

# MINUTES OF THE PLANNING COMMITTEE C

Thursday, 6 August 2020 at 7.30 pm

PRESENT: Councillors Olurotimi Ogunbadewa (Chair), Stephen Penfold (Vice-Chair), Peter Bernards, Suzannah Clarke, Mark Ingleby, Silvana Kelleher, Louise Krupski, Jacq Paschoud and James Rathbone

ALSO PRESENT:

Apologies for absence were received from Councillor Paul Maslin

## 1. Declarations of Interests

Councillor Ingleby stated that he was a member of the Musicians Union.

Councillor Penfold advised that he chaired the public meeting in respect to Item 3 and, that he did not express any opinion at that meeting.

Councillor Kelleher stated that Item 5 was located in her Ward and, confirmed her constituents had not requested she object on their behalf, nor had she herself formed an opinion on the application.

## 2. Minutes

RESOLVED that the minutes of the meeting of the Planning Committee C held on 6 February 2020 and 15 July 2020 be agreed and signed as a correct record.

## 3. Brockley Social Club, 240-242 Brockley Road, London, SE4 2SU

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for the demolition of existing social club at 240-242 Brockley Road SE4 and the construction of a part four/part five storey building including basement comprising new social club with 9 residential units above (7 x 2 bedroom & 2 x 3 bedroom), together with the provision of bicycle and refuse stores, landscaping and amenity space, terraces and a pergola in the rear garden. The Committee noted the report and that the main issues were:

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

Following members' enquiries related to change to the use of the social club, balconies, parking, and height.

The Officer advised Members that planning permission would be required if developers wished to change the use of the social club.

It was advised that the unit located on the first floor did not have a balcony, due to the flat's location above the external terrace and canopy for the social club. It was not considered appropriate to include a balcony on the side of the scheme, as it would appear incongruous. The Team Leader advised Members the architects present at the meeting, would be able to provide clarification.

The Officer confirmed that following the findings of the Parking Survey, a contribution would be secured towards a future Controlled Parking Zone (CPZ) consultation. It was advised the consultation would not necessarily guarantee a CPZ as the outcome. The Team Leader reiterated the Officers advice.

The Officer acknowledged that the proposed development would introduce a scale of development that was clearly greater than the existing two storey building. It was also acknowledged that the proposed five storey building would represent a significant change to the existing outlook from these properties. However, the separation distance to these properties were considered sufficient to prevent the impact from being overbearing, given that it would ensure that views either side of the site were retained. The Team Leader confirmed the architects would provide further clarification.

The agent, on behalf of the applicant addressed the Committee describing of the: layout of the scheme, height, flat roof instead of pitch, units, balconies, noise mitigation, daylight assessments, landscaping, the reduced footprint, green and blue roofs, leisure space, scheme colour, outlook assessment, parking and ecological improvement. The agent assured Members that the local authority's core policies had been met, consultations were detailed and the development design was supported by the local authority and the Brockley Society. The agent concluded by assuring Members the social club 'will survive'.

Members' enquiries that followed related to landscaping, cycle storage, solar panels and carbon emissions, balconies, and noise mitigation.

The agent confirmed there was a side path that did not appear to be gated. Its intended use would be for maintenance purposes. It was advised that this situation would be easily overcome by minor alterations to the planting and partitions.

Members were assured further details regarding the proposed alterations would be secured as part of the landscaping condition. It was also confirmed that revisions would be secured to increase the space around the cycle stores.

The agent stated the intention would be to move away from the proposed gas boilers to be installed in the residential units. The agent advised an energy assessment had been submitted with the application approximately a year ago.

The Officer confirmed that, a condition was also recommended to secure the details of the proposed photovoltaics (PV) installation, to ensure it achieved or exceeded the carbon emission reduction objectives specified in the assessment report.

The agent informed Members the proposed planting was appropriate to the landscape environment. It was advised the intention to keep the terrace small was deliberate, to prevent people overpopulating that space and generating noise. It was emphasised the canopy would also absorb noise, when users of the social club moved out onto the terrace.

