

Committee	PLANNING COMMITTEE (C)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 29 <sup>th</sup> November 2018

## MINUTES

To approve the minutes of the meeting of Planning Committee (C) held on the 18<sup>th</sup> October 2018.

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### LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (C) held in ROOMS 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU on 18th October 2018 at 19:30.

PRESENT: Councillors Olurotimi Ogunbadwa (Chair) (OO), Stephen Penfold (Vice Chair) (SP), Alan Smith (AS), Jim Mallory (JM), Sakina Sheikh (SS), Aisling Gallagher (AG), Louise Krupski (LK), Hillary Moore (HM), Bill Barnham (BB) (Under Standing Orders).

OFFICERS: Mehdi Rezaie (MR) – Planning Service, Kheng Chau (KC) – Legal Services and John Grierson – Committee Co-ordinator, Georgia McBirney – Shadow Coordinator

APOLOGIES: Bill Brown, Leo Gibbons.

#### 1. DECLARATION OF INTERESTS

There were no declarations of interests.

#### 2. MINUTES

Meeting Commenced at 19:30. The minutes of the meeting Planning Committee (C) held on the 11<sup>th</sup> September were approved.

Councillor Ogunbadwa (CO) welcomed all attendees, and announced that the order of items as set out in the agenda would be amended.

#### 3. WASTDALE MEWS, WASTDALE ROAD, LONDON, SE23 1HN

The presenting officer (MR) outlined the facts of the case for the retrospective application for the demolition of existing buildings at Wastdale Mews, Wastdale Road SE23 and the part-retrospective construction of a part one/part two storey building to provide studio's/workshop's (B1/B8 use). MR mentioned the objections received regarding privacy, parking, noise and operating hours, stating that these can be conditioned to make the scheme acceptable.

AS asked the presenting officer how the previous layout of the building was determined given that demolition works had already begun, and queried the presenting officer regarding the requirement for a demolition method statement.

MR advised that the previous layout of the building was taken from the applicant plans provided as there was no planning history available. MR also stated that a demolition method statement was not within remit.

Councillors discussed the retrospective nature of the application with the presenting officer and it was clarified that the principle of a retrospective application is acceptable by KC.

SP asked the presenting officer to clarify the location of the site and also queried the sites previous use. MR responded by confirming the site location and advising that the previous use is thought to be a mechanics.

The presenting officer then presented addendums to the committee report. These were amending paragraph 7.13 to reference part 12 of the NPPF, amending paragraph 9.1 as only the first 2 bullet points are applicable, amending paragraph 9.4 to state it is a new building instead of a residential extension, removing DM32 from condition 10, removing condition 11, and amending conditions 5, 7, 10 and 11 to reference paragraph 180 of the NPPF.

KC advised the reason for these changes regarding the NPPF were due to the NPPF being updated in July 2018. MR stated that these changes do not affect the officer's recommendation.

SP wanted clarification on what the site could be used for within use class B2/B8. MR advised light industrial / storage / workshops.

The applicant James McDonnell was invited to speak by the chair.

James McDonnell stated that the application was to reinstate the original building to provide 13 artist studios and that the new building would remove some external features such as staircases and doors but would retain the same internal layout.

AS asked the applicant if any of the studios would be rented out at affordable rental prices. James McDonnell advised that a similar workshop charges around £260pcm for a studio which he feels is affordable.

SP asked about the opening hours of 6 – 11pm. The applicant stated that the studio spaces were of non-commercial size and would be used as secondary workspaces for creative people to work on projects after office hours and on weekends. The presenting officer then clarified that the proposed use is actually B1 / B8 which is light industrial and office space.

Objectors were then invited to come forward.

Henry Mulligan and Karen Thomlin sat at the table along with Councillor Bill Barnham who would speak later under standing orders.

Mr Mulligan advised that he has lived at the site since 1975 and felt that the proposal would have a detrimental impact on the amenity of all the neighbouring properties, citing noise, hours of operation and vehicular access as concerns. Mr Mulligan stated that the proposed windows would be overlooking his property and reduce privacy and was concerned about the disturbance from noise when the passageway which passes through his property is used, citing the hours of operation as a further concern for this. Mr Mulligan also argued that the number of units has been increased from the previous building. He stated that he wanted the application to be refused or heavily restricted.

OO then invited the members to ask questions to the objectors.

SS asked the objectors for some clarification regarding their noise concerns. Mr Mulligan stated that the built form of the site means that noise is amplified giving a 'vortex' effect. Mr Mulligan stated that he wasn't sure of the lettings pattern but stated that he felt users of the site would not be considerate of the neighbouring residential properties with regard to noise.

