

PLANNING COMMITTEE B

Date of Meeting: **THURSDAY, 9 NOVEMBER 2017 TIME 7.30 PM**

PLACE: **COMMITTEE ROOMS 1 & 2 - CIVIC SUITE**

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**Joan Reid (Chair)
Olurotimi Ogunbadewa (Vice-Chair)
Mark Ingleby
Jim Mallory
Hilary Moore
John Muldoon
Gareth Siddorn
Susan Wise
Sophie McGeevor
Maja Hilton**

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
Date: Tuesday, 31 October 2017**

**For further information please contact:
Andrew Harris Committee Co-ordinator
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Committee	PLANNING COMMITTEE (B)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 09 NOVEMBER 2017

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 no 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 (B)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 09 NOVEMBER 2017

MINUTES

To approve the minutes of the meeting of Planning Committee (B) held on the 28th September 2017.

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (B) held in ROOMS 1 & 2, CIVIC SUITE, CATFORD SE6 on 28th SEPTEMBER 2017 at 7:30PM.

PRESENT:

Councillors: Reid (Chair), Ogunbadewa (Vice-Chair), Ingleby, Muldoon, McGeevor

Officers: Michael Forrester - Planning Service, Paul Clough - Legal Services, Andrew Harris - Committee Co-ordinator.

Apologies: Mallory, Moore, Siddorn, Wise, Hilton

1. CHANGES TO AGENDA

Councillor Reid (Chair) informed the committee that due to planning legalities, 165 Upper Brockley Road could not be determined by way of a minor material amendment, as it was a retrospective application. She stated that due to this, it had been removed from the agenda.

Councillor Reid (Chair) also revised the order of business for the evening. The order was as follows:

1. Declarations of interest
2. Minutes
3. 14 Netherby Road, London, SE23
4. Haulage Yard, Hereford Place, London SE14
5. 138 Sydenham Road, London, SE26

2. DECLARATION OF INTERESTS

There were no interests to declare.

3. MINUTES

Councillor Reid (Chair) asked if Members agreed that the minutes of the Planning Committee (B) meeting held on 17th August 2017 were a true and accurate record.

Councillor Ingleby noted that the minutes stated he abstention against two votes concerning 54 Chinbrook Road, were in fact he voted against them.

4. 14 Netherby Road, SE23

The Planning Officer Michael Forrester outlined the details of the case to Members, and confirmed that three objections had been received from local residents.

The committee then received verbal representation from Ms Victoria Thompson-Hill (applicant). She relayed to members that the current application was a resubmission following a previous refusal and that the scheme has subsequently been revised to address previous concerns. She stated that in addition to the initial changes which had been made, further changes had been incorporated during the course of the application following advice from the Case Officer, including reductions in height and depth of the proposed extension and reduction in depth of the proposed terrace area.

No questions from members followed, however, the Planning Officer Michael Forrester outlined with members why the extension could not be constructed under permitted development due to site constraints.

The committee then received verbal representation from Mr Tim Pagan (neighbour), Ms Alice Hutton (neighbour) and Mr Kirk Rumney (neighbour). Their concerns raised the following points:

- The proposal had not changed significantly since the previously refused scheme
- No site visit had been carried out on neighbouring sites
- The proposal would be contrary to Lewisham's Core Strategy Policy 15
- The proposed extension would be overbearing and would lead to loss of light to neighbouring properties and a neighbouring patio
- The proposal would disruption of air circulation
- There would be an increased sense of enclosure
- There were inaccuracies in the Officer's report
- The proposal would lead to subsidence

Councillor McGeevor requested to see the proposed elevations again and requested that the Planning Officer Michael Forrester respond to the concerns regarding loss of light. The planning Officer Michael Forrester confirmed that while the extension would be visible to neighbouring properties, given the semi-detached nature of the host property, coupled with the modest height and depth of the proposed extension, the extension would have similar impacts to a standard permitted development extension.

Councillor Ingle inquired as to whether any sunlight & daylight figures had been provided by the applicant. The Planning Officer Michael Forrester responded stating due to the scale of the proposed development, it would be unreasonable to request a daylight & sunlight study, as this would be overly onerous on the applicants.

Councillor Muldoon stated he had concerns regarding the loss of light to the neighbouring patio area. The Planning Officer Michael Forrester replied that due to the large width of the neighbouring garden, the impacts from the proposed development were considered acceptable.

Councillor McGeevor queried whether the north facing gardens would cause additional overshadowing. The Planning Officer Michael Forrester confirmed that this normally would, however, due to the limited depth of the proposed extension it would be unlikely to have any significant impact.

After further deliberation between members, Councillor Muldoon then moved a motion to accept the Officer's recommendation, subject to the conditions outlined in the report. It was seconded by Councillor Ogunbadewa (Vice-Chair).

Members voted as follows:

FOR: Reid (Chair), Ogunbadewa (Vice-Chair), Muldoon, Ingleby.

AGAINST: McGeevor.

