

## PLANNING COMMITTEE A

Date of Meeting: **THURSDAY, 11 SEPTEMBER 2014 TIME 7.30 PM**

PLACE: **ROOM 1 & 2, CIVIC SUITE,  
LEWISHAM TOWN HALL, CATFORD, SE6 4RU**

Members of the Committee are summoned to attend this meeting:

**Membership  
Councillors:**

**Abdeslam Amrani (Chair)  
Roy Kennedy (Vice-Chair)  
Obajimi Adefiranye  
Andre Bourne  
Alan Hall  
Amanda De Ryk  
Pat Raven  
Alan Till  
Paul Upex  
James-J Walsh**

The public are welcome to attend our committee meetings, however, occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

**Barry Quirk  
Chief Executive  
Lewisham Town Hall  
London SE6 4RU**

**For further information please contact:  
Yinka Ojo Committee Co-ordinator  
3<sup>rd</sup> Floor Laurence House  
Catford Road SE6 4RU**

**Date: Tuesday, 2 September 2014**

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Committee	PLANNING COMMITTEE A	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	11 September 2014

Members are asked to declare any personal interest they have in any item on the agenda.

**(1) Personal interests**

There are three types of personal interest referred to in the Council's Member Code of Conduct :-

- (a) Disclosable pecuniary interests
- (b) Other registerable interests
- (c) Non-registerable interests

**(2) Disclosable pecuniary interests** are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person\* for profit or gain.
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person\* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person\* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:-
  - (a) that body to the member's knowledge has a place of business or land in the borough; and
  - (b) either

- (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person\* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

\*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

### (3) Other registerable interests

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council;
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party;
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

### (4) Non registerable interests

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

### (5) Declaration and Impact of interest on member's participation

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take not part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in

consideration of the matter and vote on it unless paragraph (c) below applies.

- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

#### **(6) Sensitive information**

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

#### **(7) Exempt categories**

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception);
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt;
- (d) Allowances, payment or indemnity for members;
- (e) Ceremonial honours for members;
- (f) Setting Council Tax or precept (subject to arrears exception).

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Committee	PLANNING COMMITTEE A	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	11 September 2014

### MINUTES

To approve the minutes of the meeting of Planning Committee A held on 31 July 2014.

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Committee	PLANNING COMMITTEE A	
Report Title	233-241 LEWISHAM HIGH STREET SE13 6NQ	
Ward	Lewisham Central	
Contributors	Kate Hayler	
Class	PART 1	11 September 2014

<u>Reg. Nos.</u>	(A) DC/14/87797 (B) DC/14/87798
<u>Application dated</u>	02.06.2014 [as revised on 18.02.2014]
<u>Applicant</u>	Rapleys LLP on behalf of The Tabernacle Global Ministries
<u>Proposal</u>	Listed Building Consent and planning permission for the extension and alteration, external and internal restoration to the former Riley's Snooker Hall building at 233-241 Lewisham High Street SE13 including extensions to the rear hall and roof, in connection with the use of the building as a place of worship (Use Class D1) and associated uses, including cafe (Use Class A3) and crèche, community hall and conference facility (use Class D1).
<u>Applicant's Plan Nos.</u>	912362 G RevA, 1 RevA, R RevA, S1 RevA, S2 RevA, S3 RevA, E01 RevA, E02 RevA, 912362 E1 RevA, E RevA, 912362A E RevA, 1205- 001, 020 RevA, 030 RevA, 031 RevB, 032 RevA, 033 RevB, 034 RevB, 035 RevA, 036 RevA, 037 RevA, 038 RevA, 039 RevA, 040 RevA, 041 RevA, 042 RevA, 043 RevA, 044RevA, 045 TA (submitted 02/06/2014) and 1205-002 RevC, 003 RevD, 005 RevC, 006 RevD, 018 RevC, 019 RevC, 021 RevE, 023 RevD, 025RevD, 026 RevD, 028 RevC, 029 RevD (submitted 18/08/2014) Planning Statement, Design & Access Statement, Cil, Statement of Community Involvement, Historic Building Impact Assessment (including Statement of Significance and Materials and Workmanship Specification), Condition Report May -2014, Travel Plan, Schedule of Proposed Repair & Works, Noise Assessment, Heating Cooling and Ventilation Statement, Business Plan (Private and Confidential).
<u>Background Papers</u>	(1) Case File LE/152/233TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan (5) NPPF

## **1.0 Property/Site Description**

- 1.1 The site (0.10 ha) is located on the east side of Lewisham High Street at the north-east corner of the junction of Lewisham High Street with Courthill Road, which rises to the east. This is a prominent corner position and the site has frontages to both Lewisham High Street and Courthill Road. It is bounded by a railway line to the north, which is carried on a bridge over Lewisham High Street.
- 1.2 The building is a former Temperance Billiard Hall and was Grade II listed in February 2008. There is therefore a very recent and detailed listing description that sets out the significance of the building as a well preserved example of an uncommon building type. The listing describes how the Temperance Movement built around 17 billiard halls nationally between 1906 and 1911 which were all designed by the same architect. The movement sought to combat alcoholism by providing 'dry' recreational halls which rivalled the opulent architecture of the public houses of the late 19 century. The buildings often used the same decorative materials as pubs, such as tiled walls and stained glass. The listing explains that the building type is not common nationally. The Temperance Movement targeted only specific areas, namely the South London suburbs and areas in the North-West of England. Only a few representatives of the buildings have survived as interest in the Temperance Movement waned in the 20<sup>th</sup> century and the popularity of billiards declined.
- 1.3 The listing describes the layout of the original building based on historic plans and photographs that have survived. The building contained a café / lounge and lobby in what is now called the 'small hall', a 'large hall' with fifteen billiard tables cleverly top lit by dormer windows and four shops facing Lewisham High Street. To each side of the lobby it is officers' opinion that there would have been a matching set of iron spiral staircases leading up to bathrooms on the first floor, although only one of these staircases currently survives. Photographs of the café/lounge show a stained glass bow window at its southern end (facing onto the corner of Lewisham High Street and Courthill Road), a small platform and proscenium (presumably for bands and other entertainment) at the northern end, a fountain in the centre of the hall, tables and chairs and two small domed booths with Art Nouveau stained glass, possibly for purchasing refreshments. The photo also shows the roof with its ornate metal trusses and brackets which are now visible.
- 1.4 The building consists of three distinctive volumes that reflect the original plan form. To the front facing Lewisham High Street and the corner of Courthill Road is a two storey block of five bays. The central bay contains the main entrance and is topped by a prominent tower with domed cupola. The ground floor bays flanking the entrance to both sides contain shopfront windows divided by pilasters. The building's corner position is exploited by the small domed turret which terminates this elevation and draws attention to a corner entrance with a stained glass transom and elaborate plasterwork cartouche above the door.
- 1.5 On the Courthill Road elevation is another domed turret that marks the distinction between the front part of the building and the central hall, formerly the café and lounge known as the small hall. This presents a deep gable to Courthill Road, with a colonnade on the ground floor and a projecting, half-domed section above. Behind, along Courthill Road, extends the former billiard hall or main hall. It is a

seven and half bays long building. The side elevations are blank now but originally had stained glass windows. There are four prominent dormers with semi-circular hoods on both the front and rear roofslope that originally lit the billiard tables below.

- 1.6 The building is attractively detailed including Art Nouveau stained glass windows, decorative brickwork, plasterwork wreaths, tiles and capitals, possibly made of terracotta, although much of the architectural detail is now covered by white paint. Internally, the timber staircase to the upper storey and one metal spiral staircase survive. Some original wall finishes, tiles and plasterwork also survive in places. The recent removal of the suspended ceilings revealed the original decorative roof trusses whose survival was anticipated when the building was listed.
- 1.7 To the north of the building there is a small triangular yard which contains a modern extension housing toilets and a boiler room which is accessed through both the small and large halls.
- 1.8 The site operated as Riley's Snooker Hall until it was brought by the applicant and this use ceased in 2012. The site has since been vacant. The applicant has carried out removal of non-significant modern fabric which was deemed not to require Listed Building Consent by the Council's Conservation Officer. In addition and despite Officer's instructions the removal of partially damaged ceilings was undertaken. This reveals that the original roof trusses and the ridge lantern to the former café / lounge do indeed survive and to a lesser extent original plasterwork and wall finishes. The removal of the ceilings was considered to harm the significance of the building because it leaves the rooms to the upper floor without a plaster ceiling and therefore unusable.
- 1.9 Since the site has been vacant it has been occupied by squatters twice which has resulted in some damage to the interior including the removal of some of the panelling to the first floor bathrooms and the painting over of original tiles. In addition, there has been some damage caused by water ingress to the front of the building which was pointed out to the applicant in a pre-application letter dated the 14/02/2014.
- 1.10 Lewisham High Street (A21) is a Red Route and the site is within a Controlled Parking Zone (CPZ). A bus stop is located immediately adjacent to the site on Courthill Road. The site is within the Shopping Non-Core Area of Lewisham Major District Centre. The site is within an Area of Archaeological Priority and in Flood Zone 2. It has a PTAL level of 6a. The site is not in a conservation area however, the building is Grade II listed.

## **2.0 Planning History**

- 2.1 Planning permission was refused in 2008 for the demolition of the existing buildings at 233-241 Lewisham High Street SE13 and the construction of a part three/part six/part nine storey building, comprising retail space (Use Class A1) (201m<sup>2</sup>) and 1 one bedroom, 48 two bedroom and 7 three bedroom self-contained flats, together with the provision of storage space, refuse store and 56 cycle spaces (Ref: DC/07/65753).

2.2 Planning permission was granted on 19/1/2012 for the change of use of the existing building to a place of worship only (Ref: DC/11/78782). Conditions were imposed which related to the control of noise and hours; the use was limited to a place of worship only; and the applicant was required to submit a green travel plan.

2.3 Pre-application discussions have been undertaken between the applicant and their architect and planning consultants and the Council's Conservation Officers and Planning Officers. The most recent pre-application letter dated the 4 February 2014 was supportive of the work of the church and the public benefit that the scheme would deliver but reiterated the council's significant concerns about the level of intervention proposed, particularly the removal of the roof trusses. The letter confirms officer opinion that the proposals would result in significant harm to the Grade II listed building and states that the applicant's submission fails to explain how the small increase in floor space achieved by the removal of the current roof structure and the replacement with a large roof extension demonstrates substantial public benefits that could not be delivered through a scheme resulting in less harm to the building. The letter concludes:

*Notwithstanding the Council's strong objection to the principle of the development in terms of the level of intervention, the proposals are not considered to be in any way sympathetic to the character of the current building and as the latest incarnation of the design does not differ to any great extent from the previous one, the Council has nothing further to add than previously written.*

2.4 English Heritage was consulted on the pre-application submission and supported officers assessment findings in a letter dated the 1 April 2014. The letter concludes:

*Whilst English Heritage supports the principle of church use, it is our view that the current proposals cause substantial harm to the significance of the listed building, which have not been justified in accordance with the provisions set out in paragraph 133 of the National Planning Policy Framework. Should the current proposals be formally submitted for planning permission and listed building consent, English Heritage would object in the strongest terms.*

*It is our view that proposals for conversion of the building are only likely to be considered acceptable if they work within the constraints of the listed building and defer to its significance. The building should not be expected to conform to the needs of the current owners or users.*

### **3.0 Current Applications**

#### **The Proposals Requiring Listed Building Consent**

##### **Two storey front element**

3.1 The proposals would retain the existing entrance to the building and two of the four original shop units to the front (south) of the building would be altered to create a café which would be accessed through double glass doors off the

entrance lobby. A new servery would be created, served by a dumb waiter to basement level where a new kitchen and store would be installed. The existing curved bay shop windows would be reinstated to match the original windows with the original stained glass refurbished and repaired. The existing corner entrance would be replaced with a window. A lift would be installed roughly in the location of the original spiral staircase (already removed). At first floor level the southern rooms would be used to create an office and space for a crèche (9 child spaces). The office would contain the relocated spiral staircase to access a new roof space and a 'rest room' and further WC.

- 3.2 To the north of the entrance the timber staircase would be retained and the remaining metal spiral staircase would be relocated to the first floor. The final shop unit would be used to create an open plan nursery/crèche area (20 child spaces) and a new staircase would be installed. The original bay windows on this side would also be refurbished with the stained glass detailing restored. At first floor level additional nursery/crèche space would be provided to accommodate 20 additional child spaces.
- 3.3 The area above the entrance would provide three additional WCs.

#### Central hall (or Small Hall)

- 3.4 The original open area of the small hall would be subdivided by glazed screens with a large admin office and curved staircase installed at the southern end and a number of toilets and a parent room created at the northern end. The windows fronting Courthill Road would be restored. At first floor level two box dormers would be installed at each end of the space to create flexible spaces and a glazed walkway to a new balcony over the main hall. The box dormer to the south would measure 11m by 3.5m and the L-shaped box dormer to the north would measure 11m x 6.2m (10.2m at the longer point). These works would require the removal of two of the original roof trusses and the removal of the original roof lantern which would be replaced with a smaller lantern.

#### Main Hall:

- 3.5 In terms of the main hall, the existing extensions to the north of the site would be demolished as would the entire rear wall of the hall to extend the building to the boundary of the site. New timber and aluminium framed double glazed windows would be installed in the new wall at high level. An internal acoustic wall would be installed along the Courthill Road elevation with a new emergency exit added near the eastern corner. The alterations would result in the removal of 8 of the existing roof trusses and 4 of the existing dormer windows to the north side of the roof. These would be replaced with 6 steel 'goal posts' which have decorative details similar to the appearance of the existing roof trusses. A stage area would be constructed to the east of the space with a new baptism pool and plant room at basement level to the north of the space, accessed by a new staircase.
- 3.6 At first floor level a balcony would be created at the west end of the space extending 5.5m into the hall.

### Roof Level:

- 3.7 At roof level, the existing bitumous roof covering would be removed and replaced with natural grey colour slate tile. The 4 dormer windows over the main hall fronting Courthill Road would be restored. The roof structure to the north of the main hall would be entirely replaced with a folded composite insulated roof. The box dormers above the small hall would have flat roofs and glazed sides when viewed from Courthill Road.

### The Proposals Requiring Planning Consent

- 3.8 Not all of the works described in the section above require planning permission as they are internal or constitute like for like replacement of existing fabric. It is the external works and change of use that require planning permission, including:
- the installation of the box dormers and the changes to the roof lantern over the small hall,
  - the extension to the main hall and the construction of the new roof;
  - the replacement of the existing roof with natural slates; and
  - the change of use to allow the use of the building as a cafe (Use Class A3) and crèche, community hall and conference facility (use Class D1) rather than just as a place of worship.

### Further Amendments:

- 3.9 Further amendments were submitted on the 8 August 2014 following comments from the Council's Environmental Health Officer regarding the ventilation/heating/cooling strategy for the proposal. The changes proposed included:
- Installation of 3 No. Fresh Air intake vents indicated near the gable end wall on the roof of the Small Hall;
  - Change to the proposed storage on the small hall mezzanine floor as a plant room to accommodate condenser units, and associated installation of 1 No. ventilation grill (2000mm(h) x 3000mm(w)) to the plant room on the middle building gable end wall;
  - Installation of 1 No. 800mm x 500mm fan on roof slope between the dormers on the roof of the Small Hall;
  - Widening of the air gap (service void) provided behind the Stage Acoustic Wall in the rear building from 230mm to 400mm;
  - Installation of the grilles for air extract fan to the internal wall between the Small Hall
  - and Main Hall roofs, and
- Installation of 2 No. 500mm diameter circular grilles for the air intake fan on the lower section of the gable end external wall of the Main Hall.

- 3.10 The current application has not changed significantly from the scheme submitted for pre-application advice except for the retention of the timber staircase in the northern part of the two-storey front building. The current proposal also foresees

the re-location of the cast-iron spiral staircase into the first floor office providing access to a rest room in the roof void, although this is not guaranteed. The applicant has also provided a clearer explanation of the public benefit that would be delivered by the scheme and a Business Plan setting out why a 800 seat auditorium is necessary to fund the scheme.

### Supporting Documents

- 3.11 The submission is accompanied by a number of supporting documents which are outlined in the following paragraphs.

### **Design and Access Statement**

- 3.12 The Design and Access Statement sets out the Tabernacle's (the applicant) commitment to facilitating the regeneration of the site, returning a landmark heritage asset back into beneficial active use. It sets out how the restoration and adaptation of the building will regenerate the area by creating a new focal point and a more inclusive environment, helping to maintain a more sustainable and friendly streetscape. The Tabernacle currently own an existing listed church on Algernon Road and wish to relocate the majority of administrative functions to the application site. The document sets out that the condition of the existing building is poor and that it was not properly maintained by the previous owners.
- 3.13 The document sets out the applicant's belief that the integrity of the original spaces will be retained through a scheme that adopts a 'mitigation by design' approach and confirms the design objectives of the proposal which are to restore and refurbish the derelict listed building and to sensitively adapt the historic building to a place of worship to meet the needs and requirements of the Tabernacle and the community, whilst minimising the level of alteration which would impact upon the significance of the heritage asset as far as possible
- 3.14 The Tabernacle's primary use of the building as a place of worship requires an auditorium with a seating capacity of 800, which is necessary to meet the Tabernacle's congregational need to hold a single day time service on Sundays, and to bring the building back into viable optimum use (the income from the rental of this space is necessary to finance the work to the building).
- 3.15 The document describes the changes that will be made to the building and the uses that will be facilitated by the changes confirming that the increased bulk of the rear hall will not be visible from Courthill Road, and consequently will have no material impact on the setting of the Listed Building and the visual amenity of the external elevations and streetscape.
- 3.16 The document lists the original features of the building which will be reinstated and restored and explains how the loss of the roof trusses has been mitigated through a design that mimics the decorative detailing of the existing roof trusses.
- 3.17 The site is well situated in terms of public transport and the scheme will be car free. A Travel Plan has been submitted in support of the application which will be reported on below.
- 3.18 In terms of inclusive access new ramped access and a lift is proposed along with 850mm wide doorways and 1200mm wide main staircase.

