

Committee	PLANNING COMMITTEE (B)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 10 th January 2019

MINUTES

To approve the minutes of the meeting of Planning Committee (B) held on the 15th November 2018.

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (B) held in ROOMS 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU on 15th November 2018 at 19:30.

PRESENT: Councillors Suzannah Clarke (Chair), Tom Copley (Vice-Chair), Obajimi Adefiranye, Tauseef Anwar, Andre Bourne, Liz Johnston-Franklin, Silvana Kelleher, John Muldoon, John Paschoud and James Rathbone

OFFICERS: Suzanne White - Presenting Officer Planning Service, Kheng Chau – Legal Services and Jesenka Ozdalga – Committee Co-ordinator

NO APOLOGIES.

1. Declaration of interests

Cllr Copley declared being a member of The Real Ale Campaign.

There were no other declarations of interests.

2. Minutes of the last meeting

Cllr Paschoud highlighted and asked for an amendment to include conditions from the Councillors in the meeting minutes for the Ashmead Primary School application that was resolved for approval.

Cllr Paschoud commented and asked for amendment of the part where it states “Minutes of the Planning committee B – closed meeting”, as the meeting was not ‘closed’ and was open to the public.

3. 88 Springbank Road, SE13

The presenting officer outlined that the application is for change of use from retail use (Class A1) to micro pub (Class A4), together with installation of a new window to the side elevation and new door to the rear elevation. The officer further clarified that the site is within an existing parade with residential use above and that the application relates to the commercial unit only that has been vacant for some time. It is proposed to divide the existing ground floor into 3 areas where the largest space with a bar would be in the front, toilets would be in the middle and snug at the rear. The existing basement is proposed to be used as a cellar. There are no changes to the front elevation except for the door location.

The presenting officer outlined that 19 objections were received, a petition of 29 signatures against, 28 letters in support and 20 people attended a local meeting. Objections are in regards to the noise and disturbance, increased parking demand, opening hours, risk of setting a precedent and security issues.

Officers' view is that:

- the principle of the development would be acceptable
- it would improve the local economy
- there is no Class A4 use in the wider parade area,
- amendments to the proposal to limit access to the rear yard and remove the smoking area will reduce impact on neighbors
- operational plan and noise assessment reports were submitted, Environmental health officers reviewed it and conditioned details for ventilation system
- Highways were consulted and estimated that customers would come from local area using public transport and as such they considered that there will be no material impact on the traffic and raised no objections subject to conditions.

Cllr Kelleher outlined that she used to live in the area and that between Hither Green Lane and Hither Green Station there are no drinking establishments.

Cllr Johnston-Franklin raised a question in terms of the residents that are living above the establishment and how many of them have children which raises concerns about noise and opening hours, with further comment that if it is a drinking establishment, there is no need to be open at 8am.

The presenting officer clarified that there are measures that can be conditioned to reduce impact on neighbors, such as restricting opening hours and requiring soundproofing of walls and ceilings and that there should be balance between supporting local economy and impact on residents.

Cllr Copley pointed out that licensing would be able to restrict the hours when alcohol can be sold.

Cllr Adefiranye pointed out that local people whose life would be impacted should be considered in regards to the proportion of objections received.

The presenting officer clarified that in the local meeting, they had both objecting and supporting comments from local residents.

Cllr Rathbone raised questions about sound insulation and if Environmental Health officers were satisfied with the original and amended proposal, as well as if we know what is the use of the rooms above. The presenting officer clarified that there are 2 aspects, one of which is a condenser unit and that further details can be required through a condition. Another aspect is that there is not enough ceiling space for sound insulation to achieve 10db reduction over the building regulations requirement, though an improvement of 5db could be achieved. Furthermore, the presenting officer clarified the room above is a habitable room and that with the lower level of noise expected in the snug, and a condition to prevent use of an amplified sound system, these measures should be sufficient in reducing noise impact to an acceptable level for the residents.

Cllr Kelleher raised a question as to where the smoking area would be after the amendments. The presenting officer clarified that customers would have to use the footpath in front of the establishment.

