

MINUTES OF THE PLANNING COMMITTEE B

Thursday, 17 October 2019 at 7.30 pm

PRESENT: Councillors Aisling Gallagher (Chair), Suzannah Clarke, John Muldoon, Leo Gibbons, Jim Mallory and Sakina Sheikh.

Apologies for absence were received from Councillor Alan Smith, Councillor Silvana Kelleher and Councillor Mark Ingleby.

6. Declarations of Interests

None were made.

7. Minutes

RESOLVED that the minutes of the meeting held on September 5 2019 be approved subject to the recording of Councillor Sheikh's apologies for the meeting.

8. 125-131 Kirkdale Committee Report

The report was introduced by the Planning Officer, Samuel James, who outlined the proposals, the key planning considerations and the objections which had been received. He confirmed the application was partly retrospective but that it was very similar to a prior application which had previously been given permission.

Councillor Sheikh asked if any affordable housing would be provided within the development and was informed that as less than 10 units were involved none could be required.

Councillor Clarke received confirmation that the management of outdoor space was conditioned and that noise controls would be within national standards and acceptable living conditions would be achieved.

Tim Cropper, a Planning Consultant next made a presentation. He related the planning history subsequent to the closure of the pub in 2013. He explained the several flaws in the original application which he attributed to the previous property owner. The cumulative changes that were required had led him to conclude that a new application was needed.

Councillor Sheikh reiterated her concerns about the general lack of sufficient affordable housing in the borough. Mr Cropper said he understood the viewpoint and pointed out boroughs such as Lambeth and Islington had different policies which required the consideration of affordable housing in all developments. He said he promoted developments which accorded with planning policies and that it was not financially viable in this case to offer

affordable units that were not dictated by extant policy.

Mary McKernan of the Sydenham Society spoke in objection to the application. She expressed surprise that no reference had been made to the dismissal of an appeal by the applicant on the grounds of significant departure from the initially approved plans. She expressed concerns about the lack of scale drawings, ceiling heights, potential noise, bicycle storage, use of outside space and the site planning history. She believed habitable room sizes were below minimum standards and that windows of separate flats would face one another directly at half the minimum required distance. She said granting permission could set a dangerous precedent.

Planning Team Leader, Angus Saunders, said he was not aware of the Inspectorate's September 20 decision and would investigate further internally. However he indicated the decision vindicated the stance taken by Planning Officers who did not believe a minor material amendment application was sufficient and that the process demanding a full planning consideration was the correct option.

In the general debate on the application, members sought assurances that the ground floor pub would be retained and was viable. Planning officers pointed out the Council had robust pub protection policies in place. Additionally fit out was required before any residential units could be occupied and any future change of use would require planning permission.

Councillor Clarke said she had remaining concerns about the ceiling heights, the inability of the proposed pub to be a music venue and the amenities available to potential residents.

Councillor Gibbons asked if any refusal of the application would be problematic given the planning history. The Legal representative advised the Committee that a similar application had previously been granted permission and that planning policies had not changed since then. She stated the authority would have great difficulty in sustaining an appeal.

The Chair, seconded by Councillor Muldoon, proposed that the officer recommendation be accepted. This motion was put to the vote and agreed by 4-1 with 1 abstention.

Votes in Favour: Councillors Gallagher, Gibbons, Muldoon and Mallory

Votes Against: Councillor Clarke

Votes in Abstention: Councillor Sheikh

RESOLVED that planning permission be granted subject to the following conditions and informatives:

CONDITIONS:

1. STANDARD TIME CONDITION

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the

permission is granted.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

2. DEVELOPMENT IN ACCORDANCE WITH APPROVED PLANS

The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

P2-05; P2-06; P3-01 Rev.A; PA-02; A2-01 Rev.A; A4-01 Rev.C; A4-02 Rev.A; A4-03 Rev.A; A6-03; NOV-XX-XX-DR-M-5701; 615/SE26/20/1_SLP01

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

3. BUILDING FABRIC SOUND INSULATION

(a) The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAmax (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to achieve levels not exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472.

