

MINUTES OF THE PLANNING COMMITTEE A

Thursday, 3 October 2019 at 7.30 pm

PRESENT: Councillors James-J Walsh (Chair), Tom Copley (Vice-Chair), Obajimi Adefiranye, Sophie Davis, Caroline Kalu, Jacq Paschoud, Luke Sorba and Abdeslam Amrani

ALSO PRESENT:

Apologies for absence were received from Councillor Liam Curran and Councillor Octavia Holland

1. **Declarations of Interests**

Councillor Tom Copley declared a personal prejudicial interest in item 3, and withdrew from the meeting while this item was considered.

2. **Minutes**

RESOLVED that the minutes of the meeting of the Planning Committee A held on 15 August 2019 be agreed and signed as a true and accurate record.

3. **Our Lady and St. Philip Neri School, 208 Sydenham Road, SE26 5SE**

The DMTL gave an illustrative presentation recommending refusal of planning permission of an application submitted under Section 73 of the Town and Country Planning Act 1990, to allow for the variation of Conditions 2 and 8 in connection with planning permission dated 7th October 2016 DC/16/096041, as amended for the demolition of the existing buildings at Our Lady and St Philip Neri Primary School, 208 Sydenham Road SE26, and the construction of a three storey school building including a nursery, a multi-function sports court and a running track, together with the creation of a formal pedestrian access from Home Park, the provision of cycle and scooter spaces, refuse storage and associated landscaping works to provide the amalgamation of the Infant and Junior Schools, in order to allow the following changes:- Alterations to the materials, alterations to the fenestration pattern, increase in the height of the building, alterations to the roof profile, alterations to the siting of the building, installation of UKPN cabinets and planting on the corner of Sydenham Road and Fairlawn Park, reduction in the number of fins on the Hall building, installation of an internal ball fence to the playground on the flat roof of the Hall building, installation ventilation grilles, alterations to external lighting, alterations to extraction flue, alteration to playground canopies, alterations to nursery entrance, installation of an air-conditioning unit near the nursery entrance, alterations to the brick plinth and alterations to external plant store. The committee noted the report and that the main issues in relation to the application were:

- Urban Design
- Impact on Adjoining Properties

Following members' enquiries with regard to paragraph 171 clause 2 of the report, the DMTL advised that the provision of openable windows in the Sydenham Road elevation had the potential to give rise to an unacceptable level of internal noise within the building and to a poor quality educational environment for users. The application is recommended for refusal for the reasons set out in the recommendation section of the report. The DMTL confirmed this was supported by the approved Acoustic Implications design document submitted with application DC/16/096041 which outlines that openable windows will not be permissible on the Sydenham Road elevation and side facades with a line of site to the road. The document goes on to state that if simple openable windows were to be adopted, levels of noise internally would be as high as 63dB (A) which would be substantially in excess of guidance standards and would adversely affect speech communication and learning and that to achieve the equivalent ventilation rates to an open window, options could include acoustic passive events, or a boosted mechanical ventilation/cooling system. Therefore openable windows are not supported.

The agent, Indigo Planning Ltd acting for the applicant, residents Emily Harris and Caroline Gallagher, and the Head of the School (HoS) Matthew Ringham addressed the Committee, providing objections to the recommendation with regard to the impact of the enforcement order on the attending children's education if issued. Concerns about the openable windows were raised, with the HoS advising the Committee the school environment required openable windows.

Following member enquiries regarding extensive non-compliance, failure to seek further planning permissions and incomplete works, the agent advised it was felt that what was approved, was not buildable in practice. The agent also described the extensive planning application process, and their intention to complete the site construction over the school summer holidays. The agent also advised the Committee the applicant did not receive local authority notifications with regard to planning permission non-compliance.

Resident Abigail McClaren representing the Sydenham Society addressed the Committee, advising the Society was initially in support of the planning application which was retracted when the Society saw the results of the site construction. The Society presented its objections on the basis of the variations from the planning application such as: scale and height, overlooking, loss of light, noise, poor quality materials, air quality, safety, and design concerns from the siting of the application site recommending the Committee opted for Option A as outlined in the report.

The DMTL advised the Committee that the consideration of local authority notifications was not material to the Committee meeting, and also that the Committee meeting was not for the purpose of imposing an option on the applicant. The choice of two options, A or B to follow as outlined in the report would be given to the applicant via the enforcement notice served. The DMTL stated that officers considered that whilst the proposed development would introduce a greater scale of development on the site compared to the approved application (DC/16/096041), by way of an increased height, siting of the development and altered roof profile, these were not considered to be such a departure from the approved scheme that would adversely harm the character of the area, the siting amendments were therefore considered to be of an acceptable design in terms of its scale, mass and siting.

Following member concerns raised, the Committee meeting was adjourned in order to take legal advice.

