

**LEWISHAM COUNCIL
PLANNING COMMITTEE B
THURSDAY, 1 FEBRUARY 2022 AT 7.30 PM
MINUTES**

IN ATTENDANCE: Councillor Suzannah Clarke (Chair) Councillor Jacq Paschoud (Vice Chair) Councillors, Tauseef Anwar, Liz Johnston-Franklin, John Muldoon and Alan Smith.

MEMBER OF THE COMMITTEE JOINING THE MEETING VIRTUALLY Councillor.

APOLOGIES FOR ABSENCE Councillors Gallagher, Lavery, Mallory and Openshaw

NB: Those Councillors listed as joining virtually were not in attendance for the purposes of the meeting being quorate, any decisions taken, or to satisfy the requirements of s85 Local Government Act 1972.

OFFICERS: Service Group Manager, (SGM) Planning Officers and Committee Officer.

ALSO PRESENT: Legal Representative.

**Item
No.**

1 Declarations of Interest

None.

2 Minutes

RESOLVED that the minutes of the meeting of Planning Committee B held on 14 September and 11 November 2021 are an accurate record

3 Dirty South, 162 Lee High Road, London, SE13 5PR

3.1 The Planning Officer, gave an illustrative presentation recommending granting planning permission for the alteration and conversion of the first and second floors of DirtySouth, 162 Lee High Road SE13 into 4 two bedroom self-contained flats, together with the replacement of the existing windows and installation new windows in the south facing elevation and the provision of bin and cycle storage, subject to a S106 Legal Agreement and to the conditions and informatives in the report:

3.2 The Committee noted the report and that the main issues were:

- Principle of Development
- Residential Quality
- Urban Design
- Impact on Adjoining Properties
- Transport
- Sustainable Development

- Natural Environment

The application was recommended for approval subject to the conditions set out in the report and the legal agreement that future local residents will be unable to obtain parking permits for the CPZ.

- 3.3 The officer made a correction to an error in the report- condition 15 referenced live amplified music, sound and the PA system- he stated it should only refer to live acoustic music.
- 3.4 Members asked for clarity on what was meant by amplified music and live acoustic music and why one is recommended for permission and not the other. The presenting officer explained that the amplified music is controlled by the sound system in the public house, subject to condition 5
- 3.5 Councillor Smith asked if there were any restriction or conditions attached to the considerations of this application that ensure that people moving into the flats above will be protected from the sound but also will not be able to get the pub closed down on the basis of noise made by the normal operation of the pub. The officer stated that conditions 4 and 5 set out conditions regarding noise prevention windows and internal noise and vibration transferred through the building- this would control the noise coming from the normal operations of the pub. It is also outlined that there is a sound limiter for the sound system which is set at a certain level to ensure there will be no unacceptable impact, so amplified sound would be controlled.
He stated that it should be noted that this will not necessarily stop neighbours from complaining so does not remove any statutory rights as a citizen- this cannot be controlled.
The officer wanted it noted that the pub historically was a music venue which ceased in 2012 and was vacant until 2017. It then became a more food-operated pub operation then closed in 2020- so although it was a music venue, the weight that could have been given to that in terms of the application, now not having operated in that manner for 10 years, is quite low.
Officers stated that a material considerations would be that the pub being a community asset of value, after being asked by Councillor Muldoon. The Legal Representative stated that the weight given to this would be the decision of Members.
- 3.6 The agent of application then gave their presentation. He said the following of the application:
The proposal would retain the pub on the ground floor and a viability assessment confirmed the pub would retain a profit as a ground unit if the upper floors were converted to flats. there are minor works to be done to the external part of the building which includes two new windows on the south elevation. Due to concerns raised by public on the windows, the applicant has sought to revise the scheme by ensuring one window on the first floor and two windows on the second, would be fixed shut and obscure glazed. Sound insulation will be installed on the ground floor between the apartments and the pub below. There will be 4 high quality flats in a sustainable area and will retain a viable pub on the ground floor.