The committee received verbal representations on behalf of the applicant. Pete Hadley – agent highlighted that the application was prepared with support of 3 councillors, that a micro pub would contribute to the viability of the parade, that changes were considered in order to address the concerns, access to the rear garden was removed from the application, refuse will be kept in the cellar area, an operational statement was provided, staff will supervise customers and no anti-social behavior would be allowed, and Environmental health officers were satisfied with sound insulation measures and the condenser unit.

Jenny Marsden, resident of Springbank Road highlighted that she is supporting this development, that sound and traffic impacts were mitigated, that opening hours are shorter than some shops on the road, that it would create 7 jobs, be a place for people to gather and improve and prevent further erosion of the street.

Paddy - local resident highlighted that families in the area are desperate for a facility like this, that the parade needs regeneration and investment and it would feed more into local economy.

Councillors did not have any questions.

The committee received verbal representations on behalf of the local residents Mark Glaysher and Ross Cameron.

Ross highlighted that he is a resident above the adjacent unit to the application property and that they are already experiencing a lot of noise from the cab office below. He raised concerns about noise from the busy pub and smoke that would come straight into rooms. It was also pointed out that some impacts were addressed by the applicant later and residents were not informed about it. Furthermore, it was highlighted that this proposal is creating a risk of a breach of human rights to use the property, insulation has to be provided to the bedroom above and assessment for breakout noise should be made as rooms above would not be able to open the windows in the summer due to the noise. It was also highlighted that the snug would overlook the children play area.

Cllr Johnston-Franklin asked for confirmation about noise they are currently experiencing and if noise is their main objection.

Ross clarified that they hear noise from the street and commercial unit below everywhere in their flat, that they had to soundproof their bedroom and confirmed that their main objections are noise and smoke from the outside.

Cllr Silvana Kelleher highlighted that she knows the area well and that the area suffered economically in the 80s and never recovered and asked if local representatives think that this may help bring the life to the area.

Mark pointed out that regeneration of the area is the priority but for the right proposal. Ross added that there are no empty units on the parade and there isn't anything that needs further regeneration.

Cllr Clarke (Chair) pointed out that the opening hours proposed by the applicant did not match those in the proposed condition and that a supporting letter from the ward councillors is distributed to everyone at the table.

The presenting officer clarified that the applicant has submitted their opening hours but that officers considered it was appropriate to condition longer opening hours (opening from 8am each day) as this would not cause harm to amenity and would enable the applicant to provide other services such as a café style offer during the day, which would improve the viability and activity of the parade.

Cllr Anwar asked what is the procedure following the approval of the application and is it possible to condition monitoring of the development in 3 or 6 months.

SW clarified that we cannot put a monitoring condition as such, but if a breach of any condition were notified to the planning enforcement team, it would be investigated.

Cllr Adefiranye raised a concern about smoking outside the premises and that smoke would go up to flats and asked if we can put a condition on that.

The presenting officer clarified that the property is on a public street and reasonably busy route and that it would not be possible to construct the condition to prevent smoking on the street.

Cllr Copley added that it is probably an issue for the licensing department when it comes to smoking and drinking outside the premises.

Cllr Kelleher suggested to install an extendable canopy in front of the premises to prevent smoke going to upper flats.

The presenting officer clarified that it is for the applicant to consider such suggestion but that it cannot be conditioned as part of this application. Furthermore, the presenting officer clarified that there is already a condition in place to prevent people accessing the rear, for refuse to be kept in the basement and that the report covers details such as vacant units on the parade.

Cllr Clarke (Chair) highlighted that noise issues, the snug being under the bedroom, smoke issues and overlooking should be discussed further.

The presenting officer clarified that when it comes to the noise assessment, it is detailed in the addendum report, that Environmental health, considering the size and the use of the room and limited ceiling space accept a 5db improvement as sufficient.

Cllr Clarke (Chair) required further information on overlooking and the presenting officer clarified that the existing window would be the snug window and the rear garden is approx. 15m long to the rear boundary, therefore given the distance it should mitigate overlooking. It was subsequently clarified that the distance from the rear elevation of the application unit to the rear elevation of the dwelling to the rear is 30m.

Cllr Copley suggested conditioning shorter opening hours for the snug, as there is a bedroom above the snug and sufficient sound insulation cannot be provided.