The agent confirmed there was no balcony proposed above the canopy, due to aesthetics. Clarification regarding the location of the canopy was provided to Members. In addition, it was felt the canopy differentiated the social club from the residential accommodation.

The agent informed the Committee due to the current situation, the social club did not bother to re-apply for music license. It was confirmed in the future there would be live music. The agent advised the developers would look at noise mitigation measures to protect the residential flats. The agent acknowledged the importance of noise mitigation efforts to protect the residents. The Officer confirmed condition 15 of the Management Plan could be approved by officers. This would enable the implementation of some of the noise mitigation measures recommended by the noise reports submitted to the local authority. The Officer also advised all residents prior to occupation would receive a welcome pack which would clearly outline that the property they would occupy, shared a building with a social club and that a degree of noise and other disturbance could be expected.

The Team Leader advised the Committee that the Agent of Change principle placed the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development.

A representative addressed the Committee, advising that residents were opposed to the proposal because of concerns related to the overbearing visual impact, loss of daylight and sunlight, loss of privacy, parking, increased noise and disturbance, design and materials, disruption from construction, amenity space and the lack of affordable housing.

Member's enquiries related to density, height, family housing, viability, amenity space, the developer's intentions, air quality and, communities use.

The Officer advised due to the developments PTAL 4 rating, officers deemed the density of the scheme as appropriate.

The Officer compared the various development heights located in the local area. It was advised that the proposed building would therefore be appropriate and would not be out of character with the building heights within the local environment.

The Officer stated as the development was a 9 unit scheme, there were no requirements for family housing on this particular scheme. It was felt the provision of 9 residential units, which did include 2 family sized dwellings, would contribute towards the borough's housing requirement.

The Team Leader also provided clarification regarding the viability of the scheme. The Committee were advised there was no viability requirement since there was no requirement for the proposed development to include affordable housing.

The Team Leader assured the Committee that amenity requirements had also been met in accordance with the London Plan.

The Team Leader advised Members the intentions of the developer were not material to consideration Members were reminded to adhere to material considerations only.

The Officer confirmed that the scheme was developed with balconies or external terraces to address concerns with regard to air quality.

The Officer also advised that the s106 agreement could be used to secure a minimum of 15 hours community access. This was not currently a requirement for the social club.

During the members' discussion, it was proposed the application should be granted with a condition that gas boilers were installed in the units as a last resort. It was agreed that officers would formalise the wording of the condition.

Earlier a Member lost their remote connection to the Committee meeting. The Member advised they would not be able to participate in the forthcoming vote on the planning application for item 3 on the Agenda.

Members voted on the recommendation in the report with a result of 7 in favour of the proposal and 1 against.

The Committee

## **RESOLVED**

That it be noted that the Committee agreed to:

**GRANT** planning permission for the demolition of existing social club at 240-242 Brockley Road SE4 and the construction of a part four/part five storey building including:

- basement comprising new social club with 9 residential units above (7 x 2 bedroom & 2 x 3 bedroom), together with the provision of bicycle and refuse stores, landscaping and amenity space, terraces and a pergola in the rear garden.

Subject to conditions and informatives outlined in the report and,

A requirement that officers should:

- Add a condition requiring the implementation of gas boilers into the scheme, be a last resort measure after other options are considered.

The meeting was adjourned at 21.01pm and reconvened at 21.10 pm.

#### **4. Woodelm Court, Devonshire Road, SE23 3LX.**

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for an application submitted under Section 73 of the Town and Country Planning Act 1990 for Minor Material Amendments in connection with the planning permission (DC/17/104524) granted on appeal (reference APP/C5690/W/18/3196082) dated 19 February 2019 for the erection of two storeys to provide 5 x 2 bed flats with associated parking and internal refurbishment works with works to the fabric of the building and the provision of a new lift at 123 Woodelm Court, Devonshire Road, London, SE23.

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

- Application Type
- Principle of Development
- Housing

- Urban Design
- Impact on Adjoining Properties
- Transport

Following Members' enquiries related to cladding and disabled access.

