

MINUTES OF THE PLANNING COMMITTEE C

Thursday, 1 December 2022 at 7.30 pm

PRESENT: Councillors Jacq Paschoud (Chair), Tauseef Anwar, Laura Cunningham, Rosie Parry, Stephen Penfold, James Royston and Hau-Yu Tam.

ALSO PRESENT:

Apologies for absence were received from Councillor Aisha Malik-Smith and Councillor Mark Ingleby

1. Minutes

RESOLVED that the Minutes of meeting of Planning Committee C, held on 21 July 2022, be confirmed, and signed as a correct record.

2. Declarations of Interests

Councillor Tauseef Anwar declared a pecuniary interest in relation to Item 3 of the report, "39-43 Eddystone Road, London, SE4 2DE", advising that he spoke against the proposal at a meeting which was conducted by councillors and community members, and that his opposing view in that regard remained unchanged.

3. 39-43 EDDYSTONE ROAD, LONDON, SE4 2DE,

Councillor Tauseef Anwar left the room and did not take part in the discussion or vote on the Officer's recommendation relating to this Item, as he had declared a pecuniary interest. It was noted that Councillor Anwar spoke against the proposal at a meeting which was conducted by councillors and community members, and that his opposing view had remain.

3.1 The Planning Officer gave an illustrative presentation of the report, advising the Committee to agree the recommendations therein.

3.2 In considering the report, the Committee noted the following:

- That the proposal was brought for a decision following a recommendation by Members to defer consideration of the application at a meeting of the Committee held on 30 September 2021 to allow an additional ecological survey of the area and review the Asset of Community Value (ACV) position of the existing building on the proposed site, known as The Royal British Legion Community Hall.
- That the proposed site location comprised of a triangular plot of land on the south-westerly corner junction of Eddystone Road and Buckthorne Road, "Brockley Path".

3.3 Councillor Jacq Paschoud, the Chair of the Committee, echoed statement made by the Planning Officer to highlight that the recommendation in the report required Members to agree works to demolish the existing community building, which was in disrepair, and associated outbuildings, and to construct a three-storey building.

3.4 In response to questions for clarification, the Planning Officer informed the Committee as follows:

- That the main issues considered by officers when formulating the proposal were related to the principle of development, housing urban design, impact on adjoining properties, transport, sustainable development, and the natural environment. It was stated that the Members were under a duty to have regard to the applicable policies relating to those issues as material considerations when deciding on the proposal.
- That the Council's Highways Team and Ecological Regeneration Team raised no objection the proposal, subject to the relevant conditions in the report.
- That no comment was submitted by the Tree Officer regarding the proposal.
- That the bat survey for which consideration of the application under consideration was deferred on 30 September 2021 had been undertaken, and a report on the findings had been produced.
- That the existing building had been assessed and confirmed as an ACV.
- That a public pathway mentioned about in the report was situated on the southern end between the site and the boundary line of 66 Buckthorne Road.
- That the proposed three-storey building to be constructed would provide:
 - 6 self-contained flats;
 - community space at ground floor level;
 - landscaping, external bin store and 11 cycle spaces; with
 - pedestrian and cycle access onto Buckthorne Road and Brockley Path.
- That although conditions 6 and 28 had addressed matters relating to the mitigation of sound insulation and restriction on amplified music. the Committee could reinforce the provisions with a further condition for a welcome pack with details about the use of the community space to be provided to future occupiers of the flat above the ground floor level.

3.5 The meeting was addressed by the agent for the applicant, who advised Members that he was also the architect for the project. The agent gave a background about the history of the application process to highlight that the applicant had conformed with the relevant the planning requirements. Considering that, the agent advised the Committee as follows:

- That the alternations in terms of reinstatement of the community use of the ground floor, massing, privacy and refuse collection arrangements were considered prior to the formulation of the recommendation in the report. Therefore, the Council's Planning department was supportive of the application.
- That the proposed building was dilapidated and had been vacant for several years. Thus, it was subjected to several acts of vandalism, and had subsidence and structural defects.
- That the applicant had been working with The Royal British Legion to facilitate the proposal and the development plan.
- That after the proposal was deferred, the transport statement lapsed due to its six-month validity. However, that, together with the delivery and service plans were revised and resubmitted to ensure currency on the matters prior to submitting the application for consideration.
- That during the consultation exercise on the proposal, there were comments about war memorials remaining on the proposed site. It was stated that the developer had confirmed that none was found.

