

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (B) held in ROOMS 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU on 6th June 2019 at 19:30.

PRESENT: Cllr Aisling Gallagher (Chair), Cllr Suzannah Clarke, Cllr Leo Gibbons, Cllr Mark Ingleby, Cllr Jim Mallory

OFFICERS: Christopher Dale - Presenting Officer – Service Group Manager, Lewis Goodley – Case Officer, James Hughes – Development Management Team Leader, Paula Young – Legal Services and Jesenka Ozdalga – Committee Co-ordinator

APOLOGIES: Cllr Silvana Kelleher

APOLOGIES FOR LATENESS: Cllr John Muldoon, Cllr Sakina Sheikh

1. Declaration of interests

No declarations of interests.

2. Minutes of the meeting held on 28th February 2019 and 10th January 2019.

RESOLVED: Minutes to be approved.

3. Changes to agenda: First application to be presented would be 50-52 Rushey Green.

4. 50-52 Rushey Green, SE6

The presenting officer presented details of the application which was submitted under Section 73 of the Town and Country Planning Act 1990 to vary a planning condition to enable additional delivery hours from 6pm-9pm on Sundays and Bank holidays for the Aldi Supermarket on the corner of Rushey Green and Bradgate Road.

Officers were of the view that planning permission should be granted subject to the conditions in the report. The presenting officer drew members attention to the fact that conditions in the report were from the previous planning permission, and on page 63 of the agenda, Conditions a and b would need to be removed as they are no longer relevant given the scheme is now built. Conditions 2, 7, 8 and 10 also needed re-wording to be amended to reflect that scheme is built.

The Committee received a verbal representation from a representative of the applicant, Aldi Supermarket who advised there would be no increase in the number of deliveries but greater flexibility was needed to continue to be a sustainable business operation. The applicant clarified that once vehicles enter the site and delivery is completed, they back out with refuse, recycle and palettes and that itself reduces number of vehicles entering the site. The site is within the town centre, it is well a placed site with many walking customers. This is also one of the most constrained sites on the portfolio. Despite a recent decision to allow deliveries until 6pm on Sundays and Bank Holidays there is still pressure on the logistic system. The applicant clarified that they may not be delivering every Sunday until 9pm but they need that flexibility.

A Members queried the impact on the supermarket's viability in the event this application is refused. The applicant clarified that it could compromise the logistics in terms of lorries having to go back loaded with goods if they get stuck in traffic and then return another day. The store would probably still be operating but greater flexibility is needed.

A Member asked if there had been any complaints about the noise to the store and how many deliveries they are expecting in the evening. The applicant clarified that they have 3-4 deliveries spread throughout the day and it is not the intention that they all arrive in the evening. The applicant was not aware if store had received any complaints in the past.

A Member asked whether this change would give them scope to increase the number of deliveries. The applicant clarified that there is only sufficient space in a small warehouse for 3-4 trucks to deliver goods.

The Chair raised question over the section 6.10 on page 61 of the report that store had not operated in accordance with previously imposed planning conditions and how can they provide insurance that they will comply now. The Applicant clarified that supermarket wants to comply and be a good neighbour and if they don't, it is in the power of Local Authority to issue breach of condition notice.

One of the members raised concern over whether would extended delivery hours increase lighting at the night time in the winter. The Legal officer clarified that those issues would be a matter for enforcement and are not relevant for this application.

The Committee received verbal representations from a local resident objecting to the proposal who raised couple of points. The Committee were told that the currently conditioned delivery times are not respected and deliveries start every day at 5.30 in the morning. Furthermore, out of hours activities and deliveries are conducted without any supervision of Aldi staff, meaning that any issues cannot be resolved until the next day at 9 o'clock. Members asked if the objector had evidence on what has been happening and the objector confirmed that they have emails of complaints they filed to the store and to the Council and responses from Aldi. Members asked whether the noise keeps them awake and if they experience noise from the Rushey Green. The objector confirmed that delivery lorries are very noisy with their engines on and also confirmed that there is no issue with noise from Rushey Green if you have double glazed windows.

A motion to approve the officer's recommendation subject to the detailed conditions in the report as amended was moved by Cllr Gibbons and seconded by Cllr Mallory. Members voted as follows:

For: Councillors Gibbons and Mallory.

Against: Councillors Gallagher (Chair), Clarke and Ingleby.

RESOLVED: Refuse application DC/18/108925 by reason of unacceptable noise and disturbance impact from deliveries on neighbouring amenities contrary to Policy 26 Noise and Vibration of Development Management Local Plan (November 2014).