The Officer advised the Committee that the development would not be cladding as originally intended, but brick.

The Officer confirmed there would be no ramp on the development, only stairs.

The Team Leader advised Members that as the Committee were bound by the Appeal decision, if the Planning Inspectorate considered the access to be acceptable when they granted planning permission in 2019, it was not possible to revisit this matter for Committee consideration.

The agent on behalf of the applicant addressed the Committee discussing the objections raised. The agent emphasised the height of the proposed development had been approved. The reason for the increase was to accommodate the relocation of the lift core. It was noted that in regard to concerns of the development being out of character, the development was not located in the conservation area. The application site was currently in a 'poor state of repair'. This would be a chance for the developers to make improvements that the residents would be able to utilise. The agent advised Members it would be an opportunity to improve the overall environment for existing residents whilst adhering to planning approval.

Member's enquiries that followed related to materials and existing tenants.

The agent advised the Committee the material used to build the development would be brick and a non-wood cladding. The Officer and Team Leader reiterated the agent's advice.

The agent confirmed the existing tenants and leaseholders had been consulted and, would be secure in their respective tenures.

A representative addressed the Committee, advising that residents were opposed to the proposal because of objections to the consultation process, presentation images, loss of light, best practice guidelines, height and minor material amendments.

Member's enquiries that followed related to height and consultation.

The Officer advised Members that all neighbouring properties were consulted and all relevant drawings made publically available via the local authority website. It was confirmed that re-consultation took place on the 2nd and 9th April, due to errors with the description and issues. All information was again publically displayed on the local authority website.

The Officer informed the Committee that the maximum height of the building would increase by 1.47m due to the lift core. The general increase in height of the building ranged from 0.6 to 1.47m.

The Team Leader advised Members that a minor material amendment was a matter of planning judgement for the local planning authority, as no strict case-law definition existed. Following the Planning Inspectorates decision, the proposed amendments were considered to be minor material in the context of the approved scheme and as such the application type was considered to be acceptable. Residents had been consulted on this matter.

During the members' discussion, it was highlighted that the Committee's previous refusal of the application had been overturned by the Planning Inspectorate.

A procedural motion without notice to proceed to a vote was proposed. The motion was successful, followed by the vote. The result of the vote was 7 in favour, 1 against and 1 abstention. After the vote, the Head of Business and Committees advised Members that a motion was proposed, but it was not clear what the vote might be for. The motion needed to be more substantive. A motion was then proposed explaining what the vote was for. The motion was successful. It was followed by the vote.

Members voted on the recommendation in the report with a result of 8 in favour of the proposal and 1 abstention.

## **RESOLVED**

That it be noted that the Committee agreed to:

**GRANT** planning permission for an application submitted under Section 73 of the Town and Country Planning Act 1990 for Minor Material Amendments in connection with the planning permission (DC/17/104524) granted on appeal (reference APP/C5690/W/18/3196082) dated 19 February 2019 for the erection of two storeys to provide:

- 5 x 2 bed flats with associated parking and internal refurbishment works with works to the fabric of the building and the provision of a new lift at 123 Woodelm Court, Devonshire Road, London, SE23.

Subject to conditions and informatives outlined in the report.

Standing Orders were suspended at 21.38pm.

### **5. Land at Rear of 148 Deptford High Street, London, SE8**

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for the construction of a two-storey 3-bedroom single-family dwellinghouse on land at the rear of 148 Deptford High Street, SE8.

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

- Principle of Development
- Housing
- Urban Design and Impact on heritage assets
- Transport
- Living conditions of neighbours
- Sustainable development
- Natural environment

Following members' enquiries relating to height, fire risk and, loss of light. The Officer confirmed the building would be less than 6m.

The Team Leader advised fire safety is not a planning issue. It would be a building control matter.

The Team Leader informed Members that the space affected by light was considered a non-habitable space. It was confirmed that the applicant had

submitted an Internal Daylight Assessment. The Team Leader advised all habitable rooms would be provided with windows, and officers considered the levels of daylight and sunlight to be acceptable.