Cllr Paschoud highlighted that the report was clear and thorough and it seems that issues with the snug were addressed, and that the conversation is going beyond planning considerations for the change of use. Furthermore, there are other council services who deal with issues that are raised. Cllr Paschoud suggested adding an informative to the applicant to do their best to prevent smoking outside as we cannot condition it.

Cllr Rathbone and Cllr Copley raised a question about how the wording of the condition for the use and opening hours of the snug would be added and they further suggested not to leave that question to the licensing department and that it should be conditioned within the application. Cllr Rathbone further suggested to reduce one opening hour each day for the snug.

Cllr Anwar expressed his disagreement for a condition on the opening hours of the snug for a reason that evening is the main time when pubs are operating.

The presenting officer highlighted that Condition 7 in the main report covers the opening hours for the whole premises and the area labeled as a snug should be only be opened during certain hours. The presenting officer also clarified that opening of the premises during the day would be preferable to maintain viability.

Cllr Copley suggested to pass approval with condition on opening hours until 10pm for the snug and moved motion to approve officer's recommendation. This was seconded by Cllr Adefiranye.

Members voted as follows:

For: Councillors Copley, Adefiranye, Clarke (Chair), Anwar, Bourne, Johnston-Franklin, Kelleher, Muldoon, Paschoud, Rathbone.

Against: None

Vote was unanimous.

RESOLVED: Approve application DC/17/104854 subject to a condition restricting opening hours for the snug until 10pm any day.

4. 34 Sunderland Road, SE23

The presenting officer outlined that this application is for alterations and conversion of the existing 2 residential units into 1 x one-bedroom and 2 x two-bedroom units. The property is a large two-storey detached Victorian building, located on the west side of Sunderland Road with PTAL 3-4. The proposed side extension is to accommodate an internal staircase for upper flats and would be set back from the front elevation. The ramp to the entrance hall is proposed with a low retaining wall separating it from the front yard parking area. Meeting rooms at the ground floor would remain the same, and on the first floor it is proposed to provide a larger 1 one-bedroom and 1 two-bedroom unit. On the second floor and in the roof extension another two-bedroom unit is proposed. The treatment of the proposed front elevation with side extension and rooflights would match the existing property. To the rear elevation, a large rear roof extension is proposed set in from the sides and eaves and clad in zinc with two rooflights. To the side elevation 5 new windows and rooflights are proposed to be installed and to the south elevation 2 new windows and a rooflight are proposed.

The application received 3 objections from local residents in regards to overlooking, scale of the dormer and being overdeveloped with further extensions.

Highways were consulted and were satisfied with a proposal, subject to conditions.

Officer's view on the principle of the development is that it would increase the size of the existing one-bedroom unit which is considered an improvement, that design is acceptable and sensitive to the character of the property, that there are no parking issues and no material issues to local neighboring amenities.

Cllr Copley asked for clarification of paragraph 6.8 whether it can be established or not if the use is lawful.

The presenting officer clarified that there was no planning permission, but Council Tax has been paid for several years and on balance officers are satisfied that the use has likely been in place for 4 years and would be lawful.

Cllr Copley raised concern about loss of family sized three-bedroom property and what policy we have to protect those units.

The presenting officer clarified that policies are against subdivision of houses, and flats are not protected.

Cllr Paschoud asked for clarification on which windows are overlooking and what kind of rooms are behind those windows, and if they are stairways or bathrooms.

The presenting officer outlined which windows would potentially overlook the neighbouring property.

Cllr Rathbone asked for clarification on paragraph 6.33 and whether new units would meet required standard sizes.

The presenting officer clarified that the existing one-bedroom unit does not meet required size, but the enlarged unit proposed would.

Cllr Johnston-Franklin raised concern on lack of amenity space and increase in accommodation and it seems not to be considered as part of the proposal from developers.

The presenting officer clarified that there was no amenity space attached to the existing property.