(b) Following implementation of the sound insulation scheme pursuant to part (a), a compliance report, prepared by a suitably qualified sound engineer, must be submitted to and approved in writing by the Local Planning Authority.

(c) The development shall not be occupied until the sound insulation scheme and all recommendations outlined in the submitted Noise and Vibration Assessment (Hepworth Acoustics dated November 2019), and any subsequent recommendations arising from the compliance report pursuant to part (b) have been implemented in full. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

4.SOUNDPROOFING BETWEEN RESIDENTIAL AND COMMERCIAL

(a) The development shall be designed to incorporate soundproofing of a

specification for sound insulation against airborne noise to meet $D'nT,w + Ctr$ dB of not less than 55 for walls and/or ceilings where residential parties non domestic.

(b) Following implementation of the soundproofing pursuant to part (a), a compliance report, prepared by a suitably qualified sound engineer, must be submitted to and approved in writing by the Local Planning Authority.

(c) The development shall not be occupied until the soundproofing and all recommendations outlined in the submitted Noise and Vibration Assessment (Hepworth Acoustics dated November 2019), and any subsequent recommendations arising from the compliance report pursuant to part (b) have been implemented in full. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

Reason: In the interests of residential amenity and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

5. CONTROL OF NOISE AND VIBRATION FROM PLANT

(a) The rating level of the noise emitted from fixed plant on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:2014.

(b) The development shall not be occupied until the sound insulation scheme and all recommendations outlined in the submitted Noise and Vibration Assessment (Hepworth Acoustics dated November 2019) have been implemented in their entirety. Thereafter the scheme shall be maintained in perpetuity.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

6.COMMERCIAL FIT OUT OF PUBLIC HOUSE

(a) Prior to installation of the internal fit-out of the public house, plans (1:50 scale) with details showing the physical fit out, including but not limited to floor finish, ceilings, ventilation, sanitary ware and entrances for the A4 Public House hereby approved must be submitted to and approved in writing by the local planning authority.

(b) No residential dwellings whatsoever shall be occupied until the internal fit out of the public house has been completed in full accordance with the approved details and shall be maintained for the life of the development.

Reason: To ensure that the fit-out of the units is sufficient to ensure that they are an attractive and commercially viable option and to demonstrate the developers commitment to delivering the public house (Use Class A4) as part of this development in accordance with Policy 19 Provision and maintenance of community and recreational facilities of the Lewisham Core Strategy (2011) and Policy 20 Public Houses of the Development Management Local Plan (2014).

7.SHOPFRONT DETAILS

(a) Prior to first residential occupation, plans and sectional details at a scale of 1:10 or 1:20 showing the proposed shop fronts must be submitted to and approved in writing by the local planning authority. Such information should demonstrate the location of the fascia sign, the window system, the stall riser (if included), canopies, awnings and the entrance.

(b) The development shall be constructed in full accordance with the approved details.

Reason: In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 19 Shopfronts, signs and hoardings.

8. REFUSE AND RECYCLING STORAGE

The refuse and recycling storage facilities as shown on plan No.P2-05 shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

9.CYCLE PARKING

The cycle parking facilities as shown on plan No.P2-05 shall be provided in full prior to first residential occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

10.HARD LANDSCAPING

(a) Prior to occupation of the development drawings showing hard landscaping of any part of the site not occupied by buildings (including details

of the permeability of hard surfaces) shall be submitted and approved in writing by the local planning authority.

(b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2015), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

11.BOUNDARY TREATMENTS

(a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to occupation of the development.

(b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

12.VENTILATION AND EXTRACTION SYSTEM

(a) Detailed plans and a specification of the appearance of and the equipment comprising a ventilation system which shall include measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencer(s) and anti-vibration mountings where necessary) shall be submitted to and approved in writing by the local planning authority.

(b) The ventilation system shall be installed in accordance with the approved plans and specification before use of the A4 Public House hereby permitted first commences and shall thereafter be permanently maintained in accordance with the approved specification.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Policy 17 Restaurants and cafes (A3 uses) and drinking establishments (A4 uses) of the Development Management Local Plan (November 2014).