RESOLVED: That planning permission be granted in respect of application DC/17/102569, subject to the conditions outlined in the report.

5. Haulage Yard, Hereford Place, SE14

The Planning Officer Michael Forrester outlined the details of the case and confirmed that twelve objections and a petition had been received in opposition to the proposed scheme. He went on to state that due to the number of objections which had been received, a local meeting had taken place in the form of a drop-in session, in accordance with Lewisham's Statement of Community Involvement.

Councillor Reid (Chair) sought clarification over the scale and height of the proposed building and asked for details of the nearest building of a similar height. The Planning Officer Michael Forrester confirmed that there were nearby buildings of a similar and even taller heights, namely Batavia Road and the Deptford Market Yard Scheme. He added that it was a balancing argument between providing housing in London vs the potential visual and amenity impacts of developments. He also informed members that initially the applicant had sought a building 14 storeys high. However, after discussion at pre-application stage it was agreed that this be reduced to a maximum of 8 storeys.

Councillor Muldoon sought clarification regarding how the units would be accessed and noted that the units could potentially be buy-to-let. The Planning Officer Michael Forrester confirmed that the units would be accessed via an external deck area and that the whether the units would be buy-to-let was outside the scope of the application. He added that in any event, the proposal was considered to provide a high quality and standard of accommodation.

Councillor McGeevor asked for clarification on the proposed materials and whether the proposal would be in line with BRE guidance. The Planning Officer Michael Forrester confirmed the materials and stated that while the proposal would lead to some loss of light to neighbouring properties, on balance the proposal was considered acceptable with regard to sunlight and daylight. He added that the impact on the neighbouring allotments also met the minimum standards and was also considered acceptable on balance.

Councillor McGeevor asserted that while it might meet the minimum standards, allotments are different to rear gardens and as such would have different impacts which may not be considered by a BRE assessment. She then asked if there were any additional conditions which could be attached to aid with this. The Planning Officer Michael Forrester responded stating that the impacts were considered acceptable on balance and that the applicant was providing £8,000 to the allotments for improvement works.

Councillor Ingleby enquired as to whether the proposal would provide any affordable housing and what the management costs would be. The Planning Officer Michael Forrester confirmed the management costs and stated that the proposal did not include affordable housing, but that a contribution in lieu would be provided to the Council to fund its house building programme through a S.106 agreement.

Councillor McGeevor asked whether it was possible to increase the amount of money which would be provided to the allotments, stating that its presence was a benefit to the applicant, as it would improve the visual appearance of the surrounding area. The Planning Officer Michael Forrester stated that the applicant would have to be in agreement and that any additional funds would likely be taken from other contributions. He further added that there would need to be adequate justification for scheme mitigation in accordance with the CIL regulations as to why additional funds were being requested.

The committee received verbal representation from Mr Scott Hudson (Agent). Mr Hudson asserted to members that due to the location of the proposed development adjacent to New Cross station, and its close proximity to the town centre, high density developments were to be expected. He went on to state that prior to the submission of the application, both pre-application advice with the Council and a public consultation which included the allotments were undertaken. He added that during the course of the application a further public meeting was held. Mr Hudson then relayed to members that the scheme would provide a high proportion of family sized units.

Councillor Reid (Chair) asked Mr Hudson what the planned use of the residential units would be and whether they were to be rented privately. Mr Hudson confirmed that at that point there were no plans for a private rental scheme. Councillor McGeevor followed by asking whether the units would be advertised overseas. She then asked if Mr Hudson would be willing to increase the amount of money proposed to be provided to the allotments. Mr Hudson stated that their intentions were to initially market it locally and then possibly nationally prior to any overseas marketing. He then added that he was happy for an informative to be attached which stated this.

Regarding the proposed increase in financial contributions to the allotments, Mr Hudson stated that the money needed to pass legal requirements. He added that discussion had taken place with the owners of the allotments, which had led to the offer of £8,000.

Councillor McGeevor reasserted her point that the presence of the allotments improved the visual surrounds for the proposed building, adding that the development would cause more than just construction impacts. She then repeated her question as to whether £8,000 was sufficient compensation.

Mr Hudson asserted that other elements also contributed to the attractiveness of the scheme, such as its close proximity to the railway station and town centre. He added that the scheme included improvement works to highways which would benefit both the allotment owners/users as well as local residents.

The Committee then received verbal representation from Mr Thomas Gray (neighbour) and Ms Helena Russell (representing the allotment association). Mr Gray opened, raising concerns regarding the height of the proposal within the context of the surrounding buildings, impact on light to neighbouring gardens, and the sustainability of the proposal. He stated that one property's garden would lose 100% of its light. Ms Russell followed, stating that the allotment owners/users would be most affected due to the loss of light which would occur. She added that the BRE guidelines were not applicable, as the site was fundamentally different to a garden because the plots are assigned to people and cannot be moved. She then stated that if they had to move the existing toilet and locker block were the application to be approved, it would cost approximately five times the amount which had been offered by the applicant.

