

Committee	PLANNING COMMITTEE (A)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 30 MARCH 2017

MINUTES

To approve the minutes of the meeting of Planning Committee (A) held on the 16th February 2017.

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (A) held in ROOMS 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU on 16th February 2017 at 19:30.

PRESENT: Councillors Amrani (Chair), Bourne (Vice Chair), Adefiranye, Hilton, Jeffrey, De Ryk, Till , Kennedy, Raven and Walsh

OFFICERS: Michael Johnson – Planning Service, Paula Young – Legal Services, Amanda Ghani – Committee Co-ordinator

APOLOGIES: None. Councillor Walsh was not present for Item 3 on the agenda.

1. DECLARATION OF INTERESTS

There were no declaration of interests.

2. MINUTES

Members approved minutes for 5th January 2017.

3. Garages to the rear of 55 Broseley Grove, SE26 5LD (Item 3 on the agenda)

The Planning Officer Michael Johnson gave details of the existing backland site, which comprises 21 garages and outlined the proposal for the construction of two, three-bedroom semi-detached chalet bungalows, together with car parking for two cars. The officer spoke about the planning history of the site. He highlighted the narrowness of the vehicular accessway to the proposed development, which had been part of the reason for refusing two previous applications. He spoke in detail with regards to emergency vehicles being able to access the site and how the furthest corner of the site was within the stipulated 45 metres which allows the fire brigade full and unhindered access. The officer argued that due to the nature of the development, with only two dwellings proposed and with an accessway that was not a through road, there would be no pedestrian/vehicle conflict. The officer also highlighted the refuse storage provision for the two dwellings and where the bins would be sited on collection day.

The officer pointed out that if members were minded to approve the application, a condition should be attached, for the removal of existing gates sited on the access road.

Cllr Bourne asked why the unaltered accessway was now deemed acceptable when in 2015 its narrowness had been a reason for refusing application DC/13/83507. Cllr Kennedy referred to paragraph 2.2 in the report asking if the accessway should have been a reason for refusal previously.

The officer spoke about the Department of Transport's Manual for Streets and its flexible approach toward some elements of highway considerations and drew upon recent appeal decisions on other backland sites with narrow access arrangements. It was his opinion and that of the Highways department, that the access was safe and suitable with regards to the current proposal.

Cllr Till wanted clarification on the height of the proposed bungalows, a maximum height of 2.9m was specified by Cllr Jeffrey.

The Planning officer stated that heights would need to be viewed in the context of the varying ground levels on and around the site.

Cllr Adefiranye asked if bin siting for rubbish collection was enforceable. The Planning Officer answered it was not.

Paula Young, from Legal Services stated that if a procedure for rubbish collection was included in a management plan, then it could be enforced.

The Committee received verbal representation from Christopher Barnes the Architect. He said that he had worked with the Planning Authority to attain a better proposal more suited to the site. He had reduced the size of the scheme and the height of the units. He stated that he had applications with other London boroughs approved that also incorporated narrow access ways. He said that leases for the dwellings could stipulate how rubbish bins were sited and for how long they could be left on the highway.

Cllr Hilton opined that the open plan nature of the proposed residential units was not conducive to family living when you do not have private enclosed living spaces too. Mr Barnes took the point on board but replied that open plan living is what many families want from homes today.

The Committee received verbal and written representation from John Getgood who spoke on behalf of the Broseley Grove Residents. He stated that access remains below an acceptable width and there is no segregated pedestrian access. He quoted the Planning Inspector with regards to a previous appeal dismissal. Whilst he applauded the reduction in height of the proposed dwellings, Mr Getgood was unhappy that no apparent site visit by an officer took place. He stated that his adjacent back garden was 6ft lower than the ground level on site. He wanted assurances that the bungalows would be no higher than the existing garages. To prevent further development in future, he asked for the withdrawal of permitted development rights on the site.

Cllr Hilton said that the previous application was for a larger development, the present application is for smaller units and would include only two parking spaces and so cannot be considered the same.

Mr Getgood replied that the principle remains the same; there would be no control as to how many people live in the units or on the number of cars on site.

Mr Getgood also stated that the developer should be responsible for the boundary/retaining walls which at present are in a poor state of repair.

Cllr Hilton asked who was responsible for the retaining walls.

Paula Young stated it would be a civil matter.

Members noted that ground heights were not shown on submitted drawings. The Planning officer noted this point and re-showed the slides from the officer's presentation. The officer stated that it is possible to secure a condition for the applicant to provide a detailed site level assessment.

Members spoke further on the matter of access to the site, pedestrian safety, volume of traffic, the existing use of the garages, construction vehicle access and emergency access. The planning officer confirmed that many of the members concerns were being addressed with proposed conditions.

Cllr Hilton moved a motion to approve the officer's recommendation and Councillor Kennedy asked for conditions to be added regarding site levels, to ensure the development is built to height as on plans; a construction management plan, hours of operation and the removal of the gates. It was seconded by Councillor Till.

Members voted as follows:

FOR: Councillors Amrani (Chair), Bourne (Vice-Chair), Jeffrey and Kennedy

AGAINST: Councillors Adefiranye, De Ryk and Raven

RESOLVED: That planning permission be approve in respect of application No. DC/16/095645

Councillor James Walsh arrived at the committee meeting.

4. 49 Montpelier Vale, SE3 0TJ (Item 4 on the agenda)

The Planning Officer outlined details of the proposal for the change of use from A1 (retail/shops) to A4 (drinking establishments) of the ground floor and basement of 49 Montpelier Vale. The officer pointed out that no external alterations to the building would be made and no kitchen is proposed. The officer stated that the change of use was policy compliant and that criteria is satisfied regarding loss of A1 use. A4 use is considered acceptable in a district centre and there were considered to be no highways and traffic issues since most customers would be arriving on foot or by public transport. The historical use of the premises is A1. The officer recommended the application for approval.