13.EXTERNAL LIGHTING

(a) Prior to occupation of the development, a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning

authority.

(b) Any such external lighting as approved under part (a) shall be installed prior to residential occupation in accordance with the approved drawings and such directional hoods shall be retained permanently.

(c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

Reason: In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties, and to ensure a secure and welcoming entrance to future residents in compliance with DM Policy 27 Lighting and DM Policy 32 Housing Design and Space Standards of the Development Management Local Plan (November 2014).

14. DEIVERY AND SERVICING

(a) The development shall not be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.

(b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity. It should also include scaled swept path drawings, showing how delivery and refuse vehicles will enter and egress from Willow Way.

(c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

15. SATELLITE DISHES

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on the Kirkdale elevation of the building.

Reason: In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

16. PLUMBING & PIPES

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, other than rainwater pipes, shall be fixed on the front or rear external faces of the building.

Reason: In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

17. OBSCURE GLAZED WINDOW

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the living room and bathroom windows to Apartment A-04, and the bathroom window to Apartment A-03 to be installed at second floor level in the north facing courtyard elevation of the building hereby approved shall be fitted as obscure glazed and fixed shut up to 1.7m above finished floor level and retained in perpetuity.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

18. RETENTION OF AMENITY SPACE

The whole of the amenity space (including roof terraces and balconies) as shown on drawing No.PA-02 hereby approved shall be installed prior to residential occupation and retained permanently for the benefit of the occupiers of the residential units hereby permitted.

Reason: In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing Design, layout and space standards of the Development Management Local Plan (November 2014).

19. DELIVERY HOURS

No deliveries shall be taken at or despatched from the site other than between the hours of 7 am and 8 pm on Mondays to Fridays, 8 am and 1 pm on Saturdays, or at any time on Sundays or Public Holidays.

Reason: In order to safeguard the amenities of adjoining residents and to comply with Paragraph 120 of the National Planning Policy Framework, and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November

2014).

20.OPENING HOURS OF PUBLIC HOUSE

The A4 premises shall only be open for customer business between the hours of 08.00 and 00.00 on any day of the week.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, DM Policy 32 Housing design, layout and space standards, DM Policy 16 Local shopping parades and corner shops, DM Policy 17 Restaurants and cafes (A3 uses), and drinking establishments (A4 uses) of the Development Management Local Plan (November 2014).

21.MUSIC AND AMPLIFIED SOUND

No music, amplified sound system shall be used which is audible outside the premises or within adjoining buildings.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

22.OUTDOOR AREA MANAGEMENT PLAN

(a) Details of any designated outdoor areas for customer use relating to the A4 Public House, including a management plan setting out measures including preventative measures to safeguard neighbouring amenity and established review mechanisms, shall be submitted to and approved in writing by the local planning authority prior to first occupation of the commercial unit. Any approved plan shall be maintained in perpetuity unless with the approval of the local planning authority.

(b) The management plan shall be fully implemented prior to first use of the public house, and evidence shall be submitted to the local planning authority within 6 months of first occupation of the commercial premises to demonstrate compliance.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

23.PARKING PERMIT RESTRICTION

No developer, owner or occupier of any part of the development hereby permitted, with the exception of disabled persons, shall seek, or will be allowed, to obtain a parking permit within the Controlled Parking Zone in which the development site is situated.

Reason: To ensure the proposed dwellings do not have an unacceptable impact on parking stress in the surrounding area, and in compliance with London Plan Policy 6.13, Draft London Plan Policy T6, Core Strategy Policy 14 Sustainable Movement and Transport and DM Policy 29 Car parking.

24.CONSTRUCTION MANAGEMENT PLAN COMPLIANCE

The works shall be constructed in full accordance with the measures specified in the submitted Construction Management Plan (Bernard Construction) and shall be adhered to during the period of construction.

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

Informatives

A. Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.