The committee received verbal representations on behalf of the applicant, Richard Martin, member of Forest Hill Friends Meeting House and the architect Nicholas Jamieson. Richard highlighted their involvement with the community and work with groups helping refugees. Meeting rooms on the ground floor are used by a wide variety of groups for mutual support and afterschool activities. Meeting House is very active with families and children who are part of the church and the objective of this application was to use empty space above the meeting area and to make that available for housing in the local community and in order to improve the quality and quantity of the housing offered. It was important to separate the housing which led to the need for a staircase. Meeting House is looking to generate income from the flats that will be needed to support society friends. Furthermore, it was highlighted that the society has a strict approach to maintenance of their buildings and all their properties are subject to maintenance every 5 years.

Cllr Kelleher raised two questions, first on the noise impact, and second on whether the housing would be for low-income members.

Richard Martin clarified that their meetings are held quietly, that activities in their meetings don't involve noise, that activities are not happening late in the evening and that they will take interest in who would rent the flats. Furthermore, Richard clarified that in terms of rental intention, at the moment they are looking into a number of alternatives and they will set the policy.

Cllr Clarke (Chair) highlighted that rentals are not within the scope of planning committee.

The committee received verbal representations on behalf of the local residents, Jason Kee and Paul Bolger, owners of property at 32 Sunderland Road.

Cllr Clarke (Chair) asked for clarification of overlooking issue.

Jason clarified that the proposed north elevation window on far right, is overlooking directly on their patio and hallway, one large window at the bottom is 3.75m opposite our bathroom, velux window looks directly into bathroom and that placement of proposed windows is perfectly opposite.

Cllr Bourne asked about which room is to the far right and the presenting officer clarified that it is a kitchen and that that window will be obscured glazed.

Jason furthermore explained that they don't object to the proposal in principle, but they object to the proposed fenestration and rooflight. They further propose that the rooflight could be moved to the east facing roofslope and that the far right kitchen window is superfluous as that space already has another three windows. Bathroom windows need to be open in the summer and for ventilation and therefore, they are recommending a condition on the proposed windows to be obscured glazed and fixed shut only to provide light into the staircase.

Cllr Paschoud asked if some windows don't have conditions, and if we could put a condition on them to be obscured glazed.

Jason Kee clarified that the stairway windows don't have a condition.

Cllr Clarke (Chair) clarified that neighbours want those windows to be fixed shut as well and that stairways need some ventilation.

The presenting officer clarified that it can be added as condition that windows are obscured glazed and fixed shut to a set level with fanlight opening.

Jason Kee added that the rooflight should be obscured glazed too.

Cllr Paschoud highlighted that there should not be any changes to move rooflights to the front elevation.

Cllr Clarke (Chair) asked the applicant and architect whether they would accept the stairway windows being obscured and fixed shut and what comment would they have on the rooflight.

Architect Nicholas Jamieson clarified that windows on the stairways have to be openable by fire regulations to vent the smoke out, and in order to protect privacy there are other solutions and agreed for the rooflight to be obscure glazed.

Cllr Clarke (Chair) proposed to put a condition on the stairway windows and rooflight to be obscured glazed and there will be no condition on limiting their opening.

Cllr Paschoud moved the vote for the application to be approved, with the additional restrictions on the windows conditioned. This was seconded by Cllr Muldoon.

Members voted as follows:

For: Councillors Copley, Adefiranye, Clarke (Chair), Anwar, Bourne, Johnston-Franklin, Kelleher, Muldoon, Paschoud, Rathbone.

Against: None

Vote was unanimous.

RESOLVED: Approve application DC/18/106214 subject to condition on stairway windows and rooflight at the north elevation to be obscured glazed.

5. 51 Bargery Road, SE6

The presenting officer highlighted that this application was deferred at the last committee. Officers negotiated with the applicant to remove the gable end window and instead insert a rooflight on the side gable roofslope.

Cllr Paschoud clarified that at the last committee meeting the applicant was asked to revise the proposal which is now done and moved the vote for the application to be approved. This was seconded by Cllr Muldoon.

Members voted as follows:

For: Councillors Copley, Adefiranye, Clarke (Chair), Anwar, Bourne, Johnston-Franklin, Kelleher, Muldoon, Paschoud, Rathbone.

Against: None

Vote was unanimous.

RESOLVED: Approve application DC/18/105821.

