

Committee	PLANNING COMMITTEE (B)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 09 NOVEMBER 2017

MINUTES

To approve the minutes of the meeting of Planning Committee (B) held on the 28th September 2017.

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (B) held in ROOMS 1 & 2, CIVIC SUITE, CATFORD SE6 on 28th SEPTEMBER 2017 at 7:30PM.

PRESENT:

Councillors: Reid (Chair), Ogunbadewa (Vice-Chair), Ingleby, Muldoon, McGeevor

Officers: Michael Forrester - Planning Service, Paul Clough - Legal Services, Andrew Harris - Committee Co-ordinator.

Apologies: Mallory, Moore, Siddorn, Wise, Hilton

1. CHANGES TO AGENDA

Councillor Reid (Chair) informed the committee that due to planning legalities, 165 Upper Brockley Road could not be determined by way of a minor material amendment, as it was a retrospective application. She stated that due to this, it had been removed from the agenda.

Councillor Reid (Chair) also revised the order of business for the evening. The order was as follows:

1. Declarations of interest
2. Minutes
3. 14 Netherby Road, London, SE23
4. Haulage Yard, Hereford Place, London SE14
5. 138 Sydenham Road, London, SE26

2. DECLARATION OF INTERESTS

There were no interests to declare.

3. MINUTES

Councillor Reid (Chair) asked if Members agreed that the minutes of the Planning Committee (B) meeting held on 17th August 2017 were a true and accurate record.

Councillor Ingleby noted that the minutes stated he abstention against two votes concerning 54 Chinbrook Road, were in fact he voted against them.

4. 14 Netherby Road, SE23

The Planning Officer Michael Forrester outlined the details of the case to Members, and confirmed that three objections had been received from local residents.

The committee then received verbal representation from Ms Victoria Thompson-Hill (applicant). She relayed to members that the current application was a resubmission following a previous refusal and that the scheme has subsequently been revised to address previous concerns. She stated that in addition to the initial changes which had been made, further changes had been incorporated during the course of the application following advice from the Case Officer, including reductions in height and depth of the proposed extension and reduction in depth of the proposed terrace area.

No questions from members followed, however, the Planning Officer Michael Forrester outlined with members why the extension could not be constructed under permitted development due to site constraints.

The committee then received verbal representation from Mr Tim Pagan (neighbour), Ms Alice Hutton (neighbour) and Mr Kirk Rumney (neighbour). Their concerns raised the following points:

- The proposal had not changed significantly since the previously refused scheme
- No site visit had been carried out on neighbouring sites
- The proposal would be contrary to Lewisham's Core Strategy Policy 15
- The proposed extension would be overbearing and would lead to loss of light to neighbouring properties and a neighbouring patio
- The proposal would disruption of air circulation
- There would be an increased sense of enclosure
- There were inaccuracies in the Officer's report
- The proposal would lead to subsidence

Councillor McGeevor requested to see the proposed elevations again and requested that the Planning Officer Michael Forrester respond to the concerns regarding loss of light. The planning Officer Michael Forrester confirmed that while the extension would be visible to neighbouring properties, given the semi-detached nature of the host property, coupled with the modest height and depth of the proposed extension, the extension would have similar impacts to a standard permitted development extension.

Councillor Ingle inquired as to whether any sunlight & daylight figures had been provided by the applicant. The Planning Officer Michael Forrester responded stating due to the scale of the proposed development, it would be unreasonable to request a daylight & sunlight study, as this would be overly onerous on the applicants.

Councillor Muldoon stated he had concerns regarding the loss of light to the neighbouring patio area. The Planning Officer Michael Forrester replied that due to the large width of the neighbouring garden, the impacts from the proposed development were considered acceptable.

Councillor McGeevor queried whether the north facing gardens would cause additional overshadowing. The Planning Officer Michael Forrester confirmed that this normally would, however, due to the limited depth of the proposed extension it would be unlikely to have any significant impact.

After further deliberation between members, Councillor Muldoon then moved a motion to accept the Officer's recommendation, subject to the conditions outlined in the report. It was seconded by Councillor Ogunbadewa (Vice-Chair).

Members voted as follows:

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

AGAINST: McGeevor.

RESOLVED: That planning permission be granted in respect of application DC/17/102569, subject to the conditions outlined in the report.

5. Haulage Yard, Hereford Place, SE14

The Planning Officer Michael Forrester outlined the details of the case and confirmed that twelve objections and a petition had been received in opposition to the proposed scheme. He went on to state that due to the number of objections which had been received, a local meeting had taken place in the form of a drop-in session, in accordance with Lewisham's Statement of Community Involvement.