- 3.19 Appendix 1 to the document include a Condition Survey carried out in 2012 identifying water ingress as a result of damaged roof coverings. It identified the possibility that the iron trusses could be damaged although no inspection was carried out.
- 3.20 Appendix 2 to the document identified asbestos containing materials which will need to be removed by a licensed contractor.
- 3.21 Appendix 3 contains the listing description.
- 3.22 Appendix 4 contains the application drawings.
- 3.23 Appendix 5 contains a schedule of pre-application advice meetings and letters along with the drawings submitted as part of the pre-application process. The schedule does not include any details of meetings held after February 2014 of the discussions and feedback received from English Heritage.

### **Historic Building Significance Assessment and Historic Building Impact Assessment**

- 3.24 This document prepared by Priory Heritage Ltd identifies the elements of the existing building which are considered to be of historic significance and will be affected by the proposed works. The document considers the relative impact which the proposed changes will have on these elements. The document sets out that there is no realistic or reasonable prospect of the building being reused for a place of worship or community use, without substantial investments/funding sources available. The document suggests that the building has been subject internally to alterations that have done little to preserve the significance of the building and that the changes proposed are the minimum required to bring the building back into a viable use whilst meeting the needs of the church. The document recognises that the loss of the roof trusses to the main hall will result in the loss of existing fabric but states that these trusses are of limited architectural merit compared to the architecturally designed trusses in the small hall. The locations of the existing columns and the original locations of the billiard tables will be demarcated in the new floor coverings so that those visiting the site can still understand how the historic building worked. The document remains silent as to whether the changes proposed will amount to significant harm (suggesting that this is a subjective matter) but points out that the building has only achieved the lower national designation of a Grade II listing.
- 3.25 The Statement of Significance highlights the elements of the building that contribute to the significance of the heritage asset. This confirms that the building is of relatively recent construction and is therefore not listed by virtue of its construction age. The retention of the external detailing and appearance of the building is found to be important with any works to refurbish the external details considered important in revealing the significance of the asset. The report confirms that internally there are few fixtures and fittings remaining, but that the plan-form and underlying structure of the building remain and retaining evidence of the plan form/function is important when considering the National significance of the building as an architectural feature of the Temperance movement. The trusses of the small hall and lantern are found to contribute to the significance of the asset whilst the trusses of the main hall are found to be more utilitarian and

therefore not to contribute to the significance of the place. The flat roofed structures to the rear are not found to contribute to the significance of the asset.

- 3.26 The document goes into the history of the area and of the Temperance Movement and of the building itself and examines the relevant Policy context related to historic buildings.
- 3.27 In terms of local importance the report suggests that for local residents this will be heavily vested in the external appearance of the High Street/Courthill Road elevations. In terms of national significance, the Temperance Movement confers a national importance on the building. The report therefore suggests that maintaining the national significance of the building requires the primary spaces/architectural elements of the building continuing to be understood as a function of the temperance movement's intent/activities.

### **Condition Report**

- 3.28 This document sets out the condition of the building based on a survey carried out in May 2014 and confirms the scope of repair works considered necessary to bring the building back into use. The report summarises the works necessary as follows:

- Strip and re-slate all roofs including provision of new insulation
- Associated valley gutter and sump lead work renewal with timber repairs
- Dormer window and cupola repair / renewal
- Reconstruction of Atrium lantern light
- Rainwater goods and buried storm and foul drainage system improvement
- External masonry and render repair including conservation of detailing and hoppers
- Strengthening and support to rear hall leaning end gable wall
- New and repair of all ground floor windows with shopfront and cornice repairs
- Timber and glazing repair to all first floor windows and secondary glazing internally
- Reinstatement of missing windows to original detail
- Structural floor repairs to ground and first floor level
- Full damp proofing and refurbishment of basement to return to use
- Internally to all rooms full refurbishment inc plastering to all walls and ceilings
- Full re-installation of essential services for electric, gas and water
- Further upgrades to building for viable use beyond repair of existing.

## **Schedule of Proposed Repair and Works**

- 3.29 This is a schedule of works that includes the new works to the building to accommodate the proposals and appendixes setting out details of the works to refurbish the windows.

## **Planning Statement**

- 3.30 The Planning Statement describes the context of the site and sets out the relevant planning history. The document also sets out a description of the activities of the Church.

- 3.31 Those with a traditional church focus include:

- Sunday services (2 daytime services accommodating attendance of 350 and 450 members respectively);
- Sunday school for children (and crèche during service);
- weekly prayer meetings and Christian education classes;
- Youth Clubs;
- Administrative Offices; and
- Ancillary uses such as a café and bookstore.

Activities with a focus on humanitarian and community services include:

- Lewisham's only food bank (2-3 times a week staffed by 8-12 volunteers);
- Community Outreach Projects – focusing on providing support for three vulnerable groups in Lewisham (the elderly, offering days out and grocery food supplies; the homeless, offering food and clothes; and women and children escaping from domestic violence, offering security and support through counselling)
- Lewisham Police Consultative Committee – who aim to foster greater communication between Lewisham Police, Lewisham Council and the community and the community
- Safer Neighbourhood Panel – members sit on the panel and the meetings are hosted at the existing site
- Offenders Mentoring Scheme – the Tabernacle sponsors this initiative which is aimed at assisting offenders in the transitional period following release
- Project Jeremiah – the Tabernacle gives financial contributions to help children educationally (to buy items such as stationary and uniforms)
- Ladywell Tower Development Trust – the Tabernacle is one of the four Lewisham based organisations seeking to restore and bring the Grade II Playtower building back into community use

- 3.32 The report describes the constraints on the existing church premises which are not large enough to accommodate the size of the congregation and range of activities being undertaken by the church. The need to host 2 services means that those attending the first service must leave promptly to make space for those

attending the second service and there is no opportunity for fellowship with one another after the service and opportunity for fellowship between the two congregations. The second service is a larger service and all members cannot fit in the main space and must instead sit in overflow rooms which are disconnected from the main rooms. In addition, there is no space to fulfil the churches desire to be able to reach out to more youths through drama and the performing arts.

- 3.33 The report confirms that significant investment will be necessary to repair and restore the building. It is calculated that this will cost in excess of £3.0m which will be funded by the Tabernacle, through its members' generous giving and additional grant to be secured. The business Plan demonstrates that in order to finance the refurbishments, it is fundamental to achieve an auditorium capable of seating 800 as the project will be funded by a combination of income generated by Tabernacle member's giving; Grant Funding (Heritage Lottery Fund) and revenue gathered from the Tabernacle's existing site and proposed site (i.e. hiring venues). The business Plan shows that in addition to the original loan required to purchase the site, an additional loan will be required to carry out the works and ongoing maintenance. The income from hiring the facility is fundamental to the funding the project
- 3.34 The document includes a summary of pre-application discussions; of the proposals and of the planning policy relevant to the determination of the proposals.
- 3.35 In terms of key planning considerations, Section 8 confirms that the principle of the use of the site as a place of worship has already been established and that the proposed ancillary uses (the crèche and café) are both uses appropriate to the site's town centre location. It is argued that the extension of the Main Hall to increase its capacity to accommodate 800 people is fundamental to meet the needs of the church and to secure the necessary funding for the project.
- 3.36 Crucially, the report communicates the applicant's view that the proposals represent a sensitive and high quality restoration of a derelict building in a way that will facilitate the needs of the church without leading to substantial harm to the significance of the listed building. The report therefore states that the proposals should be assessed in accordance with Paragraph 134 of the NPPF rather than the highest test contained in paragraph 133. The report suggests that significant public benefit would be delivered in any case.
- 3.37 The benefits of the proposal are reported as:
- The proposed use which is intrinsically in tune with the building's religious and social purpose and will reinstate the social and religious purpose of the building;
  - The proposal will allow the local community to appreciate the landmark listed building and allow them to interact with and use the building;
  - The external alterations to the Lewisham High Street and Courthill Road Elevations will reveal and enhance the significance of the heritage asset;
  - The proposed use enables a viable future for the building;

- The use of this building will allow the Tabernacle to make their site on Algernon Road available to smaller churches who are struggling to find appropriate places of worship;
- Proposal will help to meet the need for 3,000sqm of community space identified in the Council's Social Infrastructure Framework (2008), including a need for larger facilities as there are no facilities in the surrounding area that can provide seating for over 350 guests;
- Proposal will facilitate the Tabernacle's vital role in supporting the community which includes youth activities, community outreach projects, food bank and social care services for the vulnerable and disadvantaged in the community; and
- Proposal will provide jobs for around 8 staff in addition to the Tabernacle's current staff.

The report concludes that these substantial public benefits are sufficient to outweigh substantial harm to the heritage asset if substantial harm were found to be caused by the proposals.

Appendix 5 of the Planning Statement provides the following breakdown of the spaces that will be created in the proposal and how they will be used:

USE/ACTIVITY	DETAILS OF THE ACTIVITY	NO of ATTENDEES	TIME	FREQUENCY
<b>Main Auditorium and Balcony</b>				
Sunday Services/Worship (the Tabernacle)	Main and evening service/worship	Morning (main service) - 700-800	10am-12 noon	Weekly
		Evening - 300	7pm-9pm	Monthly
Use as a place of worship by other Churches	To be used by other churches as a place of worship	300	6pm-8:30pm	Three Sundays per month
Community Youth Club (Sundays)	A community youth club for age 12-17, offering a wide range of activities/sports/ games.	60-120	Sundays 2-4pm	Weekly
Community hall/conference hall	The auditorium will be available for hire by the local communities/faith communities and businesses.	Up to 800	Mondays-Saturdays	On demand
Evergreens Group	Support and activity group for Senior adults who have become eligible for freedom pass. This initiative consists of day time events which include breakfast clubs, and musical performances and other activities for seniors in the community.	30	9-1pm Monday - Thursday.	Weekly
			1-3PM Friday Afternoons	Weekly
Dance classes (Main Auditorium Stage only)	A fitness and creative arts based dance classes, run by the Tabernacle's Dance Ministry 'DUNAMIS'	10	Monday Evening	Weekly
Project Jeremiah (balcony only)	Youth Education Drive, offering extra help with literacy and numeracy, and homework clubs. <a href="http://www.projectjeremiah.org.uk">www.projectjeremiah.org.uk</a>	15	4-5:30pm Tuesdays	Weekly
Marriage Course	8 Week Marriage Preparation Programme.	up to 120 in attendance 5 facilitators	7-9pm (one day a week for 8 weeks)	Annual

USE/ACTIVITY	DETAILS OF THE ACTIVITY	NO of ATTENDEES	TIME	FREQUENCY
Flexible Space 1 and 2				
Sunday school	Sunday school for children during the main service takes place		10am-12 noon	Weekly
Life Classes	Offering Christian education classes to the local congregation	24	Sunday am	Weekly
G4T Youth service	A Bespoke church service for members of the congregation who under 21 to gather and invite friends for discussion around teenage issues and Christian faith.	60	Sunday pm	Weekly
Community Youth Club (Fridays)	A community youth club (for age 12-17) offering a wide range of activities/sports/games. Twice a month, the youth club offers the opportunity to take part in workshops and discussions about life skills, relationships and educational pursuits.	30 approx + 3 staff	Fridays 6.30pm-9.00pm	Weekly
Prayer meeting	Weekly prayer sessions with small groups	Groups range between 15-70, to be split between Flexible space 1 and 2	Wednesdays	Weekly
MPOWER mentoring	Mentoring programmes offered to young men on responsibility and accountability, with an aim to address issues feeding into the causes of crime.	Up to 60 (2 classes x 30 in Flexible space 1 and 2) 3 Facilitators	7pm Monday Evenings	24 weeks per annum.
CAP Debt Centre	Christians Against Poverty Debt centre providing a debt management service and a money management course to the community.	up to 5 people seen by advisors Up to 12 per money management courses	9-12pm (Saturdays) TBC	Weekly 4 days per course, 26 weeks of the year.

USE/ACTIVITY	DETAILS OF THE ACTIVITY	NO of ATTENDEES	TIME	FREQUENCY
Freedom Classes	A rehabilitation/counselling programme for those with alcohol addiction (offered to the Tabernacle members only).	N/A	TBC	TBC
Marriage Prep Course	8 Week programme for couples contemplating marriage.	Up to 20 in attendance + 5 facilitators	10-1pm	3 times a year for the duration of 8 weeks per each programme
<b>Offices (GF and FF)</b>				
Administration/reception for the Church (Ground floor offices)	The Tabernacle office/administration function ancillary to the main use of the building as a place of worship.		9am-5pm	Daily
Pastoral team office (First Floor offices with loft space)	Pastor's office ancillary to the main use of the building as a place of worship. There will be pastoral counselling.	Up to 4 people at once attending counselling.	9am-5pm	Daily
Beyond Walls (Ground Floor offices)	Administration of the offenders mentoring scheme (mentoring sessions are offered at prisons). The training for support workers/mentors occur 3 days each quarter (within flexible room)	2 staff	10am-4pm	Daily
Administration facilities for courses/services offered (Ground floor offices)	Administration of the course/services run by the Tabernacle and other organisations.	TBC	9am-5pm	Daily

USE/ACTIVITY	DETAILS OF THE ACTIVITY	NO of ATTENDEES	TIME	FREQUENCY
<b>Nursery (GF and FF)</b>				
Crèche/Nursery	Crèche for children aged between 0-5 to be used primarily by the members of the congregation during the weekly Sunday services.  Nursery during the week to be available to the local community	Up to 49 children + staff	Sundays 10am-12noon  Mondays-Fridays 8am-6pm	Daily
<b>Café</b>				
Café	Offering refreshments on Sundays, before and after the morning service.  During the week, the café is proposed to be available in association with the church's activities and to members of the public.	N/A	Mondays - Fridays 10am-6pm  Sundays 10am-10pm	Daily
<b>Other areas – reception, kitchen, basement</b>				
Book shop (Reception Area)	Ancillary sales of books and CDs and DVDs which is only open on Sunday	Congregation, staffed by 2	Sundays	Weekly
Food Bank (kitchen and basement storage)	Food bank and distribution point run by the Tabernacle.	8 staff	11-2pm Tuesdays and Thursdays.	Weekly

Note: Activities are primarily offered to the members of the congregation, but will also be open and available to the local community, where demand exists.

### **Materials and Workmanship Specification**

- 3.38 This document sets out a specification for all the repairs and new works to the building and confirms that the works are anticipated to be in receipt of Heritage Lottery Fund grant and that works shall therefore comply with their requirements.

### **Statement of Community Involvement**

- 3.39 The Statement of Community Involvement outlines the pre-submission consultation exercise that was undertaken with the local community as well as the local planning authority and statutory consultees.
- 3.40 Consultation with the local authority is discussed in section 2 of this report.
- 3.41 In terms of the local community, the Tabernacle set up a consultation website and held 4 open days in January and February 2014 which provided tours of the building and information on the proposals. In addition, presentations were made

to the Lewisham Central Local Assembly (attended by 200 local people) and to the Ladywell Society. The public were supportive of the reuse of the building. The restoration of the outside of the building was also supported and there was some concern raised over the loss of internal fabric (the trusses) and the finishes and lighting proposed for the interior of the building. Some concern was raised about those travelling to the site by car.

- 3.42 The appendices of the document include a timetable of consultation meetings, drawings submitted as part of the pre-application process, copies of correspondence between the applicant and the Council and other consultees and details of the open days.

### **Travel Plan**

- 3.43 The Travel Plan aims to reduce the impact of the proposals and promote and encourage alternative modes of transport which are more sustainable. It includes a number of initiatives and measures which will be undertaken to support sustainable travel patterns associated with Church's and sites activities. The initiatives and measures are considered to be SMART (Specific, Measureable, Attainable, Realistic and Time bound) and will encourage the congregation to continue to use the most sustainable modes of transport available and suitable to them other than single occupancy car travel.
- 3.44 The development and management of the Travel Plan will be carried out by TGM via a Travel Plan Coordinator, assisted by TPA, who will liaise with the Travel Plan Officers at the London Borough of Lewisham as the highway authority, when appropriate.

### **Noise Assessment**

- 3.45 The report provides detail of the background noise survey completed for the site and sets out that the Council's requirements for noise on the site are based on a condition attached to the permission from the change of use to a place of worship. The report finds that it will not be possible to open windows for ventilation during services due to noise requirements and that mechanical ventilation is therefore required. The report recommends mitigation measures to the east wall to ensure that residents at 1 Courthill Road are not disturbed. The report also recommends that lobbies should be introduced in front of external doors or, if this is not possible, an acoustic door set will need to be installed. The report makes recommendation relating to the construction of the windows and roof and recommends the use of an electronic noise limiter attached to the PA system to control noise during services.