6. Unit 2 Grosvenor Court, Adenmore Road, SE6

The presenting officer outlined that these are two applications, one full application and one advertisement consent for the installation of a new shopfront and ATM, at the Catford Green development, between Catford and Catford Bridge stations, at the front elevation of the ground floor unit. The proposal is retaining the shopfront as it was approved in the original application, with installation of an ATM and change of width of the sliding door. It would be a Sainsbury's shop with their typical signage. The ATM would include CCTV above it. To the side elevation there is no proposed change to the previously approved shopfront. To the rear elevation, next to the service area 2 ventilation louvres are proposed.

The application received 3 objections from local residents in regards the ATM may attract anti-social behavior and advertisement light may disturb sleeping at night.

Highways were consulted and raised no objections.

Officer's view is that proposed illumination levels are low and acceptable.

Cllr Rathbone added that inclusion of retail was originally part of the development, and any future resident was aware of that.

Cllr Kelleher added that the corner sign is small in size and its light would not affect residents above.

Cllr Johnston-Franklin raised question about the location of the ATM and if that location would be unsafe for people trying to take their money out.

The presenting officer pointed out that the area around the ATM is open and the ATM includes lightning and CCTV.

Cllr Bourne moved the vote for the application to be approved. This was seconded by Cllr Copley.

Members voted as follows:

For: Councillors Copley, Adefiranye, Clarke (Chair), Anwar, Bourne, Johnston-Franklin, Kelleher, Muldoon, Paschoud, Rathbone.

Against: None

Vote was unanimous.

RESOLVED: Approve applications DC/18/108247 and DC/18/108259.

7.1 Tyrwhitt Road, SE4

The presenting officer highlighted that this is an application for the change of use and conversion of the ground floor unit from A1 retail to a residential unit and alterations to the shop front. The property is located on the eastern side of Tyrwhitt road, in the Brockley Conservation Area and is subject to an Article 4 Direction. It is a three-storey Victorian property with retail unit at the ground floor that operated as an off-licence shop and has been vacant since July 2017. There are some existing shops nearby on Loampit Hill.

It is proposed to convert the retail unit to a two-bedroom flat at the ground floor with an extension to the rear. A front yard would be established with boundary treatment. The first and second floors are proposed to remain as existing with only window replacements. At the front elevation, elements of the traditional shopfront would be retained and restored with some obscured glass inserted.

The application received 2 objections, 1 from a local resident and 1 from The Brockley Society in regards lack of justification for change of use and loss of employment.

The presenting officer outlined that the applicant did not submit marketing evidence, but they submitted a viability statement to justify the loss of the retail unit and on balance it is considered acceptable to justify the change of use. In regards to design, reinstating timber sash windows is an improvement, the front boundary treatment would be in keeping with local character, the standard of the accommodation is good and there would be no negative impact on neighbours.

Cllr Johnston-Franklin recalled that the property was under offer for a long time, so it could have been a restriction for people who may have wanted to occupy it as a business in that very viable situation.

The presenting officer clarified that they only have confirmation that the occupiers were out of business for some time.

Cllr Adefiranye pointed out that Tyrwhitt road is a residential road in the Brockley Conservation Area and that this proposal would be harmful, front wall details should be looked at in more detail and that Brockley Society is one of the biggest consultees for the Council and they were concerned about loss of employment.

The presenting officer clarified that it is officer's opinion that the proposed front boundary treatment fits in well with existing properties but it is possible to condition some of those details.

Cllr Kelleher shared concerns raised with Cllr Johnston-Franklin and asked for clarification on a large garden behind and if access is restricted.

The presenting officer showed drawings and Cllr Clarke (Chair) confirmed that there is no garden, it is an outdoor space.

The committee received verbal representations on behalf of the applicant, Jo Townshend, architect and agent of Mr and Ms Patel who own the building for 30 years and they have an ongoing interest in the property. They are aware of community concerns, they have worked with officers to redesign the proposal from the first application. Hard work was put in to be respectful of the tradition of the shopfront and providing what would be someone's home. The previous occupier who was leasing the property had struggled with viability, they tried to market the property and it wasn't considered to be viable. They consider that DM 16 relates to a parade of shops and this is one shop sitting on its own, behind the main busy parade, where most successful shops are and it doesn't attract the same level of interest. There is a shop on the corner that has been empty and has a much better location. The application would provide good quality accommodation in the area with a good PTAL rating.