Councillor Reid (Chair) asked how the estimate for the relocation of the existing block was reached. Ms Russell confirmed that this was a ball park figure. Councillor Ogunbadewa (Vice-Chair) then enquired as to whether the existing block was brick built, which Ms Russell confirmed it was. Councillor Reid (Chair) commented that there was a housing crisis in London which required new homes to be built, but also acknowledged that it was important to retain local community facilities.

Councillor Ingleby asked Ms Russell to confirm that it would cost £40,000 to move the existing building. Ms Russell said that the figure had been come to in a week, as they had had limited time prior to the meeting to consider this. She added that the costs would also have to cover removing the existing concrete bed in order to allow the ground under the existing structure to be used for planting.

Councillor Muldon asked whether the allotments had bees and whether the water for the site was metered. Ms Russell confirmed that there were no bees on the site, but that the water was metered. Councillor Muldoon then agreed that that the ball park figure which was provided was probably accurate.

Councillor McGeevor then sought clarification on the point raised by Mr Gray about one property losing 100% of the light to their rear garden, which currently receives 1 sqm of light due to the height of the wall.. The Planning Officer Michael Forrester confirmed that this would only be true at certain times of the year. He continued stating that while this was not considered to be good, on balance it was considered acceptable, given light the property did receive was to the rear of the garden and that this would only be reduced to no light during certain times of the year.

Councillor McGeevor stated that the funding for the allotments had not been satisfactorily addressed. Councillor Ingleby asked if this could be done by way of condition, to which Councillor Reid (Chair) stated that it could not. Paul Clough (Legal Services) advised Members that the application could be deferred to further assess the proposed funding. The Planning Officer Michael Forrester added that legal tests with regard to funding needed to be lawful and in context of the other contributions. He added that other contributions would likely be subject to change, should the money to the allotments be altered.

Councillor Muldoon sought clarification on the last point, to which the Planning Officer Michael Forrester reiterated that while it would be possible to change the amount of funding to the allotments, this would likely result in other funding contributions being reduced as a result.

Councillor Reid (Chair) asserted that she did not consider deferring the application on that basis to be a robust enough reason. She then asked whether compensation was necessary. The Planning Officer Michael Forrester responded, stating that the impacts of the

development had been considered acceptable, and that while there would be construction impacts on the allotments, the application also proposed extensive public realm works.

Councillor McGeevor stated that the valuation was inadequate.

Councillor Reid (Chair) commented that the Committee had a duty to balance the different needs of the community. She stated that the works would not render the allotments unusable, with the development also providing valuable housing during the current housing crisis. She added that from the objections which had been heard, there would be negative impacts from the proposed development, but that these would not be detrimental.

Councillor Ingleby asked what community input would be involved in the scheme. The Planning Officer Michael Forrester confirmed that the applicant was looking to work collaboratively with local groups, such as Goldsmiths University.

Councillor Ogunbadewa (Vice-Chair) moved a motion to accept the Officer's recommendation, subject to conditions in the report, with the addition of an informative regarding marketing the units domestically initially. It was not seconded.

The Planning Officer Michael Forrester advised members that it would be possible to add an informative to support further discussion and collaboration between the developers and allotment owners. Councillor Reid (Chair) asked whether this would be sufficient, to which Councillor McGeevor stated that it wasn't, but there was no other option.

Councillor Ogunbadewa (Vice-Chair) then a motion to accept the Officer's recommendation, subject to conditions in the report, and with additional informatives outlining the Council's support of further discussion and collaboration between the developers and allotment owners and marketing the units domestically initially. It was seconded by Councillor Muldoon.

Members voted as follows:

FOR: Reid (Chair), Ogunbadewa (Vice-Chair), McGeevor, Muldoon, Ingleby.

RESOLVED: That planning permission be granted in respect of application DC/17/101332, but with the addition of additional informatives supporting further discussion and collaboration between the developers and allotment owners and initially marketing the units domestically.

The informatives were worded as follows:

- *The applicant is strongly encouraged to market all residential units within the local market and domestically in order to ensure maximum access to local residents in meeting local housing need.*
- *The applicant is strongly encouraged to continue collaborative discussions with the allotment holders in minimising and mitigating impacts upon the allotments during site clearance and construction. Further collaborative discussions are also encouraged with local creative outlets in working up designs for the entrance gates and boundary treatments*

6. 138 Sydenham Road, SE26

The Planning Officer Michael Forrester outlined details of the application to Members and confirmed that six objections had been received within the statutory time period in opposition to the proposed scheme. He added that one objector later rescinded their objection due to their being no rear facing windows at first floor level of the proposed dwellinghouses on the terrace properties at Knighton Park Road.

Councillor Muldoon sought clarification over one of the objections concerning disabled parking access. The Planning Officer Michael Forrester confirmed that while there was parking stress on the road, the Highways Officer had raised no objections to the scheme.

