

# MINUTES OF THE PLANNING COMMITTEE C

Thursday, 2 August 2018 at 7.30 pm

PRESENT: Councillors Olurotimi Ogunbadewa (Chair), Stephen Penfold (Vice-Chair), Bill Brown, Aisling Gallagher, Louise Krupski, Jim Mallory and Hilary Moore

ALSO PRESENT: OFFICERS: Richard McEllistrum – Planning Service, Kheng Chau – Legal Services and Georgia McBirney – Committee Co-ordinator

Apologies for absence were received from Councillor Leo Gibbons, Councillor Sakina Sheikh and Councillor Alan Smith

## 1. Declarations of Interests

There were no declaration of interests.

## 2. Minutes

The minutes of the meeting Planning Committee (C) held on the 21<sup>st</sup> June were discussed. Councillors raised the following amendment to be made.

Paragraph 3 on page 2 should be amended to read: *Cllr Sheikh asked the applicant what they had done to investigate the claims by residents that their planned construction could have a negative effect on the foundations of the local residents neighbouring houses - Cllr Sheikh began by stating she understood this was not a planning consideration. Councillor Sheikh also asked for clarification on the concerns raised by the Environment Agency, the presenting officer outlined that the initial concern was in regards to floor levels and that this has been addressed and that a condition will also be added to a permission.*

## 3. 86-92 BELL GREEN, LONDON, SE26 4PZ

The presenting officer outlined that the application is for the demolition of the existing building and the construction of a part 6/ part 7/ part 8-storey mixed use development comprising 23 self-contained residential units, and 59sqm (GIA) commercial ground floor space (Use Class A1 (Retail), A2 (Financial and Professional Services) & B1 (Business), 5 car parking spaces, 40 cycle parking spaces, refuse stores, and private residential balconies and communal amenity area at 86-92 Bell Green SE26.

The presenting officer clarified the design of the building, outlined the proposed amenity space and outlined that all of the units are at least dual aspect.

The presenting officer outlined that 3 comments, 5 objections and 32 letters of support were received. An objection was also received from the Sydenham Society. The objections were in regards to the height of the proposed building, issues in regards to parking and traffic congestion, the design of the proposed building and the lack of amenity space for families.

The presenting officer outlined that the viability assessment shows that the scheme cannot provide affordable housing and that two review mechanisms to contribute to affordable housing would be attached to a permission. The presenting officer outlines the contributions that would be attached to a permission, these include an £92,500 towards an off-site payment in lieu of contribution towards affordable housing.

Councillor Mallory raised concerns in regards to viability and the review process, as the Council should be looking for genuinely affordable housing, and as such the scheme does not meet the housing need. Councillor Mallory asked why we wait for the review and how it is enforced. The presenting officer stated that expert consultants on viability sometimes conclude that it is not viable for more affordable housing to be provided initially, and in line with policy a review mechanism is attached to a permission. The presenting officer highlighted that review mechanisms are not an uncommon requirement.

Councillor Mallory asked for clarification of the type of units proposed. The presenting officer highlighted that all of the units are market housing. Councillor Mallory asked why the scheme is being considered if no affordable housing is being proposed, the presenting officer clarified that the viability review demonstrated that affordable units could not be delivered.

Councillor Penfold asked for clarification on the figures in the viability report. The presenting officer highlighted that the viability report is reviewed by an independent expert, and later provided clarification of the figures cited.

Councillor Sheikh stated that she supports the concerns raised by Councillor Mallory.

Councillor Gallagher stated she agreed with the clarification sought by Councillor Penfold in regards to the figures in the viability report. Councillor Gallagher also stated that it needs be clear that Members are understanding the viability reports correctly as they are held to account and need to ensure that they understand what they are voting on as the viability reports is a part of the decision making process. The presenting officer stated that Urban Delivery are contracted to assess the viability evidence and produce a summary report on behalf of the Council. The presenting officer highlighted that the review mechanism process is a common process and is an open book process.

The Committee received verbal representations from Richard Evans –WYG who represents the applicant. Richard Evans responded to some of the raised viability issues, outlined the design process and explains that the shops on the site are currently vacant. Richard Evans highlights that the scheme would provide 23 residential units which would comply with the Council's policy on mix of unit sizes. Richard Evans also highlighted that the commercial units would have subsidised rents (in the form of a 3 month initial rent free period), that the scheme would exceed cycle storage requirements, provide 5 car parking spaces, would meet the sustainability requirements and that the Lewisham Design Review Panel stated that the scale of the scheme is acceptable.

Councillor Mallory asked why is the applicant is committed to providing housing, why is no genuine affordable rented housing proposed. Richard Evans highlighted that the guidelines of affordable housing accept that there needs to be an incentive to developers to bring development forward and that 15-20% profit is the profit level that is accepted. Richard Evans highlights that that a contribution of £92,500 towards off-site affordable housing is proposed.

Councillor Gallagher stated the developers need to account for policy when the site is purchased and raised two questions. The first question asked how long the commercial units would benefit from subsidised rent and whether this would be secured via a condition. The second question raised was in regards to the whether the communal space is appropriate for families given its location at the top of the building. Richard Evans clarified that the value of the site was reflected in the Benchmark Land Value. Richard Evans also clarified that the amenity space is served by lifts and the due to the constraints of the site its location is the only place it could go. Richard Evans also stated that the present offer for the subsidised rents is 3 months from occupancy.

Councillor Penfold asked for clarification on the build costs due to perceived discrepancies in the viability report. Richard Evans stated that the author of the report is not at the meeting so he is unable to comment on the perceived discrepancies but did highlight that the report has been reviewed by the council officers and Urban Delivery on their behalf. The presenting officer stated that he appreciated that members wanted to be correct with the figures and highlighted that findings of the independent review cannot be disregarded.

Councillor Mallory asked for clarification in regards to the review if flats are already sold. Kheng Chau – Legal Services clarified that the early stage review is within 2 years of the planning permission if the scheme hasn't reached the agreed point and that the review would be on an open book basis, the assumptions would be checked and if it is found that more affordable housing can be provided it would be secured on site if it found during the early stage review. The late stage review is at the point of 75%

sale and if it is found that more affordable housing can be provided then it is an offsite contribution.

Councillor Sheikh asked how review mechanisms on other developments have worked and how it is ensured that the review takes place. The presenting officer clarified that the early stage review is taken place if there is no substantial start within two years of the planning permission. The presenting officer also clarified that he doesn't have the figures to hand in regards to review mechanisms on other schemes.

Councillor Gallagher asked for clarification from legal services in regards to whether a contribution for affordable housing is solely for affordable housing or whether it contributes to other works. Kheng Chau – Leal Services stated that he does not know the answer but that common sense would suggest that there would be admin costs involved. The presenting officer clarified that a S106 contribution for affordable housing can only be spent on the purpose for which that s106 defines it must be spent.

The committee received verbal representations from Annabel McLaren of the Sydenham Society and a local resident Mareline Sterling. The Sydenham Society stated that they maintain the objection that is outlined in the officer's report, and highlighted that the scheme provides no affordable housing, traffic concerns and that the design, height and massing of the proposal is out of context and over dominant.

Mareline Sterling stated that the proposal would be another tall building which would block in Holmshaw Close, raised concerns in regards to parking, the building works and stated that the site is too small to accommodate the proposal. Councillor Sheikh asked Mareline Sterling if as a local resident she would like to add anything further. Mareline Sterling said she would and that 3 developments of tall buildings have been built so far and it is too much for residents. Mareline Sterling also raised concerns in regards to access for emergency vehicles and stated she appreciates that the existing building needs to be replaced. Councillor Sheikh asked Mareline Sterling if she would say there is a sense of community, Mareline Sterling states that she is trying to set up a Tenants Association.

