

Committee	PLANNING COMMITTEE (A)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 11 MAY 2017

MINUTES

To approve the minutes of the meeting of Planning Committee (A) held on the 30th March 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 30th March 2017 at 19:30.

PRESENT: Councillors Amrani (Chair), Bourne (Vice Chair), De Ryk, Till , J. Paschoud and Walsh

OFFICERS: Max Smith – Planning Service, Paula Young – Legal Services, AThiru Moolan – Building Control, Andrew Rawlingson – Highways and Amanda Ghani – Committee Co-ordinator

APOLOGIES: Councillors Adefiranye, Jeffrey, Kennedy, Raven.

1. DECLARATION OF INTERESTS

Councillor De Ryk absented herself for Item 3 on the agenda so that she could speak under standing orders. Councillor Bonavia spoke under standing orders regarding the same item.

Councillor Hilton is no longer a member of Committee A but spoke under standing orders regarding Item 5 on the agenda.

2. MINUTES

Members approved minutes for 16th February 2017.

3. Sergison Cottage, Goffers Road, SE3 (Item 3 on the agenda)

The site has two planning permissions; one for the construction of a new house (DC/14/89117) and one for the construction of the same house including basement (DC/15/094940) submitted under S.73 as a minor material amendment to DC/14/89117.

The Planning Officer Max Smith outlined details of the 3 proposals for consideration by members; two approval of details and one non-material amendment. The two approval of details applications deal with Condition 3 – Construction Management Plan (CMP) of each permission. The non-material amendment (S.96a) is for a re-wording of Condition 16 of

planning permission DC/15/094940 in order to allow excavation works of the basement during the term time of All Saints School with the exception of a 3m exclusion zone as outlined in the CMP. Condition 3 of planning permission DC/15/094940 (house and basement) also contained a requirement for a structural method statement to be agreed, which had been added by members when approving the original permission. The key issue was the structural stability of the retaining wall during construction works and whether it would be safe to permit excavation works during term time.

The officer stated that whilst it was very unusual to deal with Approval of Details, (AoDs) at committee, this was due to over 40 objections received relating to the possible impact on the primary school adjacent to the site which sits 8m lower than the application site at the bottom of a retaining wall.

The level of public concern was reflected in the high number of members of the public attending committee.

The officer spoke about the CMPs and their review and approval by the Council's Environmental Health. He spoke about mitigation of noise and vibration with regards to the proposed piling and excavation work; highlighting Environmental Health's powers to use S.60 of The Control of Pollution Act 1974 if need be, through the method of piling and the installation of an acoustic barrier. The officer stated that the applicant had made an offer to not carry out any excavation work other than during the school holidays, with the exception of piling works, and to undertake the demolition of the existing building during the May half term. The Structural Method Statement has been reviewed by the Council's Building Control department and found to be acceptable. Works to the retaining wall would also be regulated by Building Control and require an agreement under the Party Wall Act between the applicant and the school before works can commence. Access and deliveries to the site, also included in the CMPs, have been reviewed by the Council's Highways Department and found to be acceptable.

The Committee received verbal representation and a written report from Mr and Mrs Patel (applicants). Mr Patel said that he had worked with the Planning Authority and the proposal reflects the Council's guidance. Before any work is undertaken Party Wall Agreements would need to be obtained. He stated that the foundations of the property are failing and the property has subsidence problems. A basement would alleviate the current weight distribution on the boundary wall and give it long term structural protection. Emergency remedial work was undertaken on the boundary wall 20 years ago; as a consequence All Saints School to the immediate south/east of the site, was relocated. All experts including the schools appointed surveyor agree the basement would be the best option. Mr Patel requested that members approve both CMPs and allow amendment of the condition.

Councillor Walsh stated that members were unable read and absorb Mr Patel's report during proceedings and that any documentation should have been tabled before the meeting began.

Councillor Amrani asked Mr Patel how construction of a basement will help the boundary wall?

Mr Patel explained that the house would sit on the basement foundations rather than add load to the wall as it does now.

The Committee received verbal and written/pictorial representation from Debbie Thompkins (Headmistress of All Saints School) and Dr Adam Baron (a parent) who spoke on behalf of the objectors. Ms Thompkins highlighted the issues concerning the proposals on the school;

due to the differing land levels, the basement would sit above the school and the boundary wall which is approximately 2 stories high on the school side, is built very close to the school building. An egress (for 5 classes of children) with a pinch point width of 1m runs adjacent to this wall. Whilst the objectors appreciated that changes had been made to the CMPs, it was felt that no time has been given for independent surveyors to check these changes. The school children need an uninterrupted and safe education space and because of this the objectors wish the wording of Condition 16 to remain as is. Dr Baron stated that there was an unacceptable element of risk to the children if members approved the recommendations as no building site is 100% risk free. There is nowhere to decant the school whilst work takes place. Whilst he conceded that the end result would mean less weight on the wall, the wall is not failing at present.