The committee then received verbal representation from Mr Malachy McAleer (Agent). He relayed to members that the applicant had undertaken a public consultation and that the scheme had been amended following a previous refusal and appeal dismissed appeal. He highlighted that the appeal had noted that the front elevation of the building had been considered acceptable by the inspector. Mr McAleer added that the scheme had been further amended following feedback from the Case Officer.

Councillor Ingleby enquired as to what changes had been incorporated into the revised streetscene. Mr McAleer confirmed what internal changes had been made. Councillor Ingleby then sought clarification from the Planning Officer regarding the condition outlined in paragraphs 6.25 and 6.26 of the report. The Planning Officer Michael Forrester confirmed that the principle of the proposed materials were acceptable, but that samples were required to ensure this and so a condition was proposed to secure these details.

Councillor McGeevor asked why the proposed units were all to the minimum required housing standards. Mr McAleer stated that he had had to reduce the internal sizes in order to make the scheme acceptable.

The committee then received verbal representation from Mr Nathan Davies (neighbour). He opened stating that he had not been consulted on the revised plans which had been outlined to Members. The Planning Officer Michael Forrester advised the Committee that reconsultations were only undertaken when major changes were submitted. Mr McAleer then confirmed that the change consisted of changing one of the houses from a one bed to a two bed property. The Planning Officer Michael Forrester followed stating that the associated external changes were minor in nature, and that it was not felt that further consultation was required for one additional bedroom. Paul Clough (Legal Services) confirmed that this was in line with Lewisham's Statement of Community Involvement and that it was okay to proceed on that basis.

Mr Davies then raised the following concerns:

- Loss of outlook and daylight
- Inadequate assessment of all issues within the Officer's report
- Additional parking stress
- Inadequate access for deliveries and services
- Few examples of 4 storey building within the area
- The proposal was out of context
- Inadequate internals
- Overdevelopment on a small site

Councillor Reid (Chair) then requested that the Planning Officer Michael Forrester respond to the points regarding overlooking and parking and highways issues. Michael Forrester

(Planning Officer) outlined the internal layouts and the locations of obscured glazing. He also advised that a parking survey and management plan had been submitted by the applicant and were considered acceptable.

The Committee then received verbal representation from Councillor Chris Best, who was speaking under standing orders. Councillor Best outlined the following points:

- Her objections from the initial proposal still stood
- Inadequate consultation on the revised plans
- The size and scale were out of context – did not positively contribute to the streetscene
- Metal cladding proposed on the fourth floor was not in keeping
- The neighbouring Hexagon building was a landmark not a precedent for larger scale development
- Existing parking and loading bays would be lost
- The building appeared unneighbourly

Councillor Ingleby raised concerns regarding the size of the proposal and the level of detail which had been provided. Regarding the design, he stated that it was unsympathetic.

Councillor Muldoon stated concerns regarding the design of the roof. The Planning Officer Michael Forrester outlined to members that proposed condition 5 required details on materials to be submitted and approved by the Council, and that this could be heard at Committee.

Councillor Ingleby reiterated his concerns regarding the scale, design and massing of the proposal. The Planning Officer Michael Forrester highlighted that the previous appeal was dismissed on privacy issues not design and that it would be difficult to sustain such a refusal.

Councillor Muldoon responded saying the design and scale were acceptable, but that more details on the materials were required. Councillor McGeevor also asked whether there were no legal objections to the density proposed, to which the Planning Officer Michael Forrester confirmed that the units met the London Plan standards.

Councillor Muldoon then moved a motion to accept the Officer's recommendation, with an additional condition requiring additional details be provided and determined at a later Committee. It was seconded by Councillor Ogunbadewa (Vice-Chair).

Members voted as follows:

FOR: Reid (Chair), Ogunbadewa (Vice-Chair), Muldoon.

AGAINST: Ingleby, McGeevor.

RESOLVED: That planning permission be granted in respect of application DC/17/101668, but with the addition of a condition requiring the materials details are required to go back to committee.

Committee	PLANNING COMMITTEE B	
Report Title	Unit 3, Stockholm Road, SE15 3LH	
Ward	Evelyn	
Contributors	Michael Forrester	
Class	PART 1	9 th November 2017

Reg. Nos. DC/17/102988

Application dated 11th August 2017

Applicant WYG on behalf of Hillsong Church London

Proposal An application submitted under Section 73 of the Town & Country Planning Act 1990 for a minor material amendment in connection with the planning permission (DC/13/83984) dated 12/09/2013 for the temporary change of use of Unit 3, Stockholm Road SE16, from B8 (warehouse) to D1 (church) together with some ancillary B1 (office) and B8 (storage) in order to vary condition 1 to extend the time limit for use until 31 August 2022.