Councillor Penfold asked for clarification on who owns and manages the land, and whether it was in Lewisham Homes' ownership. Richard Evans confirmed that it was not. The presenting officer highlighted that he does not know who owns the land, but does not understand it to be within Lewisham Homes' ownership. Councillor Ogunbadwa (Chair) stated that the owner of the land is irrelevant to the planning application.

Councillor Gallagher asked the Sydenham Society for clarification in regards to the objection in regards to design and protecting and enhancing Lewisham's Character. Annabel McLaren of the Sydenham Society stated

that area has a number of characterful buildings and the proposal is being crammed onto a site which is too small to accommodate it.

Councillor Curran spoke under standing orders to object to the application. Councillor Curran stated that the artists impression are deceiving, clarified that the other developments referred to in the officers report are set back from the road whereas the proposal is built to the edge of the pavement. Councillor Curran also raised concerns in regards to the width of the pavement.

Councillor Curran highlighted that paragraph 180 of the NPPF states that new development should be appropriate for the location and this is why the other developments in the area have been set back. Councillor Curran also raised concern in regards to traffic, air quality and design. The presenting officer highlighted that in regards to air quality, Environmental Health agree with the submitted report and the concern in regards to air quality would be the same irrespective of the height of the building. The presenting officer highlighted that the amended NPPF states that traffic impacts need to be severe to be refused on traffic impacts.

Councillor Curran stated that the submitted evidence needs to be checked in terms of air quality, as more up to date data was available and had not been considered, that the photos provided are misleading, there is concern over the height of the building. Councillor Curran also raised concern in regards to the commercial units in regards to whether they would eventually be turned into flats and raised concern in regards to the management of the community space.

The presenting officer stated in terms of wrapping up, in regards to the new information and evidence in terms of air quality, Environmental Health have not been able to assess this alleged evidence and highlighted that the application should, if necessary be deferred rather than refused. The presenting officer also highlighted in terms of affordable housing, that affordable housing is a priority, but there is a wider housing target that needs to be contributed to. It was further highlighted by the presenting officer that any objection advanced by members must be based upon specific deficiencies and evidence, where necessary.

Councillor Krupski highlighted that there is a concern, but raised the question of what are members expecting to happen on the site and highlighted that the design quality of the proposal is better than what currently exists on site.

Councillor Mallory stated that he doesn't have concern in regards to the height of the proposal and that his concern is in relation to the lack of affordable housing.

Councillor Gallagher asked for clarification on the process of deferring the application. The presenting officer highlighted that deferring would allow for the new evidence to be reviewed. The presenting officer did highlight that there are always solutions to mitigate against air quality. Kheng Chau-Legal Services highlighted that members are open to defer the application to allow for an assessment in terms of air quality and the questions on viability.

Councillor Brown moved a motion to defer the application. The motion was seconded by Councillor Mallory.

*Members voted as follows:*

FOR: Councillors Brown, Mallory, Ogunbadwa (Chair) Penfold (Vice-Chair), Gibbons, Krupski, Moore and Sheikh.

AGAINST: Councillor Gallagher

**RESOLVED: That the application DC/17/102792 be deferred.**

The presenting officer outlined that the application is for the demolition of the existing building and the construction of a part 6/ part 7/ part 8-storey mixed use development comprising 23 self-contained residential units, and 59sqm (GIA) commercial ground floor space (Use Class A1 (Retail), A2 (Financial and Professional Services) & B1 (Business), 5 car parking spaces, 40 cycle parking spaces, refuse stores, and private residential balconies and communal amenity area at 86-92 Bell Green SE26.

The presenting officer clarified the design of the building, outlined the proposed amenity space and outlined that all of the units are at least dual aspect.

The presenting officer outlined that 3 comments, 5 objections and 32 letters of support were received. An objection was also received from the Sydenham Society. The objections were in regards to the height of the proposed building, issues in regards to parking and traffic congestion, the design of the proposed building and the lack of amenity space for families.

The presenting officer outlined that the viability assessment shows that the scheme cannot provide affordable housing and that two review mechanisms to contribute to affordable housing would be attached to a permission. The presenting officer outlines the contributions that would be attached to a permission, these include an £92,500 towards an off-site payment in lieu of contribution towards affordable housing.

Councillor Mallory raised concerns in regards to viability and the review process, as the Council should be looking for genuinely affordable housing,

and as such the scheme does not meet the housing need. Councillor Mallory asked why we wait for the review and how it is enforced. The presenting officer stated that expert consultants on viability sometimes conclude that it is not viable for more affordable housing to be provided initially, and in line with policy a review mechanism is attached to a permission. The presenting officer highlighted that review mechanisms are not an uncommon requirement.

Councillor Mallory asked for clarification of the type of units proposed. The presenting officer highlighted that all of the units are market housing. Councillor Mallory asked why the scheme is being considered if no affordable housing is being proposed, the presenting officer clarified that the viability review demonstrated that affordable units could not be delivered.

Councillor Penfold asked for clarification on the figures in the viability report. The presenting officer highlighted that the viability report is reviewed by an independent expert, and later provided clarification of the figures cited.

Councillor Sheikh stated that she supports the concerns raised by Councillor Mallory.

Councillor Gallagher stated she agreed with the clarification sought by Councillor Penfold in regards to the figures in the viability report. Councillor Gallagher also stated that it needs be clear that Members are understanding the viability reports correctly as they are held to account and need to ensure that they understand what they are voting on as the viability reports is a part of the decision making process. The presenting officer stated that Urban Delivery are contracted to assess the viability evidence and produce a summary report on behalf of the Council. The presenting officer highlighted that the review mechanism process is a common process and is an open book process.

The Committee received verbal representations from Richard Evans –WYG who represents the applicant. Richard Evans responded to some of the raised viability issues, outlined the design process and explains that the shops on the site are currently vacant. Richard Evans highlights that the scheme would provide 23 residential units which would comply with the Council's policy on mix of unit sizes. Richard Evans also highlighted that the commercial units would have subsidised rents (in the form of a 3 month initial rent free period), that the scheme would exceed cycle storage requirements, provide 5 car parking spaces, would meet the sustainability requirements and that the Lewisham Design Review Panel stated that the scale of the scheme is acceptable.

Councillor Mallory asked why is the applicant is committed to providing housing, why is no genuine affordable rented housing proposed. Richard Evans highlighted that the guidelines of affordable housing accept that

there needs to be an incentive to developers to bring development forward and that 15-20% profit is the profit level that is accepted. Richard Evans highlights that that a contribution of £92,500 towards off-site affordable housing is proposed.

Councillor Gallagher stated the developers need to account for policy when the site is purchased and raised two questions. The first question asked how long the commercial units would benefit from subsidised rent and whether this would be secured via a condition. The second question raised was in regards to the whether the communal space is appropriate for families given its location at the top of the building. Richard Evans clarified that the value of the site was reflected in the Benchmark Land Value. Richard Evans also clarified that the amenity space is served by lifts and the due to the constraints of the site its location is the only place it could go. Richard Evans also stated that the present offer for the subsidised rents is 3 months from occupancy.