### **Ventilation, Heating and Cooling Assessment**

- 3.46 This report identifies the heating cooling and ventilation requirements of the proposals confirming that cooling will be required in summer and that by using a heat recovery system, this can provide winter heating. The report sets out the type of equipment that will be required to meet the standards set out in the Noise Assessment.

**Business Plan** (This document was submitted as a confidential document but is summarised in the Planning Statement as follows)

- 3.47 The Business Plan demonstrates that in order to finance the costs of the required refurbishment and to meet the needs of the church, it is fundamental to achieve an auditorium capable of seating 800. Essentially, the project is and will be funded by the following resources:
- The Tabernacle (income generated by member's giving);
  - Grant Funding (Heritage Lottery Fund);
  - Revenue generated from the Tabernacle's existing and proposed site (i.e. hiring venues);
- 3.48 The financial plan shows that, in addition to the loan from the acquisition of the building, a new loan is required to fund the project and ongoing maintenance/refurbishment of the building. The Tabernacle envisages that it would realistically take about 15 years to repay these loans, based on their estimate of members' giving and rental income/revenue from auditorium hire anticipated.

#### **4.0 Consultation**

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors.

#### **Written Responses received from Local Residents and Organisations**

- 4.3 The Council received 335 responses in support of the application from local residents and members of the church living outside the borough as well as leaders of other churches both inside and outside the borough. The majority of these are in the form of a standard letter from members of the church raising the following matters:
- The proposed design will have no significant architectural or historic impact on the building and will honour those original aspects of key architectural or historical significance;
  - Alterations will be to the rear of the building which is unseen and will respect the heritage of the building;
  - improvements will positively impact the streetscape;
  - Improvements will ensure the building's long term survival and use;
  - As a member of the church, the proposals will alleviate challenges of current site on Algernon Road to provide greater capacity; allow a single main service; provide space for circulation; allow those with mobility requirements easier access to the building;

- Additional space will provide more space and time for pastoral care and advice to the congregation and wider community;
- The public will gain a restored landmark building at no direct financial cost to them;
- The junction which seems dark and unsafe will gain a sense of safety;
- The public will benefit from a state of the art large space for hire which is currently in short supply;
- The proposals will provide space for community, youth arts and drama which is currently in short supply and would help to mitigate the recent closure of children's centres;
- Proposal will breathe life back into building before it becomes more of an eyesore;
- The Tabernacle will be long terms owners and custodians of the property and will ensure that the building does not fall into a state of dereliction again;
- The community café will increase community cohesion and provide a location for cooking workshops to encourage local residents to eat locally produced and wholesome nutritional food;
- Building as managed by previous owner held little architectural attraction as no expenditure was made on building's maintenance;
- Location of café will ensure that this end of the High Street becomes more widely used;
- The financial cost to the church of the lengthy planning process has already been raised at the highest levels and diminishes the scarce resource of community groups needlessly; and
- Proposal would allow enormous benefit to local youth in providing a community resource at the heart of Lewisham

4.4 One letter of objection was received that criticised the proposed use of the premises as a place of worship and suggested instead that an art house cinema would be appropriate and would benefit the community on a daily basis. This would also provide evening entertainment which is lacking in Lewisham.

#### Ladywell Society

4.5 The Ladywell Society supported the application and recognised that a great deal of time and effort has gone into the application which seeks to restore as far as possible the external fabric of the building.

4.6 The Society queried whether photovoltaic panels had been considered to power the buildings.

4.7 Concerns were raised that the Travel Plan underestimated the amount of parking that would be required and that the proposal would result in additional parking stress in surrounding streets.

4.8 Concern was also raised that the proposal would raise conflict between the works to the Courthill Road/Lewisham High Street junction recently proposed by TfL for

pedestrian and cyclists improvements and members of the congregation leaving the site.

#### Written Responses received from Statutory Agencies

- 4.9 English Heritage and the Victorian Society were consulted on the application. Their responses are summarised below:

##### English Heritage

- 4.10 English Heritage were disappointed to see that the comments made at pre-application stage had not been taken into account in the submitted scheme.
- 4.11 Whilst English Heritage are supportive of the principle of reuse of the building as a place of worship, its views in relation to the proposed works to the building remain unchanged and the proposals were considered to cause substantial harm to the significance of the listed building.
- 4.12 It is the view of English Heritage that the provisions set out within Paragraph 133 of the National Planning Policy Framework have not been met and English Heritage do not accept that the benefits that have been put forward as justification for the proposals are sufficient to outweigh this substantial harm. English Heritage therefore objects to the proposals in the strongest terms.
- 4.13 The consultation response concludes that should the Council be minded to approve this application, that English Heritage are likely to refer this case to the Secretary of State for his determination.
- 4.14 A further meeting was held between English Heritage and Council officers on the 5<sup>th</sup> August following the issue of the consultation response. A further letter was issued by English Heritage on the 11 August 2014 which recognised the Council's desire to work with the church in their community role but provided further advice on how the degree of harm caused by the proposal could be balanced against public benefit.
- 4.15 The letter clarifies that the building's significance lies in its plan-form and the potential for survival of internal features including decorative trusses. The letter points out that where a building is found to have value that extends beyond local communities it can lead to a formal designation (in this case a Grade II Listing) which means that the conservation of the significance of the building becomes a key principle of sustainable development.
- 4.16 The letter describes that judgement is always necessary in determining the level of harm caused by a proposal and points out that the proposal would strike at the key areas of significance of the former billiards hall in obscuring its plan-form.
- 4.17 The letter suggests that the proposals for the Temperance Hall could be amended so as to work with the architectural interest and importance of the building but that it appears to English Heritage that the desires of the church are being pursued without due regard for the wider, national value of the building. The letter advises that any local public benefits that could be delivered by the church have to be considered in the context of the special regard to be had for preserving the special

interest of the building arising from its national value and the local added value of its history to the distinctive history of Lewisham.

- 4.18 English Heritage argues that no evidence has been provided of a national dimension to the public benefits or that they decisively outweigh the substantial harm being caused. English Heritage do not accept that there is no other way of delivering the benefits identified. The letter concludes that,

*'if achieving the claimed social benefits of the application runs absolutely counter to the environmental aims of protecting the historic environment, which they do by causing an almost total loss of significance, then the proposal cannot be described as sustainable development and should be refused.'*

#### Victorian Society

- 4.19 The Victorian Society welcomed the principle of the application, but found the scheme in its current form unacceptable as it is not sufficiently sympathetic to the significance of the building. The response confirmed that a far more scholarly and informed approach is required, particularly to the exterior of the building, the removal of the external paint, and a less intensive treatment of the central (small) hall. The Society stated that the changes to the main hall are regrettable but confirmed that if the Council accepted that these changes were the only way to accommodate the required number of people, the Society would accept these changes on the proviso that our concerns over the external treatment of the building and the alterations proposed to the central hall are adequately addressed.

#### Environmental Health

- 4.20 Initially Environmental Health objected to the proposal on the grounds that no noise or heating/cooling and ventilation assessment had been submitted. With a congregation of 800 people there is the potential of high levels of internal noise which could potentially break out and this will need to be controlled.
- 4.21 The applicant has submitted a Noise Assessment and the Council's Environmental Health team have confirmed that they are satisfied with the measures proposed although these may conflict with the conservation matters.

#### Highways and Transportation

- 4.22 The Council's Highways Team was consulted on the proposal and found it to be unobjectionable subject to conditions relating to details of refuse storage, details of cycle storage, minor amendments to the doors on the Courthill Road frontage and a condition limiting the number of children attending the nursery/crèche.

### **5.0 Policy Context**

#### Introduction

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)

5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham Unitary Development Plan (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The NPPF does not change the legal status of the development plan.

#### National Planning Policy Framework

5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

5.4 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

#### Ministerial Statement: Planning for Growth (23 March 2011)

5.5 The Statement sets out that the planning system has a key role to play in rebuilding Britain's economy by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The Government's expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

### London Plan (July 2011)

- 5.6 The London Plan policies relevant to this application are:
- 5.7 Policy 1.1 Delivering the strategic vision and objectives for London
- Policy 3.1 Ensuring equal life chances for all  
Policy 3.16 Protection and enhancement of social infrastructure  
Policy 4.12 Improving opportunities for all  
Policy 5.1 Climate change mitigation  
Policy 5.2 Minimising carbon dioxide emissions  
Policy 5.3 Sustainable design and construction  
Policy 6.3 Assessing effects of development on transport capacity  
Policy 7.1 Building London's neighbourhoods and communities  
Policy 7.2 An inclusive environment  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology  
Policy 7.9 Heritage-led regeneration

### London Plan Supplementary Planning Guidance (SPG)

- 5.8 The London Plan SPG's relevant to this application are:
- Planning for Equality and Diversity in London (2007)

### Core Strategy

- 5.9 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Core Strategy Policy 7 Climate change and adapting to the effects  
Core Strategy Policy 8 Sustainable design and construction and energy efficiency  
Core Strategy Policy 14 Sustainable movement and transport  
Core Strategy Policy 15 High quality design for Lewisham  
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment  
Core Strategy Policy 19 Provision and maintenance of community and recreational facilities

### Unitary Development Plan (2004)

- 5.10 The saved policies of the UDP relevant to this application are:
- URB 3 Urban Design  
URB 6 Alterations and Extensions  
HSG 4 Residential Amenity  
STC 5 Major and District Centres – Non Core Shopping Areas

5.11 LCE 2 Existing Leisure and Community Facilities

Lewisham Town Centre Local Plan

5.12 The Council adopted the Lewisham Town Centre Local Plan (LTCLP) on 26 February 2014. The LTCLP, together with the Core Strategy, the Site Allocations Local Plan, the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan.

5.13 The following policies are considered to be relevant to this application:

Policy LTCP0 Presumption in favour of sustainable development

Policy LTC22 Social infrastructure

Policy LTC23 Heritage assets

Emerging Plans

5.14 According to paragraph 216 of the NPPF decision makers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The following emerging plans are relevant to this application.

Development Management Local Plan

5.15 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public has now concluded, and the Inspector has issued his report on the 23 of July 2014 finding the Plan sound subject to 16 main modifications. The 16 main modifications had previously been published by the Council for public consultation on the 29 of April 2014.

5.16 The Council expects to formally adopt the DMLP in Autumn 2014.

5.17 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP as amended by the 16 main modifications has undergone all stages of the plan making process aside from formal adoption, and therefore holds very significant weight at this stage.

5.18 The following policies are considered to be relevant to this application:

DM Policy 1 Presumption in favour of sustainable development

DM Policy 13 Location of main town centre uses

DM Policy 22	Sustainable design and construction
DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings
DM Policy 36	New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens
DM Policy 38	Demolition or substantial harm to designated and non-designated heritage assets
DM Policy 41	Innovative community facility provision
DM Policy 42	Nurseries and childcare
DM Policy 44	Places of worship

## **6.0 Listed Building Considerations**

- 6.1 The Government recognises heritage assets as a finite and irreplaceable cultural resource that should be cared for and be managed responsibly. Policies on all levels are aimed to preserve heritage assets for the appreciation and enjoyment of this and future generations.
- 6.2 Under the Planning (Listed Buildings and Conservation Areas) Act 1990 listed building consent must be obtained for "works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest". The whole building is subject to this control, internally and externally, whether or not a particular feature is specifically mentioned in the list description.
- 6.3 In terms of London-wide and policy, Policy 7.9 *Heritage-led regeneration of the London Plan*; Core Strategy Policy 16 *Conservation areas, heritage assets and the historic environment*; Policy LTC23 *Heritage assets and emerging* DM Policy 36 *New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens*, all seek to ensure that the value and significance of heritage assets and their settings are enhanced and conserved and state that only alterations to listed buildings that relate sensitively to the buildings significance should be approved.
- 6.4 DM Policy 38 *Demolition or substantial harm to designated and non-designated heritage assets* states that heritage assets are an irreplaceable resource and the greater the importance of the heritage asset, the greater the weight will be given to its conservation. As set out in the NPPF, proposals for the demolition or substantial harm to a heritage asset will require clear and convincing justification and will only be considered under exceptional circumstances for Grade II listed buildings. Proposals for demolition or substantial harm to designated heritage assets will be refused unless it can be demonstrated that these are necessary to achieve substantial public benefits that outweigh the harm or loss, and that there is no practical way of realising the benefits without demolishing the building or causing substantial harm.

- 6.5 National guidance on the management of the historic built environment is set out in the National Planning Policy Framework (NPPF) and its Practice Guide. As a Grade II listed building, the site is a "designated heritage asset" in terms of NPPF.
- 6.6 Local Authorities are required to assess and conserve the significance of a listed building. Paragraph 132 of the NPPF advises that *'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.'* It goes on to state that substantial harm to or loss of a Grade II listed building should be exceptional.
- 6.7 This paragraph states that *'any harm or loss should require clear and convincing justification.'* Where a proposal might lead to 'less than substantial harm' this should be weighed against any public benefits that might result from the proposal. These can include heritage public benefits such as better revealing the significance of a building e.g. by providing for the building's restoration or providing a viable use for its future.
- 6.8 Paragraph 133 of the NPPF deals with proposals that will result in substantial harm to an asset and states that where such proposals are put forward, applicants must meet a strict set of criteria. They must show that:
- *the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss; or all of the below tests must be met:*
  - *the nature of the heritage asset prevents all reasonable uses of the site;*
  - *No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;*
  - *Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
  - *The harm or loss is outweighed by the benefit of bringing the site back into use.*
- 6.9 In assessing the significance of the asset, in this case there is a very recent listing (2008) which is detailed and clearly sets out its significance:

*'The former Temperance Billiard Hall on Lewisham High Street is listed for the following principal reasons:*

*\* It is a well-surviving example of an uncommon building type, it shares features in common with the listed hall at Fulham High Street and is less altered externally;*

*\* It has special architectural interest for its attractive architecture by Norman Evans, including a clever plan, eclectic detailing, good compositional qualities and strong presence in the streetscape;*

*\* It has special historic interest as representative of two defining characteristics of the Temperance movement: provision of an alternative to*

*the public house for food, drink and recreational activities and a determination to make temperance commercially viable’.*

### ***Impact of the proposal on the significance of the former Temperance Hall***

- 6.10 The Council and other statutory consultees have raised major concerns about the level of intervention proposed and the impact this has on the special interest of the building. These were set out and explained to the applicant in pre-applications discussions and in writing over the last two years and have not changed.
- 6.11 The proposals involve a significant loss of historic fabric and changes to the layout and plan-form of the building. The main concerns can be summarised as follows:

#### ***Main Hall***

##### *Works proposed*

- 6.12 The demolition of the rear wall and extension of the footprint to the rear boundary including the dismantling of the roof structure, permanent demolition of the rear pitch of the roof and removal of the original iron roof trusses. Reconstruction of the front pitch of the roof including restoration of the four dormers

##### *Assessment*

- 6.13 The change to the footprint resulting in the demolition of the rear wall and the loss of the roof trusses and roof pitch and dormer windows to the north elevation is a substantial intervention resulting in a significant loss of historic fabric. Despite the attempt made by the applicant to mitigate the effect by design (i.e. inclusion of new metal roof trusses), the resulting arrangement would bear little resemblance to the historic space.

#### ***Small Hall***

##### *Works proposed*

- 6.14 The sub-division of the smaller hall through the use of screens, alterations to the roof including the removal of 2 roof trusses and alterations to the atrium lantern light, the introduction of box dormers to the roof structure.

##### *Assessment*

- 6.15 The smaller hall originally housed a café and lounge area and was designed to be an attractive and appealing alternative to public houses. This hall sat behind the shops and its natural light came mainly from the lantern light which is in the same position today. Some of the original timber panelling with leaded glazing remains and since the removal of the suspended ceiling further decorative leaded windows have been revealed. These decorative details reflect one of the aims of the temperance movement to create attractive and pleasant places to spend time.
- 6.16 Subdividing the space by introducing two mezzanine floors and a mixture of solid and glazed partitions obscures the original layout and affects the integrity and character of the space. Due to its relatively low height, the building cannot

naturally accommodate the insertion of mezzanine floors, resulting in large 'box dormer' roof extensions having to be added. These greatly alter the volume and shape of the roof to this hall. Two of the decorative roof trusses will be lost as the result of introducing mezzanine floors and box dormer extensions and one would be hidden by partitions within the newly created 'Flexible Space' that would occupy the mezzanine. The size of the lantern light is to be reduced.

### ***Other matters***

#### *Works proposed*

- 6.17 Loss of the surviving cast iron stairs, changes to the lay-out and creation of new openings between front part nursery and 'Flexible Space 1' at mezzanine level, insertion of lift, creation of new stairs to office and glazed partition.

#### *Assessment*

- 6.18 These alterations involve changes to the lay-out that further obscures the original plan form and leads to loss of historic fabric.

### ***Amount of harm***

- 6.19 The proposed development would cause significant loss of historic fabric and loss of features of significance to the main hall and changes to the lay-out and subdivision to the small hall and the front part of the building that would affect the character and integrity of the building. The completeness and integrity the building has been listed for would be lost. It is considered that these alterations would amount to substantial harm.
- 6.20 The applicant acknowledges that harm will be done to the building but contends that this would be less than substantial. National Planning Policy Guidance advises that in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest.
- 6.21 The applicant's heritage consultant contends that the significance of the Temperance Hall lies primarily in the local townscape value of its front part and the social function of the spaces, and to a lesser extent in the integrity and actual physical fabric of the building (behind the front elevation). Officers consider this to be entirely inconsistent with the conservation of heritage assets. The fabric of a building is always an important part of its significance. The guiding principles for any alteration and conversion of a building are treating authentic fabric with respect and adopting the approach of minimal intervention.
- 6.22 The NPPF states that the more important the asset, the greater the weight that should be given to the asset's conservation. The applicant's heritage consultant contends that the building is only subject to the 'lower' Grade II listing and that this should be taken into account when assessing the degree of weight that should be given to the building's conservation. However, 92% of all listed buildings in England are Grade II listed. It is one of the highest levels of protection that can be afforded to a building when its conservation is found to be of national significance.