Councillor Bill Barnham (BB) was then invited to speak under standing orders.

BB opened by stating that, although not a planning concern, the project history has led to tensions between the residents and the applicant, particularly because the project was started and demolition commenced without prior permission being sought by the applicant; this led to an enforcement case against the applicant and a loss of confidence in the applicant from the residents. BB stated that the building has not been operational for a number of years and that there was no evidence of the former use being B1 / B8. BB noted the changes made to the proposal and conditions but stated he was still not sure this was acceptable, mentioning the right of access to the site which passes under the living quarters of the objector, and queried if there was vehicular access proposed. He concluded by stating favour of more restrictions to vehicular access and hours of operation.

AS queried the hours of construction, and stated that the right of access was a civil matter. MR stated that this was a civil matter but that there were conditions in place regarding construction hours.

Members queried whether the number of vehicles could be restricted but MR stated that this was not enforceable as a condition.

SP asked the presenting officer if the hours of use for the site could be restricted by condition. MR advised that it could.

AS asked if the noise level could be conditioned and MR advised that is to be conditioned at under 5db.

KC referred the members to conditions 3 and 14 for operational noise and hours of construction.

SP asked the objector if he was a resident next to the access passageway and Mr Mulligan responded stating he lived above and beside the passageway. Mr Mulligan advised members that other similar workspaces had been used as spaces for musicians to perform and record music, stating that he did not want this to happen at this site.

MR stated that the use class means that the studios could be used for this purpose, but advised that there are 2 conditions regarding noise.

OO asked the members if they had any further questions.

AG questioned how a breach of the noise condition would be enforced. MR advised that an objection raised with environmental health would lead to the case being assessed and noise levels monitored and that a recorded breach would lead to enforcement action.

AG queried how the residents would know that the noise level was above 5db in order to raise an objection. MH stated he was not fully familiar with the process, but knows that other councils have smart phone applications which can measure sound levels.

LK asked for clarification regarding the issue of overlooking which was raised by the objector. MR stated that the distance between the windows and neighbouring properties have been assessed and that restrictions have been conditioned to prevent overlooking from the roofspace. MR went on to state that a further condition could be added to obscure glaze windows.

Members requested to look at the elevations and the presenting officer showed them on the projector. Members discussed the windows and doors and location of the terrace. AS stated that he felt the windows should be obscure glazed, and asked the presenting officer for clarification as to how the windows related to the internal layout. MR advised that one of the windows was for a corridor and only 2 of the studios would have windows. AS stated that obscuring should not be an issue and LK agreed.

SP called up the objector to the table to confirm his concerns regarding the windows. Mr Mulligan advised that what were 3 doors on the previous building would be windows on the proposed building. Mr Mulligan returned to his seat.

HM questioned the number of units proposed. MR stated that the number of units on the plans are 12 and that this would be the number of units if approved as there would be an approved drawings list conditioned.

AS asked if the windows could be conditioned to be obscure glazed. MR stated that this would have to be decided by members.

*AS proposed a motion to obscure glaze the new first floor windows to be installed in the building and all members voted in favour.*

SS referred back to objectors concerns regarding access, and asked if vehicles could be restricted altogether. KC stated that the test for a planning condition means that it must be enforceable, reasonable and relevant.

AS asked the applicant if the studio was being managed by the applicant or if this would be leased to a studio company. The applicant James McDonnell stated that the site would be leased to 'World Art Space' and stated they have a proven record for business.

The members discussed the parking situation with the presenting officer. MR stated that there was no space for parking. AS argued that driving is more of an issue than parking.

SP stated that due to the residential proximity, the hours of operation should be reduced. AG suggested a vote on this. MR stated that some further restrictions may be possible, but that if these were too strict, it could make the proposal unviable due to the nature of the workspaces and their potential occupants. AS suggested reviewing the operational hours after a set period and seeing if they are a nuisance, at which point they could be revised. MR stated this cannot be done as it would invoke a temporary permission.

Members discussed the possibility of reducing hours. AG argued that reducing hours would affect the potential for creative and artistic individuals to be productive.

The applicant was invited back to the table to discuss opening hours.

James McDonnell advised that the hours of operation were necessary for the use to be viable. He stated that it was just as important for recording musicians to keep out external noises as it was for them to prevent internal noise from escaping. He stated that parking would not be required. He stated that obscure glazing was acceptable from his perspective and that, although he could not confirm the exact nature of the occupants or their activities within the use class, that any noise issues would be responded to by environmental health. He clarified that there were only 12 units proposed and stated he was mistaken when he mentioned 13 units earlier.