Councillor Paschoud asked what was the objection made to the construction being a community value asset, as an appeal against this was made. The agent stated that this was at the liberty of the applicant and he would not be able to answer to this decision as a consultant.

The objector then gave a presentation and made the following objection: She stated that she believes the conversion is generally a good idea and she welcomes the idea of the external metal staircase being removed. However, she objected to the windows at the first floor level. She stated that the new windows would be looking into her property and this is a loss of privacy for her. She objected only one of the 4 new windows being obscured. She asked if, as a compromise, two windows could be obscured and fixed shut. She also stated that the application states there is only a 4m distance between the two properties which is well below the 16 metres recommendation. She lastly pointed out that it is common for customers of the pub to gather outside and make a lot of noise which is of concern to residents.

Councillor Smith raised concerns about the overlooking into windows and said that it was not clear from the plans what the levelling of the windows was like. The presenting Officer stated that the reason one is obscured and the other is not is in order to provide the balance between protecting the amenity of the neighbouring properties but also providing outlook, ventilation and light for the property. If both windows were obscured there would be no outlook or light for the room in the property. In regards to privacy, he said there were no new windows being put in but they are rather replacing the smaller window and door. The door had access to a metal staircase which had a platform so it was arguable whether the proposal was or was not preferable over what already existed.

Councillor Muldoon stated he understood the distinction regarding the music played at the venue was about live music and recorded music and asked for clarification to which the Presiding Officer stated that the conditions around noise were produced from the applicants noise impact assessment of music playing from the speakers but did not include live music in the assessment.

3.7 The Committee considered the submissions made at the meeting and

RESOLVED that planning permission be deferred on the basis that more information is needed on the overlooking issue into the property and much more clarification on the condition set out in paragraph 15 regarding the live music.

4 17 Minard Road SE6 1NS

4.1 The Planning Officer gave an illustrative presentation recommending granting planning permission for the construction of a part two storey, part single storey building, plus habitable roof space at 17 Minard Road, SE6, to provide 1, three bedroom and 1, four bedroom dwelling houses, together with the provision of 1 off-street car parking space, bicycle and refuse storage facilities and associated landscaping, subject to the conditions and informatives in the report.

There was also a rear dormer to the roof proposed, as well as a two storey rear extension. Officers had also assessed the impact of the neighbouring properties, including relevant 25 and 45 degree tests and were satisfied the impacts would not be harmful to the neighbouring properties. The building did have a slightly larger footprint but the scheme was of very similar mass and scale of the demolished building and would have commensurate impact on the adjoining property.

- Principle of Development
- Housing Provision
- Standard of Residential Accommodation
- Impact and Design of Surrounding Area
- Impact on Living Conditions of Neighbours
- Impact on Highways

It was the officer recommendation to approve the application, subject to the conditions set out in the report. The proposed development would increase the housing potential of an underused residential site including on additional family sized unit, with a high standard of accommodation for future residents. Officers concluded the design was of an appropriate scale and takes account of the existing context including impacts to neighbouring amenity and were satisfied that the proposal would not cause any harm to the surrounding transport network.

- 4.2 The Chair asked the officer about the materials used for the proposed development as the contrast in colour seemed very heavy against the streetscape. The officer said there was an opportunity to assess the materials again if Members are not satisfied, and an informative could be added to the proposal.
- 4.3 The objector to the application gave her presentation. She is the adjoining neighbour to the proposed development. She raised the considerations of impact on privacy, outlook and natural lighting. She stated that the 25 and 45 degree rules are not met with this development and the addendum that was issued provided measurements that were inaccurate due to the positioning of the windows of her property in the drawings. The development is higher by at least 1.3 metres which is significant, and wider than the 45 degree lines, suggesting an unacceptable loss of daylight to the window. She went on to say that the proposed development would be overbearing and visually intrusive which would result in loss of outlook and increase on the sense of enclosure. She also stated that the report states that the proposed building will be of the same height as the adjoining terrace and the roof pitch needs would match- the drawings show the proposed development starting shrunk into the ground by at least 200mm to ensure roof pitch needs would match in the drawings. However, having spoken to a surveyor, she stated that it would not be possible to build from this depth as it would breach the existing damp-proof course.
- 4.4 The Planning Officer stated that with the 25 and 45 degree lines are used by officers as a guideline and they are not rules, when assessing the impact of daylight. He stated that if the 45 degree line was taken from slightly further down the door, officers would be still satisfied that it would touch the wall of the two

