

MINUTES OF THE PLANNING COMMITTEE C

Thursday, 30 September 2021 at 7.30 pm

PRESENT: Councillors Olurotimi Ogunbadewa (Chair), Stephen Penfold (Vice-Chair), Peter Bernards, Mark Ingleby, Louise Krupski, Hilary Moore, John Paschoud and James Rathbone

ALSO PRESENT:

Apologies for absence were received from Councillor Silvana Kelleher and Councillor Joani Reid

1. Declarations of Interests

2. Minutes

RESOLVED that the minutes of the Planning Committee C held on the 22 July 2021 be agreed and signed as a correct record.

3. 229 DEPTFORD HIGH STREET, LONDON, SE8 3NT - DC/21/120773

The Planning Officer gave an illustrative presentation, recommending the grant of planning permission for the proposal, as outlined in the Officer's report.

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

Principle of Development • Urban Design and Heritage • Housing • Transport Impact • Impact on Adjoining Properties • Sustainable Development • Natural Environment • Planning Obligations.

Following the Officers presentation, Members questions related to: noise, energy and employment.

The Officer advised the Committee sufficient conditions were in place, to mitigate noise issues.

The DMTL advised questions regarding energy and employment would be answered by the applicant.

The applicant addressed the Committee and described the application site. The applicant discussed: consultation, conservation, units and parking. The applicant noted there were no objections, no registered speakers with objections and the Deptford Society's withdrawal of its own objection.

Members' questions to the applicant, related to: noise, energy and employment.

Members were advised the proposal met the standard noise condition of the 55dB limit, as recommended by the local authority's environmental officers. The DMTL reiterated the advice and confirmed officers were satisfied with the condition recommended for a Class E unit. In addition, if the noise exceeded the limit, environmental officers would address the matter.

The applicant advised the Committee there was no information available regarding the previous business tenant, at the application site.

The applicant reiterated the Officers earlier advice. In addition, the applicant advised the application site meet and exceeded the energy requirements, as outlined by the London Plan.

During Member discussion, the issue of other sustainability measures was discussed. The DMTL acknowledged Member comments and advised the use of other sustainability measures in future applications, would be considered where suitable.

The Committee considered the submissions made at the meeting, and

RESOLVED – unanimously

That it be noted that the Committee agreed to:

GRANT planning permission for the reinstatement and re-development of the demolished building at 229 Deptford High Street SE8, to deliver three-storey with mansard roof mixed-use development comprising:

□ 223sqm of flexible commercial floorspace on the ground floor (Use Class E) and five self-contained residential flats (3x 1B/2P; 2x 2B/3P) on the upper floors (Use Class C3) together with cycle parking, refuse storage and all other associated works.

Subject to conditions and informatives outlined in the report

4. 28 DUNDALK ROAD, LONDON, SE4 2JL - DC/21/120302

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission, for the proposal as outlined in the Officer's report.

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.

After the Officer presentation, members' questions related to: Daylight and sunlight.

The Officer advised Member that officers considered the daylight and sunlight levels would be acceptable.

The DMTL acknowledged that whilst no assessment had been conducted, it was not considered necessary for the proposal due to its modest scale. Members were assured of the benefits identified in the Design and Access Statement, such as: full height windows at basement level, double aspect ground floor, use of roof lights to the ground floor living spaces and extensive use of courtyards to increase the daylight and sunlight into the property.

The applicant addressed the Committee and described the proposal. The applicant discussed: design, green energy, outlook, lighting and transport.

No questions were put to the applicant by Members.

There were no representatives with objections, present at the meeting.

During Member discussion, the applicant was commended on their proposal.

The Committee considered the submissions made at the meeting, and

RESOLVED – unanimously

That it be noted that the Committee agreed to:

GRANT planning permission for the construction of a part one/part two storey dwelling house, together with the provision of 2 cycle spaces and associated landscaping on land at the side of 28 Dundalk Road SE4.

Subject to conditions and informatives outlined in the report.

5. 40 DEPTFORD HIGH STREET SE8 - CHANGE OF USE - DC/21/121022

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for the proposal, as outlined in the Officer's report.

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

Principle of Development • Urban Design & Heritage Impacts •
Transport • Impact on Adjoining Properties • Flood Risk.

No questions were put to the Officer, by Members.

The applicant addressed the Committee and described the proposal. The applicant discussed: impact on retail, customer demographics, applicants approach to vulnerable groups and mitigation measures and applicants' positive licensing history, with no police objections.

Members' questions to the applicant, related to: change of use, hours of operation and application sites' location.

The DMTL clarified the change of use, as outlined in the Officer's report.

The Officer advised the local authority's licensing department, granted the operation hours, as appropriate for the change of use.

The DMTL confirmed there would be an integrated approach with the local authorities Licensing and Planning Committees. The applicant would be expected to comply with the terms of their licence.

