

Committee	PLANNING COMMITTEE (A)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 01 NOVEMBER 2018

## MINUTES

To approve the minutes of the meeting of Planning Committee (A) held on the 27<sup>th</sup> September 2018.

### 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 27<sup>th</sup> September 2018 at 19:30.

PRESENT: Councillors Paschoud (Chair), Bernards, Curran, Ingleby, Maslin and Sorba

OFFICERS: Michael Forrester – Presenting Officer Planning Service, Elisabeth Glover-Planning Service, Felicity Tait – Planning Service, Kheng Chau – Legal Services and Georgia McBirney – Committee Co-ordinator

APOLOGIES: Councillors Amrani, Holland and Campbell

#### 1. DECLARATION OF INTERESTS

There were no declaration of interests.

#### 2. MINUTES

The minutes of the meeting Planning Committee (A) held on the 16<sup>th</sup> August 2018 were agreed.

#### 3. 49 Beaulieu Avenue, SE26 2PN (Item 6 on the agenda)

The presenting officer outlined that the application is for the construction of a 2 storey extension to the side and replacement of the single storey extension at the rear of 49 Beaulieu Avenue, SE26, together with a new canopy and balustrade to the rear first floor terrace.

The presenting officer clarified that the property benefits from an existing extension and first floor terrace and explained that that gaps within the terraces are only visible when standing in front of the properties.

The presenting officer outlined that 4 objections were received. The objections were in regards to impact of the extension on the character of the terraces. The presenting officer explained that the proposed side extension would only really be visible standing in front of the application property and the proposal is not considered to be unacceptable in terms of design or impact on neighbouring amenity.

Councillor Ingleby asked for clarification on paragraph 7.24 in regards to the first floor terrace. The presenting officer clarified that terraces are not usually supported but as the proposal is replacing an existing terrace no objection is raised.

Councillor Curran asked what the original purpose of the gaps would be and whether access would be blocked. The presenting officer clarified that the gaps are just breaks in the terraces and the proposal is not considered to change the character and clarified that no access would be blocked as the access would be the same as the other properties within the terrace.

The committee received verbal representations from Gordon Osbourne who is the agent representing the applicants. Gordon Osbourne outlined that the extension has been designed to provide additional accommodation, the proposal is modest in scale and that terraces are a characteristic of the existing terraces.

Councillor Ingleby asked for clarification on the proposed materials. Gordon Osbourne confirmed that the materials would be brickwork and hanging tiles.

The committee received verbal representations from Roberto Polizzoto. Roberto Polizzoto outlined that his objection was in regards to the closing of the gap between the terraces and the impact that this will have on the character of the street, concern with the maintenance of the side wall, parking concerns and concerns over a tree which in on the boundary.

Councillor Bernards asked the objector if there were any concerns over the ownership of the land apart from the ownership of the tree. Roberto Polizzoto stated that he hasn't seen the ownership certificate but he does not have any issues from his side.

Councillor Paschoud (Chair) states that the tree has not been included in the description of the application. The presenting officer clarified that the application does not include the removal of the tree and the permission is not required for the lopping of this tree.

Councillor Sorba asked if the tree is on both neighbours land how do we arbitrate. The presenting officer stated that the tree would only be in one neighbour's ownership.

Councillor Ingleby asked is there are any parking issues. The presenting officer clarified that the proposal is an extension to a single family dwellinghouse so it is not considered to result in any parking issues.

Councillor Curran asked if the protection of the tree could be conditioned. The presenting officer clarified that the tree is not a protected tree and due to the scale of the proposal this condition would be considered to be onerous for the applicant.

Councillor Bernards moved a motion to accept the officer recommendation. The motion was seconded by Councillor Maslin.

Members voted as follows:

FOR: Councillors Bernards, Maslin, Curran, Ingleby and Paschoud (Chair).

ABSTAINED: Councillor Sorba

RESOLVED: That application DC/18/106629 be approved.

