewa (Vice-Chair), Mallory, Moore, McGeevor, Muldoon, Ingleby.

Councillor Mallory then moved a motion to accept the Officer's recommendation. Members voted as follows:

FOR: Ogunbadewa (Vice-Chair), Mallory, Moore, McGeevor, Muldoon, Ingleby.

RESOLVED: That planning permission be refused in respect of application DC/17/102680, with the additional condition regarding the replacement tree.

The description was amended to refer to the planting of a replacement mulberry tree and an informative was added in relation to Condition (10a) relating to the soft landscaping. The, an additional informative reads as follows:

In respect of Condition 10 (a) the applicant is advised that the replacement Mulberry tree should be of the same type as that to be removed.

5. 81 Canonbie Road, SE23

The Planning Officer Suzanne White outlined details of the application.

The applicant was not present at the meeting.

The committee then received verbal representation from Ms Ruth Owens (neighbour). Ms Owens raised concerns regarding the scheme, including the following:

- Garage does not respect existing building line
- Excessive height and scale
- Potential for creation of separate dwelling
- Garage would not be used for storage, and if so why were there so many windows
- Privacy issues
- Over-dominant structure

She also raised concerns with the wording of Condition 5 and the formation of doors within the roof, as the plans already showed servicing doors on the roof.

Councillor Mallory asked whether the condition was enforceable, which the Planning Officer Suzanne White responded to stating that the wording of the condition could be clearer.

Councillor McGeevor sought clarity on the scale of development, to which the Planning Officer Suzanne White stated that it was the same as a previously approved scheme. She added that the proposed design was considered to be innovative, with the incorporated sloping roof drawing from the existing development.

Councillors Ingleby and McGeevor sought clarity over the previously approved scheme. The Planning Officer Suzanne White then proceeded to show the previously approved plans. Councillor Ingleby asked what could be done about Condition 5, to which the Planning Officer Suzanne White stated that it would be amended to clarify that access was allowed for maintenance of the flat roofs only.

Following further deliberation, Councillor Ingleby moved a motion to accept the Officer recommendation, but to alter the wording of Condition 5 to allow access to the flat roofs for maintenance.

Members voted as follows:

FOR: Ogunbadewa (Vice-Chair), Ingleby, Muldoon and Mallory.

ABSTAINED: Moore, McGeevor.

RESOLVED: That planning permission be granted in respect of application DC/17/103509, but with the alteration to the wording of Condition 5. The condition reads as follows:

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), or the approved drawings which illustrate the use of opening vents for maintenance of the flat roofs of the dwelling hereby approved, no additional vents or doors shall be installed giving access to any flat roofs on the building, nor shall any of the flat roof areas be used as a balcony, roof garden or similar amenity areas other than those set out within the approved plans.

Reason: *In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).*

6. 79 Pepys Road, SE14

The Planning Officer Suzanne White outlined the details of the application to members. Members sought clarification as to why uPVC windows were being recommended for approval in a conservation area, to which, the Planning Officer Suzanne White confirmed that the application was for the change of use of the property and that no opportunity to change the existing uPVC windows had occurred.

Councillor Ingleby asked whether there was an Article (4) Direction to restrict HMOs on the site and whether it was London Plan compliant. The Planning Officer Suzanne White confirmed that there was no such Article (4) in place on the site and that the scheme exceeded the size standards in the London Plan, following the revision of the scheme from four units to three.

The committee then received verbal representation from Mr Paul Bottemley (Agent). Mr Bottemley asserted that the site was more suited to self-contained flats rather than a HMO. He added that the scheme would have acceptable impacts, and that this was agreed by Officers to be the case. Regarding the windows, Mr Bottemley stated that the existing uPVC fixtures were in working order, hence their retention. He added that when it came time to replace them, this would likely be with a more traditional timber finish.

The committee then received verbal representation from Mr Malcolm Bacchus on behalf of the Telegraph Hill Society. Mr Bacchus stated that HMOs were acceptable in the area and could be converted back into single family dwellings much more easily than self-contained flats. He added that the extension was of a poor design and that the proposed bike store to the front elevation detracted from the appearance of the building. He continued, asserting that as the property was semi-detached, that the bike store would be better placed along the side passage or to the rear of the site.

Councillor McGeevor then sought clarification on the policies relating to the conversions of single family dwellings to flats from the Planning Officer Suzanne White. Mr Bacchus interjected, stating that there were examples where single family dwellings had changed to HMOs and then into flats in the area, including on Ommaney Road.