The Committee were assured there would be no residential homes situated above the application site.

A representative, with objections addressed the Committee with objections to the proposal. The representative discussed: alcohol and substance abuse around gambling establishments, crime, vulnerable groups within the community, noise and the role of Committees, to protect the local community.

Members' questions related to: density of gambling venues on Deptford High Street (DHS) and hours of operation.

The Officer confirmed that beside the proposal, one other gambling establishment had recently opened on DHS. The Officer advised Members, there was no guidance available, which gave a definition of what constituted over concentration of gambling venues. The Officer noted that whilst the London Plan identifies the types of venues that could equal harm, it did not quantify the number of each type or combinations required, to equal harm.

The Legal Advisor clarified the local authorities Licensing and Planning Committees' integrated approach to such applications. Members were assured that the police could require a review of the licence in the future..

The Committee were assured the applicant would not be able to ignore either decisions of the Licensing Committee or Planning Committee. The applicant must comply with both Committees decisions. Members were advised if the Planning Committee were minded to refuse the application, the Committee must provide very good reasons for its decision.

During Member discussion, several members expressed strong concern regarding the hours of operation, approved by the Licensing Committee. A Member stated that opening hours past 10.00pm was 'excessive'. Another Member stated the hours approved by the Licensing Committee were 'club hours'. Another Member summarised the proceedings noting: another gambling establishment was already open and active on DHS, the approved hours licensed to the applicant and community issues. In conclusion that Member proposed the application should be refused.

The Chair sought clarification on whether the application should be refused. The Legal Advisor cautioned Members against doing so, as there were no grounds to support the decision. It would also be unreasonable to refuse the application, based on views expressed regarding community issues. The DMTL supported the Legal Advisors advice, reminding Members the location of the application site was in a 'noise rich environment', a town centre. Therefore refusing the application on the basis of opening hours would be deemed as 'unreasonable'.

Both the Legal Advisor and the DMTL emphasised that the conditions of the licence granted, regarding the venues operation hours, could be reviewed. A Member summarised the advice provided and proposed that Condition 3 be amended to restrict hours of the premises operation from: 9 am to 11 pm, Monday to Sunday.

Several Members agreed to the Members proposal.

Members voted on the recommendation in the report with a result of 6 in favour of the proposal and 1 against. It was

RESOLVED

That it be noted that the Committee agreed to:

GRANT planning permission for the change of use of vacant betting shop (Sui Generis use) to adult gaming centre (Sui Generis use) at 40 Deptford High Street SE8.

Subject to conditions and informatives outlined in the report and,
That Condition 3 be amended to restrict hours of the premises operation from: 9 am to 11 pm, Monday to Sunday.

6. 40 DEPTFORD HIGH STREET SE8 - SHOPFRONT - DC/21/121020

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for the proposal, as outlined in the Officer's report.

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

Principle of Development • Urban Design & Heritage Impact

No questions were put to the Officer, by Members.

The applicant addressed the Committee, describing the proposal. The applicant discussed: design, conservation and the character of DHS.

No questions were put to the applicant, by Members.

There were no representatives with objections, present at the meeting.

Members' questions related to: materials and objections.

The Officer provided clarification that the Society had expressed concern regarding the proposals materials and proportions.

The Officer advised there were no requirements in Planning policy, regarding the use of hardwood in this particular manner and noted officers were satisfied the use of hardwood on the shop front, would be an improvement on the previous aluminium shop front.

During Members discussion, Members agreed the Officer's recommendation.

The Committee considered the submissions made at the meeting, and

RESOLVED – unanimously

That it be noted that the Committee agreed to:

GRANT planning permission for the installation of new shopfront at 40 Deptford High Street SE8, together with the creation of fire exit to rear with platform and guard rail.

Subject to conditions and informatives outlined in the report.

7. 39-43 EDDYSTONE ROAD SE4 - DC/20/119755

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for the proposal, as outlined in the Officer's report.

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

The following members' question related to: Condition 11 in Officers report and community space.

The Officer provided clarification with regard to Condition 11, as outlined in the Officers report. The officers felt the site would benefit from the redevelopment, as the existing building was in a poor state of repair internally and externally and the new floor space was judged to be a higher quality provision. Members were assured the provision of a new, usable community space was also a planning merit, and officers gave very significant weight to that benefit.

The Officer and DMTL confirmed the existing community space had no statutory protection or designation as an Asset of Community Value (ACV)

The applicant addressed the Committee, describing the proposal. The applicant discussed: future plans, design, local consultation, objections and community users.

No questions were put to the applicant, by Members.