Councillor Penfold asked for clarification on the build costs due to perceived discrepancies in the viability report. Richard Evans stated that the author of the report is not at the meeting so he is unable to comment on the perceived discrepancies but did highlight that the report has been reviewed by the council officers and Urban Delivery on their behalf. The presenting officer stated that he appreciated that members wanted to be correct with the figures and highlighted that findings of the independent review cannot be disregarded.

Councillor Mallory asked for clarification in regards to the review if flats are already sold. Kheng Chau – Legal Services clarified that the early stage review is within 2 years of the planning permission if the scheme hasn't reached the agreed point and that the review would be on an open book basis, the assumptions would be checked and if it is found that more affordable housing can be provided it would be secured on site if it found during the early stage review. The late stage review is at the point of 75% sale and if it is found that more affordable housing can be provided then it is an offsite contribution.

Councillor Sheikh asked how review mechanisms on other developments have worked and how it is ensured that the review takes place. The presenting officer clarified that the early stage review is takes place if there is no substantial start within two years of the planning permission. The presenting officer also clarified that he doesn't have the figures to hand in regards to review mechanisms on other schemes.

Councillor Gallagher asked for clarification from legal services in regards to whether a contribution for affordable housing is solely for affordable housing or whether it contributes to other works. Kheng Chau – Leal Services stated that he does not know the answer but that common sense would suggest that there would be admin costs involved. The presenting officer clarified

that a S106 contribution for affordable housing can only be spent on the purpose for which that s106 defines it must be spent.

The committee received verbal representations from Annabel McLaren of the Sydenham Society and a local resident Mareline Sterling. The Sydenham Society stated that they maintain the objection that is outlined in the officer's report, and highlighted that the scheme provides no affordable housing, traffic concerns and that the design, height and massing of the proposal is out of context and over dominant.

Mareline Sterling stated that the proposal would be another tall building which would block in Holmshaw Close, raised concerns in regards to parking, the building works and stated that the site is too small to accommodate the proposal. Councillor Sheikh asked Mareline Sterling if as a local resident she would like to add anything further. Mareline Sterling said she would and that 3 developments of tall buildings have been built so far and it is too much for residents. Mareline Sterling also raised concerns in regards to access for emergency vehicles and stated she appreciates that the existing building needs to be replaced. Councillor Sheikh asked Mareline Sterling if she would say there is a sense of community, Mareline Sterling states that she is trying to set up a Tenants Association.

Councillor Penfold asked for clarification on who owns and manages the land, and whether it was in Lewisham Homes' ownership. Richard Evans confirmed that it was not. The presenting officer highlighted that he does not know who owns the land, but does not understand it to be within Lewisham Homes' ownership. Councillor Ogunbadwa (Chair) stated that the owner of the land is irrelevant to the planning application.

Councillor Gallagher asked the Sydenham Society for clarification in regards to the objection in regards to design and protecting and enhancing Lewisham's Character. Annabel McLaren of the Sydenham Society stated that area has a number of characterful buildings and the proposal is being crammed onto a site which is too small to accommodate it.

Councillor Curran spoke under standing orders to object to the application. Councillor Curran stated that the artists impression are deceiving, clarified that the other developments referred to in the officers report are set back from the road whereas the proposal is built to the edge of the pavement. Councillor Curran also raised concerns in regards to the width of the pavement.

Councillor Curran highlighted that paragraph 180 of the NPPF states that new development should be appropriate for the location and this is why the other developments in the area have been set back. Councillor Curran also raised concern in regards to traffic, air quality and design. The presenting officer highlighted that in regards to air quality, Environmental Health agree with the submitted report and the concern in regards to air quality would be

the same irrespective of the height of the building. The presenting officer highlighted that the amended NPPF states that traffic impacts need to be severe to be refused on traffic impacts.

Councillor Curran stated that the submitted evidence needs to be checked in terms of air quality, as more up to date data was available and had not been considered, that the photos provided are misleading, there is concern over the height of the building. Councillor Curran also raised concern in regards to the commercial units in regards to whether they would eventually be turned into flats and raised concern in regards to the management of the community space.

The presenting officer stated in terms of wrapping up, in regards to the new information and evidence in terms of air quality, Environmental Health have not been able to assess this alleged evidence and highlighted that the application should, if necessary be deferred rather than refused. The presenting officer also highlighted in terms of affordable housing, that affordable housing is a priority, but there is a wider housing target that needs to be contributed to. It was further highlighted by the presenting officer that any objection advanced by members must be based upon specific deficiencies and evidence, where necessary.

Councillor Krupski highlighted that there is a concern, but raised the question of what are members expecting to happen on the site and highlighted that the design quality of the proposal is better than what currently exists on site.

Councillor Mallory stated that he doesn't have concern in regards to the height of the proposal and that his concern is in relation to the lack of affordable housing.

Councillor Gallagher asked for clarification on the process of deferring the application. The presenting officer highlighted that deferring would allow for the new evidence to be reviewed. The presenting officer did highlight that there are always solutions to mitigate against air quality. Kheng Chau-Legal Services highlighted that members are open to defer the application to allow for an assessment in terms of air quality and the questions on viability.

Councillor Brown moved a motion to defer the application. The motion was seconded by Councillor Mallory.

*Members voted as follows:*

FOR: Councillors Brown, Mallory, Ogunbadwa (Chair) Penfold (Vice-Chair), Gibbons, Krupski, Moore and Sheikh.

AGAINST: Councillor Gallagher

**RESOLVED: That the application DC/17/102792 be deferred.**

The presenting officer outlined that the application is for the demolition of the existing building and the construction of a part 6/ part 7/ part 8-storey mixed use development comprising 23 self-contained residential units, and 59sqm (GIA) commercial ground floor space (Use Class A1 (Retail), A2 (Financial and Professional Services) & B1 (Business), 5 car parking spaces, 40 cycle parking spaces, refuse stores, and private residential balconies and communal amenity area at 86-92 Bell Green SE26.

The presenting officer clarified the design of the building, outlined the proposed amenity space and outlined that all of the units are at least dual aspect.

The presenting officer outlined that 3 comments, 5 objections and 32 letters of support were received. An objection was also received from the Sydenham Society. The objections were in regards to the height of the proposed building, issues in regards to parking and traffic congestion, the design of the proposed building and the lack of amenity space for families.

The presenting officer outlined that the viability assessment shows that the scheme cannot provide affordable housing and that two review mechanisms to contribute to affordable housing would be attached to a permission. The presenting officer outlines the contributions that would be attached to a permission, these include an £92,500 towards an off-site payment in lieu of contribution towards affordable housing.

Councillor Mallory raised concerns in regards to viability and the review process, as the Council should be looking for genuinely affordable housing, and as such the scheme does not meet the housing need. Councillor Mallory asked why we wait for the review and how it is enforced. The presenting officer stated that expert consultants on viability sometimes conclude that it is not viable for more affordable housing to be provided initially, and in line with policy a review mechanism is attached to a permission. The presenting officer highlighted that review mechanisms are not an uncommon requirement.

Councillor Mallory asked for clarification of the type of units proposed. The presenting officer highlighted that all of the units are market housing. Councillor Mallory asked why the scheme is being considered if no affordable housing is being proposed, the presenting officer clarified that the viability review demonstrated that affordable units could not be delivered.

Councillor Penfold asked for clarification on the figures in the viability report. The presenting officer highlighted that the viability report is reviewed by an independent expert, and later provided clarification of the figures cited.

Councillor Sheikh stated that she supports the concerns raised by Councillor Mallory.