Councillor Paschoud asked the planning officer if a full planning history is on the report as it only goes back to 2015, whilst the “wall problem” began in 1996. He explained that the historic wall repair would not have required planning permission and hence would not appear in the report.

Paula Young (Legal) reminded members that the site has planning permission and that this meeting was looking at the discharging of conditions. Structural issues are not planning matters, but is a matter for Building Control. If Members do not make a decision, the applicant has the right to serve the council with a notice requiring deemed discharge of the conditions; deferral is not an option. She stated that the council would very likely lose any subsequent appeal and have to pay costs.

Councillor Walsh enquired as to the financial cost of decanting the school to another site, but was informed that no such costing had taken place since there was no such site available. The Councillor also asked what stress tests had been done to make sure the CMPs were sound.

AThiru Moolan (Building Control) said that no building control applications had been submitted as yet and it would be premature to expect one. He agreed that the wall would be much safer post-work and that the wall is deteriorating over time. The past remedial work sunk anchors horizontally into the ground to hold the wall up on its inside. He explained that the proposed piling method would be continuous; a screw would dig down into the ground immediately followed by concrete being pumped into the hole. In his opinion, this is best practise regarding piling as it causes less vibration than other methods. If work was to be done only during school holidays, there would be a risk of water pooling (weather dependent) which could have an adverse effect on the wall. Installation of a pump could mitigate this problem. However, a stop start approach to construction increases risk. He asked whether the applicant would agree to piling being done during the half term holiday and the main works in the summer holiday.

The committee received verbal representation from Councillors Bonavia and De Ryk who spoke under standing orders.

Councillor Bonavia spoke about Condition 16, saying that it was included as a safeguard. He agreed that works need to be done but asked members to keep the condition as is, in place. Councillor De Ryk informed the committee that since she had not sat on the previous two applications presented to committee she did not feel it was right to be sitting on this one. She concurred with Councillor Bonavia’s position regarding the condition.

The committee received verbal representation from the applicant’s structural engineer who agreed that piling could be done over the half term holiday and that there was no need to

restrict the works. The piling rig could be kept out of a 3m exclusion zone and so would have no effect on the wall.

Debbie Tompkins interrupted the structural engineer and said that according to –the CMP document it would take one month to pile and one month to excavate.

Councillor Walsh asked the structural engineer how sure he was that nothing would go wrong and that an accident would not happen.

The structural engineer replied that as the lead structural engineer of the project, if he was in any doubt, he would not sanction the work.

Councillor Pascoud asked what has changed that now makes the wording of Condition 16 unfit.

Paula Young (Legal) replied that the information which has now been provided, satisfies officers and would not need the attaching of such a condition.

Max Smith (planning) argued that the CMP checks and balances have been undertaken by relevant experts.

Both Councillors Walsh and Bourne wanted further information and a review of the structural details by an external expert as they felt they were not getting the answers they wanted.

Finally, the committee received verbal representation from Sara Williams the Executive Director of Children and Young People (Lewisham Council). She informed members that she did not question the advice given by her colleagues in other departments. However, she stated it would not be right to keep children on site during construction operations if there is even a small element of doubt that something could go wrong. A breach of the wall's integrity could be very grave.

Councillor Amrani summed up what members needed to consider and reminded them that they would be voting on the three proposals.

Proposal 1. – With basement

Cllr Walsh moved a motion to reject the officer's recommendation. It was seconded by Councillor Bourne.

Members voted as follows:

FOR: Councillors Amrani (Chair), Walsh, Bourne and Till

AGAINST: None

ABSTAINED: Councillor Pascoud

RESOLVED: That approval of the submitted details for condition 3 of planning permission DC/15/094940 be refused due to insufficient information being provided regarding the impact of the works on the retaining wall to demonstrate that there would not be an adverse impact on the wellbeing of children and staff at the school.

Proposal 2 – without basement

Councillor Till moved a motion to accept the officer's recommendation. It was seconded by Councillor Walsh.

Members voted as follows:

FOR: Councillors Amrani (Chair), Bourne (Vice-Chair), Till, Walsh and Pascoud

AGAINST: None

RESOLVED: That approval of the submitted details for condition 3 of planning permission DC/14/89117 be granted.

Proposal 3 – vary condition 16

Councillor Walsh moved a motion to reject the officer's recommendation. It was seconded by Councillor Till.

Members voted as follows:

FOR: Councillors Amrani (Chair), Bourne (Vice-Chair), Pascoud

AGAINST: None

RESOLVED: That approval of a non-material amendment to vary condition 16 of planning permission DC/15/94940 be rejected.

4. Highfield House, 28 Sydenham Hill, SE26 6TP (Item 5 on the agenda)

The planning officer outlined details of the application for 40 'extra care' flats for the elderly in a new building of between three to five storeys, following the demolition of an existing care home. He spoke of the area being of special character, the scale and bulk of proposal, its impact on a locally listed building, and the effect of the proposal on amenity space to neighbouring flats, the impact of additional car parking, the quality of proposed accommodation and the outlook on to the communal areas. The officer appreciated that the proposed housing was for residents with special needs and as such the principle of special care accommodation was fine.