It is therefore appropriate that the need to conserve the building and the elements that contribute to this significance are given substantial weight by the Council.

- 6.23 The building's plan form is identified by all parties (including the applicant) as being essential to the significance of the asset. The applicant's Historic Building Significance Assessment (in part H2-Conclusion) concludes that in order to protect the National Significance of the asset (for which it was listed) any proposal would need to retain or enhance the appreciation of the structural plan form and volumes which enabled the function of the building within the Nationally significant Temperance movement.
- 6.24 The elements of the small hall, the architectural roof trusses and lantern light are elements that are identified by all parties as contributing to the significance of the asset. The proposal would result in two of these trusses being removed and one obscured by the flexible space. The lantern light would be rebuilt at a smaller size and obscured by the box dormers installed at first floor level. The Council therefore considers that the proposal would fail to preserve these features which contribute to the significance of the asset which adds to the conclusion that the proposal would lead to substantial harm.
- 6.25 The proposal would result in the loss of all of the trusses to the main hall and the removal of 4 dormer windows to the rear roof slope. The applicant argues that these trusses are of a utilitarian appearance and do not contribute to the significance of the asset. The Council dispute this in that the trusses are considered key to defining the plan-form of this space. The applicants were encouraged to explore an option at pre-application stage that retained the roof trusses supported by columns but which demolished the rear wall and extended the hall to the rear boundary to accommodate the additional seating required to meet the Tabernacle's seating requirements. The applicant dismissed this option as the roof trusses would obscure views of the stage for the members of the congregation sitting on the balcony. Officers feel that the need for members of the congregation to have clear sight of the stage when screens could be used to augment partial views is a preference that is not in the spirit of conserving the listed building. It is not considered that there is a clear and convincing justification to the harm that will result from the loss of the roof and the alterations to the plan form of this space as required by paragraph 132 of the NPPF. Officers consider that further work could be carried out by the applicant to investigate design options resulting in less harm to the heritage asset.
- 6.26 The applicant's Historic Building Significance Assessment suggests that the local significance of the asset is limited to its townscape value and that the local significance of the asset would be preserved in the refurbishment of the building's most visible facades. However, the proposed restoration to the exterior has been found to be lacking in its approach (as set out below). Officers conclude that the changes to the plan form and alterations to the fabric would significantly alter the way the building is experienced, failing to preserve references to the original function of the building and its links to the Temperance Movement. Officers therefore consider that the proposal would destroy a number of key elements of the asset's special architectural or historic interest that lead to its significance and that the historic significance of the building as a national asset would be damaged, constituting substantial harm.

- 6.27 English Heritage have highlighted in their response that the historic fabric of the building is considered 'highly significant', serving to 'define the floor plate and character of the billiards hall'. It is their view that if this scheme was to be permitted in its current form, should the building then be re-assessed, the extent of harmful alterations would have been so great that there is a significant risk of the building being de-listed.

***Considerations relating to proposal for substantial harm to a listed building***

- 6.28 Paragraph 133 of the NPPF sets out the tests that will need to be met in order to allow a proposal that would result in substantial harm to a listed building. The test allows for substantial public benefits to outweigh substantial harm to an asset.
- 6.29 Officers, whilst being very supportive of the aims and activities of The Tabernacle, consider that the submission fails to define how the small increase in floor space achieved by the change in footprint to the main hall and removal of the current roof structure and its replacement with a large roof extension demonstrates substantial public benefits when the majority of these benefits can (and currently are) delivered by the church operating from a smaller premises.
- 6.30 The proposals would result in significant harm to a heritage asset and perhaps total loss of its national interest. While the proposals would support the excellent work carried out by the church, officers have concluded from the evidence submitted that the benefits delivered by the church are mainly focussed on its members with many of its classes and programmes only being available to the congregation or Christians (as set out in Para 3.36 above). Those benefits that would reach out to the wider community such as the food bank, offenders programme and debt advice services (amongst others) are certainly considered to be a significant community benefit but are not considered to be a significant public benefit when considered on a national scale.
- 6.31 The applicant places great weight on bringing the building back into use and the refurbishment works that will be undertaken are presented as a public benefit. The NPPF only allows for this to be considered as a benefit if less than substantial harm is caused. Where substantial harm is caused, bringing the building back into use can only be considered as one of four tests which include marketing the site to other potential (more suitable) owners or considering other uses for the site.
- 6.32 While public benefit could also result from restoration works that further reveal its significance, Officers consider that for the most part the works proposed are normal refurbishment works, upgrading and repair and alterations to suit the new purpose. Apart from the restoration of the original windows (including the remaining dormer windows to the main hall) and the reinstatement of the windows to the Courthill Road elevation of the small hall, the works are considered the minimum necessary to fulfil the statutory duties of the owner of a listed building and facilitate its new use. From the proposed schedule of works, the scope of works that could be considered to further reveal the significance of the historic building is very limited. In fact, officers consider that several opportunities to enhance the building are missed, as follows.

- The restoration of architectural detailing such as brick detail, plaster decoration and possibly terracotta, all of which originally contributed to the appearance of the buildings,
- Original entrance to café at the corner could be reinstated,
- Original canopy could be reinstated,
- Reinstatement of doors to the shopfront(s) to reflect the original design of 4 shopfronts to Lewisham High Street, which are an important aspect to the significance of the building,
- Reinstatement of the windows at ground floor level in the main hall facing Courthill Road – these have been removed and blocked up in the past and the applicant does not intend to reinstate them. The blank elevation this has created currently detracts from the architectural quality of the building.

6.33 The Victorian Society support this view, suggesting that there is a large amount of information available on the historic appearance of the building and that given the condition of the exterior, it would be 'very achievable' to restore the exterior faithfully in as scholarly a fashion as possible.

6.34 It is suggested that,

*“originally the building’s roughcast walls would have been unpainted, with areas of banding and certain details picked out not by a varying colour, but by a different material – either brick or tile or stone. The acceptability of any conversion scheme is therefore dependent on the paint that presently masks the building’s original appearance being removed.”*

6.35 The applicants intend to cover the building in a KEIM mineral paint which not only fails to reveal its original detailing and appearance but is irreversible, meaning that it would preclude the opportunity to uncover the architectural detailing described above at a later date.

6.36 A good deal of emphasis is placed on the neglect of the building whilst in previous ownership. No regard is had to the extent of deterioration under its current ownership in terms of the failure to address water ingress, the failure to secure the site against squatters and the removal of building features against officer advice. Up until Riley’s left the site in 2012, the building was under-maintained but in a usable state. Since the removal of partitions, services and ceilings, some of them against Officers advice, the building has become unusable. The continuing lack of action to carry out urgent works to stop the water ingress has contributed to the current state of repair. Paragraph 130 of the NPPF states that where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision, the 'semi-derelict' condition of the site is therefore not sufficient reason in itself to justify any harm to the building.

6.37 The works to restore the existing building are therefore not considered to constitute part of any substantial benefit to outweigh the substantial harm to the asset.

- 6.38 The PPS5 Practice Guide (which remains a government endorsed advice document despite PPS5 being superseded by the NPPF) states that for substantial harm to a heritage asset to be justified on the grounds of substantial public benefit, there will be no other reasonable means of delivering similar public benefits, for example through different design or development of an appropriate alternative site. The Guide suggests that the destruction of a designated heritage asset on these grounds is very much a last resort after every option to secure a viable future for the asset has been exhausted.
- 6.39 With regards to the Business Plan, the Planning Statement sets out that the revenue from the hiring of the auditorium is necessary to repay the loans that will finance the project in 15 years, in addition to the income from hiring out the existing site on Algernon Road and members' giving. No information is provided of what income would be generated through an alternative design i.e. a space with a lower capacity (say if the existing layout were retained which can accommodate 450 people – or 585 with a mezzanine) or of a space that has slightly obscured views but can still accommodate 800; or of how much longer it would take to pay off the loan in these instances. Officers cannot therefore accept the argument that the 800 seat auditorium in this exact configuration is necessary to finance the loan. Officers are therefore not satisfied that a clear and convincing justification has been provided as to why the harm to the heritage asset is necessary (as required by the NPPF).
- 6.40 It is officer opinion that a revised design that resulted in less than substantial harm to the asset should be investigated, as advised during pre-application discussions. The planning application was submitted against officer advice and in officer opinion, prematurely, before all of the design options could be explored. It is officer opinion that a design could be achieved that can accommodate the majority of the church's requirements and will facilitate the church's outreach services and bring the building back into its optimum viable use, but that this will require a willingness to compromise on behalf of the church (for example in terms of finding innovative ways to deal with impeded views from the balcony space). In addition, more detailed work needs to be carried out by the applicant in order to understand how the significance of the external detailing of the building can be more fully revealed.
- 6.41 It is not accepted that there is a clear and convincing justification for the substantial harm that will arise from the proposals. As set out in the NPPF, substantial harm to a Grade II listed building should only be permitted to occur in exceptional circumstances. Officers are not satisfied that the requirement for the 800 seat auditorium in the configuration proposed is necessary and therefore exceptional circumstances cannot be said to exist. In addition, it is considered that substantial public benefit would not be provided to outweigh the significant harm to the heritage asset. Listed Building Consent should therefore be refused.

### ***Viability***

- 6.42 The Business Plan shows that for the capital investment needed for the refurbishment of the buildings, the applicant intends to rely on grant money from the Heritage Lottery Fund under one of their heritage funding schemes.

6.43 The procurement of such grant is an extremely competitive process and by no means guaranteed. The Heritage Grants also tend to combine making heritage assets accessible for all parts of the community with showcasing best practice conservation. As set out above, the proposed scheme raises considerable concerns from the conservation point of view. English Heritage is heritage adviser to the Heritage Lottery Fund. Given the objections they have raised, it is very unlikely that the scheme in its present form would qualify for any government heritage funding. Officers therefore remain unconvinced that the scheme as presented will be viable and would be failing in their duty to preserve the historic environment by recommending approval for a proposal that would result in substantial harm to a Grade II listed building that may prove not to be viable.

## **7.0 Planning Considerations**

7.1 The main planning issues to be considered in respect of this application are:

- a) Design and Heritage
- b) Principle of Development
- c) Highways and Traffic Issues
- d) Noise and Impact on Neighbouring Properties
- e) Sustainability and Energy

### Design and Heritage

7.2 Matters relating to the design of the proposal and the impact it would have on the heritage asset have been fully considered in Section 6 above.

### Principle of Development

7.3 The principle of the use of the site as a place of worship has already been established through the 2012 permission, subject to conditions controlling noise and a travel plan encouraging sustainable means of transport. The permission relates only to the use of the site as a place of worship and the use of the site for a café and crèche/nursery would need to be considered separately.

7.4 Policy 3.16 *Protection and enhancement of social infrastructure* of the London Plan, Core Strategy Policy 19 *Provision and maintenance of community and recreational facilities*, Policy LTC22 *Social infrastructure* of the Lewisham Town Centre Local Plan (LTCLP) and emerging DM Policies 41 *Innovative community facility provision* and 44 *Places of worship* all support the provision of community facilities in locations that are well connected to public transport and within easy reach of other facilities in the town centre. These policies also support the multiple use of these premises.

7.5 The LTCLP recognises that redevelopment of the town centre will result in an increase in the population in Lewisham and that social infrastructure will be required to meet the needs of these new residents.

7.6 Emerging DM Policy 44 recognises that there is a need for places of worship in the borough and states that these uses should be provided in major and district town centres where there is good accessibility to public transport and less chance of the amenity of local residents being disturbed.

- 7.7 The application documents only discusses the 'possibility' of operating as a nursery open to the wider public and separate permissions would be required from the Council's Children and Young People Service to facilitate this use. DM Policy 42 relates to Nurseries and Childcare and supports these uses in this location provided that there will be no adverse effects on local traffic; there will be no loss of neighbouring amenity and a suitable external space is provided. The Council's Highways officers have no objection for the use of the site as a nursery/crèche, provided that the number of children is limited to that set out in the application (up to 49 child spaces) by condition. It is considered that the mitigation measures proposed to deal with noise from services will be sufficient to address any noise arising from a nursery or crèche. The site does not provide outside space but could provide access to a large interior space which could outweigh this lack should the overall proposal be recommended for approval.
- 7.8 The site is therefore considered to be suitable for use as a café, nursery/crèche and place of worship as the building's location is highly suitable and its plan form provides large spaces that lend themselves well to public gatherings. Indeed, the use of the existing building as a place of worship has always been supported by the Council and other Statutory Consultees provided that the use could be facilitated without substantial harm to the Grade II Listed Building.
- 7.9 The proposed use of the site would provide the following community facilities;
- Place of worship;
  - Nursery/crèche;
  - Community café; and
  - Flexible meeting spaces and spaces for hire to the general public (and other churches who are struggling to find suitable accommodation within the borough) including a large space which could accommodate up to 800 people of which there is an identified shortage in the surrounding area.
- 7.10 In addition, the proposal would provide a base for the church's administrative functions and facilitate and allow the church to expand its existing community outreach services which include:
- Sunday School for children during main services;
  - Community youth club (ages 12-17 offering a range of activities/sports/games);
  - Evergreens Group (support and activities group for senior adults which includes breakfast clubs);
  - Dance classes (fitness and creative arts based on dance classes run by the Tabernacle's Dance Ministry);
  - Project Jeremiah (Youth Education Drive);
  - Marriage Courses (8 week marriage preparation programme);
  - Life Classes (Christian Education Classes);
  - Prayer meetings (weekly prayer sessions with small groups);

- MPower Mentoring (mentoring programmes for young men on responsibility and accountability);
- G4T Youth Service (open to teenage members of the church to discuss teenage issues and Christian faith);
- CAP Debt Advice (Christians Against Poverty Debt Centre offering advice to the community);
- Freedom Classes (Rehabilitation and counselling programme for those with alcohol addiction – Tabernacle members only); and
- Administration of courses such as offenders mentoring scheme.

7.11 The community benefit that would arise from the reuse of the site by the Tabernacle is undeniable and the Council is highly supportive of the excellent work that the church carries out. However, the proposals would only be acceptable if the building's historic significance as a Grade II listed building can be protected or if the public benefits set out above are found to outweigh the harm to the listed building.

#### Highways and Traffic Issues

7.12 The site is well served by public transport and is therefore considered to be a good location for the proposed use. A Travel Plan has been submitted in support of the application which sets out the measures that will be undertaken to encourage the congregation to use sustainable forms of transport when travelling to/from the site.

7.13 The Council's Highways team have confirmed that they are satisfied with the Travel Plan and that the only element of the scheme that is objectionable is that the doors on Courthill Road open outwards onto the footway which would cause an obstruction to pedestrians using this route. If planning permission were recommended, it is envisaged that this could be dealt with by condition. In addition, conditions in relation to cycle parking and refuse facilities could be recommended.

#### Noise

7.14 The applicant has submitted a Noise Assessment and the Council's Environmental Health team have confirmed that they are satisfied with the measures proposed although these may conflict with the conservation matters.

7.15 The Noise Assessment sets out the windows cannot be opened during services and that the main hall will therefore need to be mechanically ventilated. Other mitigation measures include:

- The installation of a noise limiting device set to 93 dB LAeq,T;
- The installation of an independent, or isolated, sound insulating lining, incorporating two layers of plasterboard (20 kg/m<sup>2</sup>) and a cavity of not less than 85mm containing mineral fibre (at least 25mm and 10 kg/m<sup>3</sup>) to the east wall. This lining will need to be carried across the oriel window so that this feature will not be visible from the inside of the space;

- Installation of door-sets to achieve at least 34 dB Rw (This will necessitate a specialist acoustic door-set and careful installation);
- The windows should be rated at 37 dB Rw or better which would require 10/12/6 mm double glazing;
- The installation of a plasterboard ceiling comprising two layers of 12.5mm plasterboard (at least 20 kg/m<sup>2</sup>) suspended on metal hangers.

7.16 The Council's Environmental Health Team is satisfied with this approach but there are concerns surrounding the blocking up of the oriel window and the suspended ceiling from a conservation point of view. If there were to be a recommendation to approve the scheme it is considered that the careful detailing of these elements could be dealt with by condition.

### Sustainability and Energy

7.17 The application has focussed on the heritage matters surrounding this application and no information has been provided relating to matters of sustainability and energy. Whilst the reuse of the existing building is supported in holistic sustainability terms, the proposal would result in substantial harm to a nationally designated historic asset that is not outweighed by substantial public benefit. The proposal is not considered to constitute sustainable development and there is no presumption in favour of the proposal.

## **8.0 Conclusion**

8.1 This application has been considered in the light of policies set out in the development plan and other material considerations.

8.2 Officers consider that the proposals fail to preserve and enhance the significance of the Grade II Listed heritage asset and that the proposed alterations fail to relate sensitively to the buildings significance contrary to Policy 7.9 *Heritage-led regeneration of the London Plan*; Core Strategy Policy 16 *Conservation areas, heritage assets and the historic environment*; Policy LTC23 *Heritage assets* of the Lewisham Town Centre Local Plan and emerging DM Policy 36 *New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens* of the Development Management Local Plan.