Councillor Walsh voiced his concern regarding deliveries, bin storage and the generation of more waste in the area. The Planning Officer said that condition 4 covers refuse issues but suggested that if approved, a condition regarding deliveries could be added.

Members spoke about the licencing requirements of serving alcohol with bar food and how Licencing and Planning should work closely together.

The Committee received verbal representation from Michael Caine the leaseholder and occupier of the premises. Having worked in Blackheath for 18 years and as owner of a number of businesses in the area, Mr Caine applied for change of use due to online shopping habits making his clothes shop financially unviable. He outlined his plans for the premises which included embracing a daytime element, local classes and child story time space.

Councillor De Ryk acknowledged that she knows the applicant and his neighbours and vouched for him being a long-term business man in the area. The Councillor queried the

unique nature of what Mr Caine was offering in relation to what he offered in his other premises along the road. The Councillor pointed out that many of her constituents contacted her regarding issues over rowdy and anti-social behaviour and excessive amounts of rubbish being generated by the large number of restaurants and drinking establishments already in existence. Councillor De Ryk said that the over proliferation of these establishments had reached a character defining tipping point within the village.

The Planning Officer disagreed with this, stating that figures presented in the report show a balance of different uses within the surrounding commercial units and consequently there was a healthy mix of retail and non-retail uses.

Councillor Walsh voiced concerns over delivery times and the possible impact on traffic flow in the area. Mr Caine said there was a loading bay outside the premises and that he would be using the same suppliers as neighbouring establishments which would not generate more deliveries to the area. He also stated that the number of people he would employ would rise from 3 to 15 part time workers.

The Committee received verbal and written representation from the neighbour living directly above the shop for the last 20 years, Nicola Coomber. Objections included, the number of drinking establishments already in the area, more than 25 serving alcohol. There are successful and established A1 retail units in the area; there would be more demand for parking and there would be more rubbish generated adding to the dumping of waste which is an existing problem in the adjacent alleyway. Ms Coomber also spoke about possible fire risks to her flat and its lack of a fire escape, as well as future encroachment of tables and chairs on the highway and early morning bottle collections.

Councillor De Ryk highlighted the licensing regime which provides additional controls but spoke of its historic failings in terms of understanding and dealing with amenity issues.

Paula Young stated that members would need to assess the application in light of planning policies and use conditions to tackle issues.

Members discussed planning policies DM14 - District Centres Shopping Frontages and DM17 - Restaurants and cafés (A3 uses) and drinking establishments (A4 uses) and whether criteria had been met.

Councillor Adefiranye moved a motion to reject the officer's recommendation as the application had not met the criteria for DM Policy 14 and DM Policy 17. It was seconded by Councillor De Ryk.

Members voted as follows:

FOR: Bourne (Vice-Chair), Hilton, Raven, Walsh and Till.

AGAINST: Councillors Amrani (Chair), Jeffrey and Kennedy

RESOLVED: That planning permission be refused in respect of application No. DC/16/96814.

5. 134 Breakspears Road, SE4 1UA (Item 5 on the agenda)

The Planning Officer outlined details of the proposal regarding construction of a rear single storey extension, construction of a dormer window to the rear roof slope and the installation

of roof lights in the front and side roof slopes. The dormer room would be used as an occasional bedroom/child's play space.

The Committee received verbal representation from the owner/occupier of the property, Nicholas Morse; who stated that the proposal had been amended and had taken the Brockley Conservation Appraisal into consideration.

Members had no questions for the applicant.

The Committee received verbal and pictorial representation from the owner of number 136, Owen O'Connor and Clare Cowen Chair of the Brockley Society. Mr O'Connor distributed pictures to members showing photomontages of the proposed rear extension superimposed on the existing side elevation of the property with different types and colours of cladding. He queried a number of details within the planning report regarding measurements, materials, boundary treatments and drainage. The Planning officer argued against the images, stating that they misrepresented the distances between the properties and informed members that the extension could be built under permitted development. The officer also confirmed that the dimensions of the rear extension stated in the report were correct, contrary to the comments of the neighbour.

Ms Cowen challenged the officer's acceptance of a roof light on the front roof slope as it would be contrary to conservation appraisal guidance. Several groups of semi-detached properties that adjoin the application site have no roof lights and the front roof character of the street is largely untouched. Ms Cowan also cited a recent appeal decision in a nearby street where the Council refused a front roof light.

Councillor Adefiranye confirmed that there was no similar development in the vicinity and that a recent appeal decision supported the position of no roof lights in the front roofslopes of properties in this area. The Councillor also said that he found the side element of the single storey extension to be unacceptable. Councillor De Ryk agreed and said that stock brick would be a more suitable material than cladding.

Members queried the potential loss of privacy from the proposed clear glass in the door. The planning officer stated that the side opening was a door and not a window and further there would be no overlooking due to the intervening boundary fence.

Since there were no further questions from members, Councillor Till moved a motion to accept the officer's recommendation. It was seconded by Councillor Bourne.

Members voted as follows:

FOR: Councillors Amrani (Chair)

AGAINST Councillors Walsh, Adefiranye, Jeffrey, De Ryk, Till, Kennedy and Raven

RESOLVED: That planning permission be refused in respect of application No. DC/16/099151.

The meeting ended at 10.00pm.

Chair

16th February 2017