A Member lost connection to the meeting. The meeting was paused at 22.02pm. The Member telephoned into the meeting and was advised they would still be able to participate in the vote on Item 4 of the Agenda. The meeting was resumed at 22.04 pm.

A representative addressed the Committee, advising that residents were opposed to the proposal due to the impact on amenities, daylight, light and noise pollution, overlooking, privacy, enclosure issues, design, conservation, drawing inconsistencies, consultation, tree damage and fire risk.

The Members' enquiries following the address related to drawing inconsistencies, design, materials, enclosure, architect qualifications, heating and the possible deferral of the Committees decision.

The Team Leader confirmed that the plans met the requirements for validation purposes with regard to planning. It was advised that a condition on the decision notice that the development would be built strictly in accordance with the approved application plans, drawings and documents. The Team Leader noted Members concerns regarding design.

The representative reiterated concerns raised regarding tree issues, drawing inconsistencies and design stating the proposal was 'not a competent design'. The representative also advised of maintenance concerns.

A Member lost connection to the meeting during Members enquiries. The meeting was paused at 22.29pm. The Member reconnected to the meeting at 22.33pm. The Officer provided additional clarification advising of adding conditions that would ensure the quality of the materials were checked and provide tree protection. The Team Leader advised that the materials for the proposal were acceptable, high quality and policy compliant. The Team Leader also reminded Members that maintenance at the householder level, was not a planning consideration.

The Officer used the Committee presentation to provide clarification regarding the flat roof design in relation to the health of trees in close proximity to the development. The Officer reiterated the advice regarding conditions that could be added to ensure materials quality and tree protection.

The representative advised the Committee of the windows in his home that he felt would be affected by a sense of enclosure and overlooking, as a consequence of the development being built.

The Team Leader advised Members that a daylight and sunlight assessment survey had been conducted. The Committee were informed that all habitable rooms would be provided with windows, and officers considered the levels of daylight and sunlight to be acceptable.

The Chair reminded the Committee to only consider material planning considerations.

The Team Leader stated that as the developer could install a communal air source heat pump without planning permission, a condition could be added to

sustainability. It was advised that the qualifications of the architect was not a material planning consideration.

The Chair advised it was felt there was enough information provided by the officers for the Committee to make a decision.

The Team Leader informed Members that the application and the plans submitted were planning policy compliant. It was advised a motion could be proposed to defer decision-making, provided firm reasons were provided to support the deferral.

During the Members discussion that followed the applicant's absence was noted and, consideration was given to deferring decision-making until the applicant was available to appear before the Committee. Members reiterated the concerns and objections raised by the representative such as design, materials, conservation area and the sense of enclosure.

Following further consideration by Members, it was proposed that planning permission be refused on the grounds of design, materials and context. It was agreed that the officers would formalise the wording for the reasons for refusal. The proposal to refuse planning permission was seconded. The Team Leader advised Members on the risks attached to each issue raised in the proposed refusal.

The Legal Representative advised Members the proposal to refuse planning permission would need to be supported by clearly defined reasons. The Member who made the proposal to refuse planning permission, reiterated the reasons for the proposal provided earlier in the discussion. It was advised that as Members had proposed a motion and it had been seconded, a vote *must* be conducted on that motion.

Members voted on the proposal to refuse the recommendation in the report with a result of 7 in favour of the proposal and 2 against.

## **RESOLVED**

That it be noted that the Committee agreed to:

**REFUSE** the recommendation set out in the report for planning permission for the construction of a two-storey 3-bedroom single-family dwelling house on land at the rear of 148 Deptford High Street, SE8 and, to delegate the final wording of the reason for refusal to Officers in consultation with the Chair outside of the meeting.

The meeting closed at 11.00 pm

Subsequently the reason for the refusal that was issued after discussion with the chair by the Planning Officer was as follows:

- The proposed development represents poor quality design that is out of keeping with the character and appearance of the area and the adjoining dwelling at No1 Crossfield Street. The development will give rise to an



enclosed amenity area and a poorly detailed roof form. The proposal provides insufficient detail with respect to quality of materials.