3.6 The agent for the applicant responded to questions raised, clarifying to the Committee as follows:

- That the site would be developed into an active community space, and the wooded area bordering the railway line close to the proposed site would be unaffected.
- That to ensure the proposed development enhance the local area, its scale, form, and articulation were carefully considered in relation to the character of the environment, including existing properties in the street scene.
- That the existing local community gardens and the public cycleways would be unaffected by the proposed development.
- That should the application under consideration become successful, the future management of the proposed site would be out of the applicant's control, as it would be sold off.
- That considering the history of the site, it would be reasonable to assume that the proposed community space would support different uses in the future.
- That the applicant was satisfied with conditions that implementation of the proposal should conform with planning obligations which required that there should be no activity in the proposed community space for a clubhouse, as was the case when it was managed by The Royal British Legion.

3.7 The Committee also heard from two residents who addressed the meeting individually with objections to the proposal. The Committee noted the following views expressed by the residents:

- That the application was contrary to the Local Neighbourhood Plan (LNP) because the existing building on the proposed site would not be enhanced and protected because of the following reasons:

- The report made no statement on how to gain access into the community space within a private residential setting.
- There would be a reduction in the size of the existing building.
- There would be loss of kitchen and toilet facilities in the community space.
- That because the proposed site sat between a nature reserve and an ancient woodland, residents' expectation was that the ecological survey would be up-to-date, and robust. It was stated that was not the case, therefore, residents could not rely on the report submitted because of the following reasons:
 - That the information about the bat survey was obsolete because it was based on 2019 data.
 - That there were three ponds within 500 metres from the proposed site. Therefore, the information in the survey report in that there were no ponds within that distance was misleading.
 - There was no evidence that the topographical survey, which should have been submitted with the bat report, had been completed.
- That given the level of community engagement about the review of the ACV, residents were disappointed that, prior to submitting the application to the Committee for reconsideration, the Council gave no feedback as a matter of courtesy when the ACV was approved.
- That although the area was an archaeological priority, there was no evidence that an assessment in that regard was undertaken as part of Roman Roads' heritage site.
- That the area earmarked for storage of refuse bins at the boundary of the proposed site would cause obstruction to the access gate currently used by cyclists, push chair users, dog walkers and other pedestrians. Therefore, the likelihood for conflict by members of the public, operators of the community space and potential occupiers of the dwellings was inevitable.
- That the Council should ensure that the developer implement opaque windows at the back of the proposed development stated in the report because the neighbours had expressed concerns that their privacy would be compromised by overlooking from the new dwellings into their gardens.

3.7.1 In response to questions raised, the residents expressed the following concerns to the Committee:

- That the drawing plans indicated that there would be two access doors at the back of the proposed development where cycle hangers and bins would be located. On bin-collection days, wheelie bins would have to be taken to the front end of the proposed development, and afterwards, to the back of the proposed development until the next round of collection. Therefore, residents were expecting confirmation that refuse disposal would be properly managed to prevent disruptions to neighbours and minimise obstructions to users of the alleyway.
- That there was no evidence to suggest that the proposed design was led by an ecological expert.

- That the survey report suggested that fences should be erected between the two green spaces. Thus, residents believed that the areas around the ponds currently used as travel corridors by hedgehogs and other local species had not been carefully organised.

3.7.2 In light a concern by the objectors to the proposal, the Committee observed that, given the history of holding funerals reception, parties, and music events when the venue was operated by the Royal British Legion, it was likely that the neighbours would be able to absorb the impact from similar social uses of the proposed community space.

3.7.3 Commenting on the Committee's observation, the objectors were of a view that if the proposal was approved, there was no guarantee that neighbours would not be disturbed by amplification of noise from late night events, as was the case from complaints when the site was managed by The Royal British Legion, which subsequently led to restriction of opening hours by a license.

