

# MINUTES OF THE PLANNING COMMITTEE A

Tuesday 18 July 2023 at 7.30pm

PRESENT: Councillor Bernards (Chair), Councillor Curran, Councillor Eiles, Councillor Parry, Councillor Paschoud, Councillor Penfold

Also present: Angus Saunders (Presiding Officer), Alfie Williams (Presenting Planning Officer) Michael Rhimes (Senior Planning Lawyer, Legal Officer), Sarah Assibey (Committee Officer)

In attendance, virtually: Thomas Simnett (Presenting Planning Officer), Dean Gibson (Presenting Planning Officer)

Apologies: Councillor Sheikh and Councillor Cooper

## 1. Minutes

The Minutes of 16 March 2023 were agreed as an accurate record.

## 2. Declarations of Interest

No Interests were declared.

## 3. Marvel's Club

3.1. The Planning Office presented this application for the demolition of the former Marvels Lane Boys Club, Balder Rise SE12 and dwelling-house at 41 Le May Avenue SE12, and the construction of 3 three storey and 2 two storey blocks comprising 28 self-contained residential flats accessed from Le May Avenue, in addition to associated landscaping including a central courtyard, refuse and recycling facilities, disabled parking bays and cycle stores.

3.2. The Planning Officer gave an illustrative presentation of the proposal. The key considerations were Principle of development- it was determined by officers that there was no loss of social and community infrastructure, and that housing was supported in the borough and neighbourhood plan; Design and scale- it was determined by officers that the proposed was nice contemporary design and that for the 13 trees to be removed, 13 trees to be placed on site so there was no loss of greenery.

3.3. Housing provision and standard of accommodation- it was determined by officers that the proposed accommodation was acceptable; Neighbour Amenity- officers were satisfied that the amenity of neighbours would be protected and there would be no loss of privacy or light; Highways matters- the proposed development would be accessible by public transport and car free. There would also be a controlled parking zone on the main road, with the nearest station a 10-minute walk away; Biodiversity and Ecology- the assessment was submitted within the report, and there was no loss of greenery.

- 3.4. It was the officer recommendation to grant the application, subject to conditions and section 106.
- 3.5. Members asked about affordable housing, stating that the compensation outline would not be enough to provide affordable housing.
- 3.6. The presenting officer stated that the applicants went through a viability assessment through consultants who determined that there would be a £221,000 small profit. It was agreed that no on site affordable housing that would make the scheme viable. The compensation goes towards Council's general pool of affordable housing. Officers were satisfied that the assessment was robust and that the development does provide a high amount of family housing.
- 3.7. It was also asked that objectors have raised the issue of the height of the proposed development. The presenting officer responded that the previous application was refused due to the mass of proposal. The gardens on neighbouring roads are long gardens so there is considerable distance between the properties. Block C is 2 storeys in height which is the nearest to Balder Rise- the setbacks on the roof help to minimise the massing of the development. He stated that the height and mass of the proposal is not totally out of character for the area as there are other 3 storey developments in the area.
- 3.8. Objectors have drawn attention to section 106 issue and Members asked if the grove park neighbourhood plan was going to be referenced under section 106. The presenting officer stated that this was addressed in the principal section of the report. The recommendation considered the changes in wider planning policy, and the essence report sets out clearly the arguments.
- 3.9. Members asked to what extent the existing sporting facilities were used to which the officer responded that the space is vacant and derelict.
- 3.10. Members mentioned that there was no specification of the outdoor space available. The officer responded that the committee report refers to communal space and children's play area and that they were certain it will be meeting the minimum m2 size.
- 3.11. Members asked if the £62,000 contribution for carbon onsetting take into consideration the lack of any renewable heating on site. The officer responded that the contribution was secured by the section 106 agreement, but there are also sustainability conditions outlined in the report, including gas boilers, green roofs and soft landscaping which would mitigate the overuse of heating.
- 3.12. The agent for the application then gave their presentation. Their key points were as follows:
- 3.13. The Planning Officer set out the various considerations. The site is earmarked for residential led development. It was youth boxing club which has relocated elsewhere in Lewisham so there is no loss of community facilities. The applicant has sought to make full use of the residential development in line with strategic policies. The vendor who sold site had discussed developing

nine dwellings which did not make very full and effective use of site. All the dwellings proposed are dual aspect. The highways access will be big improvement on current access. The agents had attended a virtual local meeting- there were issues raised concern from a resident on Le May Avenue. He was met with, and agents addressed concerns about access. They also met with other residents to discuss their concerns with overlooking.