The Committee considered the submissions made at the meeting, and

RESOLVED

1. That full planning permission be **REFUSED** for application DC/19/111793 for the following reasons:

- The proposed development would give rise to materials and a fenestration pattern, by reason of their appearance and quality, which would result in low quality, poorly detailed and incongruent building harmful to the local character. The development is contrary to Policies 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character
- The proposed development would retain openable windows on the Sydenham Road elevation resulting in a building with the potential to give rise to unacceptable internal noise levels in excess of guidance standards and adversely impacting the learning environment. The development is contrary to Development Management Local Plan (November 2014) Policy DM 26 Noise

2. That the indicative enforcement notice attached at Appendix 1, be noted.

3. That it be agreed to delegate the resolution of the planning enforcement investigation ENF/18/00139 to officers to authorise the issue and service of a planning enforcement notice, in broad accordance with the indicative notice attached at Appendix 1, requiring compliance with either Option A or Option B as follows:

Option A

To construct the school in accordance with the approved 2016 scheme (DC/16/096041) dated 07.10.26, in accordance with the approved plans

Option B

To carry out the following works to the Sydenham Road Elevation (northern) elevation as detailed in the report in relation to:

And requirements:

- That the developer carryout works to the Hall Elevation (eastern elevation)
- That the developer remove all materials, debris, waste and equipment resulting from compliance with the requirements above.

4. Bampton Estate, Bampton Road, SE23 2AX

The Planning Officer gave an illustrative presentation recommending the grant of planning permission for the demolition of seven (7) existing garages at Bampton

Estate, Bampton Road SE23, to allow for the construction of one (1) part three/part four/part five storey building to provide thirty nine (39) over 55s dwelling units, together with the provision of the relocated ball court, associated landscaping, refuse storage and cycle and car parking.

The committee noted the report and that the main issues were:

- Principle of Development
- Housing
- Specialist Residential Uses
- Urban Design
- Transport Impact
- Impact on Adjoining Properties
- Sustainable Development
- Natural Environment

Following members' enquiries the Officer confirmed that a condition would be attached to ensure a staged development would ensure the ball court is re-provided before the existing one is demolished, and that prior to commencement of development, specification details of the re-provided ball court would be submitted to and approved in writing by the Local Planning Authority. The Officer also confirmed that the site is not located within a Conservation Area, and that the separation distances from most surrounding residential properties are well in excess of the Council's recommended minimum standards and it is therefore considered the outlook and privacy received in the proposed dwellings would be of an acceptable standard. The building is considered to be of an appropriate proportion, scale and orientation to its surroundings. The Officer stated that multiple locations for the re-provided ball court were assessed with consideration predominately given to tree loss, slope, existing buildings and relationship with Windrush Lane. It was concluded that on balance the proposed location was the most appropriate. The Officer confirmed that whilst the proposal is for specialised aged care for over 55's, and no designated children's play space is required to be provided, the re-provided ball court would ensure the existing children's play space is not lost. The Officer stated that the proposed material palette was considered to be high quality and the final details would be secured by Condition.

The agent on behalf of the applicant, Lewisham Homes addressed the Committee, advising of the extensive consultation and improvement works procedures followed.

The agent also advised the Committee of the site plan specifications, highlighting the need for affordable over 55's housing, allowing for the release of under occupied homes. The agent stated that the space provided exceeded the requirements of the London Plan, and the energy efficiency of the development. Following members' enquiries the agent clarified that the site plan height level was comparable to a 5 block development. The agent confirmed the brief received from the client specified 1 bedroom units as opposed to 2 bedroom units. The agent clarified that disabled parking was provided using the local authority requirement of 10% of overall parking provision. The agent acknowledged that the 'Bampton Green' provides a community benefit, as the local residents would still be able to use the greenspace and re-provided ball court. Additionally, owing to the Asset of Community Value (ACV) registration, the applicant would have the opportunity to make a bid to purchase the land in the event of a sale.

Resident Yekaterina Kartasheva, addressed the Committee advising that she was representing residents located near to the application site. The residents were opposed to the proposal because the concerns they raised about estate disruption, the ball court, tree/green loss, parking and traffic, impact on existing buildings, estate strategy, estate management, consultation and ACV registration. Councillor Susan Wise addressed the Committee representing her Ward, Perry Vale speaking in favour of the application.

The Committee considered the submissions made at the meeting, and

RESOLVED

That full planning permission be **GRANTED** for the demolition of seven (7) existing garages at Bampton Estate, Bampton Road SE23, to allow for the construction of one (1) part three/part four/part five storey building to provide:

- thirty nine (39) over 55s dwelling units, together with the provision of:
 - o The relocated ball court.
 - o Associated landscaping.
 - o Refuse storage.
 - o Cycle, mobility scooter and car parking, and
 - o Road improvements to Windrush Lane.

And a requirement that officers should formulate conditions in relation to public consultation of the ball court design, landscaping to consider the boundary with Perry Vale properties and evidence based studies to confirm the number of Wheelchair Accessible parking bays required.

The meeting closed at 10:15 pm