

Committee	PLANNING COMMITTEE (A)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 05 JULY 2018

## MINUTES

To approve the minutes of the meeting of Planning Committee (A) held on the 12<sup>th</sup> April 2018.

### LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (A) held in COUNCIL CHAMBER, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU on 12<sup>th</sup> April 2018 at 19:30.

PRESENT: Councillors Amrani (Chair), Paschoud (Vice Chair), Adefiranye, Till, Kennedy, Raven and Walsh.

OFFICERS: Richard McEllistrum – Planning Service, Paula Young – Legal Services, Samuel James – Committee Co-ordinator, Russell Brown – Planning Officer

APOLOGIES: Councillor De Ryk, Councillor Jeffrey

Meeting Commenced at 19:35.

#### 1. DECLARATION OF INTERESTS

Councillor Raven Declared an interest in Item 3 as she is a member of CLASH (Campaign in Lewisham for Autism Spectrum Housing). Item 3 relates to housing provision for those on the Autism spectrum, for which CLASH are a stakeholder. Cllr Raven dismissed herself from the committee table for the duration of that item and sat in the stalls.

#### 2. MINUTES

Members approved the minutes for Committee A, which was held on 01<sup>st</sup> March 2018.

#### 3. 30-32 Stanstead Road, SE23 1BW (DC/17/103186) (Item 3 on the agenda)

The presenting Planning Officer Richard McEllistrum explained the details the existing site which is currently a vacant open grassed area corner plot fronting Stanstead Road and Rojack Road.

He outlined the details of the proposal which would comprise the construction of a part 2, part 3 storey building providing 4 x 1 bedroom self-contained flats together with associated landscaping, cycle and refuse storage. It was noted that the proposal is for an unrestricted C3 residential usage, but that the immediate intended occupants would be those on the autism spectrum, with no live in carers.

He went on to mention that the Council had received 52 letters of support, and 29 letters of objection to the proposal.

The presenting officer stated that on a balance, the benefits of the scheme were considered to outweigh the loss of open space, and that the proposal had been recommended for approval, subject to 10 conditions.

Questions from Councillors followed:

Cllr Paschoud asked whether any of the letters of support came from local residents who wanted the land built on, or if they were just supporters of the scheme due to the need for housing for those on the autism spectrum. The presenting officer stated that he could not answer, as the information was not in front of him, but explained that specific weight is not given to the quantity of letters in support of a scheme by officers, and as such the number of letters received did not influence officers recommendation.

Cllr Walsh asked if any traffic control/calming measures had been proposed, as they know the road well and it is used as a 'rat-run', and there could be safety issues for future residents. The presenting officer stated that he wasn't aware of any proposed measures, and that the Council's highways officer had raised no objections to the scheme.

Cllr Adefiranye noted that one of the main objections to the scheme was that the proposal is incongruous with the area, particularly due to its height, and asked whether the planning department saw this as an issue. The presenting officer noted that the proposal is not in a conservation area, so there is a different type of consideration applied in regard to the character of the area and thus a different approach to design. He also explained that there is a range of context existing in the surrounding area, particularly on Stanstead Road, with examples of contemporary and three storey buildings further along the street. It was also noted that larger buildings can often be more appropriate on corner plots, as is the case with this proposal.

The applicant was next invited to speak in support of the application. Representing the applicant was John Silverman of Birnbeck Housing Association, and Irene Craik the architect of the scheme.

John Silverman outlined that the occupiers of the proposed housing would be individuals with autism spectrum disorders who are not eligible for care. He stated that these individuals have low level support needs, and the occupants will be selected from a waiting list of 20 requiring homes.

The homes would be normal, secure and affordable homes for life for the future occupiers, but have been designed with the provision of specialist housing for those on the autism spectrum in mind.

With regard to design, they stated that it was a fitting book-end design, which respects existing building lines and had been designed whilst working closely with the Councils design team, as well as responding to initial objections.

They went on to note that the intended future occupiers would not have cars, and that there would only be a carer present for a total of 8 hours each week so the impact on local parking stress and traffic would not be harmful.