Councillor Gallagher stated she agreed with the clarification sought by Councillor Penfold in regards to the figures in the viability report. Councillor Gallagher also stated that it needs be clear that Members are understanding the viability reports correctly as they are held to account and need to ensure that they understand what they are voting on as the viability reports is a part of the decision making process. The presenting officer stated that Urban Delivery are contracted to assess the viability evidence and produce a summary report on behalf of the Council. The presenting officer highlighted that the review mechanism process is a common process and is an open book process.

The Committee received verbal representations from Richard Evans –WYG who represents the applicant. Richard Evans responded to some of the raised viability issues, outlined the design process and explains that the shops on the site are currently vacant. Richard Evans highlights that the scheme would provide 23 residential units which would comply with the Council's policy on mix of unit sizes. Richard Evans also highlighted that the commercial units would have subsidised rents (in the form of a 3 month initial rent free period), that the scheme would exceed cycle storage requirements, provide 5 car parking spaces, would meet the sustainability requirements and that the Lewisham Design Review Panel stated that the scale of the scheme is acceptable.

Councillor Mallory asked why is the applicant is committed to providing housing, why is no genuine affordable rented housing proposed. Richard Evans highlighted that the guidelines of affordable housing accept that there needs to be an incentive to developers to bring development forward and that 15-20% profit is the profit level that is accepted. Richard Evans highlights that that a contribution of £92,500 towards off-site affordable housing is proposed.

Councillor Gallagher stated the developers need to account for policy when the site is purchased and raised two questions. The first question asked how long the commercial units would benefit from subsidised rent and whether this would be secured via a condition. The second question raised was in regards to the whether the communal space is appropriate for families given its location at the top of the building. Richard Evans clarified that the value of the site was reflected in the Benchmark Land Value. Richard Evans also clarified that the amenity space is served by lifts and the due to the constraints of the site its location is the only place it could go.

Richard Evans also stated that the present offer for the subsidised rents is 3 months from occupancy.

Councillor Penfold asked for clarification on the build costs due to perceived discrepancies in the viability report. Richard Evans stated that the author of the report is not at the meeting so he is unable to comment on the perceived discrepancies but did highlight that the report has been reviewed by the council officers and Urban Delivery on their behalf. The presenting officer stated that he appreciated that members wanted to be correct with the figures and highlighted that findings of the independent review cannot be disregarded.

Councillor Mallory asked for clarification in regards to the review if flats are already sold. Kheng Chau – Legal Services clarified that the early stage review is within 2 years of the planning permission if the scheme hasn't reached the agreed point and that the review would be on an open book basis, the assumptions would be checked and if it is found that more affordable housing can be provided it would be secured on site if it found during the early stage review. The late stage review is at the point of 75% sale and if it is found that more affordable housing can be provided then it is an offsite contribution.

Councillor Sheikh asked how review mechanisms on other developments have worked and how it is ensured that the review takes place. The presenting officer clarified that the early stage review is takes place if there is no substantial start within two years of the planning permission. The presenting officer also clarified that he doesn't have the figures to hand in regards to review mechanisms on other schemes.

Councillor Gallagher asked for clarification from legal services in regards to whether a contribution for affordable housing is solely for affordable housing or whether it contributes to other works. Kheng Chau – Leal Services stated that he does not know the answer but that common sense would suggest that there would be admin costs involved. The presenting officer clarified that a S106 contribution for affordable housing can only be spent on the purpose for which that s106 defines it must be spent.

The committee received verbal representations from Annabel McLaren of the Sydenham Society and a local resident Mareline Sterling. The Sydenham Society stated that they maintain the objection that is outlined in the officer's report, and highlighted that the scheme provides no affordable housing, traffic concerns and that the design, height and massing of the proposal is out of context and over dominant.

Mareline Sterling stated that the proposal would be another tall building which would block in Holmshaw Close, raised concerns in regards to parking, the building works and stated that the site is too small to accommodate the proposal. Councillor Sheikh asked Mareline Sterling if as

a local resident she would like to add anything further. Mareline Sterling said she would and that 3 developments of tall buildings have been built so far and it is too much for residents. Mareline Sterling also raised concerns in regards to access for emergency vehicles and stated she appreciates that the existing building needs to be replaced. Councillor Sheikh asked Mareline Sterling if she would say there is a sense of community, Mareline Sterling states that she is trying to set up a Tenants Association.

Councillor Penfold asked for clarification on who owns and manages the land, and whether it was in Lewisham Homes' ownership. Richard Evans confirmed that it was not. The presenting officer highlighted that he does not know who owns the land, but does not understand it to be within Lewisham Homes' ownership. Councillor Ogunbadwa (Chair) stated that the owner of the land is irrelevant to the planning application.

Councillor Gallagher asked the Sydenham Society for clarification in regards to the objection in regards to design and protecting and enhancing Lewisham's Character. Annabel McLaren of the Sydenham Society stated that area has a number of characterful buildings and the proposal is being crammed onto a site which is too small to accommodate it.

Councillor Curran spoke under standing orders to object to the application. Councillor Curran stated that the artists impression are deceiving, clarified that the other developments referred to in the officers report are set back from the road whereas the proposal is built to the edge of the pavement. Councillor Curran also raised concerns in regards to the width of the pavement.

Councillor Curran highlighted that paragraph 180 of the NPPF states that new development should be appropriate for the location and this is why the other developments in the area have been set back. Councillor Curran also raised concern in regards to traffic, air quality and design. The presenting officer highlighted that in regards to air quality, Environmental Health agree with the submitted report and the concern in regards to air quality would be the same irrespective of the height of the building. The presenting officer highlighted that the amended NPPF states that traffic impacts need to be severe to be refused on traffic impacts.

Councillor Curran stated that the submitted evidence needs to be checked in terms of air quality, as more up to date data was available and had not been considered, that the photos provided are misleading, there is concern over the height of the building. Councillor Curran also raised concern in regards to the commercial units in regards to whether they would eventually be turned into flats and raised concern in regards to the management of the community space.

The presenting officer stated in terms of wrapping up, in regards to the new information and evidence in terms of air quality, Environmental Health have

not been able to assess this alleged evidence and highlighted that the application should, if necessary be deferred rather than refused. The presenting officer also highlighted in terms of affordable housing, that affordable housing is a priority, but there is a wider housing target that needs to be contributed to. It was further highlighted by the presenting officer that any objection advanced by members must be based upon specific deficiencies and evidence, where necessary.

Councillor Krupski highlighted that there is a concern, but raised the question of what are members expecting to happen on the site and highlighted that the design quality of the proposal is better than what currently exists on site.

Councillor Mallory stated that he doesn't have concern in regards to the height of the proposal and that his concern is in relation to the lack of affordable housing.

Councillor Gallagher asked for clarification on the process of deferring the application. The presenting officer highlighted that deferring would allow for the new evidence to be reviewed. The presenting officer did highlight that there are always solutions to mitigate against air quality. Kheng Chau-Legal Services highlighted that members are open to defer the application to allow for an assessment in terms of air quality and the questions on viability.

Councillor Brown moved a motion to defer the application. The motion was seconded by Councillor Mallory.

*Members voted as follows:*

FOR: Councillors Brown, Mallory, Ogunbadwa (Chair) Penfold (Vice-Chair), Gibbons, Krupski, Moore and Sheikh.