Councillor Reid (Chair) sought clarification over the scale and height of the proposed building and asked for details of the nearest building of a similar height. The Planning Officer Michael Forrester confirmed that there were nearby buildings of a similar and even taller heights, namely Batavia Road and the Deptford Market Yard Scheme. He added that it was a balancing argument between providing housing in London vs the potential visual and amenity impacts of developments. He also informed members that initially the applicant had sought a building 14 storeys high. However, after discussion at pre-application stage it was agreed that this be reduced to a maximum of 8 storeys.

Councillor Muldoon sought clarification regarding how the units would be accessed and noted that the units could potentially be buy-to-let. The Planning Officer Michael Forrester confirmed that the units would be accessed via an external deck area and that whether the units would be buy-to-let was outside the scope of the application. He added that in any event, the proposal was considered to provide a high quality and standard of accommodation.

Councillor McGeevor asked for clarification on the proposed materials and whether the proposal would be in line with BRE guidance. The Planning Officer Michael Forrester confirmed the materials and stated that while the proposal would lead to some loss of light to neighbouring properties, on balance the proposal was considered acceptable with regard to sunlight and daylight. He added that the impact on the neighbouring allotments also met the minimum standards and was also considered acceptable on balance.

Councillor McGeevor asserted that while it might meet the minimum standards, allotments are different to rear gardens and as such would have different impacts which may not be considered by a BRE assessment. She then asked if there were any additional conditions which could be attached to aid with this. The Planning Officer Michael Forrester responded stating that the impacts were considered acceptable on balance and that the applicant was providing £8,000 to the allotments for improvement works.

Councillor Ingleby enquired as to whether the proposal would provide any affordable housing and what the management costs would be. The Planning Officer Michael Forrester confirmed the management costs and stated that the proposal did not include affordable housing, but that a contribution in lieu would be provided to the Council to fund its house building programme through a S.106 agreement.

Councillor McGeevor asked whether it was possible to increase the amount of money which would be provided to the allotments, stating that its presence was a benefit to the applicant, as it would improve the visual appearance of the surrounding area. The Planning Officer Michael Forrester stated that the applicant would have to be in agreement and that any additional funds would likely be taken from other contributions. He further added that there would need to be adequate justification for scheme mitigation in accordance with the CIL regulations as to why additional funds were being requested.

The committee received verbal representation from Mr Scott Hudson (Agent). Mr Hudson asserted to members that due to the location of the proposed development adjacent to New Cross station, and its close proximity to the town centre, high density developments were to be expected. He went on to state that prior to the submission of the application, both pre-application advice with the Council and a public consultation which included the allotments were undertaken. He added that during the course of the application a further public meeting was held. Mr Hudson then relayed to members that the scheme would provide a high proportion of family sized units.

Councillor Reid (Chair) asked Mr Hudson what the planned use of the residential units would be and whether they were to be rented privately. Mr Hudson confirmed that at that point there were no plans for a private rental scheme. Councillor McGeevor followed by asking whether the units would be advertised overseas. She then asked if Mr Hudson would be willing to increase the amount of money proposed to be provided to the allotments. Mr Hudson stated that their intentions were to initially market it locally and then possibly nationally prior to any overseas marketing. He then added that he was happy for an informative to be attached which stated this.

Regarding the proposed increase in financial contributions to the allotments, Mr Hudson stated that the money needed to pass legal requirements. He added that discussion had taken place with the owners of the allotments, which had led to the offer of £8,000.

Councillor McGeevor reasserted her point that the presence of the allotments improved the visual surrounds for the proposed building, adding that the development would cause more than just construction impacts. She then repeated her question as to whether £8,000 was sufficient compensation.

Mr Hudson asserted that other elements also contributed to the attractiveness of the scheme, such as its close proximity to the railway station and town centre. He added that the scheme included improvement works to highways which would benefit both the allotment owners/users as well as local residents.

The Committee then received verbal representation from Mr Thomas Gray (neighbour) and Ms Helena Russell (representing the allotment association). Mr Gray opened, raising concerns regarding the height of the proposal within the context of the surrounding buildings, impact on light to neighbouring gardens, and the sustainability of the proposal. He stated that one property's garden would lose 100% of its light. Ms Russell followed, stating that the allotment owners/users would be most affected due to the loss of light which would occur. She added that the BRE guidelines were not applicable, as the site was fundamentally different to a garden because the plots are assigned to people and cannot be moved. She then stated that if they had to move the existing toilet and locker block were the application to be approved, it would cost approximately five times the amount which had been offered by the applicant.