Questions from Councillors followed:

Councillor Walsh stated that the rear elevation was blank and stark, and asked why this design was chosen. The architect stated that it had been to protect the privacy of neighbours and to keep the design simple.

Councillor Paschoud expressed concern over the massing and scale of the proposal, and stated that it would create an uncharacteristic corner property. It was then asked why the building needed to be so large for just four occupiers. The architect's response was that the flats had been designed to have a good standard of accommodation and with a communal living area. They are 1 bed flats and not studios, if the minimum standards had been followed then 8 flats could have been accommodated.

Next Nikki Herring, a local resident, spoke in opposition against the proposal. She stated that the objectors were not against the end purpose of the property (as housing for those on the autism spectrum), but that they were focussing on planning policy, which they believe the proposal is contrary to.

Concerns raised include the design: its excessive height, massing and scale; the continuity of the terrace would be broken; materials do not match the area, and the development would be incongruous, failing policies DM30 and DM31. The false window was identified as a particular issue, being ugly and more characteristic of an office block. They felt the site was too small to fit the brief, and the building was being squeezed into the site.

Also raised were issues of overlooking and poor standards of internal accommodation. They quoted policies DM32 and DM33 and why in their opinion the proposal was contrary to these. They disagree with the officer's report in these respects, the height and massing would divert from the character of the street.

They believe that the proposal was being given special treatment, and stated that this would set a dangerous precedent. It was also noted that they disagree with the fact that the future occupiers are unlikely to have a car.

No questions followed.

Councillor Egan, a cabinet member for housing in the borough, spoke under standing orders in support of the scheme.

He thanked CLASH, and went on to state that there are a lot of groups of people in the borough who currently require housing. Specifically there is a lack of housing for those with Asperger's, and stated that Mayor and Cabinet support the scheme in principle. In his opinion it is a sympathetic design. He stated that should this scheme be approved then Lewisham would be a leading authority in providing this kind of housing.

The presenting planning officer responded to some of the objectors comments, including an explanation of how the context of the built environment at any site is considered, including in this instance that further up the street there were example of larger buildings, and the character of the street does not come from just the properties immediately surrounding, furthermore that corner plots often have a different level development potential. He stated that the rooms had good levels of natural lighting, and had been assessed against the relevant policies and found to be acceptable overall.

Questions from members to the presenting officer followed:

Councillor Walsh stated that he found the scale and massing to be appropriate, due to its siting on a corner plot, but raised issue with the rear elevation due to its blankness and the

false window and asked what could be done to improve this. The presenting officer stated that some kind of screen or detailing could potentially be added and suggested that a condition could be added to the permission requiring details of this to be submitted to the planning department for approval.

Councillor Paschoud stated that she did have an issue with the massing, and that the bulk and height of the 2<sup>nd</sup> storey would be incongruous and out of character. She raised concern over the way the proposal had been referred to by officers as ordinary housing, but the living room was a feature designed specifically for those with Asperger's, and that is why the scale was so large. She was concerned that the proposal had been designed for a client group, but that this was not being fully acknowledged by officers. In her belief the intended end-user had blurred the acceptability of the proposal.

Richard McEllistrum, the presenting officer, replied by ensuring members that officers had given no special treatment to the proposal. He stated that the application has been assessed as standard C3 residential accommodation, that this is set out clearly within the report, and that if the intended end user had not been for individuals with Asperger's then this proposal would still be recommended for approval as a standard Use Class C3 residential accommodation.

He also stated that one of the reasons for the height of the proposal was likely to be due to the modern minimum floor to ceiling heights prescribed in the London Plan.

He concluded by stating the proposal had been recommended for approval on its own merits, as a C3 residential unit.

Deliberations from members followed and Councillor Kennedy moved a motion to accept the officers' recommendation and grant the scheme, which was seconded by Councillor Walsh.

Members voted as follows:

FOR RECOMMENDATION: Councillors Amrani (Chair), Adefiranye, Kennedy and Walsh.