B. As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An 'assumption of liability form' must be completed and before development commences you must submit a 'CIL Commencement Notice form' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>

C. You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.

D. You are advised to contact the Council's Drainage Design team on 020 8314 2036 prior to the commencement of work.

E. The assessment of the light spill and lux level at the window of the nearest residential premises shall follow the guidance provided in The Institution of Lighting Engineers, Guidance Notes for the Reduction of Obtrusive Light.

F. The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.

G. The weighted standardised level difference (D'nT,W + Ctr) is quoted according to the relevant part of the BS EN ISO 717 series. To guarantee achieving this level of sound insulation, the applicant is advised to employ a reputable noise consultant details of which can be found on the Association of Noise Consultants website.

9. 37 Deptford High Street Committee Report

The report was introduced by the Planning Officer, Alfie Williams who outlined the proposals, the key planning considerations and the objections which had been received to this Section 73 minor material amendment application.

Councillor Clarke received an assurance that there were similar uses in the borough operating with the same time limits and located below residential properties. Councillor Sheikh was informed there were more than 100 properties in the area where residents lived above locations with similar ground floor uses.

The applicants, Graham Loveland and his daughter Rachel, spoke in favour of their application. They noted the objection made on the grounds of the residential character of the area and countered that this was a major district centre with a growing night time economy. Their fledgling business was already governed by Licensing conditions on noise, rear door closure, advisory notices, CCTV and refuse disposal.

Councillor Sheikh noted the use of the Isla Ray premises as a workshop/artistic space and asked about complaints made and charging rates. The applicants replied that use of the space was free of charge and only one complaint had ever been received and that came via Instagram.

Helena Russell, Co-Chair of the Deptford Society, and local resident Harry Richardson spoke in objection to the application. An addendum was tabled on behalf of the Deptford Society calling for the application to be deferred to allow a meeting to take place with council representatives to discuss Lewisham's policies encouraging night time activity as the Society felt the residential significance of Deptford High Street was being underplayed. The Society stressed they had no objections to the business or reservations about the applicants but believed any impact on continual residential expansion deserved further examination.

Mr Richardson added that he had lived in the area for more than 20 years and he believed the officer characterisation of the area was inaccurate with there being a delicate balance between the mix of residential and commercial uses. He asked that protection be put in place for residents before other uses were contemplated that could degrade the residential element.

The Chair said a meeting with Councillor Pat Codd could prove beneficial but that it could take place outside this planning process.

Councillor Sheikh said a meeting involving Councillor Codd and the relevant Cabinet Member, Councillor Andre Bourne would be a good idea, but that the application should be deferred until that meeting had taken place. Her proposal was seconded by Councillor Clarke and put to the vote but declared lost by 3-2 with 1 abstention.

The Chair, seconded by Councillor Mulddon, proposed that the recommendation to grant permission be approved. The proposal was agreed by 3-2 with 1 abstention.

Votes in Favour: Councillors Gallagher, Gibbons, and Muldoon.

Votes Against: Councillors Clarke and Sheikh.

Votes in Abstention: Councillor Mallory.

RESOLVED that planning permission be granted subject to the following conditions and informatives:

CONDITIONS

1) SOUND INSULATION

The soundproofing shall be retained permanently in accordance with the details as approved in permission DC/19/106558.

Reason: In the interests of residential amenity and to comply with DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

2) OPENING HOURS

The premises shall only be open for customer business between the hours of 9am to 11pm Sunday to Wednesday, 9am to 12am Thursday and 9am to 1am Friday and Saturday

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, DM Policy 14 District centres shopping frontages, DM Policy 17 Restaurants and cafes (A3 uses), and drinking establishments (A4 uses) of the Development Management Local Plan (November 2014)

3) AMPLIFIED SOUND

No music, amplified sound system or other form of loud noise (such as singing or chanting) shall be used or generated which is audible outside the premises or within adjoining buildings.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 120 of the National Planning Policy

Framework and DM Policy 26 Noise and Vibration of the Development Management Local Plan (November 2014).

INFORMATIVES

Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.

The meeting closed at 9.26pm