Councillor Reid (Chair) asked how the estimate for the relocation of the existing block was reached. Ms Russell confirmed that this was a ball park figure. Councillor Ogunbadewa (Vice-Chair) then enquired as to whether the existing block was brick built, which Ms Russell confirmed it was. Councillor Reid (Chair) commented that there was a housing crisis in London which required new homes to be built, but also acknowledged that it was important to retain local community facilities.

Councillor Ingleby asked Ms Russell to confirm that it would cost £40,000 to move the existing building. Ms Russell said that the figure had been come to in a week, as they had had limited time prior to the meeting to consider this. She added that the costs would also have to cover removing the existing concrete bed in order to allow the ground under the existing structure to be used for planting.

Councillor Muldon asked whether the allotments had bees and whether the water for the site was metered. Ms Russell confirmed that there were no bees on the site, but that the water was metered. Councillor Muldoon then agreed that that the ball park figure which was provided was probably accurate.

Councillor McGeevor then sought clarification on the point raised by Mr Gray about one property losing 100% of the light to their rear garden, which currently receives 1 sqm of light due to the height of the wall.. The Planning Officer Michael Forrester confirmed that this would only be true at certain times of the year. He continued stating that while this was not considered to be good, on balance it was considered acceptable, given light the property did receive was to the rear of the garden and that this would only be reduced to no light during certain times of the year.

Councillor McGeevor stated that the funding for the allotments had not been satisfactorily addressed. Councillor Ingleby asked if this could be done by way of condition, to which Councillor Reid (Chair) stated that it could not. Paul Clough (Legal Services) advised Members that the application could be deferred to further assess the proposed funding. The Planning Officer Michael Forrester added that legal tests with regard to funding needed to be lawful and in context of the other contributions. He added that other contributions would likely be subject to change, should the money to the allotments be altered.

Councillor Muldoon sought clarification on the last point, to which the Planning Officer Michael Forrester reiterated that while it would be possible to change the amount of funding to the allotments, this would likely result in other funding contributions being reduced as a result.

Councillor Reid (Chair) asserted that she did not consider deferring the application on that basis to be a robust enough reason. She then asked whether compensation was necessary. The Planning Officer Michael Forrester responded, stating that the impacts of the

development had been considered acceptable, and that while there would be construction impacts on the allotments, the application also proposed extensive public realm works.

Councillor McGeevor stated that the valuation was inadequate.

Councillor Reid (Chair) commented that the Committee had a duty to balance the different needs of the community. She stated that the works would not render the allotments unusable, with the development also providing valuable housing during the current housing crisis. She added that from the objections which had been heard, there would be negative impacts from the proposed development, but that these would not be detrimental.

Councillor Ingleby asked what community input would be involved in the scheme. The Planning Officer Michael Forrester confirmed that the applicant was looking to work collaboratively with local groups, such as Goldsmiths University.

Councillor Ogunbadewa (Vice-Chair) moved a motion to accept the Officer's recommendation, subject to conditions in the report, with the addition of an informative regarding marketing the units domestically initially. It was not seconded.

The Planning Officer Michael Forrester advised members that it would be possible to add an informative to support further discussion and collaboration between the developers and allotment owners. Councillor Reid (Chair) asked whether this would be sufficient, to which Councillor McGeevor stated that it wasn't, but there was no other option.

Councillor Ogunbadewa (Vice-Chair) then a motion to accept the Officer's recommendation, subject to conditions in the report, and with additional informatives outlining the Council's support of further discussion and collaboration between the developers and allotment owners and marketing the units domestically initially. It was seconded by Councillor Muldoon.

Members voted as follows:

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

RESOLVED: That planning permission be granted in respect of application DC/17/101332, but with the addition of additional informatives supporting further discussion and collaboration between the developers and allotment owners and initially marketing the units domestically.

The informatives were worded as follows:

- *The applicant is strongly encouraged to market all residential units within the local market and domestically in order to ensure maximum access to local residents in meeting local housing need.*
- *The applicant is strongly encouraged to continue collaborative discussions with the allotment holders in minimising and mitigating impacts upon the allotments during site clearance and construction. Further collaborative discussions are also encouraged with local creative outlets in working up designs for the entrance gates and boundary treatments*

6. 138 Sydenham Road, SE26

The Planning Officer Michael Forrester outlined details of the application to Members and confirmed that six objections had been received within the statutory time period in opposition to the proposed scheme. He added that one objector later rescinded their objection due to their being no rear facing windows at first floor level of the proposed dwellinghouses on the terrace properties at Knighton Park Road.

