

ROYAL BOROUGH OF GREENWICH

LOCAL PLANNING COMMITTEE

TUESDAY, 24 SEPTEMBER 2024 AT 6.30 PM

MINUTES

Present:

Councillors Councillor Gary Dillon (Chair), Asli Mohammed, Calum O'Byrne Mulligan and Pat Greenwell

Under Standing Orders:

Councillor Nick Williams, Ward Councillor

Officers:

Assistant Director Planning and Building Control, Area Planning Manager (East), Area Planning Manager (West), Senior Principal Planning Officer and Committee Services Officer

At the commencement of the meeting, the Chair announced the procedure which would be followed for considering the item(s) before the Local Board Committee and confirmed the names of those who had been registered to speak, clarifying that only those people would be called to address the Planning Committee.

Item

No.

1 Apologies for Absence

No apologies for absence were received.

2 Urgent Business

The Local Planning Committee accepted a public submission and the Planning Officers' addendum report, circulated in advance of the

meeting, in relation to Item 5 – 118 Woodhill, Woolwich, London, SE18 5JL – Ref: 23/2361/F and 23/2362/L.

That it be noted the Agenda records Item 5 as 118c Woodhill, in error, and should read 118 Woodhill.

3 Declarations of Interest

Resolved -

That the list of Councillors' memberships as Council appointed representatives on outside bodies, joint committees and school governing bodies is noted.

4 Minutes

Resolved -

That the Minutes of the meeting of the Local Planning Committee held on 16 July 2024 be agreed and signed as a true and accurate record.

5 118C Woodhill, Woolwich, London, SE18 5JL- Ref: 23/2362/L & 23/2361/F

The application was considered by the Woolwich and Thamesmead Area Planning Committee of 30 January 2024 and defer it, pending further clarification of land ownership to be provided to the Officers. Further, it was noted that paragraph 3.1 - Public Consultation - should state, "A further 8 objections from 13 individuals were received regarding the proposal following the re-consultation."

Planning Board noted the Planning Officers addendum report and accepted an illustrative presentation of the proposal from the Senior Principal Planning Officer who confirmed the refuse team were satisfied with the waste collection arrangements and there would be no overlooking to the new property, as it faced onto a garden wall and the windowless flank walls opposite.

The Senior Principal Planning Officer advised the rear garden of 118 Woodhill was 269 square meters, with 123 square meters being retained with the proposal encompassing a section of garden currently occupied by an existing outbuilding. The applicant had previously submitted the incorrect Ownership Certificates, Part A application appendix to the

Planning Application as a sole owner, subsequently the correct Part B appendix with confirmation that the required notices had been served to the other freeholders to purchase their land, which had been verified, was submitted. The issues of land ownership or rights of use related to the site were a civil matter. If planning consent was granted the applicant could not proceed with the development if the other parties, who owned the development site, did not agree to sell their interests.

The Local Planning Committee was addressed by a freeholder and freeholders representative and neighbour to 118 Woodhill, speaking in objection who advised the garden was divided into portions, shared among the 3 freeholders. The applicant had rights to 20% of the garden which was the closest portion to the house, not the area proposed for the development. As the applicant was aware they did not own the development plot and knowingly made a false declaration on the Planning Application it was felt the Council should dismiss the application.

A speaker advised that in 2011 the applicant commented, unauthorised work, on changing the outbuilding into a flat, without consent of the freeholder, damaging a double door previously restored by the freeholder as well as the building, making poor restoration with stock bricks. The speakers felt the applicant was trying to make a land grab and remove the freeholders and tenants' rights to their garden amenity.

They understood it was possible to apply for consent to build on others land but given the actions of the applicant were extremely concern that granting planning consent would place the onus on the other leaseholders to defend their rights and sought an additional Condition that written consent was acquired from all freeholders prior to commencement of any building works. They questioned who would take action if he commenced building without land ownership.

In response to Members questions the speakers acknowledged land ownership was a civil matter but remained concerned, given the applicants passed and current behaviour and lies, that the situation would not be pleasant if consent was granted. Access to the flat 118a was through the rear garden and would be lost; there was not access via the front of the building.

That the applicant regularly dumped the unwanted goods, left by previous tenant, in the garden area when a new tenant moved in. The

other residents had spoken to him; he refused to help remove it or pay to remove it, resulting in the freeholders of those plots having to do so at their own cost.

The Members sympathised with the speakers positions advising that they were limited on the actions the Committee could take. Any Conditions had to be legal and relate to material planning matters. The matter was previously adjourned due to lack of clarity of land ownership; the applicant had now submitted the correct applications and officers had checked the documents submitted as correct. Land ownership was a civil matter and the applicant would need to consult with other landowners not tenants to continue with the development.