#### 4. 1 Silver Road, SE13 7BQ (Item 3 on the agenda)

The presenting officer outlined the details of the case for the demolition of existing buildings (Axion House), 1 Silver Road, SE13 and the construction of buildings ranging from ground level plus 4 to 15 storeys in height, to provide 136 residential units, and flexible B1/A1/A3/D2 commercial uses, associated landscaping works, vehicular access, cycle and car parking (Amended description - revised scheme).

The presenting officer highlighted that the application site is within Lewisham Town Centre and the application site is not an allocated site. The presenting officer explained the layout of the proposed scheme and that explained that at the 5<sup>th</sup> storey that the building would split with the tallest tower to the south.

The presenting officer also highlighted that the scheme has been revised as it was originally submitted with 153 units and due to concerns with daylight and sunlight this was reduced to 136 units. It was also explained by the presenting officer that the scheme would provide 9.8% of the current new units target and explains that this target is increasing. The presenting officer explained the network rail access to the site and the scheme relationship with the Ravensbourne River.

The presenting officer outlined that 242 objections had been received which are outlined in paragraphs 5.10- 5.11 of the report. The presenting officer also outlined that 162 signature petition was received and that the Ladywell Society object to the application.

The presenting officer highlighted that due to re-design of the scheme that the scheme is proposing 28 affordable homes and that the applicants submitted viability review has been agreed with by the Council's viability consultants, Urban Delivery and has also been reviewed by the GLA.

The presenting officer outlined that the application is subject to Section 106 Contributions and a viability review mechanism.

The presenting officer outlined that a second affordable housing offer has been presented to Members in the addendum, which would provide 30 London Living Rent units. The presenting officer outlined that second affordable housing offer is not supported by officers.

Councillor Paschoud (Chair) asked whether it was only the affordable housing contribution in the addendum which is not supported by officers. The presenting officer confirmed that only the affordable housing contribution in the addendum is not supported and that the Planning Obligation amendments are supported by officers.

Councillor Sorba asked whether the land at the application site would be publically accessible. The presenting officer confirmed that the land is privately owned and would be accessible to the public and also highlighted that the land could be sold and any changes to the access of the land such as gates would require planning permission.

Councillor Ingleby asked for clarification in regards to 5.27 of the report which outlined that the GLA stage 1 response highlights that the proposal does not comply with the London Plan. Elisabeth Glover – Planning Officer clarified that the GLA stage 1 report

was in response to the original submission before the application was revised and that discussion have been ongoing with the GLA.

Councillor Curran asked for clarification on public access and whether a proposed condition is in regards access being retained. The presenting officer outlined that the plans do not show that the land to be inaccessible and that Public Access Management Plans can be requested.

Councillor Bernards asked whether the Fire Brigade are required to be consulted due to the scale of the building. Elisabeth Glover – Planning Officer stated that the Fire Brigade had not been consulted but the applicant has been liaising with the Fire Brigade.

Councillor Curran asked what is the maximum acceptable height for a tower block on the application site. The presenting officer highlighted that the application is for ground floor level plus 15 storeys and that is what is under consideration.

The presenting officer highlighted that a pre-application was submitted for 20 storeys and the applicant was advised that this was not supported. Elisabeth Glover- Planning Officer also highlighted that an Impact Assessment was submitted with the application showing the tower with 12 and 20 storeys, 20 storeys was considered to be unacceptable and that 12 storeys reduced the design quality of the proposal.

Councillor Curran highlighted that views on design and height are subjective. The Chair reminded members that only the submitted scheme can be assessed. The committee received verbal representations Marlon Dean – DP9 Ltd on behalf of the applicant. Marlon Dean highlighted that the proposed affordable units would be genuinely affordable and that the family units would be have rents of £161 per week. Marlon Dean also highlighted that the application site is within an opportunity area, that the revised design is supported by the Design Review Panel and that the proposed building would be 21m from the nearest property.

It was further highlighted by Marlon Dean that the scheme would be publically accessible, play spaces would be provided on site, and that proposal has been subject to pre-application, public meetings and review by the GLA.

Councillor Paschoud (Chair) asked whether the affordable housing would be located throughout the development and whether it would be of the same design quality as the market units. Marlon Dean said that the affordable housing would be in one block as this is a requirement by registered providers and that the scheme would be tenure blind.