Councillor Muldoon sought clarification over one of the objections concerning disabled parking access. The Planning Officer Michael Forrester confirmed that while there was parking stress on the road, the Highways Officer had raised no objections to the scheme.

The committee then received verbal representation from Mr Malachy McAleer (Agent). He relayed to members that the applicant had undertaken a public consultation and that the scheme had been amended following a previous refusal and appeal dismissed appeal. He highlighted that the appeal had noted that the front elevation of the building had been considered acceptable by the inspector. Mr McAleer added that the scheme had been further amended following feedback from the Case Officer.

Councillor Ingleby enquired as to what changes had been incorporated into the revised streetscene. Mr McAleer confirmed what internal changes had been made. Councillor Ingleby then sought clarification from the Planning Officer regarding the condition outlined in paragraphs 6.25 and 6.26 of the report. The Planning Officer Michael Forrester confirmed that the principle of the proposed materials were acceptable, but that samples were required to ensure this and so a condition was proposed to secure these details.

Councillor McGeevor asked why the proposed units were all to the minimum required housing standards. Mr McAleer stated that he had had to reduce the internal sizes in order to make the scheme acceptable.

The committee then received verbal representation from Mr Nathan Davies (neighbour). He opened stating that he had not been consulted on the revised plans which had been outlined to Members. The Planning Officer Michael Forrester advised the Committee that reconsultations were only undertaken when major changes were submitted. Mr McAleer then confirmed that the change consisted of changing one of the houses from a one bed to a two bed property. The Planning Officer Michael Forrester followed stating that the associated external changes were minor in nature, and that it was not felt that further consultation was required for one additional bedroom. Paul Clough (Legal Services) confirmed that this was in line with Lewisham's Statement of Community Involvement and that it was okay to proceed on that basis.

Mr Davies then raised the following concerns:

- Loss of outlook and daylight
- Inadequate assessment of all issues within the Officer's report
- Additional parking stress
- Inadequate access for deliveries and services
- Few examples of 4 storey building within the area
- The proposal was out of context
- Inadequate internals
- Overdevelopment on a small site

Councillor Reid (Chair) then requested that the Planning Officer Michael Forrester respond to the points regarding overlooking and parking and highways issues. Michael Forrester

(Planning Officer) outlined the internal layouts and the locations of obscured glazing. He also advised that a parking survey and management plan had been submitted by the applicant and were considered acceptable.

The Committee then received verbal representation from Councillor Chris Best, who was speaking under standing orders. Councillor Best outlined the following points:

- Her objections from the initial proposal still stood
- Inadequate consultation on the revised plans
- The size and scale were out of context – did not positively contribute to the streetscene
- Metal cladding proposed on the fourth floor was not in keeping
- The neighbouring Hexagon building was a landmark not a precedent for larger scale development
- Existing parking and loading bays would be lost
- The building appeared unneighbourly

Councillor Ingleby raised concerns regarding the size of the proposal and the level of detail which had been provided. Regarding the design, he stated that it was unsympathetic.

Councillor Muldoon stated concerns regarding the design of the roof. The Planning Officer Michael Forrester outlined to members that proposed condition 5 required details on materials to be submitted and approved by the Council, and that this could be heard at Committee.

Councillor Ingleby reiterated his concerns regarding the scale, design and massing of the proposal. The Planning Officer Michael Forrester highlighted that the previous appeal was dismissed on privacy issues not design and that it would be difficult to sustain such a refusal.

Councillor Muldoon responded saying the design and scale were acceptable, but that more details on the materials were required. Councillor McGeevor also asked whether there were no legal objections to the density proposed, to which the Planning Officer Michael Forrester confirmed that the units met the London Plan standards.

Councillor Muldoon then moved a motion to accept the Officer's recommendation, with an additional condition requiring additional details be provided and determined at a later Committee. It was seconded by Councillor Ogunbadewa (Vice-Chair).

Members voted as follows:

FOR: Reid (Chair), Ogunbadewa (Vice-Chair), Muldoon.

AGAINST: Ingleby, McGeevor.

RESOLVED: That planning permission be granted in respect of application DC/17/101668, but with the addition of a condition requiring the materials details are required to go back to committee.