8.3 It is considered that the proposals would result in substantial harm to the Grade II Listed Building arising from the removal of original fabric and obscuring the plan-form and integrity of the original building and its former use. It is considered that the community benefits set out in the proposals would fail to constitute 'substantial public benefits' to outweigh the substantial harm to the asset, contrary to paragraph 133 of the NPPF. The applicant has failed to establish that exceptional circumstances exist to justify the harm to the heritage asset, contrary to para 132 of the NPPF and the scheme is therefore considered unacceptable.

## **9.0 Equalities Considerations**

9.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-

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- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

9.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.

### **The Assessment**

- The matters of the application are such that the applicant is a religious organisation and the majority of the church’s members are of an Afro Caribbean background. There is therefore potential for an impact on equality. However, the recommendation made relates wholly to the impact of the proposal on heritage assets and other relevant listed building and planning considerations set out in this report. The benefits that would arise from the proposal to the community (including minority groups) have been carefully considered and weighed against the substantial harm that would be caused to the heritage asset, as required by national policy. Matters of race or religion have not had any bearing on the recommendation made.

## **10.0 RECOMMENDATION (A)**

**REFUSE LISTED BUILDING CONSENT** for the following reasons :-

- (1) The proposed works would be detrimental to the significance of the Grade II Listed Building by reason of its design which would result in the removal internal fabric that contributes to the significance of the asset and would obscure the plan form and therefore affect the integrity and the significance of the of the building as a former Temperance Billiards Hall contrary to Policy 7.9 *Heritage-led regeneration of the London Plan*; Core Strategy Policy 16 *Conservation areas, heritage assets and the historic environment*; Policy LTC23 *Heritage assets* of the Lewisham Town Centre Local Plan and emerging DM Policy 36 *New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens* of the Development Management Local Plan.
- (2) The substantial harm that would arise from the proposed works would not be outweighed by substantial public benefit and as such, the development is contrary to advice contained in the National Planning Policy Framework.

## **RECOMMENDATION (B)**

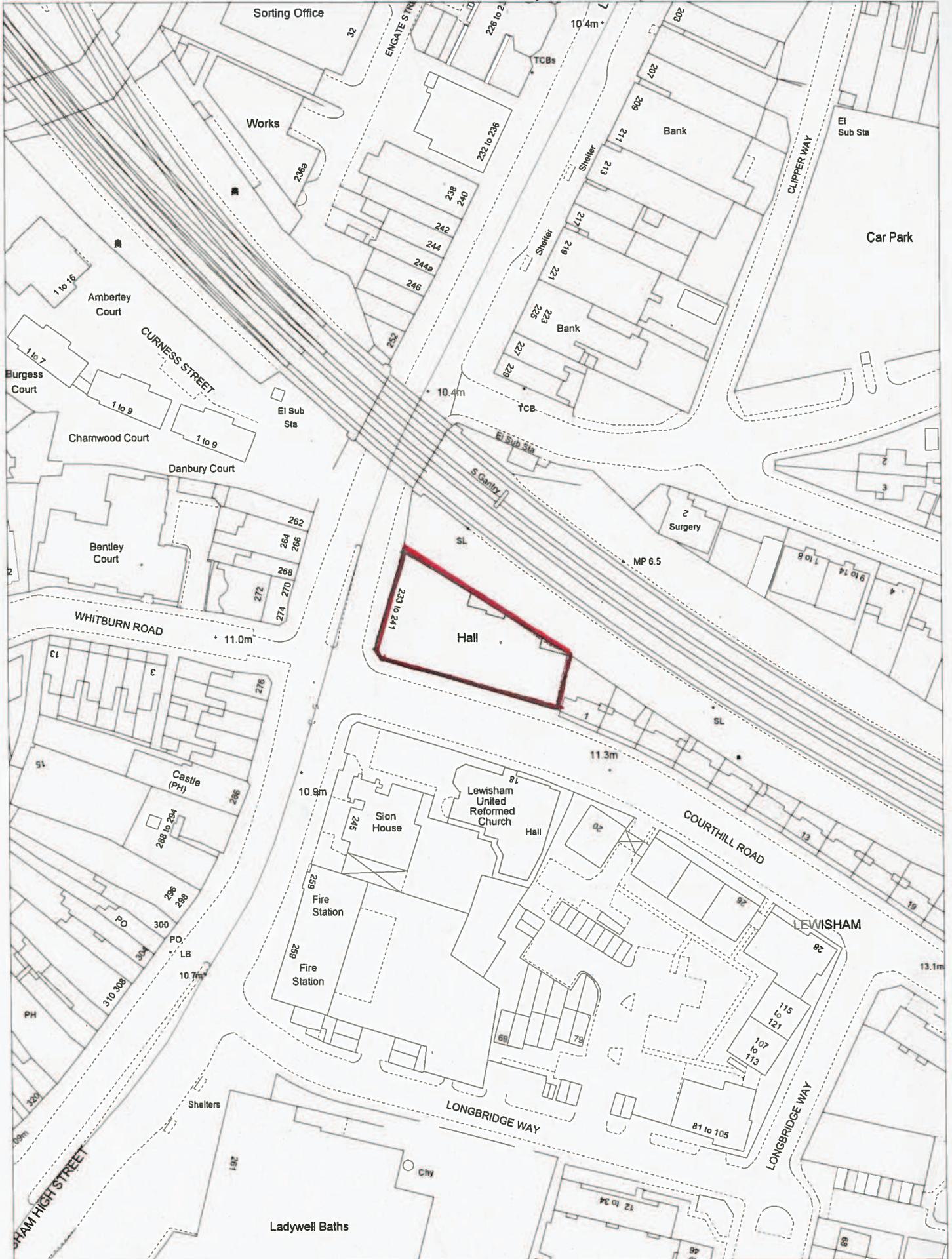
**REFUSE PLANNING CONSENT** for the following reasons :-

- (1) The proposed works would be detrimental to the significance of the Grade II Listed Building by reason of its design and would fail to relate sensitively to the heritage asset contrary to Policy 7.9 Heritage-led regeneration of the London Plan; Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment; Policy LTC23 Heritage assets of the Lewisham Town Centre Local Plan and emerging DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan.
- (2) The substantial harm that would arise from the proposed works would not be outweighed by substantial public benefit and as such, the development is contrary to advice contained in the National Planning Policy Framework.

## **INFORMATIVES**

- (1) The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, pre-application advice was sought and advice was given regarding the proposal being unacceptable. These discussions involved the Council and statutory consultees concerns over the level of intervention proposed along with the loss of historic fabric and the loss of significance of the heritage asset. The planning application was submitted against officer advice before it was possible to find a solution that addressed these concerns and no changes had been made by the applicant to address the concerns raised at pre-application stage.

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Committee	PLANNING COMMITTEE A	
Report Title	GARAGES AND FORMER ANTON BOBB COMMUNITY HALL, CORNER OF MARISCHAL ROAD AND MERCATOR ROAD SE13	
Ward	Lewisham Central	
Contributors	Suzanne White	
Class	PART 1	11 September 2014

<u>Reg. Nos.</u>	DC/14/86354
<u>Application dated</u>	31.01.2014 [final submissions dated 24.07.14]
<u>Applicant</u>	CMA Planning on behalf of Pocket Living
<u>Proposal</u>	Demolition Former Anton Bobb Community Hall and garages, at the Corner of Marischal Road and Mercator Road SE13, and the construction of a part 2, part 3 and part 4 storey building to provide 26 self-contained dwellings (25 x 1 bed and 1 x 2 bed); refuse and recycling facilities; cycle parking; and landscaping.
<u>Applicant's Plan Nos.</u>	POC 19137 11A, 00844_X 03 P2, 00844_X_06 P1, 00844_X_11 P1, 00844_X_00 P1, 00844_X_05 P1, 00844_X_02 P1, 00844_X_01 P1, 00844_X_04 P1, 00844_S_02 P1, 00844_S_00 P1, 00844_S_01 P1, 00844_S_03 P1, 00844_S_04 P1, 00844_S_05 P1, 00844_E_03 P1, 00844_E_00 P5, 00844_E_01 P5, 00844_P_00 P4, 00844_P_01 P1, 00844_P_02 P1, Design and Access Statement, Code for Sustainable Homes, Sustainability Statement, Energy Statement, Daylight and Sunlight and Overshadowing Assessment, Construction Management Plan, Planning Statement, Arboricultural Impact Assessment & Tree Protection Plan, Contamination Initial Assessment, Transport Statement, Landscape Specification, Affordable Housing Statement and Valuation.
<u>Background Papers</u>	(1) Case File LE/745/E/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Undesignated land. Currently in use as a Community Hall (D2) and lock-up garages (sui generis)
<u>Screening</u>	Not applicable

## **1.0 Introduction**

1.1 This application has been referred to Committee by the Head of Planning as it proposes a new model of affordable housing in the Borough which it is appropriate for Members to consider.

1.2 The application submissions include an overview of the Pocket Model, which is summarised below.

### Pocket Living Model

1.3 'Pocket Living' is a "for profit" social business exclusively dedicated to the provision of affordable homes in London. Pocket builds apartments for a minimum of a 20% discount on open market price for comparable flats in the same area, up to a maximum 3.5 times the Mayor of London's maximum threshold income for affordable housing.

1.4 Pocket builds principally one-bedroom apartments that are designed specifically with singles and couples in mind. The units are bought outright.

1.5 Initial and subsequent sales are restricted to purchasers who can demonstrate that their income is below the eligibility threshold designated by the Mayor of London for acquiring intermediate affordable housing, and eligibility is secured in perpetuity through a s106 agreement and lease restrictions binding on both purchasers and mortgagees.

1.6 Priority is given to those who already live or work in the relevant borough and other key priority groups, such as social tenants, agreed with the Council. The units are focused primarily at people who are unable to buy homes on the open market but whose income prevents them from applying for affordable rent or social rented homes.

1.7 The Mayor of London has confirmed that Pocket's housing meets the NPPF definition of affordable housing now reflected in the Housing SPG and in the proposed Further Alterations to the London Plan, and the Manager of the London Plan has confirmed that Pocket homes count towards LPA's affordable housing numbers. The Pocket model does not require public subsidy (GLA funding is provided in the form of a long-term loan).

1.8 Pocket provides affordable housing that supplements that which other affordable housing providers have traditionally brought forward. Unlike conventional shared ownership and shared equity products Pocket buyers own 100% of the equity and the value of their home from day one but re-sales are restricted to other eligible buyers.

1.9 In the case of shared ownership and shared equity homes the buyers can increase their stake by "stair-casing" until they own 100%, at which point they can sell on the open market and their homes cease to be part of the intermediate housing stock. Pocket homes by contrast remain part of the intermediate housing stock in perpetuity.

1.10 Pocket has been granted planning permission for 7 schemes to date, in Camden, Ealing, Hammersmith & Fulham (2), Hounslow, Westminster and Hackney. Five of these have been completed and all homes sold, the sixth has been fully sold and

a seventh is about to start construction. Demand for Pocket homes is such that over 13,000 people have registered through Pocket's website as applicants. Pocket advise that 63 applicants reside in Lewisham.

- 1.11 Pocket is required by its partner Councils to verify the eligibility of applicants and buyers of its homes. Through this process Pocket acquires and analyses a significant amount of data on its buyers. Based on the 130 homes sold to date the median income is £39,000; average age 32; 80% singles and 20% couples; 56% women and 44% men; 49% are key workers, the rest work in the private sector; a significant majority have had tertiary education.
- 1.12 Pocket has recently been awarded long-term loan funding by the GLA under the Mayor's Housing Covenant intended to boost the provision of intermediate homes for sale. Pocket's bid was supported by eight London boroughs (Lewisham was not involved) who proposed sites for funding, and a number of these are now being taken forward for development.

## **2.0 Property/Site Description**

- 2.1 The site is located on the corner of Marischal and Mercator Roads at the junction with Blessington Road. The site is currently occupied by a vacant community centre, garages and parking spaces. The site is owned by Lewisham Council, it is understood that the Anton Bobb Community Room is no longer in use and the garages are leased to local residents.
- 2.2 Mercator Road slopes steeply to the north which means there is a level difference of 2.1m between the north and south of the site. The existing community centre appears as a single storey structure on the Marischal Road frontage but as two storeys on Mercator Road. The front boundary of the site is secured by a 2.0m high brick wall which also extends along the boundary separating the site and the neighbouring dwelling at 55 Marischal Road. The southern boundary comprises dense planting which separates the site from the flats to the rear.
- 2.3 In the wider context the site is surrounded by residential development of varying age, scale and character.
- 2.4 The site has a PTAL rating of 6a with Lewisham Town Centre and Train Station located within a 10 minute walk and various bus routes running along Lee High Road.
- 2.5 The site is not allocated for any particular land-use or development proposal on the adopted Proposals Map. However, the site falls within an Area of Stability and Managed Change, just beyond the defined Lewisham Major Town Centre boundary.

## **3.0 Planning History**

- 3.1 No relevant planning history.

## **4.0 Current Planning Applications**

### The Proposals

- 4.1 The application comprises the demolition of the former Anton Bobb Community Hall building and garages and the construction of a part 2, part 3 and part 4 storey building to create 26 self-contained dwellings (25 x 1 bed and 1 x 2 bed); refuse and recycling facilities; cycle parking; and landscaping.
- 4.2 The fourth floor of the building is set back from the east and southern edges. The footprint of the building would cover a large expanse of the site, set back from the northern edge to maintain the established building line on Marischal Road and built hard onto the eastern boundary facing Mercator Road. A detached bin store would be erected on the southern boundary, the remaining space within the site would be soft landscaped.
- 4.3 The materials palette includes brick, timber louvers and glazed balustrading.
- 4.4 It is understood that Pocket are in negotiations with the Council to acquire the leasehold interest in the site, while the Council would retain the freehold.

### Supporting Documents

- 4.5 POC 19137 11A, 00844\_X\_03 P2, 00844\_X\_06 P1, 00844\_X\_11 P1, 00844\_X\_00 P1, 00844\_X\_05 P1, 00844\_X\_02 P1, 00844\_X\_01 P1, 00844\_X\_04 P1, 00844\_S\_02 P1, 00844\_S\_00 P1, 00844\_S\_01 P1, 00844\_S\_03 P1, 00844\_S\_04 P1, 00844\_S\_05 P1, 00844\_E\_03 P1, 00844\_E\_00 P5, 00844\_E\_01 P5, 00844\_P\_00 P4, 00844\_P\_01 P1, 00844\_P\_02 P1, Design and Access Statement, Code for Sustainable Homes, Sustainability Statement, Energy Statement, Daylight and Sunlight and Overshadowing Assessment, Construction Management Plan, Planning Statement, Arboricultural Impact Assessment & Tree Protection Plan, Contamination Initial Assessment, Transport Statement, Landscape Specification, Affordable Housing Statement and Valuation.

## **5.0 Consultation**

- 5.1 This section outlines the consultation carried out by the applicant prior to submission and the Council following the submission of the application and summarises the responses received.

### Pre-Application Consultation

- 5.2 The applicant engaged in pre-application discussions with planning officers, as well with the Council's Property and Housing Departments. The discussions with officers concluded with 'in principle' support for the proposals, subject to various revisions to the design being undertaken and the submission of the necessary information to support the application, including a detailed account of how the model would meet the affordable housing definition. This guidance was set out in a letter to the applicants dated 23<sup>rd</sup> December 2013.
- 5.3 The applicants held a public exhibition at St Margaret's Church on Wednesday 8 January 2014, where plans of the proposals were available for review and members of the Pocket team were in attendance to discuss the project and answer questions.

### Statutory Consultation

- 5.4 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 5.5 Consultation letters were sent to the occupants of 64 neighbouring properties and two notices were displayed on site. Internally, Lewisham Central Ward Councillors, Planning Policy, Highways, Environmental Health, Sustainability, Trees, Ecology, S106, Housing and Urban Design officers were consulted.

### Written Responses received from Local Residents and Organisations

- 5.6 Two letters of objection were received from the occupiers of the Lower and Upper flats of 55 Marischal Road. Their comments can be summarised as follows:
- No objection to the principle of redevelopment
  - Concern over potential for disturbance arising from the communal roof terrace
  - Potential loss of privacy resulting from communal roof terrace
  - Loss of amenity arising from construction process, particularly dust and vibrations
  - Loss of TV signal
  - General concern over the potential loss of Daylight/Sunlight to 55 Marischal Road, particularly in respect of the following points:
    - no assessment of front garden of 55 Marischal Road undertaken
    - 55 Marischal Road is at a significantly lower ground level than the existing garages
    - Expect party wall to be supported and maintained. Would raise concern if the height of this wall is to be increased due to 'wind tunnelling affect'.
    - Proportions of windows on north elevation should relate better to the Edwardian windows of 55 Marischal Road. [The comment is thought to relate to pane size]

### Strategic Housing

- 5.7 Strategic Housing support this scheme and the product as meeting a housing need in the borough that is not currently met elsewhere. The model presented by Pocket Living is considered to complement the existing rent or shared ownership products.
- 5.8 Require that the initial six months of sales are only to people who live/work in Lewisham.

### Sustainability Manager

- 5.9 Scheme is in compliance with our policies in relation to Code level 4 and CO<sub>2</sub> emissions reductions.