storey extension as noted and would still pass the two-storey element extension. This would not warrant refusal. It is also a south-easterly-facing orientation so has less impact than, for example, a north, east or west facing elevation, because the door would still receive a good amount of daylight or sunlight. He stated that the impact of the two-storey element was very minor on daylight and sunlight and would not have an overbearing effect or enclosing impact which are the main impacts on amenity.

- 4.5 He stated that the plans, as shown, were acceptable in assessment of planning considerations. The issue of the damp course cannot essentially be considered by Members in the assessment of a planning application. The applicant had asserted that through the build methods they were going to use that they could build the proposal as shown. Although the objector may have sought independent advice, contrary to that, the applicant has assured that is how the building will be built. If it turned out that it could not be built by way of the proposed methods, there would be a trigger of policy consideration that would require the applicant to make minor material amendment which would need to be assessed and be consulted on or a new application.
- 4.6 Councillor Smith expressed that it is a significant overdevelopment of the site and he believed that the extension at the back of the property would leave a feeling of enclosure of the neighbouring building. He also said he does not think the design fits with the streetscape.
- 4.7 The Committee considered the submissions made at the meeting and

RESOLVED that planning permission be approved for the construction of a part two storey, part single storey building, plus habitable roof space at 17 Minard Road, SE6, to provide 1, three bedroom and 1, four bedroom dwelling houses, together with the provision of 1 off-street car parking space, bicycle and refuse storage facilities and associated landscaping, subject to the conditions and informatives in the report.

5 209 BARING ROAD, LONDON, SE12 0PX

- 5.1 The Planning Officer, gave an illustrative presentation recommending granting planning permission for the construction of a loft extension comprising dormer window extensions to each flank roof slope and one dormer window to the rear roof slope, at 209 Baring Road, SE12, together with installation of two roof lights to the front roof slope and two to the rear roof slope, subject to conditions and informatives in the report.

The Committee noted the report and that the main issues were:

- Principle of Development
- Urban Design
- Impact on Adjoining Properties

The Planning Officer stated that each of these considerations have been deemed acceptable and it was recommended that the application be approved.

- 5.3 The applicant gave their presentation. She stated that it is a family home and they are trying to build the extension to create more room for their family. The rooms will be for her two children to provide space for themselves as they are getting older. As parents who now work from home, some of the space is used for office and study space, so the extra room will provide better space in their family dwelling.
- 5.6 Councillor Smith withdrew from voting on the decision as he was unable to access the documents to review the application.
- 5.7 The Committee considered the submissions made at the meeting and

RESOLVED unanimously that planning permission be granted planning permission for the construction of a loft extension comprising dormer window extensions to each flank roof slope and one dormer window to the rear roof slope, at 209 Baring Road, SE12, together with installation of two roof lights to the front roof slope and two to the rear roof slope, subject to conditions and informatives in the report.

6. 28 BORDER ROAD, LONDON, SE26 6HB

- 6.1 The Planning Officer, gave an illustrative presentation recommending the granting of planning permission for the demolition of existing shed and erection of a studio and an adjoining shed at the rear end of the garden at 28 Border Road, SE26, subject to the conditions and informatives in the report.
- 6.2 The Committee noted the report and that the main issues were:
- Principle of Development
 - Urban Design
 - Impact on Adjoining Properties

The Planning Officer stated that they were satisfied that any noise will not have any impact on the adjoining properties. The principle of development and the urban design were also considered acceptable, complying with relevant policies. Therefore it was recommended that the application be approved.