AGAINST: Councillor Gallagher

**RESOLVED: That the application DC/17/102792 be deferred.**

The presenting officer outlined that the application is for the demolition of the existing building and the construction of a part 6/ part 7/ part 8-storey mixed use development comprising 23 self-contained residential units, and 59sqm (GIA) commercial ground floor space (Use Class A1 (Retail), A2 (Financial and Professional Services) & B1 (Business), 5 car parking spaces, 40 cycle parking spaces, refuse stores, and private residential balconies and communal amenity area at 86-92 Bell Green SE26.

The presenting officer clarified the design of the building, outlined the proposed amenity space and outlined that all of the units are at least dual aspect.

The presenting officer outlined that 3 comments, 5 objections and 32 letters of support were received. An objection was also received from the Sydenham Society. The objections were in regards to the height of the proposed building, issues in regards to parking and traffic congestion, the design of the proposed building and the lack of amenity space for families.

The presenting officer outlined that the viability assessment shows that the scheme cannot provide affordable housing and that two review mechanisms to contribute to affordable housing would be attached to a permission. The presenting officer outlines the contributions that would be attached to a permission, these include an £92,500 towards an off-site payment in lieu of contribution towards affordable housing.

Councillor Mallory raised concerns in regards to viability and the review process, as the Council should be looking for genuinely affordable housing, and as such the scheme does not meet the housing need. Councillor Mallory asked why we wait for the review and how it is enforced. The presenting officer stated that expert consultants on viability sometimes conclude that it is not viable for more affordable housing to be provided initially, and in line with policy a review mechanism is attached to a permission. The presenting officer highlighted that review mechanisms are not an uncommon requirement.

Councillor Mallory asked for clarification of the type of units proposed. The presenting officer highlighted that all of the units are market housing. Councillor Mallory asked why the scheme is being considered if no affordable housing is being proposed, the presenting officer clarified that the viability review demonstrated that affordable units could not be delivered.

Councillor Penfold asked for clarification on the figures in the viability report. The presenting officer highlighted that the viability report is reviewed by an independent expert, and later provided clarification of the figures cited.

Councillor Sheikh stated that she supports the concerns raised by Councillor Mallory.

Councillor Gallagher stated she agreed with the clarification sought by Councillor Penfold in regards to the figures in the viability report. Councillor Gallagher also stated that it needs be clear that Members are understanding the viability reports correctly as they are held to account and need to ensure that they understand what they are voting on as the viability reports is a part of the decision making process. The presenting officer stated that Urban Delivery are contracted to assess the viability evidence

and produce a summary report on behalf of the Council. The presenting officer highlighted that the review mechanism process is a common process and is an open book process.

The Committee received verbal representations from Richard Evans –WYG who represents the applicant. Richard Evans responded to some of the raised viability issues, outlined the design process and explains that the shops on the site are currently vacant. Richard Evans highlights that the scheme would provide 23 residential units which would comply with the Council's policy on mix of unit sizes. Richard Evans also highlighted that the commercial units would have subsidised rents (in the form of a 3 month initial rent free period), that the scheme would exceed cycle storage requirements, provide 5 car parking spaces, would meet the sustainability requirements and that the Lewisham Design Review Panel stated that the scale of the scheme is acceptable.

Councillor Mallory asked why is the applicant is committed to providing housing, why is no genuine affordable rented housing proposed. Richard Evans highlighted that the guidelines of affordable housing accept that there needs to be an incentive to developers to bring development forward and that 15-20% profit is the profit level that is accepted. Richard Evans highlights that that a contribution of £92,500 towards off-site affordable housing is proposed.

Councillor Gallagher stated the developers need to account for policy when the site is purchased and raised two questions. The first question asked how long the commercial units would benefit from subsidised rent and whether this would be secured via a condition. The second question raised was in regards to the whether the communal space is appropriate for families given its location at the top of the building. Richard Evans clarified that the value of the site was reflected in the Benchmark Land Value. Richard Evans also clarified that the amenity space is served by lifts and the due to the constraints of the site its location is the only place it could go. Richard Evans also stated that the present offer for the subsidised rents is 3 months from occupancy.

Councillor Penfold asked for clarification on the build costs due to perceived discrepancies in the viability report. Richard Evans stated that the author of the report is not at the meeting so he is unable to comment on the perceived discrepancies but did highlight that the report has been reviewed by the council officers and Urban Delivery on their behalf. The presenting officer stated that he appreciated that members wanted to be correct with the figures and highlighted that findings of the independent review cannot be disregarded.

Councillor Mallory asked for clarification in regards to the review if flats are already sold. Kheng Chau – Legal Services clarified that the early stage review is within 2 years of the planning permission if the scheme hasn't

reached the agreed point and that the review would be on an open book basis, the assumptions would be checked and if it is found that more affordable housing can be provided it would be secured on site if it found during the early stage review. The late stage review is at the point of 75% sale and if it is found that more affordable housing can be provided then it is an offsite contribution.

Councillor Sheikh asked how review mechanisms on other developments have worked and how it is ensured that the review takes place. The presenting officer clarified that the early stage review is takes place if there is no substantial start within two years of the planning permission. The presenting officer also clarified that he doesn't have the figures to hand in regards to review mechanisms on other schemes.

Councillor Gallagher asked for clarification from legal services in regards to whether a contribution for affordable housing is solely for affordable housing or whether it contributes to other works. Kheng Chau – Leal Services stated that he does not know the answer but that common sense would suggest that there would be admin costs involved. The presenting officer clarified that a S106 contribution for affordable housing can only be spent on the purpose for which that s106 defines it must be spent.

The committee received verbal representations from Annabel McLaren of the Sydenham Society and a local resident Mareline Sterling. The Sydenham Society stated that they maintain the objection that is outlined in the officer's report, and highlighted that the scheme provides no affordable housing, traffic concerns and that the design, height and massing of the proposal is out of context and over dominant.

Mareline Sterling stated that the proposal would be another tall building which would block in Holmshaw Close, raised concerns in regards to parking, the building works and stated that the site is too small to accommodate the proposal. Councillor Sheikh asked Mareline Sterling if as a local resident she would like to add anything further. Mareline Sterling said she would and that 3 developments of tall buildings have been built so far and it is too much for residents. Mareline Sterling also raised concerns in regards to access for emergency vehicles and stated she appreciates that the existing building needs to be replaced. Councillor Sheikh asked Mareline Sterling if she would say there is a sense of community, Mareline Sterling states that she is trying to set up a Tenants Association.

Councillor Penfold asked for clarification on who owns and manages the land, and whether it was in Lewisham Homes' ownership. Richard Evans confirmed that it was not. The presenting officer highlighted that he does not know who owns the land, but does not understand it to be within Lewisham Homes' ownership. Councillor Ogunbadwa (Chair) stated that the owner of the land is irrelevant to the planning application.

Councillor Gallagher asked the Sydenham Society for clarification in regards to the objection in regards to design and protecting and enhancing Lewisham's Character. Annabel McLaren of the Sydenham Society stated that area has a number of characterful buildings and the proposal is being crammed onto a site which is too small to accommodate it.

Councillor Curran spoke under standing orders to object to the application. Councillor Curran stated that the artists impression are deceiving, clarified that the other developments referred to in the officers report are set back from the road whereas the proposal is built to the edge of the pavement. Councillor Curran also raised concerns in regards to the width of the pavement.

Councillor Curran highlighted that paragraph 180 of the NPPF states that new development should be appropriate for the location and this is why the other developments in the area have been set back. Councillor Curran also raised concern in regards to traffic, air quality and design. The presenting officer highlighted that in regards to air quality, Environmental Health agree with the submitted report and the concern in regards to air quality would be the same irrespective of the height of the building. The presenting officer highlighted that the amended NPPF states that traffic impacts need to be severe to be refused on traffic impacts.