## Highways and Transportation

- 5.10 The site is well located in terms of access to public transport facilities and has a PTAL of 6a which is considered excellent. Based on the level of car ownership in the surrounding area and the available on-street parking in streets adjacent to the application site, the proposal is considered acceptable, subject to:-
- A S106 obligation being included within the S106 that restricts future residents of the development from acquiring permits within the CPZ.
  - The provision of a car club scheme at the site (i.e. the provision of car club membership), as a sustainable alternative to car ownership.
  - A Construction and Logistics Plan (CLP) is required. It should be submitted prior to the commencement of the development and should specify how the impacts of construction activities and associated traffic will be managed.
  - A Waste Management Plan (WMP) is required. The plan should include details of refuse and re-cycling collection points which should be accessible from within 10m of kerb line. The plan should illustrate how bins will be brought out to collection points on collection days & returned.
  - Details of cycle storage is required which should be covered & secure.
  - A condition is required to ensure the Travel Plan is taken forward and delivered. The Travel Plan should include measures to encourage the use of more sustainable forms of transport
  - The applicant will be required to enter into a S278 agreement with the Highway Authority. The S278 Highways Agreement is required to secure the highways works on the public highway within and adjacent to the site and shall include highways reinstatement/improvement works to Marischal Road and Mercator Road.

## Ecological Regeneration Manager

- 5.11 Further details of the specification of the living roofs were requested initially. On receipt of that information and assurances from the applicant, the Ecology Manager is satisfied with the scheme, subject to a condition to ensure that there is 80% coverage of the roof within two years and a site inspection by the Council.

## Environmental Health

- 5.12 Approval should be subject to a condition to require site intrusive investigation prior to commencement of development.
- 5.13 A further condition should be added to require a commitment to following the Council's Good Practice Guide for control of pollution and noise from demolition and construction.

## **6.0 Policy Context**

### Introduction

- 6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)

6.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham Unitary Development Plan (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The NPPF does not change the legal status of the development plan.

#### National Planning Policy Framework

6.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

6.4 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

#### Other National Guidance

6.5 The other relevant national guidance is:

Design

Planning obligations

Travel plans, transport assessments and statements in decision-taking

## London Plan (July 2011)

6.6 The London Plan policies relevant to this application are:

Policy 1.1 Delivering the strategic vision and objectives for London  
Policy 2.9 Inner London  
Policy 2.15 Town centres  
Policy 3.3 Increasing housing supply  
Policy 3.4 Optimising housing potential  
Policy 3.5 Quality and design of housing developments  
Policy 3.8 Housing choice  
Policy 3.9 Mixed and balanced communities  
Policy 3.10 Definition of affordable housing  
Policy 3.11 Affordable housing targets  
Policy 3.16 Protection and enhancement of social infrastructure  
Policy 5.3 Sustainable design and construction  
Policy 5.10 Urban greening  
Policy 5.11 Green roofs and development site environs  
Policy 6.3 Assessing effects of development on transport capacity  
Policy 6.7 Better streets and surface transport  
Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 6.11 Smoothing traffic flow and tackling congestion  
Policy 6.12 Road network capacity  
Policy 6.13 Parking  
Policy 7.1 Building London's neighbourhoods and communities  
Policy 7.2 An inclusive environment  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture

## London Plan Supplementary Planning Guidance (SPG)

6.7 The London Plan SPG's relevant to this application are:

Accessible London: Achieving an Inclusive Environment (2004)  
Housing (2012)  
Sustainable Design and Construction (2006)

## London Plan Best Practice Guidance

6.8 The London Plan Best Practice Guidance's relevant to this application are:

Wheelchair Accessible Housing (2007)  
London Housing Design Guide (Interim Edition, 2010)

## Core Strategy

6.9 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan. The following lists the relevant

strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1 Lewisham Spatial Strategy  
Spatial Policy 2 Regeneration and Growth Areas  
Spatial Policy 5 Areas of Stability and Managed Change  
Core Strategy Policy 1 Housing provision, mix and affordability  
Core Strategy Policy 8 Sustainable design and construction and energy efficiency  
Core Strategy Policy 14 Sustainable movement and transport  
Core Strategy Policy 15 High quality design for Lewisham  
Core Strategy Policy 19 Provision and maintenance of community and recreational facilities  
Core Strategy Policy 21 Planning obligations

Unitary Development Plan (2004)

6.10 The saved policies of the UDP relevant to this application are:

STR URB 1 The Built Environment  
STR URB 4 Regeneration Areas  
URB 3 Urban Design  
URB 12 Landscape and Development  
URB 13 Trees  
HSG 4 Residential Amenity  
HSG 5 Layout and Design of New Residential Development  
HSG 7 Gardens  
LCE 2 Existing Leisure and Community Facilities

Residential Standards Supplementary Planning Document (August 2006)

6.11 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

Planning Obligations Supplementary Planning Document (January 2011)

6.12 This document sets out guidance and standards relating to the provision of affordable housing within the Borough and provides detailed guidance on the likely type and quantum of financial obligations necessary to mitigate the impacts of different types of development.

Emerging Plans

6.13 According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). The following emerging plans are relevant to this application.

6.14 The following emerging plans are relevant to this application.

Development Management Local Plan

6.15 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public has now concluded, and the Inspector issued his report on the 23 of July 2014 finding the Plan sound subject to 16 main modifications. The 16 main modifications had previously been published by the Council for public consultation on the 29 of April 2014.

6.16 The Council expects to formally adopt the DMLP in autumn 2014.

6.17 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP as amended by the 16 main modifications has undergone all stages of the plan making process aside from formal adoption, and therefore holds very significant weight at this stage.

6.18 The following policies are considered to be relevant to this application:

DM Policy 1	Presumption in favour of sustainable development
DM Policy 22	Sustainable design and construction
DM Policy 24	Biodiversity, living roofs and artificial playing pitches
DM Policy 25	Landscaping and trees
DM Policy 28	Contaminated land
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 32	Housing design, layout and space standards
DM Policy 35	Public realm

Draft Further Alterations to the London Plan (FALP)

6.19 On 15 January 2014, the Mayor of London published Draft Further Alterations to the London Plan (FALP). A schedule of suggested changes was published on 7 July 2014 in response to consultation responses received. The Examination in Public commenced on 1 September and will last approximately 3 weeks, after which the Inspector will provide a report on any recommended alterations. The FALP is considered to carry

6.20 The FALP has undergone all stages of public consultation and plan preparation aside from examination, and therefore holds significant weight at this stage. However, some policies contained within the plan hold less weight as the Mayor has received representations from consultees or questions from the Inspector regarding the soundness of these policies.

## **7.0 Planning Considerations**

7.1 The main issues to be considered in respect of this application are:

- a) Principle of Development
- b) Affordable Housing
- c) Housing Mix and Standards
- d) Design
- e) Impact on Adjoining Properties
- f) Highways and Traffic Issues
- g) Sustainability and Energy
- h) Ecology and Landscaping
- i) Planning Obligations

### Principle of Development

7.2 Saved UDP Policy LCE2 – Existing Leisure and Community Facilities seeks to protect existing facilities unless they are genuinely redundant, there is a proven lack of need, cannot be updated at reasonable cost and alternative provision is made elsewhere.

7.3 Core Strategy Policy 19 echoes London Plan Policy 3.16 in seeking to ensure that adequate provision of community facilities is maintained in order to meet the needs of current and future populations.

7.4 The applicant details that the former Anton Bobb Community Hall was a general purpose facility that was regularly used by a local tenant and residents association until 2007 when the group was disbanded. Subsequently, the hall was used on an infrequent basis for external bookings until an inspection by Lewisham Homes in 2012 found that a new boiler would be required for continued use at which point a decision was made to close the hall. A letter from the Council's Housing Strategy Manager, dated 28 January 2014 and submitted with the application, confirms the decision to close the centre.

7.5 The Council has resolved to dispose of the site due to the lack of demand and disproportionate costs associated with up-grading the building. Accordingly, the principle of redeveloping the existing community facility is considered acceptable in the context of Policy LCE2 given the history of vacancy and condition of the building.

7.6 The provision of alternative community facilities does not form part of the application, however this can be mitigated by a contribution towards community facilities. On this basis, it is considered that the loss of the community centre is acceptable under Policy LCE2.

7.7 It is also appropriate to consider the principle of redevelopment of the existing garages on site as, whilst they are not specifically protected in policy terms, redevelopment will result in a reduction in off-street parking capacity in the area.

7.8 The applicant states that, of the 20 existing garages, 14 are currently rented out. The submitted Transport Statement includes a parking survey which demonstrates that there is sufficient spare capacity within local resident only parking bays in the vicinity of the site to accommodate any displaced vehicles

resulting from the loss of the garages. The redevelopment of the garages is therefore considered acceptable in principle.

- 7.9 Planning policies at all levels identify a pressing need to deliver more homes, particularly affordable, and advocate making the best use of sites to meet that need, taking into account local context, character and public transport accessibility.
- 7.10 The application proposals will make use of a previously developed site, that is situated within a predominantly residential area, just outside Lewisham Town Centre and which has a PTAL of 6a, making it highly accessible.
- 7.11 On the basis of the above considerations, the principle of redevelopment for housing is acceptable in planning policy terms.

#### Affordable Housing

- 7.12 The application as submitted was not considered to provide sufficient evidence to demonstrate that the proposed scheme would constitute affordable housing according to planning policy.
- 7.13 The definition of affordable housing is found in Annex 2 of the NPPF, and is repeated in Policy 3.10 of the London Plan:

*“Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable”.*

- 7.14 The proposal is for 100% intermediate units. Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing. Homes that do not meet the above definition of affordable housing, such as “low cost market” housing, may not be considered as affordable housing for planning purposes.
- 7.15 The London Plan, at paragraph 3.61, states that *“Households whose annual income is in the range of £18,100- £64,300 should be eligible for new intermediate homes.”* The upper income threshold is proposed to be increased to £66,000 in the Draft Further Alterations to the London Plan January 2014 (FALP). The application as submitted relied on this provision as the determinant of eligibility.
- 7.16 Officers felt that this did not reflect the requirements of the affordable housing definition that eligibility should be determined with regard to local incomes and house prices, i.e. within the Lewisham context. Officers were also concerned to ensure that the units would remain affordable in perpetuity.
- 7.17 Discussions took place with the applicant with regard to these points and additional information was submitted in response. As a result of these discussions, and provisions to be secured through a S106 agreement, Officers have concluded that the proposal as amended meets the definition of affordable housing.

- 7.18 The proposal is considered against each element of the definition below.
- i) The units must be provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local prices.*
- 7.19 The applicant has provided an Affordable Housing Statement and an Independent Valuation, including review of recent sales prices, in order to establish the household income required to purchase a comparable market unit in the area at present. By definition, the needs of those earning less are not met by the market currently.
- 7.20 The Independent Valuation was undertaken by Jones Lang LaSalle and is dated July 22 2014. The valuation was based upon a site visit and took into consideration the size and specification of Pocket units i.e. a one bedroom (2 habitable rooms) property measuring 37.7sqm (406sq ft), without any private outside space. It reviewed sold prices for 12 comparable schemes in the Lewisham Town Centre area. Of most relevance to the application scheme were developments at Riverdale House and Renaissance in Loampit Vale.
- 7.21 The valuation shows that a 1bed flat at Riverdale House, of identical proportions to a Pocket unit, was sold in July this year for £270,000. It is noted that this scheme is a conversion (and may therefore be compromised in terms of layout) but benefits from being located much closer to Lewisham Town Centre and train/DLR stations.
- 7.22 Larger 1 bed (457sq ft) units at Renaissance have sold for £276,000 (7<sup>th</sup> floor) and £316,000 (9<sup>th</sup> floor) in July this year. The 1bed units on the lower floors (3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>) were sold out in April/May, achieving prices of £257-£260,000. The valuation considers that the market has changed since then and that the Pocket units would achieve a higher price than the 3<sup>rd</sup>/4<sup>th</sup>/5<sup>th</sup> floor Renaissance units in today's market.
- 7.23 The valuation concludes that the Market Value for the Pocket units at Mercator Road would be £265,000. Officers consider that this figure has been adequately justified and can be used as a basis to determine eligibility criteria. The valuation letter is attached to this report at Appendix A.
- 7.24 In terms of local incomes, the Council's Planning Obligations SPD (2011) sets out a maximum income threshold for rent or purchase of intermediate housing at Table A.1 of £38,429. The Draft Planning Obligations SPD (July 2014), approved for public consultation at the Mayor and Cabinet meeting of 16 July 2014, updates the maximum threshold for intermediate housing to households earning no more than £51,565.
- 7.25 The income threshold in the 2011 SPD was set with shared ownership schemes in mind, whereby purchasers would seek a mortgage for a proportion (typically 25%) of the cost of a dwelling initially. It is accepted by planning and housing officers that the SPD threshold did not anticipate the Pocket model, whereby units will be purchased outright and therefore a larger income would be required.
- 7.26 Taking the above factors into account, it is possible to determine an income threshold for eligible purchasers.

7.27 The valuation has established a market value of £265,000 for a Pocket 1bed flat. Although the final market price would be subject to a further valuation undertaken closer to the time of initial sales, and controlled through the S106 agreement, it is considered that the current valuation is sufficient to illustrate the model and determine eligibility. A market value for the 2bed unit has not been provided, though it is considered that the sale price will be adequately controlled by the Mayor of London's income eligibility cap.

7.28 Pocket would sell the flats at a discount of 20% from the market price i.e. £212,000 based on the current valuation. The London Plan income threshold is based on an income multiplier of 3.5. Officers consider that it is reasonable to assume that purchasers will have a deposit, given current mortgage requirements, and have used 10% as a guide. On this basis, the income threshold for eligibility would be calculated as follows:

Purchase price:	£212,000
Deposit (10%):	£21,200
Mortgage required:	£190,800
Income required: (3.5 times multiplier)	£54,514.

7.29 On this basis a maximum household income threshold of £54,500 is proposed for eligible purchasers.

7.30 There are a number of variables behind the above calculation which could be applied differently, however Officers consider that the above is a reasonable illustration of how a Pocket unit might be purchased.

7.31 In terms of the level of deposit, the Mercator Road units may be eligible for the Government's Help to Buy Scheme, whereby purchasers with a 5% deposit are able to access a loan to bring their deposit up to 25%. One of Pocket's existing schemes was eligible for this scheme and, although the Mercator Road scheme has not been through the application process yet, there is a good prospect that it would also qualify. With a 25% deposit, the units would be affordable to households with an income of £45,200, based on a mortgage multiplier of 3.5 times income.

7.32 Consideration has also been given to purchasers with a lower deposit and higher income (£54,500+). It is felt that purchasers at this income level would have more options available to them on the open market and it is therefore appropriate to focus the availability of these units to those with less opportunities to purchase a home.

7.33 A cautious approach has been adopted in using a 3.5 times income multiplier. It is possible that purchasers may be able to borrow a greater multiple of their salary, which again would make the units affordable to those on lower incomes.

7.34 The Affordable Housing statements provided by Pocket state that, based on previous sales, the average purchaser of a Pocket flat has an income of £37,566 and a deposit of £23,410. These figures would suggest that the above assumptions in respect of income multiplier and level of deposit are appropriate.

- 7.35 The £54,500 limit on the income of eligible purchasers is proposed to apply for the initial 6 months of sales. In addition, sales during this period would be restricted to eligible purchasers either living or working in Lewisham.
- 7.36 After this initial period, the flats would be available to any purchaser whose income sits within the Mayor of London's gross household income eligibility range for Intermediate Housing in London (£18,000-£66,000). This is in accordance with the Draft Further Alterations to the London Plan which state that Boroughs may set their own eligibility requirements, but only for an initial 3 month period. A longer period of 6 months has been agreed with the applicant in order to best meet local need.
- 7.37 At all states of the sales process, the units can only be sold to persons who do not already own a residential property. This provision, together with strict controls on rental of the units, help to ensure that the units would be sold to owner-occupiers and would not be available for buy-to-let investors.

*Ensuring that there is provision for the units to remain at an affordable price for future purchases - reselling*

- 7.38 Consideration was given as to whether an income threshold below that of the Mayor of London's should be set for re-sales, as is the case for the initial 6 months of sales. The conclusion reached by officers was that, although we could be confident at present that purchasers would have deposits (particularly given the potential assistance available through the Help to Buy scheme), we could not rely on this being the situation in the future. In that scenario, future purchasers may require a higher income in order to be able to afford a unit.
- 7.39 Officers explored the possibility of setting out a formula within the S106 agreement to enable future sale prices to be calculated on the basis of house price increases. However, the conclusion reached was that this may place an unnecessary burden on the ability of future occupiers to sell their properties and, given rising house prices, may not result in a materially different income threshold to that set by the Mayor of London.
- 7.40 Re-sale of the flats is also controlled through the S106 so that for the first 6 months of marketing the flats can only be re-sold to eligible persons. Provisions in the S106 will require a marketing plan to set out how re-sales will be marketed, in order to ensure that eligible purchasers have every opportunity to be made aware of the flats being on the market.
- 7.41 After the initial 6 month period, the flats can be sold to any purchaser, on the open market. However, that purchaser would subsequently be bound by the requirements of the S106 agreement to market the unit only to eligible persons for the first six months when they came to sell.
- 7.42 Mortgage lenders are unwilling to accept any restriction on re-sales and therefore, where a flat is repossessed, it could be sold on the open market. However, again, if the flat were re-sold in the future it would be bound by the S106 provisions to prioritise eligible persons.
- 7.43 It is considered that these exceptions are unlikely to be frequent occurrences, and so it is considered that, in the majority of circumstances, the units would remain affordable in perpetuity.