Councillor Smith stated that she still felt the hours of operation were too long and proposed a motion to condition the opening hours to be reduced to 6pm – 10pm Monday to Friday and 10am to 6pm Saturday and Sunday.

Councillor Penfold seconded.

*Members voted as follows:*

For: Councillors Ogunbadwa (Chair), Smith, Penfold (Vice Chair), Mallory, Sheikh, Krupski, and Moore.

Against: Councillor Gallagher

Councillor Smith moved to accept the officer's recommendation and approve planning permission.

Councillor Gallagher seconded.

*Members voted as follows:*

For: Councillors Ogunbadwa (Chair), Penfold (Vice Chair), Smith, Mallory, Sheikh, Krupski, Gallagher and Moore.

Against: None.

**RESOLVED: Vote to accept officer's recommendation to grant planning permission with added conditions for DC/17/105072.**

4. 10 BOWMAN'S LEA, LONDON, SE23 3TL

The presenting officer (MR) outlined the facts of the case for the construction of a single storey side and rear extension at 10 Bowman's Lea, SE23 together with the conversion of the garage into a habitable space, replacement of the front garage door with a window, replacement of first floor front elevation windows and alterations to the external landscaping. He discussed the site location and character, stating that officers did not have concerns of overdevelopment or overshadowing. MR stated that a Lawful Development Certificate (Proposed) has already been issued for the majority of the extension proposed and that only the corner infill which has been added in the application would be added.

Members asked for clarification regarding the corner infill and this was provided by MR.

The applicant, Simon Nolan, was asked by the chair to speak in favour of the application. He stated that he had been a resident for many years and wished to improve his family home. He mentioned the application history including the previously refused and appealed application which was disallowed. He stated that the works would be carried out responsibly to reduce noise impact on neighbours and that the officers report recognises that the proposal would cause no material harm to neighbour amenity.

SS asked the applicant how they would limit the hours of construction. The applicant advised he would discuss this with his architect. SS then asked the applicant if he had discussed this with his neighbours. The applicant advised that he initially consulted with the neighbours but they later objected.

The applicant left the table and OO invited any objectors to speak.

Jonathon Mitchell of 1 Haredon Close, Paul Bibby of 9 Bowman's Lea and third objector came forward (who did not register to speak). Mr Bibby handed out a sketch showing overshadowing from the proposal to councillors.

Mr Mitchell stated that he supports his neighbour improving their family home, but objects to the proposal as he felt this would have a negative impact on his amenity. He stated that the extension would be 6 to 6.5m higher than the ground floor of his house. He argued that the wrap around the garden to the side would create a sense of enclosure that would be

unacceptable as it would remove the only long distance view from his house. He referred to the planning inspector's statement from the appeal APP/C5690/D/18/3197132. Mr Mitchell also objected to the large glass door which he said would have a direct view into his garden and that the proposed tree works would lead to a further loss of privacy.

Mr Bibby then took over for the remainder of the allotted five minutes. He stated his objection to the 3m wall directly next to their garden wall. He referred the members to his sketch, and stated that this application was almost identical to the one previously refused, with a height reduction of 20cm and stated that he felt this small reduction was insignificant, and that he felt that planning officers had made a 'U-turn' in comparison with their decision on the previous application DC/17/104520. He quoted policy DM31 stating that residential extensions should be neighbourly and argued that in this respect that the proposed extension is unacceptable. Mr Bibby argued that planning officers had shown bias.

OO told the objector his time was up but Mr Bibby continued to conclude his argument briefly. OO asked the members if they had any questions.

AS stated that the sketch provided was inaccurate. He then stated that the permitted development was legally consented, not morally, and asked Mr Bibby to revoke his comment about the planning officers being bias.

Mr Bibby advised that his comment about planning officers had been misinterpreted.

AS then stated that the small corner infill proposed was insignificant in comparison with what was already permitted development, and that he understands the applicant wanting to expand their home. He also stated that planning committee should not be used to resolve neighbour disputes.

Mr Bibby questioned the members about the 'U-turn' he felt the planning officers had made. AS stated that there was no 'U-turn'.

SP asked the presenting officer for clarification on exactly what part of the scheme could be completed under permitted development rights. MR clarified that the rear and side extension elements could both be completed lawfully. He stated that the sketch provided was inaccurate and that given what could be done as permitted development, the proposed corner infill would have no impact on either property.