Cllr Rathbone raised a question on how many commercial agents were approached to market the property. The agent did not have an answer.

Cllr Adefiranye raised concerns on the fact that the original scheme had a solid wall and brick panels, and it is replaced with railings and that the location of cycle storage and bins has moved.

Cllr Clarke (Chair) pointed out that there is a viability report and even viable businesses can close, and this property appears not to be too far from the parade to be considered isolated.

The agent clarified that the unit was an off-licence shop, and that new retail stores had taken away trade from the property and that the corner property has been empty for a long time.

Cllr Clarke (Chair) pointed out that it is difficult to discuss the corner property as there is no sufficient information.

The committee received verbal representations on behalf of the Brockley Society, Clare Cowen, the chair of the Society who asked for refusal of the change of use and that there is nothing to indicate that this property has been properly marketed. The proposed boundary treatment is acceptable as are the upstairs windows changed to sash windows. The area is dependent on these shops on the outskirts. The corner shop will be a deli, the owner confirmed it will be opened by Christmas. The whole area is going through changes with new developments and units like this are an asset to the community. The Victorian shopfront cannot be used as a residential front.

Cllr Anwar commented that no one will close their shop if it is making money and that residential rent is much lower than commercial rent.

Cllr Rathbone pointed out that the current business is not viable and it has not been marketed and proposed to defer this application so that the applicant can provide more viability justification.

Legal officer Kheng Chau clarified that officers recognized that the property was not marketed and consultations were carried out as a departure.

Cllr Clarke (Chair) pointed out that main issues here are loss of retail, loss of employment, change of use.

Cllr Johnston-Franklin went back to the point of assumption of viability, as there is development of viable businesses in the area.

Cllr Adefiranye stated that it is more rewarding to create jobs and that there is no proof that sufficient effort was made to market this property and proposed this application to be rejected, or to defer for additional proof of marketing.

Cllr Bourne drew attention to the fact that focus on employment is irrelevant if a property has been empty for a year and that property owners would know what they can or cannot do.

Cllr Clarke (Chair) asked if a motion to suspend standing orders could be moved. Cllr Rathbone moved to suspend standing orders. Cllr Kelleher seconded. Standing orders were suspended at 9.59pm.

Cllr Copley moved the vote for the application to be rejected for lack of marketing and loss of retail unit. This was seconded by Cllr Johnston-Franklin.

Members voted as follows:

For: Councillors Copley, Johnston-Franklin, Adefiranye, Clarke (Chair), Kelleher, Rathbone

Against: Anwar, Bourne, Muldoon, Paschoud

RESOLVED: Refuse application DC/17/104231 for change of use from retail unit (Class A1) to residential unit (Class C3) for reason of loss of commercial space and employment.

8. 93-99 Ladywell Road, SE13

The presenting officer highlighted that this is an application for a three storey new development with 256 sqm flexible commercial use ground floor space with cycle and refuse storage. It is located on the north side of Ladywell Road within a local parade. Previously it was used as a petrol station with a canopy and there is a single storey building to the rear. The existing buildings would be

demolished and the proposed ground floor would provide a flexible commercial area. The residential entrance is on the left side of the plan. At the first floor 4 one-bedroom units and on the second floor 3 two-bedroom units are proposed. The front elevation has similar height to adjacent buildings with 4 gables and terraces in between for the 2 bed flats. The design reflects the existing positive character on Ladywell road. The building would have a mansard roof and to the rear a projecting bay includes a stairwell with bay windows are also proposed. Proposed materials are brown brick, velux rooflights system and dark zinc mansard roof with aluminium windows. The addendum report covers revision of drawings and an additional condition relating to PV panels.

The application didn't receive any comments from local residents and received one objection from The Ladywell Society in regards of overprovision of commercial units, design and materials. The Ladywell Traders Group prefer smaller businesses in the area.

Highways and TFL raised no objections.

Officer's view is that the scheme would be acceptable in principle, it would contribute to the local parade and would remove an unsightly feature from the area. The proposed residential units would meet minimum standards of accommodation. It would be a car free development with high public transport accessibility. The development would not result in significant harm to the neighboring amenities.