- 6.3 The Planning Officer confirmed that the studio will be for the sole use of the applicant. The applicant was present but gave no further explanation to what the Planning Officer presented as it satisfied his application.
- 6.4 The objector gave their statement. They said that they believe planning officers have omitted the boundary lines of their neighbouring home, number 26, from the report. They stated that the proposed application should be refused because firstly, it will overshadow most of the garden of their home, which lies at a right

angle of the proposed studio, causing a loss of light and amenity to their garden. The height of 3m and the width of 4m would be overbearing and would impact the acceptable use of the garden. The path is 7.76m and the proposal extends beyond the boundary by 5.56m causing a huge overbearing and enclosure of the pathway. Additionally, the connection of the block of flats beside 28 Baring Road to its garden is over 69 years old, they said, which would be lost. They stated that the noise would be a nuisance because the garden of 26 lies behind the proposed studio.

- 6.5 Councillor Muldoon asked the planning officer to present the bird's eye view of the property in as much detail as possible, as the Committee discussed the potential obstruction of the neighbouring properties. The Officer indicated where all of the neighbouring properties were and their positioning beside the garden of the proposed studio.
- 6.6 The applicant confirmed that as music is his line of work, music is practiced in the house every day. He stated that it is practised with windows open during the summertime and he had never received any complaints from neighbours. He said that he is a pianist, so did not believe that his playing caused any loud or disruptive noise, in comparison to other instruments. He explained that the studio would be more soundproofed than playing inside the house, for the benefit of the neighbours.
- 6.7 The Planning Officer stated that soundproofing is not a required for rear –house development. The Presiding Officer added that it would be onerous to present noise assessment, mitigation or insulation to the condition as it is not a commercial studio, given that it is ancillary to the main dwelling. He also said there was nothing enshrined in planning policy to protect an owner's view of their garden. They will rather look at the overall impact of neighbour amenity, enclosure and outlook offered to neighbouring properties. Having assessed this, they were satisfied that there would be no unreasonable impact on these issues.

The Committee considered the submissions made at the meeting, and

RESOLVED unanimously that planning permission be granted for the demolition of existing shed and erection of a studio and an adjoining shed at the rear end of the garden at 28 Border Road, SE26, subject to the conditions and informatives in the report.

7. 10 MANOR LANE, LONDON, SE13 5QP.

- 7.1 The Planning Officer, gave an illustrative presentation recommending granting planning permission for the construction of a rear dormer extension and two front roof lights at 10 Manor Lane SE13 subject of the conditions and informatives in the report.
- 7.2 The Committee noted the report and that the main issues were:
- Principle of Development
 - Urban Design and Impact on Heritage Assets

- Impact on Adjoining Properties

The officer stated that each of these were considered acceptable by planning and it was recommended that the planning application be approved.

- 7.3 The agent for the applicant gave his presentation. He stated that this was well-designed extension which meets a high level of design standards. The scale and width of the dormers were considered of high quality design- those at number 62 and 64 of Manor Lane are now prominent features of the conservation area which were widely welcomed. Although they sit beyond the guidance of the SPD, he stated that their quality is a positive contribution to the character of the conservation area as well as its ongoing history. He said that of the 22 properties on the stretch, 10 have full width dormers- the latest of these at number 6 was consented in June 2020, a year after the publication of the SPD. 15 of the properties have front-facing roof lights and full width dormers which were cited as a main objection to the proposal.
- 7.4 The objector made his statement discussing the following. He said that the argument is often made that this is high quality design which he said out of context was poor design and that the development was out of context. The Japanese – style cladding was not suitable for the Lee Manor conservation area. He stated that officers claims that the scheme would not “further” erode the quality of the area, implies that the designs have already cause such erosion.

Members had no questions for the applicant or objector.

- 7.5 The Committee considered the submissions made at the meeting, and

RESOLVED unanimously that planning permission be granted for the construction of a rear dormer extension and two front roof lights at 10 Manor Lane SE13 subject of the conditions and informatives in the report.

The meeting closed at 9.50 pm.

Chair