- 3.14. They have worked very closely with the planning department to get to this proposal, including 20% reduction in accommodation. When the scheme is completed the nearest windows on Le May Avenue will be 42m apart from the proposed development. Balder Rise would be 20m apart but is only 2 storeys high, so there would be no issue of overlooking. The living room windows will look onto central courtyard. 43% of the development are family homes. The building would be separated into 4 separate blocks with a minimum of 8m to boundaries. There will be more greenery by completion. The height of the proposed development is comparable with the existing building.
- 3.15. The objector then gave their presentation. Their key arguments were:
- 3.16. They were speaking on behalf of 40 residents. Their main points for refusing the application were: - the height and separation distance they believe made the proposal unacceptable; they proposal does not adequately address the constraints of the site- it is too enclosed and overdeveloped; the noise and nuisance would be significant with of 90 new residents; vehicular access-deliveries and people with mobility/access issues had not been taken into account. Objectors also stated that the section 106 proposal was unclear and vague and that the grounds for refusal had been mitigated but not resolved.
- 3.17. Members asked for clarification from the objector about the policies 32 and 33 they mentioned. The objectors stated the DM policies require 21m of separation distance. Although some flexibility can be given, a greater separation distance needed where taller buildings involved, and objectors stated that they considered this a taller building. The Presenting Officer confirmed that the distance is compliant.
- 3.18. It was also asked by Members to Officers if this was considered a small site. Officers responded that although it is technically not small, and it has characteristics of small site.
- 3.19. Objectors also mentioned that the design of the proposed cycle storage would not be accessible to disable users which would then mean it does not meet London Plan standards.
- 3.20. Councillor Jackson spoke under standing orders. His main points were that the site was in need of development and that he supports the principle. The applicant made several variations from last year. However, residents have contacted ward Councillors with their concerns. He agreed that affordable housing is needed in the borough. The Neighbourhood Policy Plan indicates that proposals for the development will be supported where they compensate for the loss of a sporting activity and the old boys club provided youth provision which is not being compensated. He stated that parking provision and cycle

storage proposed was inadequate and that there were already on street parking pressures that the proposal will add to.

3.21. Members expressed concern that the design, although not mandatory, had not gone through a design review panel. They also felt that the distance between the development and other buildings may be in breach as some distances are less than recommended. They also expressed that the lack of social housing was not satisfactory.

3.22. It was MOVED, SECONDED and RESOLVED to refuse the application.

#### **4. 1-3 Ashby Road, SE4 1PR**

4.1. The Planning Officer present this application for the construction of part single-storey and part two-storey roof extensions to create 3 self-contained flats, together with the conversion of an existing studio to provided additional living accommodation at 1-3 Ashby Road SE4, with associated cycle storage, refuse storage and a new green roof. All material considerations were addressed in the committee report.

4.2. They gave an illustrative presentation. the key points for consideration were Principle of Development; Residential Quality; Urban Design & Heritage Impact; Transport Impact; Living Conditions of Neighbours; Natural Environment; Sustainable Infrastructure. The officer stated that they were satisfied that there was no adverse impact on these material planning considerations. It was the officer recommendation to grant the application.

4.3. Members asked about the daylight/sunlight report carried out by the applicant which assessed that the vertical sky component of 21% and the BRE guidelines suggest 27%. The present officer stated that the assessment was done within industry guidelines and best practice and was not unique in the fact that it was undertaken without a site visit. He explained that BRE guidelines were not policy it is guidance and that this did not necessarily mean there was harm to the dwelling. The application was refused initially because harm was identified in terms of the percentage loss.

4.4. It was also asked single occupancy space and Members commented that the studio was an extremely small for living space. The presenting officer stated that open plan living is common and is unavoidable in a studio. Studio Flat 11 is 42m<sup>2</sup> which exceeds recommendation in London Plan, is dual aspect and has an external amenity space, hence why it was deemed acceptable.

4.5. The agent for the application then gave their presentation. their key points were as follows:

4.6. The proposed development would optimise the building, providing high quality new homes in an accessible location in Lewisham. The proposal includes design amendments from the last application to resolve the concerns regarding the amenity of Flat 2. The Planning inspector found there was no harm to the heritage assets in the Brockley conservation area. In response to the inspector's concerns, the applicant ensured that rooflights maintained,

reconfigured the proposed upper floors to ensure that the southern aspect of the rooflights is maintained. The findings of the daylight report highlights the development comfortably meets the BRE guidelines and that the amendments to Flat 2 successfully overcome harm identified by appeal decision by ensuring that the no skyline and daylight distribution values would be compliant with the BRE guidelines.