Councillor Ingleby asked for clarification on proposed cycle parking. Marlon Dean confirmed that 264 cycle spaces would be provided for the residential accommodation and 12 cycle spaces for the commercial units.

Councillor Curran stated that residents are concerned about loss of privacy and loss of light. Marlon Dean highlighted that the application complies with the required setbacks and that the shape of the building reduces the number of windows overlooking neighbouring properties.

Marlon Dean asked Nick Lane to respond on loss of light, Nick Lane highlighted that any development in London results in a change in light levels but that the change for this scheme is considered to be acceptable.

Councillor Bernards asked whether the separation of affordable housing increases inequality. Marlon Dean stated that registered providers prefer separate blocks as then they are not liable for service charges which are across the rest of the scheme. Marlon Dean highlighted that on the scheme the affordable housing units are closest to public transport and shops.

Councillor Paschoud (Chair) asked whether the registered provider has been confirmed. Simon Parker stated that the no formal agreement has been made to date. Councillor Curran asked a follow up question in regards to whether impact assessment has been submitted. The presenting officer confirmed that this was submitted but has not been included in the presentation.

Councillor Sorba asked whether the views and general environment of the affordable housing units are different from the market units.

Marlon Dean confirmed that the views would be the same and that the affordable units would be by one of the railway lines whereas the market units are by both railway lines. Craig Stececk confirmed that 87% of the affordable units would be dual aspect and the design is tenure blind.

The presenting officer highlighted that when the original larger scheme was submitted officers raised concerns in regards to loss of sunlight and overshadowing and that the scheme was been revised and the revised scheme is considered to result in an acceptable level of change.

Councillor Curran states that the proposal does not comply with BRE guidelines and that the character of the area is low rise suburban so there will be an impact on light. The presenting officer highlights that the application site is a town centre site and that the application would not be presented to committee if the light levels were not considered to be acceptable.

The committee received verbal representations from Allison Waldron on behalf of local residents. Allison Waldron was joined by Maria Darmon, Bill Jeffries, Brian Harrison and Patricia Gueria.

Allison Waldron firstly asked for clarification of the height of the building, Elisabeth Glover confirmed that is ground floor plus 15 storeys. Allison Waldron raise objections on behalf of local residents on the following grounds, the proposed building is out of keeping with the local area, the proposal would cast large shadows and result in a loss of light to the estate, increased flood risk, concern over train derailment, the area is densely populated, impact on social infrastructure and amenities, increase in crime, and infringement of privacy and quality of life of residents.

Councillor Curran asked the objector what evidence is there for the impact on flood risk. Allison Waldron stated that this is detailed on the Environment Agency website. The presenting officer highlighted that the river is not proposed to be widened and that the Environment Agency did not object to the application.

Councillor Maslin asked the objectors to clarify on the objection in regards to social infrastructure. David of Marsala Road highlighted the increasing pressures on local GP surgeries and hospitals and that the existing surgeries cannot cope with a development of this scale.

The presenting officer highlighted that all development is CIL chargeable, and that this is collected to go towards improved services as a part of the Councils wider strategy. Councillor Sorba asked whether the CIL figure for this application is adequate to

mitigate against the proposal. Councillor Paschoud (Chair) stated that CIL has statutory calculation.

In response to earlier questions in regards to loss of light and overshadowing the presenting officer goes through the submitted diagrams. Councillor Curran asks when the study was undertaken, the presenting officer confirms that the study was done on the 21<sup>st</sup> March and explains that the shadow is not static and moves throughout the day.

The presenting officer proceeds to explain the results from the 21<sup>st</sup> December. Councillor Paschoud (Chair) asks if any Councillors are speaking under standing orders. Councillor Johnston-Franklin spoke under standing orders and raised concerns in regards to affordable housing and the height of the proposal.

Councillor Johnston-Franklin states that the affordable housing contribution is too low and that the threshold for the shared ownership is not suited to local residents. Councillor Johnston-Franklin also outlined that the proposal would be situated in a low density area and as such the proposal is out of character.