Applicant's Plan Nos. Unit 3 Stockholm Road 'Variation of Condition 1, Planning Permission Ref 13/83984) Planning Application for Ongoing Temporary Change of Use from B8 to D1 (with some ancillary B1 and B8 uses) (Hillsong); Unit 3 Stockholm Road - Framework Travel Plan; Flood Evacuation Plan ref HG0588 (WYG August 2017); Site Servicing and Parking Management Plan (i-Transport); Flood Risk Assessment ref NTW-321-FRA (BWB)

Background Papers

- (1) Case File DE/1/A/TP
- (2) Local Development Framework Documents
- (3) The London Plan

Designation Core Strategy – Strategic Site Allocation 3 – Surrey Canal Triangle

1.0 Property/Site Description

1.2 Unit 3 Stockholm Road forms part of a larger former warehouse building located between Stockholm Road and Surrey Canal Road. Unit 1 (to the east) is occupied by a waste transfer site and skip hire operation and Unit 2 (adjacent) is occupied by London Thunder Basketball and Fusion Tennis Club. Access to the site is from Ilderton Road and Stockholm Road, which is private road from the western end of the service yard of Unit 3. The western end of Stockholm Road is also used for access to the Millwall Football Club stadium, which is located directly to the north of Stockholm Road.

1.3 Unit 3 is approximately 3,023m² and is occupied by Hillsong Church (“Hillsong”).

- 1.4 Unit 3 is not situated in a Conservation Area, and is not a statutory or locally listed building. Unit 3 is not situated close to or within the setting of any statutory or locally listed buildings.

2.0 Relevant Planning History

- 2.1 DC/13/83984 – the temporary change of use of Unit 3, Stockholm Road SE16 from B8 (warehouse) to D1 (church) together with some ancillary B1 (office) and B8 (storage) – granted, subject to a temporary planning permission expiring on the 31 August 2017.

Unit 2 Stockholm Road is also of relevance:

- 2.2 DC/13/83681 - the temporary change of use of Unit 2, Stockholm Road SE16, from B8 (warehouse) to D2 (sport) to allow the installation of two indoor courts with changing facilities – granted until 31 August 2017.
- 2.3 An application submitted under Section 73 of the Town & Country Planning Act 1990 for a minor material amendment in connection with the planning permission (DC/13/83681) dated 12/09/2013 for the temporary change of use for Unit 2, Stockholm Road SE16, from B8 (warehouse) to D2 (sport) to allow the installation of two indoor courts with changing facilities, office space and seating for 200 spectators in order to vary condition 2 to extend the time limit for use until 31 August 2022 – granted

New Bermondsey Development

- 2.4 DC/11/76357 – Comprehensive phased mixed-use development of the site for up to 240,000 m² of development. The development comprises:

Class A1/A2 (Shops and Financial and Professional Services) up to 3,000 sq m;

Class A3/A4 (Cafes/Restaurants and Drinking Establishments) up to 3,000 sq m;

Class A5 (Hot Food Takeaways) up to 300 sq m;

Class B1 (Business) between 10,000 sq m – 15,000 sq m;

Class C1 (Hotels) up to 10,000 sq m;

Class C3 (Dwelling Houses) between 150,000 sq m – 190,000 sq m (up to 2,400 homes of different sizes and types);

Class D1 (Non-Residential Institutions) between 400 sq m – 10,000 sq m;

Class D2 (Leisure and Assembly) between 4,260 sq m – 15,800 sq m (excluding the Stadium which remains but including a replacement ground person's store of 140 sq m).

Involving the demolition of all existing buildings on the site with the exception of the Millwall FC Stadium (which is to be retained and its facade upgraded and / or reclad), Plot Excelsior 2 - Guild House (which is to be retained and extended), and Plot Excelsior 5 - Rollins House (which is to be retained, but not altered or extended as part of this planning application); the demolition and replacement of the existing Millwall FC ground person's store of approximately 140 sq m; redevelopment to provide a series of new buildings (including roof top and basement plant); re-profiling of site levels; alterations to Surrey Canal Road and the re-alignment of Bolina Road; new streets and other means of access and circulation, including pedestrian/cycle paths carriageways and servicing areas; areas for parking for

emergency services vehicles and outside broadcast units; external areas of hard and soft landscaping and publicly accessible open space; car and coach parking areas and accesses to them; cycle storage; and, supporting infrastructure works and facilities including sub-stations, energy centre/s District Heating Network (DHN) connections to and between each plot, the proposed energy centre and the adjoining South East London Combined Heat and Power (SELCHP) plant (to the extent to which they lie within the Planning Application Boundary) and an ENVAC waste storage and handling system (including DHN and ENVAC connections to plots south of Surrey Canal Road under the carriageway of Surrey Canal Road, as altered).

- 2.5 The New Bermondsey outline permission was revised in 2013 under application reference DC/13/85143 to allow variations to the approved outline planning permission. These amended the parameter plans to reflect changes to the massing of the buildings, alterations to parking and loading and public realm to plots Timber Wharf 1 and Timber Wharf 2 (phase 2), Stockholm 1 and Stockholm 2, Senegal Way 1 and Senegal Way 2. Application DC/13/85143 was granted on 18 December 2015 and consolidated the sports uses into Timber Wharf Phase 2.