Councillor Curran stated that the submitted evidence needs to be checked in terms of air quality, as more up to date data was available and had not been considered, that the photos provided are misleading, there is concern over the height of the building. Councillor Curran also raised concern in regards to the commercial units in regards to whether they would eventually be turned into flats and raised concern in regards to the management of the community space.

The presenting officer stated in terms of wrapping up, in regards to the new information and evidence in terms of air quality, Environmental Health have not been able to assess this alleged evidence and highlighted that the application should, if necessary be deferred rather than refused. The presenting officer also highlighted in terms of affordable housing, that affordable housing is a priority, but there is a wider housing target that needs to be contributed to. It was further highlighted by the presenting officer that any objection advanced by members must be based upon specific deficiencies and evidence, where necessary.

Councillor Krupski highlighted that there is a concern, but raised the question of what are members expecting to happen on the site and highlighted that the design quality of the proposal is better than what currently exists on site.

Councillor Mallory stated that he doesn't have concern in regards to the height of the proposal and that his concern is in relation to the lack of affordable housing.

Councillor Gallagher asked for clarification on the process of deferring the application. The presenting officer highlighted that deferring would allow for the new evidence to be reviewed. The presenting officer did highlight that there are always solutions to mitigate against air quality. Kheng Chau-Legal Services highlighted that members are open to defer the application to allow for an assessment in terms of air quality and the questions on viability.

Councillor Brown moved a motion to defer the application. The motion was seconded by Councillor Mallory.

*Members voted as follows:*

FOR: Councillors Brown, Mallory, Ogunbadwa (Chair) Penfold (Vice-Chair), Gibbons, Krupski, Moore and Sheikh.

AGAINST: Councillor Gallagher

**RESOLVED: That the application DC/17/102792 be deferred.**

The presenting officer outlined that the application is for the demolition of the existing building and the construction of a part 6/ part 7/ part 8-storey mixed use development comprising 23 self-contained residential units, and 59sqm (GIA) commercial ground floor space (Use Class A1 (Retail), A2 (Financial and Professional Services) & B1 (Business), 5 car parking spaces, 40 cycle parking spaces, refuse stores, and private residential balconies and communal amenity area at 86-92 Bell Green SE26.

The presenting officer clarified the design of the building, outlined the proposed amenity space and outlined that all of the units are at least dual aspect.

The presenting officer outlined that 3 comments, 5 objections and 32 letters of support were received. An objection was also received from the Sydenham Society. The objections were in regards to the height of the proposed building, issues in regards to parking and traffic congestion, the design of the proposed building and the lack of amenity space for families.

The presenting officer outlined that the viability assessment shows that the scheme cannot provide affordable housing and that two review mechanisms to contribute to affordable housing would be attached to a permission. The presenting officer outlines the contributions that would be

attached to a permission, these include an £92,500 towards an off-site payment in lieu of contribution towards affordable housing.

Councillor Mallory raised concerns in regards to viability and the review process, as the Council should be looking for genuinely affordable housing, and as such the scheme does not meet the housing need. Councillor Mallory asked why we wait for the review and how it is enforced. The presenting officer stated that expert consultants on viability sometimes conclude that it is not viable for more affordable housing to be provided initially, and in line with policy a review mechanism is attached to a permission. The presenting officer highlighted that review mechanisms are not an uncommon requirement.

Councillor Mallory asked for clarification of the type of units proposed. The presenting officer highlighted that all of the units are market housing. Councillor Mallory asked why the scheme is being considered if no affordable housing is being proposed, the presenting officer clarified that the viability review demonstrated that affordable units could not be delivered.

Councillor Penfold asked for clarification on the figures in the viability report. The presenting officer highlighted that the viability report is reviewed by an independent expert, and later provided clarification of the figures cited.

Councillor Sheikh stated that she supports the concerns raised by Councillor Mallory.

Councillor Gallagher stated she agreed with the clarification sought by Councillor Penfold in regards to the figures in the viability report. Councillor Gallagher also stated that it needs be clear that Members are understanding the viability reports correctly as they are held to account and need to ensure that they understand what they are voting on as the viability reports is a part of the decision making process. The presenting officer stated that Urban Delivery are contracted to assess the viability evidence and produce a summary report on behalf of the Council. The presenting officer highlighted that the review mechanism process is a common process and is an open book process.

The Committee received verbal representations from Richard Evans –WYG who represents the applicant. Richard Evans responded to some of the raised viability issues, outlined the design process and explains that the shops on the site are currently vacant. Richard Evans highlights that the scheme would provide 23 residential units which would comply with the Council's policy on mix of unit sizes. Richard Evans also highlighted that the commercial units would have subsidised rents (in the form of a 3 month initial rent free period), that the scheme would exceed cycle storage requirements, provide 5 car parking spaces, would meet the sustainability

requirements and that the Lewisham Design Review Panel stated that the scale of the scheme is acceptable.

Councillor Mallory asked why is the applicant is committed to providing housing, why is no genuine affordable rented housing proposed. Richard Evans highlighted that the guidelines of affordable housing accept that there needs to be an incentive to developers to bring development forward and that 15-20% profit is the profit level that is accepted. Richard Evans highlights that that a contribution of £92,500 towards off-site affordable housing is proposed.

Councillor Gallagher stated the developers need to account for policy when the site is purchased and raised two questions. The first question asked how long the commercial units would benefit from subsidised rent and whether this would be secured via a condition. The second question raised was in regards to the whether the communal space is appropriate for families given its location at the top of the building. Richard Evans clarified that the value of the site was reflected in the Benchmark Land Value. Richard Evans also clarified that the amenity space is served by lifts and the due to the constraints of the site its location is the only place it could go. Richard Evans also stated that the present offer for the subsidised rents is 3 months from occupancy.

Councillor Penfold asked for clarification on the build costs due to perceived discrepancies in the viability report. Richard Evans stated that the author of the report is not at the meeting so he is unable to comment on the perceived discrepancies but did highlight that the report has been reviewed by the council officers and Urban Delivery on their behalf. The presenting officer stated that he appreciated that members wanted to be correct with the figures and highlighted that findings of the independent review cannot be disregarded.

Councillor Mallory asked for clarification in regards to the review if flats are already sold. Kheng Chau – Legal Services clarified that the early stage review is within 2 years of the planning permission if the scheme hasn't reached the agreed point and that the review would be on an open book basis, the assumptions would be checked and if it is found that more affordable housing can be provided it would be secured on site if it found during the early stage review. The late stage review is at the point of 75% sale and if it is found that more affordable housing can be provided then it is an offsite contribution.

Councillor Sheikh asked how review mechanisms on other developments have worked and how it is ensured that the review takes place. The presenting officer clarified that the early stage review is takes place if there is no substantial start within two years of the planning permission. The presenting officer also clarified that he doesn't have the figures to hand in regards to review mechanisms on other schemes.

Councillor Gallagher asked for clarification from legal services in regards to whether a contribution for affordable housing is solely for affordable housing or whether it contributes to other works. Kheng Chau – Leal Services stated that he does not know the answer but that common sense would suggest that there would be admin costs involved. The presenting officer clarified that a S106 contribution for affordable housing can only be spent on the purpose for which that s106 defines it must be spent.