Councillor Brown also spoke under standing orders to highlight that a registered provider has not been confirmed for the affordable housing units. The presenting officer highlighted that it is normal that registered providers are not secured prior to the granting of planning permission.

The presenting officer highlighted that the applicant as proposed two affordable housing offers and that the first offer is supported by officers. The presenting officer also highlighted conditions can be added in regards to public access.

Councillor Curran highlights that he is minded to move a motion to reject the officers recommendation due to lack of affordable housing, the proposal does not confirm with BRE guideline and the inappropriate massing of the proposal.

The presenting officer highlighted that the affordable housing contribution is subject to a viability assessment which has been reviewed by the Council and the GLA as such it would be difficult to sustain this refusal and that the BRE guideline are intended to be applied flexibly. Councillor Curran states that he acknowledges the point in regards to affordable housing.

Councillor Paschoud (Chair) asks if the motion is being seconded, Councillor Sorba asks if impact on social infrastructure can be included as a refusal reason.

The presenting officer comments that social infrastructure is included as a part of CIL and that TfL and highways have raised no objections. Kheng Chau – Legal Services advises that if impacts on social infrastructure is to be included as a refusal reason, substantive evidence will need to be provided to sustain this.

Councillor Curran moves a motion to reject the officer's recommendation as proposal does not comply with BRE guidelines and as massing of the proposal is inappropriate for the site. This was seconded by Councillor Sorba.

Members voted as follows:

For: Councillors Curran, Sorba, Bernards and Ingleby.

Against: Councillors Maslin and Paschoud.

RESOLVED: That application DC/17/102703 be refused as it does not comply with BRE guidelines and as the massing of the scheme is inappropriate for the site.

5. 152A Lee High Road, SE12 5PR

The presenting officer outlined the details of the case for the Application for the demolition of existing car garage and construction of part 3 and 4 storey building comprising 17 new dwellings and commercial space (Use Class B1) at ground floor and basement level with associated car parking, cycle parking, recycling and refuse facilities at 152A Lee High Road, SE13.

The presenting officer highlights that the application site is not within a conservation area. The presenting officer highlighted that 5 objections and an objection was received from the Lee Forum which are detailed in paragraphs 5.3 – 5.8.

The presenting officer detailed that the scheme would not provide any affordable units on site but a £60,000 contribution for off-site affordable housing is proposed and that the scheme would be subject to a viability review mechanism. The presenting officer also detailed that the separation distances are adequate, the proposal is not considered to have an unacceptable impact on daylight and sunlight and that the proposal is not considered to increase parking demand.

Councillor Curran asked for clarification on the overlooking and loss of light objection. The presenting officer highlighted that proposal would result in step change in urban form but as separation distance is adequate and due to the layout overlooking is considered to be minimised.

Councillor Curran asked for further clarification on whether the proposal would overhang the river and the proposed materials. The presenting officer confirmed that the proposal does not overhang the river and that materials would be secured via a condition.

Councillor Paschoud (Chair) asked how the affordable housing contribution works as £60,000 does not equate to one unit. The presenting officer highlighted that the contribution will go Council's funds for the delivery of housing.

Councillor Sorba asked whether Committee Members have the power for Section 106 contributions to be renegotiated. Kheng Chau- Legal Services stated that the application needs to be determined on the current offer.

The committee received verbal representation from David Stengel and Alex Wythe – bptw Partnership on behalf of the applicant. David Stengel outlined that 17 residential units and commercial units are proposed. It is outlined that 31 jobs would be provide in commercial units and that the residential units exceed the minimum space standards. David Stengel also highlights the other proposed contributions which include a contribution to a CPZ review.

Councillor Curran suggests that the balustrades on the terraces could be opaque. Alex Wythe states that all windows on the rear would be obscure glazed and that a screening can be added if considered necessary but highlights that terraces are 35m from the rear elevations of neighbouring properties.

Councillor Curran asks for clarification about the river ledge as to whether it's an ecological improvement. David Stengel states that proposed 'shelf' would include ecological improvements.