AGAINST RECOMMENDATION: Councillors Paschoud (Vice-chair), Till

ABSTAINED: None

RESOLVED: Grant the application, as per the officers' recommendation, and subject to a revised or additional condition relating to screen / detailing to the upper floor window void..

#### 4. 54 Avonley Road, SE14 5EW (DC/17/103958) (item 4 on the agenda)

Richard McEllistrum, the presenting officer, outlined the facts of the proposal and reminded members that they had previously deferred the decision for this application when the case was heard at the Committee A held on 16<sup>th</sup> of January 2018, pending submission of further details in respect of emergency vehicle access to the site, the proposed lighting, management of car parking on site. He stated that this information had now been submitted, including consultation responses from the London Fire Brigade, tracking/swept paths for fire trucks, the addition of sprinklers to properties, proposals for parking management (1 space for each property), and a lighting schedule.

He stated that this information was considered acceptable and officers were recommending the scheme for approval.

Councillor Walsh raised concern over the management of parking, and asked what physical barriers had been proposed to manage illegal parking which may impede access during an emergency situation, as was requested at the last committee where this was heard. The presenting officer stated that he did not have the specific additions in front of him, but that a hard landscaping condition would form part of the permission, which would ensure these were added if not already.

The committee then received verbal representation from the applicants' representative Johnny Horne, who was supported by the agent, Barry Cansfield, and their transport consultant Peter Caneparo.

He argued that the concerns from the previous committee had been addressed: sprinklers had been installed and the Fire Brigade had been consulted, and were satisfied that the properties could be serviced in an emergency.

With regard to parking, he stated a survey had been carried out at 2am on a Wednesday and a Thursday and the results showed there is capacity. Further to this double yellow lines would be added close to the site entrance to ensure access would not be impeded in an emergency.

He stated that the parking management, access signage and lighting schedule would be implemented as shown on the plans and secured by way of condition.

He added that the proposed refuse storage capacity exceeded the recommended volume. He concluded by stating he hoped the committee was satisfied with the additional information.

Questions from members followed:

Councillor Paschoud asked which properties had sprinklers, and the applicant replied all of them would. She then asked whether these would be set off by normal cooking, to which it was replied that they were specifically designed for residential properties so this would be unlikely. Chair Amrani sought further confirmation that the sprinklers would be installed, and the applicant confirmed they would be.

Bill Randle, an adjoining neighbour who spoke in objection at the last committee, spoke on behalf of the scheme's objectors. He stated that the proposal had many flaws with regard to its design, overlooking issues, parking management, refuse storage arrangements and emergency vehicle access. He stated that a similar proposal with a larger access to this was recently refused by the Council. He suggested there was not enough time to raise all of the concerns he and the other objectors have against the scheme. Quoting Policy DM33 he stated that the proposal would be against the provisions of this due to its unsafe access, its impact on neighbouring amenity, lack of security, over dense development, and unsympathetic design.

In response to the objector, the presenting officer stated that with regard to Policy DM33, officers consider the amenity and highways impacts are considered to be acceptable. He reminded the committee that the Fire Brigade had said the access arrangement are acceptable and that the parking and highways issues would be dealt with and managed by the Council's highways team. He also reminded the committee that the existing use classification of the site is an unrestricted industrial (B2), which is classified as heavy

industrial activities that are generally not acceptable in residential areas, and do or would generate larger vehicle traffic themselves.

Questions from Councillors followed:

Councillor Paschoud stated that the houses, as single family dwellings, should have garden waste as well as food waste bins, as per current Council policy. The presenting officer stated that he was aware that the Council's refuse policy had recently been changed. Nonetheless officers were satisfied with the proposed arrangement and this would be secured by condition.

Councillor Walsh sought further clarification on emergency access arrangements, and how the parking would effectively be managed to mitigate any issues. He was concerned that the arrangement was still unsafe, and questioned whether the Fire Brigade had been given all of the necessary information before raising no objections. The presenting officer reiterated that the Fire Brigade had been consulted and found the arrangement to be acceptable.