The committee received verbal representations from Annabel McLaren of the Sydenham Society and a local resident Mareline Sterling. The Sydenham Society stated that they maintain the objection that is outlined in the officer's report, and highlighted that the scheme provides no affordable housing, traffic concerns and that the design, height and massing of the proposal is out of context and over dominant.

Mareline Sterling stated that the proposal would be another tall building which would block in Holmshaw Close, raised concerns in regards to parking, the building works and stated that the site is too small to accommodate the proposal. Councillor Sheikh asked Mareline Sterling if as a local resident she would like to add anything further. Mareline Sterling said she would and that 3 developments of tall buildings have been built so far and it is too much for residents. Mareline Sterling also raised concerns in regards to access for emergency vehicles and stated she appreciates that the existing building needs to be replaced. Councillor Sheikh asked Mareline Sterling if she would say there is a sense of community, Mareline Sterling states that she is trying to set up a Tenants Association.

Councillor Penfold asked for clarification on who owns and manages the land, and whether it was in Lewisham Homes' ownership. Richard Evans confirmed that it was not. The presenting officer highlighted that he does not know who owns the land, but does not understand it to be within Lewisham Homes' ownership. Councillor Ogunbadwa (Chair) stated that the owner of the land is irrelevant to the planning application.

Councillor Gallagher asked the Sydenham Society for clarification in regards to the objection in regards to design and protecting and enhancing Lewisham's Character. Annabel McLaren of the Sydenham Society stated that area has a number of characterful buildings and the proposal is being crammed onto a site which is too small to accommodate it.

Councillor Curran spoke under standing orders to object to the application. Councillor Curran stated that the artists impression are deceiving, clarified that the other developments referred to in the officers report are set back from the road whereas the proposal is built to the edge of the pavement. Councillor Curran also raised concerns in regards to the width of the pavement.

Councillor Curran highlighted that paragraph 180 of the NPPF states that new development should be appropriate for the location and this is why the other developments in the area have been set back. Councillor Curran also raised concern in regards to traffic, air quality and design. The presenting officer highlighted that in regards to air quality, Environmental Health agree with the submitted report and the concern in regards to air quality would be the same irrespective of the height of the building. The presenting officer highlighted that the amended NPPF states that traffic impacts need to be severe to be refused on traffic impacts.

Councillor Curran stated that the submitted evidence needs to be checked in terms of air quality, as more up to date data was available and had not been considered, that the photos provided are misleading, there is concern over the height of the building. Councillor Curran also raised concern in regards to the commercial units in regards to whether they would eventually be turned into flats and raised concern in regards to the management of the community space.

The presenting officer stated in terms of wrapping up, in regards to the new information and evidence in terms of air quality, Environmental Health have not been able to assess this alleged evidence and highlighted that the application should, if necessary be deferred rather than refused. The presenting officer also highlighted in terms of affordable housing, that affordable housing is a priority, but there is a wider housing target that needs to be contributed to. It was further highlighted by the presenting officer that any objection advanced by members must be based upon specific deficiencies and evidence, where necessary.

Councillor Krupski highlighted that there is a concern, but raised the question of what are members expecting to happen on the site and highlighted that the design quality of the proposal is better than what currently exists on site.

Councillor Mallory stated that he doesn't have concern in regards to the height of the proposal and that his concern is in relation to the lack of affordable housing.

Councillor Gallagher asked for clarification on the process of deferring the application. The presenting officer highlighted that deferring would allow for the new evidence to be reviewed. The presenting officer did highlight that there are always solutions to mitigate against air quality. Kheng Chau-Legal Services highlighted that members are open to defer the application to allow for an assessment in terms of air quality and the questions on viability.

Councillor Brown moved a motion to defer the application. The motion was seconded by Councillor Mallory.

*Members voted as follows:*

FOR: Councillors Brown, Mallory, Ogunbadwa (Chair) Penfold (Vice-Chair), Gibbons, Krupski, Moore and Sheikh.

AGAINST: Councillor Gallagher

**RESOLVED: That the application DC/17/102792 be deferred.**

#### **4. 56 HONOR OAK PARK, LONDON, SE23 1DY**

The presenting officer outlined the details of the case for the installation of a new shopfront and a single storey extension to the rear of 56 Honor Oak Park, SE23, together with the blocking up of a ground floor window and the installation of replacement HVAC equipment, including fresh air intake, extraction ducts and A/C compressors.

The presenting officer clarified that the application is only in relation to the single storey rear extension, the shop front and the AC and plant material. The presenting officer also highlighted that the use class of the unit is already a hot food takeaway (Use Class A5) and as such change of use is not required or sought by this application. The presenting officer also highlighted that the applicant would require a planning application if hours of operation were desired to be changed.

The presenting officer outlined that 38 objections had been received and that this was considerably more than the number of properties which were consulted. The presenting officer outlines that full details of the objections can be found in Table 1 in the report and the objections include concern of whether a change of use is required, noise and disturbance concerns and traffic concerns.

Councillor Sheikh asked for clarification in regards to the scale of the consultation, whether refusal of the application would stop the owner opening, and what options are available to residents to raise their concerns. The presenting officer highlighted that A5 is the lawful use of the unit so any take-away could occupy the unit 'tomorrow' without an application, the presenting officer highlighted that a planning permission is not restricted to any particular occupier or type of takeaway operator. The presenting officer highlighted that Lewisham is in the early stages of its Local Plan review which looks at new policy formation and that the public consultation will take place in the next few months.

Councillor Penfold asked whether the new owners would be bound by the existing opening hours of the permission from 1994. The presenting officer confirmed that the owner are bound by the existing opening hours, unless they could demonstrate that any deviation from those hours is already immune from enforcement action, and thus that a planning application would be required to change them.

Councillor Gibbons reminded the public that concerns relating to the application in question to be taken into account and that the saturation of pizza takeaways is not something that can be considered on the current application.

The committee received verbal representations from Robin Dunne on behalf to the applicant. Robin Dunne clarified that the application is not for a change of use and that the A5 use was granted consent in 1994. Robin Dunne highlighted that he attended the local meeting and the concern over the illumination was noted and the proposal was amended and that the applicants are committed to Honor Oak Park. Robin Dunne also highlighted that an acoustic report was submitted with the application and that Environmental Health raised no objection.

Councillor Krupski asked the applicant if the business could operate without the extension. Richard Dunne answered that the extension is required.

Councillor Gallagher asked the applicant for clarification on what they meant by being committed to Honor Oak Park. Richard Dunne stated that this is in terms of increased employment and an improved frontage.

Councillor Gallagher asked for confirmation of the figures on the amount of local people that would be employed, Richard Dunne stated that he does not have the figure and that the increased employment is mainly in the form of delivery drivers.

Councillor Sheikh asked the applicant how much consultation has been done with local residents and businesses to view demand. Richard Dunne highlighted that consultation was undertaken and that the area is currently served by the Catford branch and delivery records show that there is demand in the area. Councillor Sheikh asked the applicant if they have spoken to local businesses, Richard Dunne stated that he had not and there is no obligation for the applicant to do so. The presenting officer highlighted that public consultation by the applicant is not required for an application of this type.

Councillor Ogunbadwa (Chair) stated that due to the number of objectors that the objectors choose a few people to make the objections on behalf of all of the objectors.