- 7.44 For these reasons the proposal is considered to meet the affordable housing definition.

*Mix*

- 7.45 Core Strategy Policy 1 seeks to secure an appropriate mix of unit sizes within any development, including the provision of family housing (3+ bedrooms) as part of any scheme with 10+ units. However, the policy also provides that the appropriate mix will be determined having regard to: a. the physical character of the site or building and its setting; b. the previous or existing use of the site of building; c. access to private gardens or communal garden areas for family dwellings; d. the likely effect on demand for car-parking within the area; e. the surrounding housing mix and density of population; and f. the location of schools, shops, open space and other infrastructure.
- 7.46 The Pocket Model is based upon the provision of 1-bed units, though in the current application a 2bed unit has also been proposed. In this case, a high proportion of 1 bed units is considered acceptable on account of the high public transport accessibility of the site and broader existing mix of dwelling sizes in the locality.

*Lifetime and wheelchair homes*

- 7.47 All of the units proposed will be built to Lifetime Homes Standards, with the exception of the car parking requirement.
- 7.48 During pre-application discussions, the scheme had included a wheelchair unit. However, in the course of those discussions and taking advice from the Council's Occupational Therapists, it was concluded that the site was not suitable for a wheelchair unit on account of the lack of off-street parking, topography of the surrounding area and travel time to local public transport. Instead, it has been agreed that the applicant will make a financial contribution towards the provision of wheelchair accommodation elsewhere in the borough.

Housing Standards

- 7.49 Core Strategy Policy 1, Development Local Plan Policy 32, London Plan Policy 3.5 and the London Plan Housing SPG seek to ensure that all new residential development meets minimum size standards.
- 7.50 Table 3.3 of the London Plan and Standard 4.1.1 of the SPG sets out minimum space standards for new development. The standards require a studio (1-person) flat to have a minimum internal floor area of 37sqm, a one bed (2-person) flat to be a minimum of 50sqm and a 2-bed (3-person) flat to be a minimum of 61sqm.
- 7.51 The proposed 1bed units are 37.7sqm in size, while the 2-bed unit is 61.5sqm. The proposed 1bed flats would meet the London Plan minimum size for a 1person flat but fall well short of the minimum size for a 1bed unit.
- 7.52 Development Management Local Plan Policy 32 – Housing design, layout and space standards (e.) states that “*Single person dwellings will not be supported other than in exceptional circumstances. Developments will be required to have an exceptional design quality and be in highly accessible locations*”.

- 7.53 Pocket use measures such as underfloor heating (negating the need for radiators), large windows, generous floor to ceiling heights, good levels of storage and communal external space to help address issues that could arise with a compact style of living.
- 7.54 During the application process Officers have engaged with Pocket to increase the proportion of dual aspect units within the scheme and are now comfortable that these have been maximised. In addition, the submitted daylight/sunlight assessment demonstrates that appropriate levels of light will be achieved for all units.
- 7.55 Pocket state that 81% of their units sold to date have been bought by single purchasers and as such it is considered reasonable to use the standard for 1-person flats as the measure by which to assess them. An appeal decision dated September 2006 considered this issue specifically and the Inspector concluded that the units were acceptable on the basis of the space-saving design measures incorporated, that they would predominantly be occupied by single persons and that therefore the 1person standard was met.
- 7.56 During the application process, the applicant reduced the proportion of single-aspect dwellings and improved the quality of the proposed external materials in response to concerns raised by the Council's Urban Design Officers.
- 7.57 Taking all of the above into account, and particularly given the high public transport accessibility of the site, it is considered that the proposal is acceptable in terms of unit sizes and standard of accommodation proposed.
- 7.58 Standard 4.10.1 of the London Housing SPG sets out the baseline requirements for private open space. The standard requires a minimum of 5sqm to be provided for 1-2 person dwellings and an extra 1sqm for each additional occupant. The proposals include communal amenity space at lower-ground level to the south of the building and a roof terrace at the top floor. Private terraces are provided to the south facing flats at lower-ground level, a semi-private garden is provided to the two north-facing units at lower-ground level and a private roof terrace is provided to the 2-bed unit.
- 7.59 The proposal does not meet the requirements of the policy as private amenity space is not provided for all units. However, 170sqm of communal amenity space of a good standard is provided and it is considered that this constitutes acceptable provision for 1bed units in this location.

### Design

- 7.60 All levels of planning policy put great emphasis on design as a key aspect of the planning process. Developments are required to respond to local character and reflect the identify of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments which are visually attractive as a result of good architecture and appropriate landscaping.
- 7.61 London Plan Policy 3.5 – Quality and Design of Housing Developments: States that housing development should be of the highest quality internally and externally and in relation to their wider context and to the wider environment.

- 7.62 Core Strategy Policy 15 – High quality design for Lewisham states that for all development the Council will: a. ensure the highest quality design which is sustainable, accessible for all, optimises the potential of sites and is sensitive to local context and character; b. ensure design acts to reduce crime and the fear of crime; c. apply the housing densities set out in the London Plan; e. use Building for Life standards for major planning applications; f. ensure development is flexible and adaptable to change; and g. ensure development conserves and enhances the historic environment.
- 7.63 The application site is situated in an “Area of Stability and Managed Change”, for which CS Policy 15 expects: the scale and type of development to be generally smaller scale, unless close to stations where higher densities may be acceptable; provide a high level of amenity; and ensure that any adverse impact on neighbouring residential amenity or biodiversity is addressed.
- 7.64 The proposed building is of a significant scale for the size of the site, however as a corner plot it is accepted that a prominent building would be appropriate in this location, subject to achieving a high quality of design. The submitted scheme is deemed to have successfully addressed these requirements by setting back the fourth storey, introducing a series of recessed elements, and variations in the fenestration and materials palette, all of which serve to ‘break down’ the scale and mass of the proposed building.
- 7.65 The building would be set back from Marischal Road to respect the established building line of this part of the street. The set back at fourth floor level reduces the scale and mass of the block as perceived from the street and this is considered acceptable in the context of the local area.
- 7.66 In terms of the colour of the proposed bricks, there are good precedents within the immediate area of buildings faced in grey brick. The proposal picks up and re-interprets this in a contemporary way. The final specification of the bricks can be controlled by condition, with the applicant required to assemble sample panels on site.
- 7.67 Timber panels are introduced over the main entrance and as shading panels to the south and east facing bedroom windows, serving to soften the predominantly brick façade.
- 7.68 Overall, it is considered that the design has successfully responded to the constraints of the site and character of the area, whilst also optimising its potential to deliver housing.

#### Impact on Adjoining Properties

- 7.69 *Policy HSG 4 – Residential Amenity* of the UDP seeks to protect existing residential occupiers from inappropriate development.
- 7.70 A daylight/sunlight assessment undertaken in accordance with the BRE Guidelines “Site Layout Planning for Daylight and Sunlight – A Good Practice Guide” was submitted as part of the application submission. The report assesses the daylight, sunlight and overshadowing impacts that the proposed development may have on the existing properties and open spaces surrounding the site.

- 7.71 In respect of the apartment block to the southwest of the site, 1-20 Mercator Road, some northeast facing windows will experience a noticeable reduction in daylight levels. However, the report identifies that the main habitable rooms of these dwellings are located on the southwest elevation of the block and that, due to the external walkways on the northeast elevation of the building, the impacted windows are already compromised and would already require artificial lighting to the kitchen areas behind.
- 7.72 The assessment considers the impact on the windows of No. 55 and No. 59 Marischal Road specifically, and concludes that neither property will experience any noticeable impact on daylight access.
- 7.73 Two neighbouring amenity areas, including the rear garden of 55 Marischal Road, were identified as having the potential to be affected by the proposal. After assessment, it was concluded that both would receive at least 2 hours or more of sunlight on 21 March on at least 50% of their area, which meets the BRE Guidelines.
- 7.74 Overall, the assessment demonstrates that the proposed scheme will not give rise to any unacceptable impact on the amenity of neighbouring properties in terms of loss of daylight or sunlight or overshadowing, based on the BRE assessment guidelines.
- 7.75 As covered earlier in this report, it is considered that the scale and proportions of the scheme are appropriate to the context of the site and would not give rise to an overbearing impact on neighbouring occupiers.
- 7.76 It is also noted that the scheme has sought to minimise the potential for overlooking of neighbouring properties by orientating most windows towards the street frontages. Windows on the west elevation either correspond to circulation space or are at high level to prevent overlooking towards 55 Marischal Road.
- 7.77 The separation distance between the facing windows of the proposed block and those of the existing apartment block to the south is 11metres at its closest, increasing to 19 metres as one moves south east across the site. However, it is understood that the north facing windows of the block to the south relate to kitchen areas. Moreover, the potential for overlooking between the existing and proposed blocks is mitigated by the orientation of the new building, the substantial mature planting on the boundary and the difference in levels between the two buildings.
- 7.78 Concern has been raised with regard to the proposed communal roof terrace in terms of the potential for overlooking and noise and disturbance.
- 7.79 The roof terrace is located towards the north-western portion of the roof. There are no windows on the flank elevation of 55 Marischal Road (except at lower ground level) and therefore the only risk of overlooking is to the rear garden of that property. It is considered that this could adequately be controlled through the imposition of a condition requiring details of screening of the terrace to be provided.
- 7.80 In terms of noise and disturbance, as a residential scheme it is expected that the use of the roof terrace would be similar to that of any residential garden. If noise became an issue, this could be controlled by the Council's Environmental Health

Team. However, if Members are concerned about this element, a condition could be added to approval of the scheme to limit the hours of use of the roof terrace.

- 7.81 Taking these factors into account, it is considered that the proposal will not result in an unacceptable impact on the amenity of adjoining occupiers.

#### Highways and Traffic Issues

##### *a) Access*

- 7.82 There is no off-street parking or vehicular access proposed for the scheme. There will be two pedestrian points of access, the primary of these will be to the main entrance of the building from Marischal Road. A secondary access from Mercator Road provides access to the external communal amenity space to the south and to the cycle storage, which is located within the building envelope.

##### *b) Refuse and Servicing*

- 7.83 A stopping point for refuse vehicles has been identified on Mercator Road. A bin store is located to the south of the Mercator Road entrance.

##### *c) Cycle Parking*

- 7.84 Secure cycle parking for 27 bikes is provided within the building and an additional visitor space is provided at the main entrance.

##### *d) Car Parking*

- 7.85 DM Policy 29 seeks to limit car parking in areas of high public transport accessibility. In line with this approach, and given the profile of prospective occupiers, the scheme proposes a 'car free' approach.

- 7.86 It is proposed that 'Sustainable Travel Information Packs' will be provided to each occupier.

- 7.87 Highways have confirmed that the proposed 'car free' approach is acceptable, subject to the provision of a car club for occupiers; a requirement that future residents will not be able to acquire permits within the CPZ and the implementation of the Travel Plan.

##### *e) Public Realm Improvements*

- 7.88 As a car-free development, the pedestrian environment in the vicinity of the development, and safe and attractive routes to the surrounding facilities, will be of particular relevance to the development and its impacts. The town centre will be the major attractor for pedestrian trips to and from the development, which will rely on routes to the shopping area and market around Lewisham High Street / Lewis Grove, routes to the station and routes to Tesco's as the closest major supermarket.

- 7.89 A reasonable contribution of £15,000 should therefore be sought to improve the attractiveness, safety or accessibility of the public realm, which may include, for example, contribution to streetscape enhancements or new crossing facilities.

- 7.90 On this basis the proposal is considered acceptable from a highways perspective.

## Sustainability and Energy

- 7.91 The application includes a 'Sustainability Statement' and an 'Energy Assessment.'
- 7.92 The Sustainability Statement confirms that the proposals will meet Code for Sustainable Homes Level 4, whilst the Energy Strategy demonstrates that the proposals have been designed in response to the Mayor's 'Energy Hierarchy'. Renewable energy is generated on site through photovoltaic cells fixed to the roof.
- 7.93 The proposals incorporate energy efficiency measures including high levels of insulation and high performance glazing beyond current Building Regulations requirements.
- 7.94 The development will provide an overall reduction in CO<sub>2</sub> emissions of 42.9% compared to current Building Regulations which accords with the most up to date London Plan target for carbon reduction and Core Strategy Policy 8 - *Sustainable design and construction and energy efficiency*.
- 7.95 On this basis the proposal is considered to be in accordance with the relevant planning policies.

## Ecology and Landscaping

- 7.96 There is no vegetation within the application site; however, there are five established trees immediately beyond the southern boundary of the site.
- 7.97 An Arboricultural Impact Assessment has been submitted as part of the proposals, which demonstrates that there will be no impact on these trees arising from the proposed development. Tree protection measures are set out in the report and these can be secured by condition.
- 7.98 A living roof will cover part of the roof area. The specification has been discussed with the Council's Ecological Manager and he is satisfied that it meets the Council's requirements. The initial management of the roof will be secured by condition to ensure that it establishes successfully.

## Planning Obligations

The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development

7.99 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.

7.100 Officers have discussed with the applicant the planning obligations that are considered necessary to mitigate the impacts of the development. The agreed obligations are as follows:

#### Affordable Housing

##### *Sales restrictions*

- No occupation of the units other than by Eligible Persons
- No sales to persons already in ownership of a residential property
- Sales during first 6 months of marketing only to eligible persons, working or living in Lewisham and earning no more than £54,500.
- Subsequent 6 months of sales only to eligible persons, working or living in Greater London and in accordance with the London Plan eligibility criteria.
- After that period, sales only to eligible persons no matter where they live or work. Units may be rented to Eligible Persons, at 80% of Local Market Rate, until the unit is sold.
- No units to be sold on the Open Market in the first round of sales.

##### *Price*

- Owner must commit not to sell any of the units for more than 80% of Open Market Value in the 1<sup>st</sup> round of sales

##### *Other affordable housing obligations:*

- Marketing Methods Plan required
- Re-sales only to Eligible Persons according to London Plan eligibility criteria
- No re-sales within 12 months of first purchase
- Monitoring requirements

#### Contributions

- Health £16,250
- Open Space £11,256.08
- Employment £4,261.36
- Community facilities £3,925.87
- Public Realm & walking/cycling links £15,000
- Wheelchair provision £25,000

#### Car Free & Car Club

- Restriction on future residents of the development from acquiring permits within the CPZ.

- The provision of a car club scheme at the site (i.e. the provision of car club membership), as a sustainable alternative to car ownership.

#### Council's legal costs

- Reimbursement of the Councils legal, professional and monitoring costs associated with the drafting, finalising and monitoring the agreement.

#### Local Labour

- Local labour obligations i.e. use of local labour during construction, working with the Councils Local Labour and Business Coordinator etc...;

- 7.101 The above contributions in respect of Health, Open Space, Employment and Community Facilities have been generated in reference to the standard charges as set out in the Planning Obligations SPD 2011, but discounted to reflect the lower occupancy levels anticipated for a scheme of predominantly 1bed units.
- 7.102 Contributions towards education and leisure facilities were not considered appropriate on account of the unit sizes (and consequent low child yield) and the recent provision of a new leisure centre in Lewisham Town Centre.
- 7.103 The Wheelchair contribution has been applied on the basis that the site is not suitable for the provision of a wheelchair unit, on account of the lack of off-street parking, topography of the surrounding area and travel time to local public transport.
- 7.104 A contribution towards improving 'walking and cycling' links between the development and Lewisham Town Centre/Lewisham Station and towards improving the 'public realm' in the vicinity of the development; to encourage sustainable modes of travel and to improve accessibility to from the site was also considered appropriate on account of the car-free nature of the scheme.
- 7.105 Officers consider that the obligations outlined above are appropriate and necessary in order to mitigate the impacts of the development and make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

### **8.0 Community Infrastructure Levy**

- 8.1 The above development is not CIL liable.

### **9.0 Equalities Considerations**

- 9.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 The protected characteristics under the Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

9.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.

9.4 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

## **10.0 Conclusion**

10.1 This application has been considered in the light of policies set out in the development plan and other material considerations.

10.2 The proposal would provide intermediate affordable housing, meeting the needs of those who, whilst not eligible for social housing, may nonetheless struggle to purchase a property on the open market.

10.3 The proposal is considered to meet the definition of affordable housing and, through a S106 agreement, the units can be maintained as intermediate affordable housing in perpetuity.

10.4 The development would make positive use of a presently under-used site. The design is considered to be of good quality, and will make a positive contribution to the local area.

10.5 For these reasons, the proposal is considered acceptable and is therefore recommended for approval.

## **11.0 RECOMMENDATION (A)**

To agree the proposals and authorise the Head of Law to complete a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the following principal matters:-

### Affordable Housing

#### *Sales restrictions*

- No occupation of the units other than by Eligible Persons
- No sales to persons already in ownership of a residential property
- Sales during first 6 months of marketing only to eligible persons, working or living in Lewisham and earning no more than £54,500.
- Subsequent 6 months of sales only to eligible persons, working or living in Greater London and in accordance with the London Plan eligibility criteria.
- After that period, sales only to eligible persons no matter where they live or work. Units may be rented to Eligible Persons, at 80% of Local Market Rate, until the unit is sold.

- No units to be sold on the Open Market in the first round of sales.