Councillor Walsh noted that the length of a standard car (4.8m) had been used in the swept path models for emergency vehicle access, and asked what could be done to stop a longer vehicle which would overhang the bay from parking there. The presenting officer replied that this was the standard length of a vehicle parking space that is worked to and is stuck to. To consider longer vehicles then we would need to change the standard.

Councillor Adefiranye questioned the validity of the letter from the fire brigade and asked whether the letter had been received by the planning department or by the developer and the forwarded to the department. The presenting officer clarified that the letter had been received by the planning department, and that it was considered to be sufficient evidence that the proposal would be accessible in an emergency situation.

Regarding the proposed parking permit system, Councillor Walsh asked if it was the developer who had suggested this and who the permit fee would be paid too. The presenting officer stated that he was not sure who had proposed the permits, but that generally the planning department would not get involved at this level.

Councillor Amrani summarised the debate, and reminded members that they had previously deferred this decision, and that they were only assessing the additional information that had been presented. Councillor Paschoud moved to accept the officer's recommendation, which was seconded by Councillor Kennedy.

Members voted as follows:

FOR RECOMMENDATION: Councillors Amrani (Chair), Paschoud, Kennedy, Raven, Till and Walsh.

AGAINST RECOMMENDATION: Councillor Adefiranye

ABSTAINED: None

RESOLVED: Grant the application, as per the officers' recommendation.

***There was a 5 minute comfort break before the next item.***

5. Unit 3 Ashby Mews, SE4 1TB (DC/17/104640) (item 5 on the agenda)

The presenting officer outlined the facts of the case as a change of use of a Gallery (Use Class B1) to a Live/Work unit (sui generis). He stated that there were several examples of live/work units in the immediate vicinity, and that the development was acceptable in planning terms and had in numerous instances recently been considered to be acceptable in the local area. The proposal had been recommended for approval by officers.

Councillor Adefiranye sought clarification on the existing and proposed uses and asked whether a site visit had been carried out and when. The presenting officer clarified the proposed use would be live/work ancillary to each other, and the existing approved use was as an artist gallery/studio and that a site visit had been carried out – he also stated that the property was the subject of an enforcement case, and an enforcement officer had also visited.

Councillor Paschoud raised concern that the introduction of a residential dwelling to a generally industrial area may have a negative impact on the continued functioning of the area as industrial because residents may complain about disturbance from the industrial units, which could lead to their loss. The presenting officer stated that other units within the immediate area have permission for residential usage already. Furthermore the area is of generally light industrial usage, which is not as noisy as other heavy industrial uses.

Councillor Till asked whether there were restrictions to the proposed working hours and whether this could be conditioned. The presenting officer stated that it could potentially be conditioned.

Christina Brandenburg, the agent for the application then spoke in support of the scheme. She started by reminding the committee that there are existing live/work units on Ashby Mews.

She stated that the applicant and current owner had owned the unit for 7 years, and is looking to move on, but all interested parties desire a live/work unit, as the existing gallery usage is very specific to the current owner.

They confirmed there would be no external alterations, and there is a already kitchen and bathroom at the unit. They believe the proposal would fit in well with the area.

They stated that the Council's enforcement team had confirmed the unit is not currently in residential usage and that a Non Material Amendment permission had been granted for external alterations in 2015. She concluded by stating the proposal exceeds all minimum standards of internal accommodation for a residential dwelling.

Councillor Adefiranye asked whether the existing usage of the gallery was for 24 hours a day. The applicant's response was that the hours of use had never been restricted at the unit. The Councillor then asked if the unit was currently used as a dwelling, as he suspected it was, to which the applicant replied it was not.

Councillor Walsh stated that there would be a legal obligation based on the 1996 Noise Act to limit noise between the sensitive hours of 11pm and 5am. He then sought clarification that there were no external alterations, which was confirmed to be correct.

James Paul and John Morgan both spoke in objection of the scheme as near neighbours to the property.