3.0 Current Planning Applications

The Proposal

- 3.1 Permission is sought for an extension to the temporary change of use period of Unit 3 Stockholm Road to operate as a church (use class D1) with some ancillary office (use class B1) and storage (use class B8) until 31 August 2022.
- 3.2 No physical alterations are sought as part of the submission.

Supporting Documents

- 3.3 Planning Statement – this document sets out the site context and its position within the wider New Bermondsey Strategic Site allocation, the nature of the meanwhile use and a review of planning policy. The document states that the temporary provision of the site as a meanwhile use is required locally and linked to the wider objective of the surrounding site allocation.
- 3.4 Flood Risk Assessment (FRA) – this is an updated assessment from the original FRA and confirms that the site has no historic records of flooding but that mitigation in the form of flood warning and evacuation management plans are recommended.
- 3.5 Flood Evacuation Plan – this document is linked to the FRA and sets out the approved flood evacuation strategy and details of annual review.
- 3.6 Transport Statement – this is an updated transport statement and sets out the existing site condition and activities of Hillsong, including the numbers of people and times of movement. A summary of site access and public transport activity are included. The document states that no adverse impacts arise given the secure travel plan and site servicing and parking management plans.
- 3.7 Travel Plan – this document confirms that a travel plan will be put in place and reviewed over the course of the 5 year temporary permission, encouraging sustainable modes of transport to the site.

3.8 Site Servicing and Parking Management Plan – this document is linked to the Transport Statement and provides details previously approved by condition of the original temporary planning permission. The document provides details of a travel plan co-ordinator and states how access and parking is managed to avoid parking stress.

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. Millwall Football Club, London Borough of Southwark, Environment Agency and Lewisham Highways were also consulted.

Written Responses received from Local Residents and Organisations

4.3 From the consultation three written objections were received, the concerns raised in summary relate to noise in late nights from Hillsong, an increase in traffic, the impacts of a loss of employment floorspace in the area and also concerns about healthy communities due to the impacts of the user and their past investigations by the Australian Police.

4.4 Four representations in support were received stating that Hillsong has had a positive impact upon the local community including those more vulnerable, by providing an events programme, a safe place to meet.

4.5 A petition in support was also received, signed by 620 people.

Written Responses received from Statutory Agencies

Highways and Transportation

4.6 No comments received, however, on the original application for the temporary change of use, no objections were received subject to travel plans which were subsequently approved by condition and the applicant has since submitted updated travel plans.

Others

4.7 London Borough of Southwark – no objection to the application.

4.8 Environment Agency – no comments received.

4.9 Metropolitan Police (secure by design) – no objections to the application.

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, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. 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. Paragraph 215 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 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

- 5.5 The other relevant national guidance is:

Planning Practice Guidance ('PPG' updated since 2014) 'Flexible options for planning permissions'

London Plan (2016)

5.6 Policies relevant to this application are:

Policy 2.14 Areas for regeneration
Policy 3.16 Protection and enhancement of social infrastructure
Policy 5.12 Flood risk management
Policy 6.9 Cycling
Policy 6.13 Parking

Core Strategy

5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. 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
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 19 Provision and maintenance of community and recreational facilities
Strategic Site Allocation 1 Requirements for strategic site allocations
Strategic Site Allocation 3 Surrey Canal Triangle

Development Management Local Plan

5.8 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 29	Car parking
DM Policy 41	Innovative community facility provision
DM Policy 44	Places of worship

6.0 Planning Considerations

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

- a) Principle of Development
- b) Temporary permission in contact of approved New Bermondsey Scheme
- b) Transport Issues
- c) Impact on Adjoining Properties
- d) Flood Risk

Principle of Development

6.2 Guidance for determining s73 applications is set out in the PPG which states that a minor material amendment is one “*whose scale and nature results in a development which is not substantially different from the one which has been approved*”.

- 6.3 It is further stated that the development which the application under s.73 seeks to amend will by definition have been judged to be acceptable in principle at an earlier date. Consequently, the extent of the material planning considerations are somewhat restricted and only the amendments being applied for should be considered at this stage. Having said that, when determining the application the LPA will have to consider the application in the light of current policy. The LPA therefore has to make a decision focusing on national or local policies, which may have changed significantly since the original grant of planning permission as well as the merits of the changes sought.
- 6.4 In this case, there has been no relevant shift in planning policy, nor site surroundings and context. The site continues to be allocated as a Strategic Site Allocation in the Core Strategy, and the approved and amended outline permission has yet to be implemented. As an extension of time to a temporary permission is sought, rather than a permanent change of use, it is therefore considered to be appropriate to deal with these alterations as a minor material amendment. The principle of temporary uses has previously been accepted on this and neighbouring sites and continues to be supported.
- 6.5 That being said, the use operates at a more intensive, albeit acceptable, level than originally proposed and therefore given the extension of 5 years in order to appropriately manage the impacts arising from the use, a personal permission to Hillsong is considered appropriate in this specific case. This is also to ensure that development occurs comprehensively across the Strategic Site Allocation.