Cllr Johnston-Franklin pointed out that zinc is proposed and raised a concern that this development is setting a precedent, because there was no use of zinc previously in the conservation area and that there may be alternatives in material choice.

The presenting officer clarified that we do see zinc in many conservation areas and that it is a modern and very durable material and it would be used on the roof only and that policies look for a materials to be complementary to the existing context, rather than prescribing that they match.

Cllr Paschoud pointed out that Ladywell Tavern, just on the other side of the road has a good amount on the zinc on its roof.

The committee received verbal representations on behalf of the applicant. Alex Wythe, architect and Jack Southon, who clarified that this would be a sustainable development, replacing a dreadful area, providing residential and commercial units that are designed to be flexible in the future. In terms of materials they are willing to discuss conditions. Alex Wythe explained that this development is a modern interpretation of conservation area with zinc as a modern alternative to lead, with specially designed bay windows at the rear to avoid impact on the neighbors. In terms of materials, they are willing to discuss and condition them.

Cllr Kelleher highlighted the previous case with concerns on viability of retail use.

Alex Wythe clarified that Ladywell is a vibrant area with no vacant shops and the proposed ground floor is a flexible space. With the location being in a flood zone 2 it wouldn't be possible to put residential units on the ground floor.

Cllr Johnston-Franklin raised a question on overlooking at the back and impact in terms of daylight.

Alex Wythe clarified that windows closest to the rear properties would be opaque and other windows are positioned at an angle to prevent overlooking. Mr Southon further clarified that there is a report for daylight and sunlight.

The committee received verbal representations on behalf of The Ladywell Society. Geoffrey Thurley, committee member of The Ladywell Society pointed out that the design is not sympathetic to the Ladywell area, that the proposed color of bricks is too dark, that the front gables are not as soft as on the adjoining buildings, that space for terraces at the front could be incorporated within the internal space, that black zinc is not a material used in the area and that tiles or grey slates could be more appropriate. Material for windows cannot be aluminum as windows at adjoining buildings are single glazed. The Ladywell Traders Association raised concerns that Class A1-A3 units could have

detrimental impact on the viability of the parade. There is already a good variety of Class A1 units. There is no gym in the area and no viability survey has been carried out and it is not clear from the proposal whether divided commercial units would be fitted with separate toilets.

Cllr Rathbone highlighted that there is already a condition in place for materials. Cllr Copley pointed out that the design is in keeping with the area and moved a vote for the approval of the application.

Cllr Paschoud commented that this constitutes a sustainable development and is not bad enough to be refused and that respect is given to the Society for bringing up design details and seconded the vote.

Furthermore, Cllr Paschoud raised an issue over having this most significant application last on the agenda when it is late and where design details concerns are being presented from The Ladywell Society.

Cllr Clarke (Chair) asked Cllr Paschoud about which points should be further covered.

Cllr Paschoud highlighted issues about the design and proposed to make the applicant work with society and those concerned as they seem to be open to some flexibility when it comes to materials.

Cllr Anwar agreed with Cllr Paschoud and proposed condition that no big superstores like Tesco should be allowed in proposed commercial units.

The presenting officer clarified that it is not possible to restrict the occupier, only the use.

Cllr Adefiranye supported Cllr Clarke (Chair) to allow for more time to discuss many elements of this proposal.

The presenting officer clarified that design in conservation areas is the main concern, and that in officer's view this is a good quality design and fits well with the character of the area. The detailing and materials would be discussed with conservation officers at the approval of details stage and, if Members were minded, these condition applications could be brought back to committee.

Cllr Rathbone pointed out that conditions on materials are already attached.

Cllr Paschoud clarified that his concern was relating to the late hour for discussing the most important application with the most extensive impact on public realm, expressed his agreement with planning officers and that it seems that the developer could be trusted to resolve issues over materials.

Councillors were reminded that there was a motion on the table.

Cllr Copley moved the vote for the application to be approved. This was seconded by Cllr Paschoud.

Members voted as follows:

For: Councillors Copley, Anwar, Bourne, Muldoon, Paschoud, Rathbone.

Against: Clarke (Chair), Adefiranye, Johnston-Franklin, Kelleher

RESOLVED: Approve application DC/18/107234.

The meeting ended at 22.50.

15th November 2018.