Cllr Sheikh arrived at 19.55.
Cllr Muldoon arrived at 20.05.

5. **1-3 Bellingham Road, SE6**

Prior to the presentation the case officer pointed out that:

- A petition with ten signatures was received in support of the application.
- A flyer distributed to members during the meeting had not been reviewed by officers however the images appeared to be the same as in the Design and Access statement and therefore no new information had been provided.
- Paragraph 4.1, bullet point 3 of the report should state “ 2 x 4-bedroom dwellings”,
- The recommendation to grant planning permission remained unchanged however the wording should read that “The Planning Committee authorises officers to negotiate and complete legal agreements in accordance with S106 of the Town and Country Planning Act and S278 of the Highways Act and other appropriate powers to cover the planning obligations in Section 8 of the report and to authorise the Head of Planning to grant planning permission subject to satisfactory agreements.”

The case officer presented details of the application.

One of the members raised concern over the loss of industrial activity in this part of the borough and the case officer clarified that it was confirmed by the applicant that the print works would be relocating locally and the proposal would provide high quality employment floor space that would meet demand in this area.

One of the members asked question on whether the proposed units would be wheelchair accessible and the case officer clarified that all the affordable units would be step-free, served by lift and all the houses were designed to be fully adaptable with large ground floor toilets.

One of the members raised concerns over car parking, deliveries and servicing for the proposed large commercial units and residents. The case officer clarified that a Transport Assessment had been submitted and scrutinised by the Highways officer and it had been demonstrated that there is sufficient parking capacity locally. In terms of servicing, a condition was recommended to minimise servicing trips. There would be segregated bin storage for commercial and residential uses.

The Committee received a verbal representation from agents speaking on behalf of the applicant. A Member asked if there had been any discussion with housing associations about managing the four affordable units. The agent clarified that negotiations were ongoing with one of the major providers registered with Lewisham Council and, as all four units are in single cluster, it allows efficient management.

One of the members asked whether there is a capacity within this development to provide larger affordable rent units. The agent clarified that 4 x 2bed flats are the maximum capacity at this stage and if the proposal was to look into larger affordable units, there would be less of them which results in more challenging management for housing provider.

One of the members raised concern over the maintenance of proposed landscaped public space and who will responsible for it. The agent clarified that low maintenance materials are proposed and a S106 agreement will define rental charges for affordable units and for other units service charge would be part of a rental package.

The Chair asked for more details on increased employment density but loss of employment space, whether there will be any affordable employment space and if there is a local demand for commercial space of this kind. The applicant clarified that there are ongoing negotiations with some potential users of the commercial space and 456m2 of high quality purpose built space would be re-provided.

The Chair asked for more details in relation to the energy statement and how much carbon reduction this proposal is achieving. The applicant clarified that this is a small scheme and approx. 60% in terms of the reduction of carbon emission from building regulations is delivered through the design.

The Chair asked for clarification on the assumed profit return for the developer and the applicant responded that they have accepted 17.5% profit return of the gross development value as suggested by the Council's viability assessors.

One of the members asked for clarification on whether print works would be relocated elsewhere during the construction and applicant confirmed that they have a lease in place in another warehouse to continue with their operations.

The members received verbal representations from local resident not objecting the design of the proposal but wishing to raise concerns in terms of overlooking to their garden by 18 new residential units, loss of daylight and increased overshadowing to their garden and flat and increased stress on the parking in the area as now they have to park 10 minutes away. The objector acknowledged that it would be useful to introduce CPZ in this area.

The Chair added that this development will provide a financial contribution to a CPZ consultation.

One of the members raised concerns on the side elevation windows adjacent to the application site that would be completely overshadowed by new development. The case officer confirmed that this issue was addressed in committee report and Daylight/Sunlight Assessment identified the first floor windows as non-habitable rooms with obscured glazing and the ground floor windows to serve habitable rooms and there would be some impact on them. However, those habitable rooms have outlook elsewhere and these windows are considered secondary windows. On balance, the wider public benefit of this scheme as whole would outweigh that harm.

Cllr Gallagher (Chair) moved the motion to approve officer's recommendation. This was seconded by Cllr Muldoon. Members voted as follows:

For: Councillors Gallagher (Chair), Muldoon, Gibbons, Ingleby and Mallory.

Against: Councillor Clarke

Abstained: Councillor Sheikh

RESOLVED: Approve application DC/18/110243 subject to conditions from the officer's report.

The meeting ended at 21.15.