Temporary permission in context of the approved New Bermondsey Scheme

- 6.6 The intention for the original temporary change of use of Unit 3 was to allow Hillsong to develop their congregation in anticipation of re-locating to another part of the New Bermondsey comprehensive redevelopment as part of Phase 1 of that scheme. The original change of use from B8 to D1 was not strictly in accordance with the policy and master-planning priorities for the site and the urban design principles set out in the Core Strategy, which require the comprehensive development of the site and associated delivery of key infrastructure. However, the application was granted on a temporary basis in order to allow phased, comprehensive development to commence.
- 6.7 The application site forms part of Phase 3 of the New Bermondsey redevelopment (DC/13/85143), which will be delivered after Phase 1a (Orion) which includes the permanent faith centre facility, Phase 2 (Timber Wharf) which includes the sports facilities and Phase 1b (Excelsior) which contains the creative hub. A further temporary permission at Unit 3 would therefore not conflict with or impede the planned delivery of this strategically important site allocation and would ensure that positive meanwhile uses for the community retained on site, creating a successful place until comprehensive development comes forward. A grant of a further 5 year permission is therefore considered to be acceptable, with the personal permission.

Transport Issues

- 6.8 Access arrangements remain unchanged from the previous approval, with all access being provided via Stockholm Road. This raised no objection previously and the application was granted subject to a condition for a Travel Plan and a Site Servicing

and Management Plan. These conditions were approved by way of application DC/14/87365. The applicant has submitted an updated Travel Plan which confirms the approved measures would be extended until the end of the new temporary permission expiry date in 2022.

- 6.9 The original Travel Plan sought to encourage and create awareness of sustainable travel modes, reducing car borne trips, monitor travel against targets for sustainability and provide a framework for ongoing review and management of the sites transport impact.
- 6.10 The Travel Plan identified a 2km walking catchment which broadly encompasses South Bermondsey Station to the north, Canada Water to the north east, New Cross and New Cross Gate to the south. The London Cycle Network 2 also runs past the site via Surrey Canal Road.
- 6.11 The Travel Plan includes details of mitigation measures such as identifying a Travel Plan coordinator who would produce travel maps, provide transport information and welcome packs. Short and medium / ongoing targets are also detailed including a commitment to sign up to the Governments 'cycle to work' scheme for bicycle loans, promotion of lift share to staff and facility users, and updating of travel information. Details of monitoring and review are included.
- 6.12 Hillsong have now been operational since 2014 and this application includes a Travel Plan update. This details the appointed Travel Plan coordinator as required. Details of original trip generation targets are included and the review states that whilst car use has increased slightly due to larger congregations, sufficient parking is available at Millwall Football Club on Sundays, which are the busiest day for services. Should this parking not be available officers consider sufficient parking exists across the rest of the estate and around the football stadium on Sundays when the business units are not in use. Since the completion of the original Travel Plan, cycling and pedestrian routes have been significantly improved through opening up of railway arches and the East London Line pedestrian link plus the Quietway cycle route (Q1 from Waterloo to Greenwich).
- 6.13 The Travel Plan update states that Hillsong are committed to undertake the following during the length of the extended temporary permission:
- undertake a review of car parking including potential to introduce a parking charge for members who arrive in a single occupancy by car.
 - promote to the congregation the merits of car sharing.
 - publicising and promoting on site bicycle parking and proximity to cycle routes, including providing maps.
 - Promotion of travel route planning resources
- 6.14 This approach toward monitoring the Travel Plan in light of a larger congregation is acceptable as the continuous monitoring would ensure that any adverse impacts toward transport are adequately mitigated ahead of permanent occupation within Phase 1a.
- 6.15 Officers also note that as part of the New Bermondsey redevelopment (DC/13/85143), long term transport improvements are planned. A new London

Overground station is to be constructed; this would be located between Queens Road Peckham and Surrey Quays on the Clapham Junction-Dalston line and would significantly improve site access. Two new bus routes (toward central London and Lewisham Town Centre) are also secured as part of the New Bermondsey proposals.

Impact on Adjoining Properties

- 6.16 The objections received raise objection with regard to late night noise arising from the premises. The original temporary planning permission did not restrict hours of use of the unit.
- 6.17 The applicant has notwithstanding the absence of an hours of use restriction provided a summary of the typical weekly use of the site, broken down by activity, opening hours and numbers of people.