3.8 In closing the Committee noted responses and statements made by planning and legal officers as follows:

- That it was for Members to determine whether the proposal had complied with the LNP because in planning terms:
 - a replacement of a derelict building with a functioning one could be considered an enhancement;
 - although the proposed development would be smaller in size when compared to the existing one earmarked for demolition, it should be noted that brand new flats with modern insulation and ventilation would be constructed;
 - the physical aspects of the community space would be of improved quality. Thus, the provision of a new, usable community space was a planning merit, and carried a very significant weight.
- That regarding concerns about sound insulation and restriction on amplified music, the Committee could reinforce conditions 6 and 28 with a new condition to state that the welcome pack to be provided to potential occupiers of the proposed flat above the ground floor level on the site should have information detailing the use of the community space.
- That for Members to make changes to the proposed building in addition to what had been recommended in the report would be inappropriate in legal terms because the issue under consideration was in relation to an ACV which had been determined. Thus, to do so would be outside the powers of the Council.
- That to ensure that the impacts of the future community use do not harm the surrounding transport network, details of a final delivery and servicing plan would be secured by a condition prior to commencement of the use to ensure that the impacts of the future community use do not harm the surrounding transport network.

- That the details of the proposed boundary treatments, including any gates, walls or fences would be submitted to and approved in writing by the Planning department prior to construction of the above ground works.
- That the approved boundary treatments would be implemented prior to occupation of the buildings and retained in perpetuity.
- That the earlier ecological survey was accepted as an updated report because it was assessed and reviewed by an expert in 2022

3.9 Following a direction by the Chair of the Committee, Councillor Jacq Paschoud, Councillor Laura Cunningham proposed, and Councillor Stephen Penfold seconded a move of the recommendations in the report, together with additional requires, which were voted upon.

3.9.1 The meeting noted that Councillor Hau-Yu Tam abstained from voting, and Councillor Anwar did not take part in the vote as he was not present in the room during consideration of the report. With the other Members voting in favour of the recommendation, the Committee

RESOLVED

To grant planning permission, subject to conditions and informatives outlined in the report for:

- The demolition of existing community building and associated outbuildings at 39-43 Eddystone Road SE4; and
- The construction of a three-storey building to provide:
 - 6 self-contained flats (3 x 1 Bed, 1 x 2 Bed & 2 x 3 Bed), together with community space at ground floor level (Use Class F), landscaping, external bin store, and
 - 11 cycle spaces, with pedestrian and cycle access onto Buckthorne Road and Brockley Path.

And with additional requirements as follows:

- To reinforce conditions 6 and 28 regarding sound insulation and restriction on amplified music
- To add a new condition to state that potential occupiers of the flat above the ground floor level on the site should be given a welcome pack, with information detailing the use of the community space.

4. **GARAGES AT THE REAR OF 4-24 BLYTHE VALE, SE6 4UJ,**

Councillor Tauseef Anwar declared a pecuniary interest in relation to Item 3, “39-43 Eddystone Road, London, SE4 2DE”, and he left the room during consideration of the proposal and the recommendations.

The meeting noted that Councillor Anwar returned to the room during consideration of this Item and remained until the close of the meeting.

- 4.1 The Planning Officer gave an illustrative presentation of the report, advising the Committee to agree the recommendations therein.
- 4.2 The Committee noted that the proposal was in relation to submission of details of the Construction Management Plan in compliance with Condition 3 of planning application referenced DC/21/123262 dated 25 February 2022 for:
- Demolition of existing garages at the rear of 4-24 Blythe Vale SE6 (land on the west side of Blythe Vale); and
 - The erection of 9 dwellings, with associated hard and soft landscaping, car parking, cycle parking and refuse storage.
- 4.3 In considering the report, the Committee noted the following:
- That the main issues considered by officers when formulating the proposal were whether the submitted Construction Management Plan was acceptable and covered the requirement of Condition 3 in relation to transport and amenity impact on the living conditions of those residing in neighbouring properties.
 - That the Council's specialists in the Highways Team and the Environment Protection Team assessed the technical details and raised no objections to the proposal.
- 4.4 In response to questions raised, the Committee noted clarifications by Planning officers as follows:
- That during construction phase all vehicles would be limited to 10 meters long as that was the largest vehicle size that could access the development site to prevent damage to the party walls including boundary walls and fences.
 - There would be a hoarding around the site during the construction period.
 - That an operative trained banksman and traffic marshal would direct vehicle movements.
 - That 8 on-street parking suspensions would be applied by the Council, to ensure the manoeuvring of large vehicle would be in line with its Local Policy guidance.
 - That deliveries would be restricted between 9:30 to 14:30 during school term time to reduce the impact on the traffic flows and safety.
 - That the Council would not be policing restrictions on delivery activities during construction work on the site as the applicant would be required to comply with the planning obligations in a manner which would minimise possible noise, disturbance, and pollution to neighbouring properties, and comply with policy requirements for improving air quality, and for managing deliveries and servicing during construction work.
 - That regarding the management of deliveries during construction on the proposed site, the Council would take enforcement actions if there was a breach of legal obligations, but not necessarily where the developer had agreed a voluntary arrangement with the Council.