Councillor McGeevor commented that as Councillors, sometimes HMOs were seen as 'student digs' and that there was a desire to change these into more suitable accommodation for family housing. However, she went on to add that she had concerns that the proposal

would set a harmful backdoor precedent for the conversion of single family dwellings into flats.

Councillor Muldoon followed this by stating that each application was determined on its own merits, following which the Planning Officer Suzanne White highlighted to members that the proposal included a family sized unit (3 or more bedrooms).

Councillor Ingleby sought clarification over the materials, to which the Planning Officer Suzanne White confirmed the outline materials but stated that further details would be required as part of one of the conditions should the current application be approved. Councillor Ingleby stated that he was not comfortable with 'design by condition', and suggested that the application be refused on lack of specific design detail. Councillor Muldoon stated to members that should the application be refused the applicant would have the right of appeal, and that if they were to refuse it a clear reason for refusal would be required. The Legal Officer Paul Clough added that if members were concerned about the materials, that it was possible to have the material details determined at a future committee.

Councillor Ingleby then commented that the application should not be refused, but suggested that Condition (5) (materials) should be determined via committee. Councillor Muldoon asked whether the applicant could be compelled to submit the condition application within a specific timeframe, in order that the condition could be considered by the same members, , to which the Planning Officer Suzanne White confirmed there was not.

Councillor Ingleby then moved a motion to attach a condition requiring Condition (5) (materials) to be determined at committee. It was seconded by Councillor Mallory.

Members voted as follows:

FOR: Ingleby, Mallory

AGAINST: Ogunbadewa (Vice-Chair), Muldoon, McGeevor, Moore

The motion failed.

Following further deliberation between members, Councillor McGeevor moved a motion to accept the proposal, as per the conditions outlined in the Officer's report, with Condition 5 amended to require new brickwork to be in a Flemish bond.

Members voted as follows:

FOR: Ogunbadewa (Vice-Chair), Ingleby, Mallory, Muldoon, McGeevor, Moore

RESOLVED: That planning permission be granted in respect of application DC/17/097741, subject to the following amended wording to Condition 5:

No new external finishes, including works of making good, shall be carried out other than in materials to match the existing. The brickwork to the new extension shall be carried out in a flemish bond to match that of the existing building.

Reason: To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core

7. 79 Pepys Road, SE14

The planning Officer Suzanne White outlined the details of the application to members. The applicant was present, but stated that they had nothing to add to what the Planning Officer had relayed to members.

Councillor Ingleby asked why the windows on the rear and side elevations were not being changed back to timber. The Planning Officer Suzanne White responded, stating that as these were not visible from the streetscene, it was not considered necessary to require these to be in timber. Councillor Ingleby asked whether this was the standard approach of the Council, to which the Planning Officer Suzanne White confirmed that it was.

The committee then received verbal representation from Mr Malcolm Bacchus on behalf of the Telegraph Hill Society. Mr Bacchus stated that he had concerns with the horn details proposed on the windows to the front elevation and highlighted that the design of the proposed front door also differed to the original door. He stated that while these were minor details, it was small changes which eroded the character of the area. He continued by stating that other properties on the road had replaced their windows with appropriate fixtures, which proved it was possible to match the existing window horns.

Councillor Ogunbadewa (Vice-Chair) asked whether the windows being constructed of timber made them appropriate, to which the Planning Officer Suzanne White said that a similar style of window horn would be required, and that in this case the proposed horns were considered acceptable. Councillor Muldoon highlighted paragraph 6.15 of the Officer's report and asked the objector if he was disputing the reasonability test. Mr Bacchus responded stating that it was not unreasonable to request matching horns as other neighbouring properties had demonstrated that it was possible. Councillor Muldoon followed by asking whether the objector felt this to be proportionate, to which Mr Bacchus replied that it was, but if it was not visible that it would not be.

The Planning Officer Suzanne White relayed to members that all applications were required to be of a high standard, but that in this instance the distance from the windows to the street was sufficient to mean the horns would not be greatly visible.

Councillor McGeevor commented that the proposed door drawing was not in proportion to the existing front door. Councillor Ingleby concurred that the proposed door did not match the existing. He stated that previous applications had required this and that members should be consistent in this approach.

Following further deliberation between members, Councillor Ingleby moved a motion to reject the Officer's recommendation and refuse the application on the basis that the proposed design would be harmful to the character of the Telegraph Hill Conservation Area. The motion was seconded by Councillor McGeevor.

Members voted as follows:

FOR: Ingleby, Mallory, McGeevor, Moore

AGAINST: Ogunbadewa (Vice-Chair), Muldoon

RESOLVED: That planning permission be refused in respect of application DC/17/103282.