The committee received verbal representations of David of Parbury Road and Esteban of Honor Oak Park. David raised objections on the following grounds, the design of the shop front, the signage is out of keeping with the area, concern in regards to smell, no provision for delivery bikes in the design, issues with motorbikes. David also raised questions in regards to the front boundary of the property. Esteban stated that he appreciated the description of the application but feels local residents have not been consulted on change of use when legislation moved hot food takeaways from being within A3 use to its current classification, A5, raised concerns in regards to traffic issues and that Dominoes would not operate within the existing hours of operation.

The presenting officer clarified that Environmental Health are satisfied with the information that has been submitted and that the standards that are applied are better than previous standards used. The presenting officer stated that in regards to the setting back for the parking of bikes, the current application is not for a change of use and is only for a shopfront. The presenting officer clarified in regards to the point made about the A3 use, that a number of years ago Central Government changed the use class of takeaways, and no planning permission or associate consultation was required as a result of this. The presenting officer also clarified that Dominos being the applicant cannot be taken into account in the assessment of the application.

Councillor Gibbons stated that he lives locally and understands the concerns that have been raised in regards to consultation and delivery vehicles, and the concerns from objectors as to why this application cannot be considered as a change of used.

Councillor Sheikh suggested that the application be deferred, as it is important to address the community's concerns in regard to the application.

Councillor Mallory agreed with the points raised by Councillor Gibbons and stated that a deferral would not help this application as the concerns raised are not issues that can be considered under the current application.

The presenting officer clarified to members that if any additional conditions are proposed, they need to be relevant to current application and conditions that already exist need not be reapplied without specific reason.

Councillor Krupski stated that there are no grounds for a deferral and believes one of the main concerns for the objectors is transport and stated that she suggests strongly to the applicants that electric bikes are used.

David, a member of the public audience asked if parking on the highway would be illegal. Kheng Chau – Legal Services stated that the highway authority can enforce on the obstruction of the highway.

A number of questions and comments were shouted from the public, Councillor Ogunbadwa (Chair) stated that questions could not be taken from the floor.

Councillor Gallagher stated that members sympathise to the points raised and asked if the sign would be illuminated when the shop was closed. The presenting officer clarified that this would be covered by the separate advertisement consent application.

Councillor Brown stated that the audience/ residents have attended due to their concern regarding the impact of the proposed operator, and that whilst members understand their concerns and sympathise with them, this application is only for the shopfront, extension, and A/C and plant units and that members are not able to make a decision on the basis of the the operator. Further, if Domino's wished to change the opening hours, an application would then be required.

Councillor Sheikh's motion to defer the application was not seconded.

Councillor Brown moved a motion to accept the officer's recommendation, this was seconded by Councillor Krupski.

Members voted as follows:

For: Councillors Brown, Krupski, Ogunbadwa (Chair), Penfold, Gallagher, Gibbons, Mallory and Moore.

Abstained: Councillor Sheikh.

**RESOLVED: That application DC/17/104077 be approved**

**5. 1 WHITE POST STREET, LONDON, SE15 1DR**

The presenting officer outlined the details of the case the demolition of the existing structures at 1 White Post Street SE15 and redevelopment to provide a mixed use development comprising the construction of two buildings ranging from 3-7 storeys and refurbishment of the 6 railway arches (No's 62 - 67), providing 975 sqm of flexible commercial floorspace (A1/A2/B1/D1) and 25 residential units; together with the provision of associated plant, amenity space, 3 accessible car parking spaces and 56 cycle spaces.

The presenting officer clarified that 3 car parking spaces would be provided, that 6 arches would be refurbished and that proposal is a more intensive and mixed use of the site. The presenting officer also highlighted that proposal is without on-site affordable housing provision and that a permission would be subject to a review mechanism.

The presenting officer outlined that 5 objections had been received and that the objections were in regards to overdevelopment of the site, addition of traffic and noise, overlooking and invasion of privacy, loss of sunlight into gardens, the construction impact, site security issues, loss of existing buildings and displacement of tenants and devaluation in house prices.

Councillor Krupski asked for clarification in regards to refuse collection as paragraph 4.12 states that there is limited room for refuse collection. The presenting officer clarified that servicing management would be conditioned.

Councillor Sheikh asked for clarification on the issues raised in regards to the displacement of existing tenants. The presenting officer clarified it cannot be taken into account in terms of existing and new tenants as it is looked at in terms of the quantum and the range of uses lost and gained. The presenting officer also highlighted that impact on house prices is not a material planning consideration. Councillor Sheikh asked whether the existing businesses will be removed from the arches. The presenting officer clarified that the employment policy does not allow for the protection of existing users and the planning decision does not take into account the terms of the lease.

Councillor Penfold asked for clarification in terms of the further perceived gaps in the viability reports and whether the surplus has been looked into. The presenting officer highlighted that he is wary of commenting on

individual paragraphs in the various report without taking them all in their proper context, and that a financial contribution may not equate to a whole affordable housing unit offsite contribution. The highlighted inconsistencies were later addressed by identifying the other parts of the report which explained that the gaps identified were not in fact gaps.

The difficulty in securing single units within development schemes was also highlighted, as registered provider will often seek instead to take on units accessed from access cores serving only that tenure.

Councillor Gallagher asked if why the figures between the two reports are so different in terms of viability, why is the application recommended for approval. The presenting officer clarified that there is an off-site affordable housing contribution of £107,000 and that in most instances there are differences in viability between the applicant's initial reports, and the conclusions of the Council's advisors, and that this is not a reason for refusal.

The committee received verbal representation from Jane Richardson and Jonathan Colefax on behalf of the applicants. Jane Richardson detailed the matters that have been addressed, these included obscure glazing being secured by condition, worked alongside designing out crime officers, and additional disabled parking has been provided and proposed street works. Jane Richardson also detailed that condition would be attached to a permission in regards to opening hours of commercial units to address noise concerns.

Jane Richardson addressed points raised by members in terms of displacement and stated that 1 arch is vacant, 1 is used for storage and that the others are relocating. Jane Richardson also outlined that the applicant has agreed to early and late stage review in terms of viability.

Councillor Krupski asked who would run/own the commercial units. Jane Richardson stated they would be open on the market and that the arches are jointly owned with Network Rail.

Councillor Gallagher asked for clarification in regards to the affordable housing contribution, is the recommendation subject to a condition and what the target profit is. The presenting officer states that government guidance talks about a range in terms of profit. Councillor Gallagher asked if members have the power to adjust the profit to 17.5% and model the viability output from this. The presenting officer outlines that there are different profit levels on different schemes depending on what is appropriate for that site, including its characteristics or the risks arising.

Councillor Krupski asked in terms of the Local Plan, how much demand is there for B class uses as no retail is proposed and how risk vs demand is calculated. The presenting officer stated he could not comment on risk vs

demand but did state that the Council's Economic Development team were consulted and they stated that a B use is appropriate. Jane Richardson stated that the proposed use has been proposed due to location and footfall.

No representations were received in objection of the application.

Councillor Mallory outlines his view that this proposal is a more substantial proposal but there have been two applications at this committee that have proposed no on site affordable housing. Councillor Mallory raised concern in regards to viability and that it would be helpful if the authors of the viability reports are present at meetings, all members agreed with this point.

Councillor Krupski moved a motion to accept the officer's recommendation and this was seconded by Councillor Gibbons.

Members voted as follows:

FOR: Councillors Krupski, Gibbons, Ogunbadwa (Chair), Brown, Mallory and Moore.

Abstained: Councillors Penfold (Vice-Chair), Gallagher and Sheikh.

**RESOLVED: That application DC/17/104772 be approved.**

The meeting ended at 23.20

2<sup>nd</sup> August 2018