A representative, with objections addressed the Committee with objections to the proposal. The representative discussed: ecological, geological and historical concerns, local community consultation and nomination for the application site to be listed as an Asset of Community Value. The objected stated that an ACV application has been made but no response had been received from the local authority. The representative proposed that the application should be refused or at least postponed for this reason.

Standing Orders were suspended at 9.25 pm.

Members' questions related to: ecological concerns, Assets of Community Value (ACV),

Members were advised by the Officer that forthcoming legislation that may impact the boundaries to the ancient woodland had not yet been enacted and therefore could not be viewed as a material consideration. The DMTL supported the Officer's advice, also advising the development should still be considered under the current policy context, as outlined in the Officer report. The Officer advised Members the local authority's pending response, to the application site for AVC status, was not a material consideration under the current application to be considered.

During the Members discussion, several Members agreed there should be a formal response from the local authority, regarding the AVC nomination submitted, with regard to the current application site. Following legal advice provided, Members noted they understood the ACV was not a material consideration under the current application, but felt the local authority should provide a response, since a local residents alleged a response was still outstanding 8 months following the ACV submission.

Members also noted from study of paragraphs 178 – 182 of the Officers' report, several ecological surveys remained incomplete. A Member emphasised that further surveys would need to be conducted, before the application was approved.

The Officer stated a condition could be implemented to ensure the surveys were conducted and assessed by the local authority before construction began on the development.

The Chair decided legal advice should be sought, regarding the concerns raised by the Members. The Chair advised that the meeting would go into closed session, to receive the legal advice.

The meeting was adjourned at 9.43pm. The meeting reconvened at 9.50pm. It was **RESOLVED**

That it be noted that the Committee agreed that:

Application would be **DEFERRED**, to allow additional ecological survey work to be undertaken and the Asset of Community Value position to be reviewed.

8. **29-35 TRANQUIL VALE, LONDON, SE3 0BU - DC/21/121861**

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for the proposal, as outlined in the Officer's report.

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

Principle of Development • Housing • Urban Design and Heritage • Transport Impact • Impact on Adjoining Properties • Sustainable Development • Natural Environment • Planning Obligations

The following members' question related to: use of current application site.

The Officer confirmed the current application site was not in use.

The applicant addressed the Committee and described the proposal. The applicant discussed: public benefits, design, local consultation, highways, ecological and landscaping enhancements such as: architecture, sustainable energy and biodiversity.

Members' questions to the applicant, related to: parking.

The applicant advised the Committee that the development would include a circle turntable parking design, operated by key fob. The design would have cars parking in a manner, so that they were always in forward drive, when ready to leave the parking area.

A representative of the Blackheath Society, addressed the Committee with objections to the proposal. The representative discussed: a Planning Inspectorates appeal decision of July 2019, where a prior application was refused; Un-resolved issues that related to the Planning Inspectorates decision. The representative proposed that the current application under consideration, should be refused, or at least deferred and suggested the Committee conduct a site visit.

Members' questions related to: highway safety and landscaping.

The Officer referred to their presentation slides, to provide further clarification, as outlined in the Officer's report. The Officer stated that as the proposal was a family dwelling, parking was included as a family were viewed as likely to own a car. The DMTL supported the Officer's advice and added that the local authority's highways officer had raised no objections in relation to parking.

During the Member discussion, a Member expressed concern that the proposals parking arrangements breached planning policy. Another Member requested clarification regarding the previous refused application and the current application. The Officer and DMTL provided clarification to explain the issues that led to the Planning Inspectorate decision regarding the previous application. The DMTL emphasised that the parking was never an issue of concern for the Planning Inspectorate. The DMTL advised that officers considered the resubmitted

application had proposal had improved. The Legal Advisor advised the refusal on the current application on the basis of parking, would be difficult to uphold in the event of an appeal. The DMTL supported the Legal Advisor's advice, by stating there had also been no objection raised by the local authority's highway officer with regard to highway safety.

A Member raised concerns regarding the proposal's bin stores and garden waste provisions. The DMTL advised a condition could be implemented to improve on the issues raised by the Member. Following the advice received, the Member raised a motion to approve the development, with conditions added to improve the proposals bin store and garden waste provision. The motion failed 2 in favour and 5 against.

The DMTL cautioned Members with regard to refusal of the application based on concerns that were not raised by the Planning Inspectorate. A Member raised concerns regarding the developments wall and building line issues. The Officer assured the Member the concerns with regard to the wall had been addressed. Another Member requested legal advice.

The Chair decided legal advice would be sought, regarding the concerns raised by the Members. The Chair advised that the meeting would go into closed session, to receive the legal advice.

The meeting was adjourned at 10.39pm. The meeting reconvened at 10.59pm. It was

RESOLVED

That it be noted that the Committee agreed:

Application would be **DEFERRED**, in order to review parking arrangements proposed by developer and returned to Planning Committee C.

The meeting closed at 11.00 pm