The Local Planning Committee was addressed by the applicant's Agent who expressed that the Officers report gave full details of the application and in response to Members questions confirmed the applicant could proceed with designing the proposal and seeking planning consent but that it would be illegal to build on land owned by others. He confirmed that he was not in a position to accept any additional Conditions, on behalf of his client.

The applicant's Agent confirmed that the applicant had led him to believe they owned the plot when he was engaged. When he was made aware this was not the case and the required notices were served on the other two freeholders and correct documents submitted to Planning. He confirmed that it was not uncommon for consent to be gained in advance of acquiring ownership of the land.

The Chair acknowledged the speakers frustration at the situation but the Committee was bound by government legislation. In respect of the civil aspect, each freeholder would hold a title deed, which would include allocated portions of the garden and the freeholders insurance may offer them legal cover and advice, for such situations, noting the same solicitor may be appointed to both objectors freehold agreements and the jointly owned, undesignated, right of way in the garden. The applicant did not own or have access to plot which formed a large part of the application site and expressed disappointment that at the site visit the applicant had directly lied to him, asserting that he did own the land.

In their deliberation of the applications Members expressed disbelief at the applicants behaviour in terms of lying and misleading Officers, the

Chair and others and retaining an architect under false pretences. That given the applicant poor behaviour it was understandable why the other leaseholders trust in the applicant was low, however these were not material planning objections.

That construction could only commence with the agreement of the landowners and it would be illegal for the applicant to engage in construction without agreement. Members wanted Officers to ensure that if the applicant got the appropriate ownerships to proceed and strictly adhere to the requirements of the proposed scheme, including materials and colour pallet. Further, that action would be taken if construction was progressed without the appropriate land ownership or consents.

Members expressed their frustration and regret that they were unable to support the speakers further, but they were bound by legislation and law.

The Chair put the proposal to grant planning consent to the vote with -
3 Members in favour
0 Members against
1 Abstaining

Resolved –

That full planning permission (REF: 23/2361/F) and listed building consent (REF: 23/2362/L) be GRANTED for conversion and extension of the existing rear outbuilding to provide a new self-contained part 1, part 2 storey dwelling with associated cycle parking, refuse storage and outdoor amenity space (within setting of Grade II listed building).

That consent is subject to the Conditions set out in Appendix 2 (REF: 23/2361/F) and 3 (REF: 23/2362/L) and the addendum report.

That the Assistant Director (Planning & Building Control) be authorised to make any minor changes to the detailed wording of the recommended conditions for application references 23/2361/F and 23/2362/L as set out in the report (Appendix 2 and 3), its addendums and the minutes of this Area Committee meeting, where the Assistant Director (Planning & Building Control) considers it appropriate, before issuing the final decision notice.

6 **64 Holburne Road, Kidbrooke, London, SE3 8HP- Ref: 24/0776/F**

Area Planning Manager (West) gave an illustrative presentation, recommending that planning permission for the proposal was granted, as outlined in the Officer's report.

In response to Members questions the Area Planning Manager (West) confirmed the size of the proposal was in line with the Core Strategy. The kitchen was not classed as a habitable room therefore lack direct light was not a planning ground for refusal, further, as it was a domestic, not industrial kitchen, there was no planning requirement for a vent or flu. The lack of communal space was acceptable as the rooms were all within acceptable space standards for such a proposal. At 0.8 meters the access way to the property and rear garden was deemed acceptable. Cycle storage was conditioned including security and design. As the area was not within a CPZ a parking survey was not undertaken as parking restrictions could not be conditioned.

The Local Planning Committee was addressed by two residents who objected to the proposal on the grounds of increased traffic and parking pressure to the area. Increased refuse, noise, and disruption, both through construction phase and habitation, as six individual adults not one cohesive family. Primarily elderly community who will be anxious due to unknow occupants, and not the right location for an HMO.

The Area Planning Manager (West) confirmed to Members that the applicant would also be required to apply for an HMO license which would require a management plan may have a different view on aspects of the proposal and fire regulation requirements.

Members moved to determination and expressed concern at the lack of ventilation to the kitchen, in which residents may have to congregate, as it was also the main entrance area. The possible impact on the quality of life for elderly neighbours and the lack of a CPZ for the area was of concern.

That the concerns at the possible impact on neighbours was understood, this was not a material planning matter and noted that the majority of the issues of concern raised would be controlled under the HMO licensing process.

The Chair put the proposal to recommend planning approval to the vote with –

3 Members in favour

1 Member against

0 Members abstaining

Resolved –

That full planning permission be granted for the construction of a single storey rear extension. Change of use from a residential dwelling (use class C3) to a 6-person house in multiple occupation (HMO) (use class C4).

That consent was subject to the conditions set out in Appendix 2, to be detailed in the notice of determination.

That the Assistant Director of Planning & Building Control be authorised to make any minor changes to the detailed wording of the recommended conditions as set out in this report and its addendums, where the Assistant Director of Planning & Building Control considers it appropriate, before issuing the decision notice.