The application came to committee on five grounds for refusal 1. Design, scale and bulk, 2. Impact on locally listed building, 3. Standard of accommodation, 4. Overbearing impact on neighbours and 5. Impact on overspill parking on neighbouring streets. The wording of two of the reasons for refusal was clarified. It was called in for a committee decision by Councillor Hilton.

Councillor Walsh enquired as to whether any pre-application advice had been sought by the applicant. The officer stated that it had. Pre-application advice stated that the principle of the building to the side of the existing locally listed building would be considered acceptable subject to scale, bulk and relationship to the surrounding area. At pre-app stage the proposal was considered by officers to be excessive in terms of scale and bulk. The applicant did not want to reduce the scale of the proposal.

The committee received verbal representation from Peter Dickeson from PD Architects and the applicant James Parkhurst. Mr Parkhurst claimed that the two pre-application reports from the planning authority which he expected to receive were not forthcoming. He outlined that the applicants, Abbeyfield Housing Society who have owned the site since the 1980s are a non-profit organisation. The site has been used as a care home but was considered

unviable and closed in 2014. He considered the proposal well designed, specialist accommodation which would support an increasing elderly population. It would help in alleviating bed-blocking which is a problem experienced in the NHS. He stated that the proposal would not be financially viable if there was less than 40 flats on site.

Peter Dickeson informed members that the proposed design is based on best practice for dementia care and these requirements for such care should be taken on board. The flats would be large and wheelchair accessible with good levels of day/sunlight and support facilities. The flats, recreation rooms and corridors would be heated and the outdoor space secure and enclosed. Highfield House would be retained and restored. There have been no objections from the Sydenham Society. The front of the building would be 3 stories high and the rear would be 5 stories. The lack of car parking reflects the needs of the residents who would not own a vehicle and the staff who would be expected to use public transport to get to and from work.

Discussions between members and Messrs Parkhurst and Dickeson took place regarding the flats being 100% affordable, the brise soleil detailing of red cedar panels, loss of trees and views from the flats.

Councillor De Ryk applauded the principle of the scheme but said that officers concerns should be taken seriously and to her the proposal seemed overbearing.

Mr Parkhurst replied that the scale of the development is led by the number of units needed to make the development viable and 40 is the minimum number in this instance.

The committee received verbal representation from Deborah a resident at Flat 1 Leamington Court, and Mr Qureshi a resident from Porlock House on the Sydenham Estate. Both blocks of flats about the application site.

Deborah informed members that the proposed balconies would overlook her shared amenity space. Mr Qureshi spoke about the adverse impact of extra parked cars with regards to visiting family and friends. He stated that the proposed development would appear overbearing and affect his flats access to daylight/sunlight. He said that the existing building was less obtrusive and noticeable from the street. He stated that the given height of the building was misleading.

The committee received verbal representation from Councillor Hilton who spoke on standing orders. The councillor stated that she is the local councillor for this area. She informed members that there are a number of blocks of flats in the road that range in size. She believed that the large site size could acceptably absorb the bulk of the development. If the development was stepped down at the rear, it would mean the loss of one of two lifts being proposed, which would be unacceptable. She pointed out that the Sydenham Society had no objection to the proposal.

Councillor De Ryk said that she had not seen a viability assessment and that there should be another round of consultations to deal with the proposal. Whilst Mr Parkhurst didn't see the virtue of another consultation, Councillor Walsh agreed with Councillor De Ryk, who saw a need to defer and give officers the opportunity to negotiate amendments and further information to support the scheme. These include viability information to support the contention that 40 units were the minimum that could be provided, potential design tweaks to reduce the potential impact on neighbours, reconsidering the internal courtyard and examining further the highways impact on neighbouring streets.

Councillor De Ryk moved a motion to defer recommendation it was seconded by Councillor Walsh.

Members voted as follows:

FOR: Councillors Amrani (Chair), Bourne, De Ryk, Walsh Pascoud and Till.

AGAINST None.

RESOLVED: That the application No. DC/15/094733 be deferred to give officers the opportunity to negotiate some improvements.

Councillor De Ryk left the meeting at 10.20

5. 274 Brockley Road, SE4 2SF (Item 4 on the agenda)

This application was considered by members at the Planning Committee A held on 5th January 2017. It was resolved that the determination of the application be deferred to allow further negotiations to take place regarding the disproportionately large windows in the front elevation, in the hope that a more sympathetic design could be achieved.

The Planning Officer outlined details of the new windows which members approved.

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

Members voted as follows:

FOR: Councillors Amrani (Chair), Walsh, Till, Bourne and Pascoud.

AGAINST None.

RESOLVED: That planning permission be granted in respect of application No. DC/16/097427.

The meeting ended at 10.25pm. Chair

30th March 2017