- 4.5 The agent for the applicants also responded to a question advising the Committee that the applicants were expected to comply to their organisation's risk assessment as part of the planning obligations.
- 4.6 Following a direction by the Chair of the Committee, Councillor Jacq Paschoud, Councillor Stephen Penfold proposed, and Councillor James Royston seconded a move of the recommendation in the report, which was voted upon, and the Committee

RESOLVED unanimously

To note that the Committee was satisfied with the information submitted, and subject to informatives outlined in the report, agreed to the discharge of Condition 3 Construction Management Plan of the planning permission DC/21/123262 for:

- The demolition of existing garages at the rear of 4 - 24 Blythe Vale SE6 (land on the west side of Blythe Vale) and
- The erection of 9 dwellings, with associated hard and soft landscaping, car parking, cycle parking and refuse storage.

5. LAND N.T, 81 BURNT ASH ROAD, LONDON, SE12 8RF,

- 5.1 The Planning Officer gave an illustrative presentation of the report, advising the Committee to agree the recommendations therein.
- 5.2 The Committee noted that the recommendations were in relation to a proposal for the construction of a three-storey, four-bedroom dwelling house on land at the corner of Burnt Ash Road and Dorville Road, SE12, together with bin and bike shed, and the replacement of street trees and associated landscaping.
- 5.3 In considering the report, the Committee noted the following:
- That the main issues considered by officers when formulating the proposal were the principle of development, housing urban design, impact on adjoining properties, transport, sustainable development, and the natural environment. It was stated that in reaching a decision, Members were under a duty to have regard to them as material considerations.
 - That the Council's specialists in the Highways Team had raised no objection to the proposal, subject to the relevant conditions outlined in the report.
 - That the Ecological Regeneration Team commended the biodiversity improvements to be achieved because of the proposal.
 - That the Council's Conservation Team raised concerns about the site's suitability for development, but the Planning Case Officer was satisfied that there were mitigation factors against those.

5.4 In response to questions raised, the Committee noted Planning Officers' responses as follows:

- That considering the proposed site's location within PTAL 3, the car free development to be applied was compliant with the requirement of the London Plan, and therefore considered acceptable.
- That given the scale of the development as a single-family dwelling, Planning Officers had not considered future Controlled Parking Zones, and a need for a parking survey to be undertaken.
- That the applicant had not requested a permission to develop a House of Multiple Occupants (HMO), therefore consideration was not on that basis, but on the information in the submitted application.
- That Members should be mindful to reach a decision based on the current SPD under which Planning Officers assessed the application under discussion. Thus, it was for the Committee to apply a balanced judgement about losing one tree, with the provision of new trees, and meeting the Council's housing targets.
- That the Council's Tree Officer valuation of the matured trees to be replaced was £42,396. However, Planning Officers considered that the developer's contribution of £9,000 was fair and reasonable for the following reasons:
 - The Tree Officer's valuation was not commensurate to the scale of the development.
 - That considering the requirement of the National Planning Policy Framework, the proposal would deliver a family sized dwelling, which would be net-zero in carbon emissions once constructed.
 - That the legal test for financial viability was that contribution should be relevant in scale to the development sort. It was stated that in the circumstance, the developer's contribution for the treatment and replacement of trees was appropriate.