#### *Price*

- Owner must commit not to sell any of the units for more than 80% of Open Market Value in the 1<sup>st</sup> round of sales

#### *Other affordable housing obligations:*

- Marketing Methods Plan required
- Re-sales only to Eligible Persons according to London Plan eligibility criteria
- No re-sales within 12months of first purchase
- Monitoring requirements

#### Contributions

- Health £16,250
- Open Space £11,256.08
- Employment £4,261.36
- Community facilities £3,925.87
- Wheelchair £25,000
- Public realm & walking/cycling links £15,000

#### Car Free & Car Club

- Restriction on future residents of the development from acquiring permits within the CPZ.
- The provision of a car club scheme at the site (i.e. the provision of car club membership), as a sustainable alternative to car ownership.

#### Council's legal costs

- Reimbursement of the Councils legal, professional and monitoring costs associated with the drafting, finalising and monitoring the agreement.

#### Local Labour

- Local labour obligations i.e. use of local labour during construction, working with the Councils Local Labour and Business Coordinator etc.

#### **RECOMMENDATION (B)**

Upon the completion of a satisfactory Section 106, within 1 month, in relation to the matters set out above, authorise the Head of Planning to Grant Permission subject to the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

**Reason:** As required by Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

POC 19137 11A, 00844\_X\_03 P2, 00844\_X\_06 P1, 00844\_X\_11 P1, 00844\_X\_00 P1, 00844\_X\_05 P1, 00844\_X\_02 P1, 00844\_X\_01 P1, 00844\_X\_04 P1, 00844\_S\_02 P1, 00844\_S\_00 P1, 00844\_S\_01 P1, 00844\_S\_03 P1, 00844\_S\_04 P1, 00844\_S\_05 P1, 00844\_E\_03 P1, 00844\_E\_00 P5, 00844\_E\_01 P5, 00844\_P\_00 P4, 00844\_P\_01 P1, 00844\_P\_02 P1, Design and Access Statement, Code for Sustainable Homes, Sustainability Statement, Energy Statement, Daylight and Sunlight and Overshadowing Assessment, Construction Management Plan, Planning Statement, Arboricultural Impact Assessment & Tree Protection Plan, Contamination Initial Assessment, Transport Statement, Landscape Specification, Affordable Housing Statement and Valuation.

**Reason:** To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

3. No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-
  - (a) Dust mitigation measures.
  - (b) The location and operation of plant and wheel washing facilities.
  - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process

**Reason:** In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

4. No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:-
  - (a) Rationalise travel and traffic routes to and from the site.
  - (b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.
  - (c) Measures to deal with safe pedestrian movement.

The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction.

**Reason:** In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

5. (a) No development (including demolition of existing buildings and structures) shall commence until each of the following have been complied with:-
  - (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
  - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.
  - (iii) The required remediation scheme implemented in full.
- (b) If during any works on the site, contamination is encountered which has not previously been identified ("the new contamination") the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.
- (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

This shall include verification of all measures, or treatments as required in (Section (a) i & ii) and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full.

The closure report shall include verification details of both the remediation and post-remediation sampling/works, carried out (including waste materials removed from the site); and before placement of any soil/materials is undertaken on site, all imported or reused soil material must conform to current soil quality requirements as agreed by the authority. Inherent to the above, is the provision of any required documentation, certification and monitoring, to facilitate condition requirements.

**Reason:** To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to

comply with Saved Policy ENV.PRO 10 Contaminated Land in the Unitary Development Plan (July 2004).

6. (a) The buildings hereby approved shall achieve a minimum Code for Sustainable Homes Rating Level 4.
- (b) No development shall commence above ground level until a Design Stage Certificate for each residential unit (prepared by a Code for Sustainable Homes qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (c) Within 3 months of occupation of any of the residential units, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Code for Sustainable Homes qualified Assessor) to demonstrate full compliance with part (a) for that specific unit.

**Reason:** To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2011) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

7. No development shall commence above ground level on site until a detailed schedule, specification and samples of all external materials and finishes, including windows, doors, roof coverings, balustrades and timber louvres to be used on the buildings have been submitted to and approved in writing by the local planning authority. Brick sample panels (including mortar) shall be erected on site and arrangements made with officers to inspect the materials prior to their approval. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004)

8. (a) The bin storage facilities as hereby approved shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

**Reason:** In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Saved Policies URB 3 Urban Design and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004) and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

9. (a) A minimum of 26 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.

- (b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

**Reason:** In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

- 10. (a) No development shall commence above ground level on site until drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) have been submitted and approved in writing by the local planning authority.
- (b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2011), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policies URB 3 Urban Design and URB 12 Landscape and Development of the Unitary Development Plan (July 2004).

- 11. The tree protection measures as set out in the approved Arboricultural Impact Assessment shall be implemented in full and for the duration of the construction period.

**Reason:** To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011) and Saved Policies URB 3 Urban Design, URB 12 Landscape and Development and URB 13 Trees in the Unitary Development Plan (July 2004).

- 12. (a) A scheme of soft landscaping (including details of plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policies URB 3 Urban Design, URB 12 Landscape and Development and URB 13 Trees in the Unitary Development Plan (July 2004).

13. (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

**Reason:** To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Saved Policies URB 3 Urban Design and URB Residential Amenity in the Unitary Development Plan (July 2004) and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

14. The biodiverse living roof, as indicated on plan nos 00844\_P\_01 P1 & 00844\_X 03 P2 and which shall cover an area no less than 40sqm, shall be planted during the first planting season following the practical completion of the building works.

The applicant will ensure that 80% coverage of the living roof is achieved within two years of first occupation and shall make arrangements for the Council's Ecological Regeneration Manager to inspect the roof within 2 months of the second anniversary of first occupation of the building.

The living roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.

**Reason:** To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2011) and Core Strategy Policy 10 managing and reducing flood risk and Core Strategy Policy 12 Open space and environmental assets.

15. (a) No part of the development hereby approved shall be occupied until such time as a users Travel Plan, in accordance with Transport for London's document 'Travel Planning for New Development in London' has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.
- (b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.

- (c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).

**Reason:** In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

16. The development hereby approved shall not be occupied until the existing accesses have been closed, the highway reinstated and the new accesses have been constructed in accordance with the permitted plans.

**Reason:** To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

17. Each of the dwellings shall meet Lifetime Home Standards (in accordance with the 2010 (Revised) document) as set out in the Design & Access Statement dated January 2014 and hereby approved.

**Reason:** In order to ensure an adequate supply of accessible housing in the Borough in accordance with Saved Policy HSG 5 Layout and Design of New Residential Development in the Unitary Development Plan (July 2004) and Core Strategy Policy 1 Housing provision, mix and affordability and Core Strategy Policy 15 High quality design for Lewisham (June 2011).

18. No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

**Reason:** In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

19. a) Details of the proposed screening to the roof terrace hereby approved shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The approved screening shall be implemented prior to first occupation of the building and retained in perpetuity.

**Reason:** In the interests of residential amenity and to comply with Saved Policy URB Residential Amenity in the Unitary Development Plan (July 2004) and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

20. Prior to first occupation of the units, detailed plans showing the location and extent of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

**Reason:** To ensure the development provides adequate on-site renewable energy and good quality design in accordance with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, Core Strategy Policies 8 Sustainable design and construction and energy efficiency and 15 High quality design for Lewisham(2011).

### **INFORMATIVES**

The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.

# Corner of Marischal Road and Mercator Road SE13



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Committee	PLANNING COMMITTEE A	
Report Title	16 VANCOUVER ROAD SE23 2AF	
Ward	Perry Vale	
Contributors	Jonathan Doe	
Class		11 SEPTEMBER 2014

<u>Reg. Nos.</u>	DC/14/87519
<u>Application dated</u>	12.05.2014
<u>Applicant</u>	CGB Partners Ltd on behalf of applicant
<u>Proposal</u>	The change of use of the existing outbuilding at 16 Vancouver Road SE23 into 1 one-bedroom self-contained unit.
<u>Applicant's Plan Nos.</u>	Site Location Plan, 2074/101A, 2074/100A and Design & Access Statement including Sustainability Statement
<u>Background Papers</u>	(1) Case File LE/547/16/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	[Core Strategy or Adopted UDP] - Existing Use

## **1.0 Property/Site Description**

- 1.1 The application property is a former house on the northern side of Vancouver Road, a residential street to the west of Perry Hill/Catford Hill. The property is used to provide care and accommodation to adults with learning disabilities. There are currently six residents occupying the property.
- 1.2 A detached outbuilding is set to the rear of the house. The outbuilding was constructed to provide an art therapy room, playroom, staff office and manager's office.

## **2.0 Planning History**

- 2.1 In 1985 planning permission was granted for the change of use from a single family dwellinghouse to a tourist guest house offering bed and breakfast for a maximum of 6 people.
- 2.2 DC/89/30102 – The change of use of 16 Vancouver Road SE23 to a residential children's home for a maximum of 12 children together with the erection of an external staircase at the rear – Granted 07/08/1989 (for a limited three year period, until 30 June 1992).
- 2.3 DC/91/32580 – The change of use of the existing dwelling house to provide a class room on the ground floor, a therapy room, observation room and office on

the first floor, and two bedrooms on the second floor to provide overnight accommodation, all in connection with the residential children's home at 16 Vancouver Road – Granted 5 September 1991

- 2.4 DC/92/34006 - The erection of a conservatory at the rear of 16 Vancouver Road - Withdrawn
- 2.5 DC/92/35203 - The removal of condition (2) of the planning permission dated 7/8/89 (namely that the use be permitted until 30 June 1992) for the change of use of 16 Vancouver Road SE23 to a residential childrens home for a maximum of 12 children together with the erection of an external staircase. - Refused 09/08/1993
- 2.6 Planning permission was granted at appeal (T/APP/C5690/A/93/228659) for the continued use of 16 Vancouver Road as a residential children's home for a maximum of 12 children with effect from 30 June 1992. The decision to grant planning permission was made in 1994. The current use, involving adults with learning difficulties, and the use granted by the Inspector are both within the same Use Class and accordingly planning permission was not required for the alteration from a children's home to the current use.
- 2.7 DC/05/59679 - The construction of a single storey replacement building to the rear of 16 Vancouver Road SE23 to provide an art therapy room, play room and staff office and a manager's office. - Granted 12/08/2005
- 2.8 DC/14/87378 - The construction of a single storey replacement building to the rear of 16 Vancouver Road SE23 to provide an art therapy room, play room and staff office and a manager's office. - Withdrawn

### **3.0 Current Planning Applications**

#### The Proposals

- 3.1 The application seeks permission to use the outbuilding in the rear garden as a unit of accommodation for one of the residents receiving care at the property. The plans show the outbuilding would accommodate a single bedroom, an open plan kitchen and living room, shower-room and hall.
- 3.2 The occupation of the outbuilding would bring the number of residents at the property to seven.

#### Supporting Documents

- 3.3 A Design and Access Statement was submitted to accompany the application. This document included a sustainability assessment.

### **4.0 Consultation**

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed and 22 letters were sent to residents and business in the surrounding area and the relevant ward Councillors.

## **Pre-Application Consultation**

- 4.3 Informal officer advice was provided by email prior to submission of the application. No issue was identified to present a fundamental objection to the proposal.

### **Written Responses received from Local Residents and Organisations**

- 4.4 Five objections have been received from neighbouring properties at 10, 14 18 and 20 Vancouver Road, and 62 Carholme Road. The issues raised are summarised below.

- an increase in noise
- light pollution
- would not provide suitable accommodation
- concern at intensification of use
- loss of existing facilities in the outbuilding would be detrimental to residents of the property

### **Other**

- 4.5 Social Care and Health: This is a residential care service for adults with learning disabilities where London Borough of Lewisham has three people placed currently. The additional self-contained unit of accommodation could have benefits for the Council in meeting the needs of a client for whom we may need a local placement.

## **5.0 Policy Context**

### **Introduction**

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)

- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate

otherwise'. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham Unitary Development Plan (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The NPPF does not change the legal status of the development plan.

#### National Planning Policy Framework

- 5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 5.4 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

#### London Plan (July 2011)

- 5.5 The London Plan policies relevant to this application are:

Policy 3.16 Protection and enhancement of social infrastructure  
Policy 3.17 Health and social care facilities

#### London Plan Supplementary Planning Guidance (SPG)

- 5.6 The London Plan SPG's relevant to this application are: Housing (2012)

#### Core Strategy

- 5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1 Lewisham Spatial Strategy  
Spatial Policy 5 Areas of Stability and Managed Change  
Core Strategy Policy 15 High quality design for Lewisham  
Core Strategy Policy 19 Provision and maintenance of community and recreational facilities

#### Unitary Development Plan (2004)

- 5.8 The saved policies of the UDP relevant to this application are:

Development Management

- 5.9 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public has now concluded, and the Inspector has issued his report on the 23 of July 2014 finding the Plan sound subject to 16 main modifications. The 16 main modifications had previously been published by the Council for public consultation on the 29 of April 2014.
- 5.10 The Council expects to formally adopt the DMLP in autumn 2014.
- 5.11 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP as amended by the 16 main modifications has undergone all stages of the plan making process aside from formal adoption, and therefore holds very significant weight at this stage.
- 5.12 The following policies are considered to be relevant to this application:
- |              |   |
|--------------|---|
| DM Policy 5  | Sheltered housing and care homes            |
| DM Policy 32 | Housing, Design, Layout and Space Standards |

**6.0 Planning Considerations**

- 6.1 The main issues to be considered in respect of this application are:
- Principle of Development
  - Standard of Accommodation
  - Impact on Adjoining Properties

Principle of Development

- 6.2 The application property is within a residential area. Core Strategy Spatial Policy 5 seeks to provide quality living environments while UDP Policy HSG 4 refers to resisting the siting of incompatible development in or close to residential areas and dealing with existing uses that create a nuisance.
- 6.3 UDP Policy HSG 18, Special Needs Housing states that the Council will seek, in co-operation with other local authorities and the voluntary sector, to provide a full and complementary range of short and long stay supported accommodation to ensure that proper provision is made for those who need accommodation with an element of social and/or health care in the Borough. The policy is relevant to this application in that the application is for the intensification of C2 accommodation. The supporting text to this policy confirms that supported accommodation for those with a learning disability constitutes special needs housing and that the general aim of the Council is to facilitate such provision. Therefore the proposal is supported, in principle, by policy.
- 6.4 DM Policy 5 is concerned with care homes and states that the Council will support proposals for care homes provided that the development will be suitable for the intended occupier in terms of the standard of facilities and the provision of support and care. The proposal would replace a therapy room; the number of people in need of care would increase while the standard of facilities would decrease. As

stated at paragraph 2.60 of the supporting text to DM Policy 5, a key criterion is the fit between the facilities and the needs of residents. However, the main property provides a sensory room, dining room, office/medical room, kitchen and a communal sitting room and two other sitting rooms available to residents and it is considered these are ample to provide facilities for residents' needs. Additionally, the rear garden of the property is substantial at 20m deep by 13.5m wide, it is considered a replacement facility could be provided if a need was identified and subject to planning permission. Accordingly, the comment raised during neighbour consultation regarding loss of facilities is not supported.

#### Standard of Accommodation

- 6.5 The London Plan Housing SPG 2012 sets out standards for residential accommodation. A one person flat is required to have a minimum floor area of 37sqm. The proposal would provide 41.5sqm. In addition, the occupier would have access to the facilities of the main dwelling.
- 6.6 DM Policy 32 states that the standards in the London Plan and London Plan SPG 2012 will be used to assess whether new housing development provides an appropriate level of residential quality and amenity. However, the policy also states that studio flats (one person dwellings at gross internal area of 37sqm) will not be supported other than in exceptional circumstances. This proposal is considered to be such an exceptional circumstance as the accommodation is for a person receiving care and would have access to a number of communal facilities.
- 6.7 It is considered that, given the size of the accommodation and its access to shared facilities, the accommodation would provide suitable accommodation. Therefore a comment raised in the course of neighbour consultation is not supported.

#### Impact on Adjoining Properties

- 6.8 The proposal is for the intensification of use of a C2 use in an area of C3 use housing. A C2 use has a different character of use to that of a C3 use and hence the differentiation in the Use Classes Order. The intensification of use in an established residential area may lead to a loss of residential amenity to occupiers of neighbouring properties but it is considered that to the addition of one more resident would not have any material adverse impact to any neighbour.
- 6.9 The use is managed by staff and the concerns of neighbours regarding noise, light pollution and the intensification of use is not supported.

#### **7.0 Equalities Considerations**

- 7.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 7.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 7.4 In this case the interest of the proposed resident of the outbuilding and the interest of the owner of the property is comparable with the interests of occupiers of neighbouring properties and accordingly there is minimal/no impact on equality.

## **8.0 Conclusion**

- 8.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 8.2 On balance, Officers consider that the thrust of policies supporting provision of the use outweighs concerns of neighbours and the scheme is therefore considered acceptable. Additionally, the Council’s Social Care and Health department is supportive of the proposal, referring to current use of the property by the London Borough of Lewisham to accommodate three people and the additional unit may have benefits for the Council in meeting the need of a client needing a local placement.

## **RECOMMENDATION**

**GRANT PERMISSION** subject to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

**Reason** As required by Section 91 of the Town and Country Planning Act 1990.

- (2) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below.

Site location plan, 2074/100A, 2074/101A and Design & Access Statement including Sustainability Statement.

**Reason** To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

## **INFORMATIVES**

The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council’s website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.

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