NB - The Committee adjourned at 08.43pm and reconvened at 08.50pm

7 34 Fairthorn Road, London, SE7 7RL - Ref: 23/2545/HD

The Area Planning Manager (West) gave an illustrative presentation, recommending that planning permission for the proposal was granted, as outlined in the Officer's report and response to Members questions confirming the extension was of a similar height and in line with neighbouring property. Further, that all works on the unauthorised extension building had whilst the issue of consent is resolved.

Councillor Nick Williams addressed the Committee, as the Ward Councillor advising that he was presenting the comments of Councillor Gardner and residents who were concerned that the applicant had a history of building on the site without consent and there were concerns that it was being converted into an HMO. The rear of the property, including the flat roof would be clearly visible from the well-used public

alleyway and should be refused as the flat roof was against Core Strategy DHI and the not in keeping with the building skyline. There were safety concerns as the sense of enclosure that would be created to the public alleyway, which was illuminate by one streetlight. The distance between the extension and first floor window cill was less than 300 mm, failing on paragraph 191 of the Design Guide. If granted the finish of the building, extension, garden outbuilding and repairs to the wall should all be London stock brick, not render.

Councillor Williams clarified that the applicant was trying to make a long term unacceptable situation acceptable and the extension should not be considered in isolation.

Councillor Greenwell proposed and Councillor O'Byrne Mulligan seconded the proposal for a site visit in order to assess the cumulative effect.

The Assistant Director, Planning and Building Control clarified that the roof was already constructed and the only aspect that the development that was under consideration by the Committee tonight was the application in relation to the extension. The Area Planning Manager (West) added that the neighbouring property also had a flat roof extension and this was supported by the SPD (Supplementary Planning Document) and the distance between the first floor window cill was more than 300 mm.

Councillor Greenwell withdrew the proposal for a site visit.

The Area Planning Manager (West) responded to Members questions advising the alleyway was well used and the development sight would be mirroring the opposing wall which would not impact any sense of enclosure. The external surfaces materials to be used for the of the extension were Conditioned and could be amended to require the facing materials match those of the main dwellinghouse and the adjoining boundary wall.

With no further questions from Members and with no applicant or representative in attendance and Members indication to agree the proposed amendment to Condition 3, the chair put the Officers recommendation to grant approval, with the proposed amendment to the vote and with -

4 Members in favour
0 Members against
0 Members abstaining

Resolved unanimously -

That retrospective Planning consent be granted for a single storey rear infill extension.

That consent is subject to the Conditions set out in Appendix 2 of the report with amendment to Condition 3 so that it reads as follows:

- a) Prior to the implementation of the approved works full details of the proposed facing materials shall be submitted to and approved in writing by the Local Planning authority. The proposed facing materials shall match the facing materials of the main dwellinghouse and the adjoining boundary wall.
- b) The development shall be implemented in accordance with the approved details.

That the Assistant Director of Planning & Building Control be authorised to make any minor changes to the detailed wording of the recommended conditions as set out in this report and its addendums, where the Assistant Director of Planning & Building Control considers it appropriate, before issuing the decision notice.

8 The Vista Building, 30 Calderwood Street, Woolwich, SE18 6JF - 22/3032/F

The Area Planning Manager (East) gave an illustrative presentation, recommending that planning permission for the proposal was granted, as outlined in the Officer's report advising paragraph 7.1 of the report should read 'RBG CIL Charging Schedule (2024)'

The Area Planning Manager (East) confirmed that new units would be accessible existing building core in Calderwood Street and existing corridors. Whilst the HSE initially raised an objection on fire safety they accepted the applicants revised information, withdrawing their objection.

The applicant's Agent did not make a presentation but confirmed to Members that the work to replace the Vista Building cladding with a non-combustible form had been completed. Whilst the existing corridors did not form part of the proposal the applicant could look at improved artificial light resulting from the loss of some external light.

The Assistant Director, Planning and Building Control advised that application being considered was under the number of units to provide affordable housing and it was not within policy to look at any uplift in relation to the existing building.

The chair moved to the vote, put the recommendation to approve planning consent to Members with
4 Members in favour
0 Members against
0 Members abstaining

Resolved unanimously -

That Full Planning permission be granted for the erection of a nine (9) storey extension to the North West of the building (fronting Clara Place) to provide a 1 x 1 bed flat, 6 x 2 bed flats and a ground floor retail unit.

That consent was Subject to the conditions set out in Appendix 2.

That the Assistant Director (Planning & Building Control) be authorised to make any minor change to the detailed working of the recommended conditions, as set out in the report (Appendix 2), its addendums and the minutes of this Area Committee meeting, where the Assistant Director of Planning & Building Control considers it appropriate, before issuing the decision notice.

The meeting closed at 9.30 pm

Chair