- 4.7. Members asked the agents how satisfied they were with daylight/sunlight report to which they responded that they were very satisfied and has been doing such reports for many years.
- 4.8. It was asked what consultation had been had with neighbours. The applicant stated that there has been public consultation with the Brockley society and neighbours which had resulted in changes such as ensuring the design was modest, there was appropriate screening, the elevation was set back and there was screening to balcony.
- 4.9. Members also asked about distance from neighbouring buildings. It was responded that there is a distance of 32m from Manor Avenue, and from Upper Brockley Road a distance of 35m.
- 4.10. The objector then gave their presentation. their key arguments were:
- 4.11. The light assessment carried out by the applicant requires further due diligence and a number of assumptions had been made in the light assessment as there was no site visit to assess it. They appreciated the guidance says a site visit is not needed, but it also says where it's contentious they would recommend a site visit, why was a light assessment not undertaken given this projection was previously dismissed.
- 4.12. The light assessment on flat two models the windows being located on vertical walls, which is not true as they are skylights assessed within a metre within the ceiling and an assessment would undoubtedly have a different outcome if it were based on reality. Recent plans submitted on the 7th of July showed that privacy screens were put on balconies which will increase overshadowing in the affected properties including Flat 2 but also some of the other properties. The light assessment was a desktop assessment undertaken months ago and therefore the light assessment does not reflect the most up-to-date plans. They ask that a fair and true assessment is made after a site visit.
- 4.13. Objectors also highlighted potential impact on traffic and safety concerns. The developer had not adequately assessed the impact on Ashby Road and Ashby Mews, particularly pedestrian safety.
- 4.14. The agent clarified that vertical sky component is unit of measurement. He stated that the horizontal rooflights had been modelled as such and the units are shown in vertical sky components. He also said that the phrase "desktop study" gives the impression that not much care is given to it, but if models are built to exacting standards and according to plans, the assessment will be very good.

- 4.15. It was asked by Members if the impact on the existing residents of the building had been considered to which it was responded that Condition 3 outlines the construction management plan which includes hours of work, should the application be approved.
- 4.16. The Legal Officer explained to Members that the secretary of state, appointed by the planning inspector, found that the only respect in which the previous scheme was unacceptable was because of the impacts on Flat 2 because there was no assessment on the vertical sky component. Officers have had regard to the principle of consistency and assessed the inspector's decision and concluded they agree with it. They consider that the impact on Flat 2 is acceptable in planning terms and it would be up to Members what weight they place on that assessment and are entitled to their own views. He went on to say that however, if they choose to depart from the Inspector assessment, they will need good reason to do so.
- 4.17. Councillor Lahai-Taylor made representations on behalf of residents under standing orders. She summarised that when the freehold of 1-3 Ashby Road was sold, it was not given first refusal to leaseholders, and although this was not a planning consideration, it is currently being investigated. The applicants submitted new drawings in July 2023, and they have changed some aspects of the plan in ways that require daylight and sunlight reassessing. She also stated that the consultation period should be reopened so that residents have the right to comment on the changes. She stated that the transport and highways impact if the small residential area, needed greater consideration, considering the road is used by many cyclists.
- 4.18. Members expressed their concerns with the light assessment being undertaken without a site visit to do so.
- 4.19. It was **MOVED**, **SECONDED** and **RESOLVED** to defer the proposal until an in-person daylight and sunlight.

## **5. Blackheath Hospital, 40-42 Lee Terrace, SE3 9UD**

- 5.1. The Planning Officer gave an illustrative presentation of the proposed application which was for the variation of condition to planning permission DC/21/123944 dated 27 April 2022 to vary the wording of Condition 2 (approved plans) in order to cover alterations to the size of some of the equipment on the rear flat roof, install 3m high visual screening and provide a steel walkway on the rear flat roof to provide maintenance access to the equipment at Blackheath Hospital, 40-42 Lee Terrace SE3
- 5.2. The key planning considerations were Urban design and impact on living conditions of neighbours- of which officers stated the was no considerable impact and it was their recommendation to approve the application.
- 5.3. Members had no questions for the officer.

- 5.4. The agent representing the hospital then gave their presentation. the amendment was solely in relation to the size and visual appearance of the equipment previously granted planning permission in Area A and not its noise output. The site benefits from boundary screening and additional screening around the plant has been provided by the hospital following neighbour and planning feedback. it had been asked by residents why the noise surveys did not take measurements from the façade of their homes. Given the practicalities of gaining access standard practice to take noise readings from the boundary of the application site, this is an accepted and robust method. They summarised their argument stating the proposed development gave no visual harm, and the impact would remain in accordance with noise level.
- 5.5. There were no questions for the applicant. The objector spoke and the following were his key points:
- 5.6. Although the size of the new unit was a surprise when it went in, the hospital has attempted to screen this off and their efforts are appreciated. With regard to the resubmission of the amendment, the objector stated that, it appeared that the resubmission was the result of the applicant submitting a plant noise commission survey. In their opinion, the survey does not meet the criteria of condition 3 relating to the noise assessment of the original planning application. This condition states that the rating level of noise emitting from the plant should be 5 decibels lower than the existing background level. The results show that the units operating in 1 single decibel below the daytime limit set by the condition.
- 5.7. The Legal Officer advised that this was a section 73 application, and is retrospective, and when considering these applications, the Act is clear that Members are to only consider the conditions. He stated that the only condition being applied to vary is condition 2 which just relates to the approved plans. Noise impact had already been considered in the previous application.
- 5.8. It was asked by the objector why one of the units was not operational when the noise test was carried out to which it was responded that the unit was not functioning at the time. A post-insulation noise assessment was not required and condition 3 is a compliant only condition.
- 5.9. Councillor Eiles abstained from the vote as she had briefly left the meeting during part of the presentations. It was **MOVED, SECONDED and RESOLVED** to approve the application.