JM asked for clarification regarding the access to daylight and sunlight. MR stated that it can't be refused on these grounds as the Lawful Development Certificate for the side and rear extension has been issued.

Mr Bibby stated that he felt this was misleading. OO stated that the presenting officer would not mislead him.

SS asked the third objector at the table if she had anything to add. The third objector (who did not register to speak) stated that the proposed drawings show inaccurate boundary treatments and don't account for the changing topography within the street. SS referred the objector back to the Lawful Development Certificate which already shows the majority of the scheme can be done without planning permission. Mr Bibby and the third objector still expressed their objection to the scheme.

OO asked members if there were any questions for the presenting officer.

Councillor Smith moved to accept the officer's recommendation and approve planning permission.

Councillor Krupski seconded.

*Members voted as follows:*

For: Councillors Ogunbadwa (Chair), Penfold (Vice Chair), Smith, Mallory, Sheikh, Krupski, Gallagher and Moore.

Against: None.

**RESOLVED: Vote to accept officer's recommendation to grant planning permission for DC/18/106334.**

5. 16 SHELL ROAD, LONDON, SE13 7TW

The presenting officer (MR) outlined the facts of the case for the retrospective application for the construction of a raised platform (terrace) and new stairs down to rear garden space at 16 Shell Road, SE13. He stated how the principle of the terrace is not objectionable, would provide disabled access, and highlighted the trellises as being obscuring features. He noted that objections received were related to noise, privacy and appearance and argued that these were not considered to be material planning considerations.

OO asked the members if they had any questions for the presenting officer.

Councillors discussed whether the doorway was suitable for wheelchair users. MR said that this was not a material consideration at this point.

SP asked if the design of the terrace was a material consideration. MR said it didn't have much consideration as it is not visible from the public realm and therefore any harm created would not be on the street scene.

The applicant was invited by the chair to speak.

Marcus Krackowizer came forward and stated that he feels the door is acceptable for wheelchair users. He stated that the reason he didn't apply for permission initially was because he didn't know it was required. He discussed the design and said that this is intended to have planting to soften the appearance.

JM asked the applicant about the widening the doorway and inserting another door. The applicant stated he had not considered this. JM asked the presenting officer if he would need permission to widen the door and MR advised him that he would.

OO dismissed the applicant from the table and summoned the objectors.

Yashim Halil of 18 Shell Road came forward arguing that the owner and applicant does not live in the property and that the tenants which do occupy the property are not permanent and have a history of antisocial behaviour and noise complaints, of which there are records. She cited the use of the terrace would mean noises, loud music and smoking. She stated that the high turnover of tenants in the property would make the terrace a security risk. She raised concerns over privacy as she feels it overlooks her garden.

OO asked the councillors if they had any questions.

JM asked the objector about the records of noise complaints. The objector said this was a couple of years ago and that she didn't have the records. Councillors felt that this could not be considered without the records. LK asked the presenting officer if the raised height of the terrace would increase noise levels and MR said this was not the case, and that tenants is an environmental health issue not a planning consideration.

SS asked the presenting officers if the overlooking concerns had been addressed and MR advised that officers felt they had.

Councillors discussed the occupancy of the property and concluded that this was not a planning consideration.

Councillor Smith moved to accept the officer's recommendation and approve planning permission.

Councillor Krupski seconded.

*Members voted as follows:*

For: Councillors Ogunbadwa (Chair), Penfold (Vice Chair), Smith, Mallory, Sheikh, Krupski, Gallagher and Moore.

Against: None.

**RESOLVED: Vote to accept officer's recommendation to grant planning permission for DC/18/106734.**

6. FLAT 2, SUMMERHILL, 41 LONDON ROAD, LONDON, SE23 3TY

The presenting officer (MR) outlined the facts of the case for the Construction of a single storey extension to the rear of Flat 2, Summerhill, 41 London Road, SE23. He stated that the objections raised were regarding noise during construction, overlooking concerns and the impact on a tree. He stated that the working hours would be conditioned and that the tree is not within the curtilage of the application site.

OO asked the members if they had any questions for the presenting officer and members declined.

OO invited the applicant to speak but none were present.

OO invited the objectors to speak but none were present.

Councillor Moore moved to accept the officer's recommendation and approve planning permission.

Councillor Mallory seconded.

*Members voted as follows:*

For: Councillors Ogunbadwa (Chair), Penfold (Vice Chair), Smith, Mallory, Sheikh, Krupski, Gallagher and Moore.

Against: None.

**RESOLVED: Vote to accept officer's recommendation to grant planning permission for DC/18/107541.**

The meeting ended at 21.55, 18th October 2018.