James Paul acknowledged that Units 1, 2, 4 and 5 currently have permission for use as a live/work units but stated that unit 3 (the application property) is unique because it directly adjoins a residential garden, and has openings directly onto that garden. Further to this they stated that currently there are often lights on at the property all night, which causes quite harsh light pollution out of the rooflights, he suspects people are already living there.

He requested conditions to block up the door and window which open into his property, as these directly overlook his garden, and effectively cause trespassing on his land. The applicant claims the window is fixed shut but it is not.

Some photographs showing the open window, as well as a print out of what appeared to be a web-page marketing the unit as a residential unit were distributed to Councillors and officers.

He concluded by asking the committee to ensure proper means of emergency escape and to impose the requested condition.

John Morgan stated that the unit is currently being used as a residential unit, and the application was only submitted after his intervention. He stated that the windows overlook his garden, and claimed the agent had lied to the committee when speaking.

Councillor Till asked who owned the fence shown in the photographs belonged to (which was adjacent to the window openings), to which James Paul replied it was him.

Councillor Walsh stated that the windows opening onto neighbouring land was a civil dispute, and only the planning considerations can be considered. He raised concern over the lightspill issue that had been raised, as well as heat loss and overlooking from those windows.

Questions to the presenting officer from members followed:

Councillor Paschoud raised concern, based upon the marketing web page presented by the objector, that the unit is currently being used as only residential, and queried what would stop the future owner using the property is purely residential. The presenting officer stated that it would be a condition of development that it is retained as a live/work mixed use class unit. The councillor followed up by asking if officers would investigate in the future to ensure the mixed use, to which the officer replied any enforcement complaints would be investigated.

Councillor Walsh sought clarification on the window positioning, and the officer obliged, by bringing up the elevation drawing on the screen. Councillor Walsh then asked if a condition could be added to frost the windows to which the presenting officer stated that the change of use would be unlikely to result in any additional lightspill or overlooking, so that would not be appropriate. He also noted that residential lighting is likely to be less intense, with lower illumination levels than that use in a gallery/studio, so the impact would likely be lessened due to the change of use.

Councillor Walsh then asked what could be done about the boundary dispute issues. The presenting officer replied that this matter was not material to the matters to be decided by members within this application.

Councillor Adefiranye sought confirmation as to whether the enforcement case (EC/15/00266) highlighted in paragraph 2.4 of the committee report was related to the host property, the officer confirmed it was. He then went on to state that the nearby developments

shown in the relevant planning history section of the report had all been completed by the same developer who is causing ongoing issues within the area, which is a conservation area. He suggested the committee all go on a site visit to the property, so they can see for themselves exactly what is going on there.

The presenting officer replied that officers had undertaken site visits, and that it was not a material consideration of this application whether or not the property is currently being used unlawfully. What was of relevance was the use proposed within this application.

Deliberations from members followed where they discussed that this was an enforcement and not a planning issue.

Councillor Paschoud asked the Council's legal representative whether members could consider the boundary dispute, as it seems odd that they couldn't. The Council's Legal officer stated that these were private legal disputes rather than planning matters, because this application is considering only a change of use.

Councillor Kennedy accepted that the boundary dispute and enforcement issues were not planning considerations, but stated that they were still alarming. He asked whether the planning department would refer the property to the relevant authority within the Council. The presenting officer reiterated that the boundary dispute was a private matter, but that this would be verified with building control.

Councillor Paschoud moved to accept the officers recommendation for the change of use with the caveat that there is a lot of concerning information that has come to light about the property, and requested an informative be added to the permission that the relevant Council authorities be made aware of these.

Councillor Kennedy seconded the motion.

Votes as follows:

FOR RECOMMENDATION: Councillors Amrani (Chair), Paschoud, Kennedy, Raven

AGAINST RECOMMENDATION: Councillor Adefiranye

ABSTAINED: Councillor Walsh

RESOLVED: Grant the application, as per the officers' recommendation, and including an informative stating that officers within the Council will review again what powers they have or do not have in regard to the areas of concern raised in this debate.

Meeting Closed at 21:50.