Councillor Ingleby asks whether a contribution is being made to the Cycle Super Highway. Davide Stengel confirms that a contribution would be made. The presenting officer highlights that proposed condition 28 is in regards to ecological enhancements.

The committee received verbal representations from Judith Humprey and David Collis in objection of the application. Judith Humprey raised concern in regards to sunlight and change in light levels, the validity of the submitted data as 16 windows were originally omitted from the report and as only winter data has been provided. David Collis also highlighted that it is difficult to have confidence in the data.

Felicity Tait – Planning Officer highlighted that originally some windows were not included in the report and this was highlighted to the applicant and this was addressed. Judith Humprey raised concern that not all of the data is available.

Kheng Chau – Legal Services advised members that if they are not confident with the data, the application can be deferred. Councillor Paschoud (Chair) asked if there is sufficient missing data as to defer the application, Kheng Chau –Legal Services advised it would be due to a lack of confidence in the data. David Stengel – bptw Partnership highlighted that all of the required data is in the submitted report and that no new data can be produced that is not already included in the report.

Councillor Ingleby asked for clarification as to which paragraph in the report discussed the missing windows, Felicity Tait – Planning Officer confirmed that this is discussed in paragraph 12.8 of the report.

Councillor Maslin moved a motion to accept the officer's recommendation. This was seconded by Councillor Ingleby.  
Members voted as follows:

FOR: Councillors Maslin, Ingleby, Bernards, Curran and Paschoud (Chair).

AGAINST: Councillor Sorba

RESOLVED: That application DC/177/099662 be approved.

6. Faircharm Trading Estate, Creekside, SE8 3DX (Item 5 on the agenda)

The presenting officer outlined that the application is for the installation of one internally illuminated free-standing sign mounted onto the building parapet, two externally illuminated fascia signs and two non-illuminated signs painted onto brick facade at the Faircharm Trading Estate, Creekside, SE8 3DX.

The presenting officer outlines the proposed signage and the location of the proposed signage. The presenting officer also outlines that no objection has been raised by the Council's Conservation Officer and that 4 neighbour objections have been received and these are outlined in paragraph 4.3 of the report.

Councillor Curran asks for clarification of when the signage would be illuminated. The presenting officer confirms that the sign A would only be illuminated during the day

and that signs D and E would be illuminated at night for security reasons. Councillor Curran asked whether light spill is a concern, the presenting officer highlighted that if conditioned that proposal can be considered to be acceptable. Councillor Curran asked whether the condition of 5 years can be reduced to 1 year. Kheng Chau – Legal Services highlighted that advertisement consent is usually for 5 years but this will be looked into.

The committee received verbal representations from Bolivar Marcon on behalf of the applicants. Bolivar Marcon highlighted that the graphic identity is important to the business and inspiration for the design has been taken from the industrial conservation area. Bolivar Marcon also highlighted that he is happy for sign A to be turned off at night.

Councillors Bernardes and Sorba asked for clarification as to whether the signs would be illuminated during hours of operation or dawn to dusk, as at different times of the year the days are shorter as such the signs would be off during operating hours. The presenting officer highlighted that sign A would only be lit during daylight hours.

The committee received verbal representations from Rowan on behalf of the Crossfields Residents Association. Rowan highlighted the main concern is in regards to sign A and the hours that this sign would be illuminated as residents do not want the illumination to interfere with daily lives.

Kheng Chau – Legal services advised that 5 years for advertisement is the default period but that the Local Planning Authority can grant a consent for a smaller time period.

Councillor Dacres spoke under standing orders and thanked members for clarifying the hours that sign A would be illuminated.

Councillor Curran moved a motion to accept the officer's recommendation subject to the time period for the permission being reduced to 1 year. This was seconded by Councillor Ingleby.

Members voted as follows:

FOR: Councillors Curran, Ingleby, Bernardes, Maslin, Paschoud (Chair) and Sorba.

RESOLVED: That the application DC/18/106637 be approved subject to an amended time period condition of 1 year.

The meeting ended at 22.15

27<sup>th</sup> September 2018