5.5 The applicant also addressed the meeting, advising the Committee as follows:

- That the proposal was for a family-sized dwelling, with net-zero in carbon emissions once constructed.
- That he considered the history of the area and followed design guidance in Lewisham's Supplementary Planning Documents (SPDs) relating to the development of corner sites.
- That he had participated in community consultation exercises, including sending letters to his neighbours, and having face-to-face or virtual meetings with them to talk about the proposal, including online neighbourhood meetings organised by Planning Officers.
- That he kept in close contact with Planning Officers through the design process and took on board their feedback on matters relating to landscaping, massing, height, street scene, and other issues relating to the alignment of windows and doors.

- That prior to submitting the application in view, he had omitted the design of an earlier rooftop structure because of feedback from consultations that it would be too heavy for the proposed building.
- That alongside the green wall to be implemented, biodiversity in the area would be further enhanced by the planting of new hedges and shrubs.

5.6 A resident also addressed the Committee, advising that he was objecting to the proposal on behalf of 14 residents, and members of the Lee Manor Society because of their interest in conservation areas. The concerns outlined by the objector were noted by the Committee as follows:

- Inadequate parking provision, and the potential impact of that in the local area.
- That with local parks hundreds of metres away from the proposed site, there would be a significant reduction in public open spaces due to the loss of a corner plot of land with greenery scene.
- That the proposed dwelling would project in front of the boundary line of adjoining houses on Dorville Road.
- That because of the size of the property, residents were concerned the use would potentially be converted into an HMO.
- The proposal had deviated from the local SPD because there would be a loss of a network of green infrastructure in a public realm. It was stated that Planning Officers had ignored the advice provided by the Council's Conservation Officer in that regard. Therefore, residents were disappointed that the need for the Council to provide housing seemed to override requirements of adhering to planning guidelines.

5.6.1 In response to a question, the objector to the proposal advised the Committee that while the replacement of trees along Dorville Road sounded attractive, it continued to remain that residents were opposed to the fact that an area of greenery in the proposed corner plot would be lost because of the development.

5.7 The applicant also responded to a question, confirming to the Committee that the plot of land mentioned about at the meeting by the objector was not part of his property, however, the owner of that freehold land had agreed to sell it to him for the development to be implemented if the application under consideration was approved.

5.8 The Committee sought advice about HMOs and was advised by the Senior Legal Officer that the Government had established policy in place for permitted development rights. Therefore, it would be unusual in legal terms for the Council to automatically exclude an application for a change of use into an HMO without outlining the local circumstances.

5.8.1 Members understood that the Council had legal powers to withdraw permitted development rights by Article 4 Direction, but it was for the relevant committee(s) to decide what the local circumstances should be at the time of an application for an HMO. It was further understood that if the

applicant wished to convert the application to deliver an HMO, he would have to apply for a separate planning permission.

- 5.9 The Planning Officers responded to further questions, clarifying to the Committee that concerns about a prominent development would not necessarily be considered unacceptable or harmful because each application should be assessed on its own merits. It was stated that in the circumstance, Planning Officers had assessed and considered as acceptable that the proposed building would be set back from the Burnt Ash Road's view, and project into Dorville Road.
- 5.10 In its deliberation, the Committee understood that the reason why the site was considered acceptable for the development was due to the package elements presented regarding the street scene, offsite tree planning, green roof, new dwelling, active surveillance.
- 5.10.1 Following a direction from Councillor Jacq Paschoud, the Chair of the Committee, Councillor Stephen Penfold proposed to move the recommendation, but only on the basis that the proposed development would remain C3 use, and that the applicant would apply for a planning permission if he decided to change the use to C4 in the future.
- 5.10.2 The recommendation was seconded by Councillor James Royston and voted upon, and the Committee

RESOLVED

Unanimously

To grant planning permission, subject to a S106 Legal agreement in the terms set out in Section 10 of report, and conditions and informatives outlined in the report for:

- The construction of a three-storey, four-bedroom dwelling house on land at the corner of Burnt Ash Road and Dorville Road, SE12, together with bin and bike shed, replacement street trees and associated landscaping;

As to add an additional requirement to state as follows:

- That implementation shall remain Class C3 Use (dwelling house), and that any change by the applicant to Class C4 Use (large shared home of multiple occupancy of over six people) shall be subject to a planning application for consideration by the Planning Authority.

The meeting closed at 9.28 p.m.

Chair