DAY	USE	OPENING HOURS	NUMBERS
MONDAY	Office use	9am - 6pm	3 - 5
TUESDAY	Office use Leaders meeting	9am - 6pm 7pm - 10pm	10 - 20 50 - 100
WEDNESDAY	Office use Leaders/Band	9am - 6pm 7pm - 10pm	100 100
THURSDAY	Office use	9am - 6pm	10 - 20
FRIDAY	Office use Occasional youth	9am - 6pm 7pm - 10pm	10 - 20 200 - 400
SUNDAY	Sunday service	9am - 10.30am 11.15am - 12.45pm 15.30pm - 5pm	300 800 300

Table 1: summary of typical weekly use numbers

- 6.18 The table shows that the hours extend from 09:00 to 22:00 at the latest. These are not considered objectionable given the location of surrounding industrial units and also proximity to the adjacent Lewisham Thunder and Fusion Tennis centre (Unit 2) which is additionally not subject to restricted hours of use and the Millwall stadium as an emerging destination for leisure and community uses. It is also not considered appropriate to restrict hours of use, given the use, and temporary nature of the application.
- 6.19 It was anticipated originally that a weekly programme of events and services with number generally from 1-20 in the week, 50 at the Sunday service growing to 500 participants. The unit, now operational and established in the locality, includes an 800-seat auditorium for faith services and accommodation for ancillary office and storage spaces. The original temporary planning permission did not fix the numbers of people or internal arrangement of the unit, and is considered evidence of the temporary / meanwhile use's success.

- 6.20 The applicant has additionally confirmed in writing that the late night noise issues do not stem from the Hillsong premises and that two other churches operate with the Orion estate (Phase 1a) which conduct late night vigils. The Council's Environmental Health team is aware of these units and is monitoring their activity. This is a separate issue from the application submitted and officers consider that noise or impact upon neighbouring properties would not warrant a reason for refusal of a an extension to the temporary use period.

Flood Risk

- 6.21 The site is designated as being within Flood Zone 3a. A Flood Risk Assessment was submitted and approved as part of the wider outline planning application for the New Bermondsey site (application reference DC/11/76357), which included sports uses D1 non-residentiital institutions as part of the overall mix of development. The original temporary planning permission was also subject to a Flood Risk Assessment, and approved on the basis that the proposed use did not represent a 'highly vulnerable' use as defined within the National Planning Policy Framework. That application was accordingly granted following no objection from the Environment Agency subject to a condition for a flood evacuation plan. This condition was approved under application reference DC/14/87365.

7.0 Community Infrastructure Levy

- 7.1 The above development, being a temporary planning permission, is not CIL liable.

8.0 Equalities Considerations

- 8.1 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.
- 8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.3 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. Having assessed the proposals, officers have concluded that there is no impact upon equalities.

9.0 Conclusion

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

- 9.2 The extension to a temporary use would not conflict with the wider long term delivery of the strategically important New Bermondsey masterplan. It is considered that the proposals would have an acceptable impact upon the local highway network and surrounding occupiers.

10.0 **RECOMMENDATION**

GRANT PERMISSION subject to the following conditions:-

- 1 (a) The use hereby permitted shall be carried on only by Hillsong Church and shall be for a limited period ending on 31 August 2022.
- (b) When the premises cease to be occupied by Hillsong Church, or by 31 August 2022 whichever shall first occur, the use hereby permitted shall cease (and all materials and equipment brought on to the premises in connection with the use shall be removed).

Reason: In granting this permission the local planning authority has had regard to the special circumstances of the case and wishes to have the opportunity of exercising control over any subsequent use, in the event of Hillsong Church vacating the premises, and in order to ensure comprehensive redevelopment of the Strategic Site Allocation. In accordance with relevant Policies in the London Plan (2016), Core Strategy (2011) and the Development Management Local Plan (2014).

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

Approved by application DC/13/83984

AE-017-00L-SR3 Rev 01, AE-017-00S-SR3 Rev 1, AE-017-00G-SR3 Rev 00, AE-017-001-SR3 Rev 00, AL-017-001-SR3 Rev 01, Travel Plan, Transport report, Explanatory Report, Flood Risk Assessment, CIL Form (Received 26/6/13), NM/JM/ITL8335-002DTN iTransport Report (dated 28 August 2013), AL-017-00G-SR3 Rev 02, AL-017-00L-SR3 Rev 02, AL-017-00S-SR3 Rev 02 (Received 12/9/13).

Submitted with application DC/17/102988

Unit 3 Stockholm Road 'Variation of Condition 1, Planning Permission Ref 13/83984) Planning Application for Ongoing Temporary Change of Use from B8 to D1 (with some ancillary B1 and B8 uses) (Hillsong); Unit 3 Stockholm Road - Framework Travel Plan; Flood Evacuation Plan ref HG0588 (WYG August 2017); Site Servicing and Parking Management Plan (i-Transport); Flood Risk Assessment ref NTW-321-FRA (BWB)

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 The Travel Plan approved subject to Condition no.3 of planning permission DC/13/83984 shall remain implemented in accordance with the approved programme and measures throughout the lifetime of the temporary permission hereby approved.

Reason : In the interest of pedestrian and highway safety and in order that the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan and to comply with Policy 14 Sustainable movement and transport of

the Core Strategy (June 2011).

- 4 The Site Servicing and Parking Management Plan approved subject to Condition no.4 of planning permission DC/13/83984 shall remain shall be adhered to and all measures implemented in full and retained for the duration of the temporary use of Unit 3 hereby approved.

Reason: In the interest of pedestrian and highway safety and in order to ensure satisfactory vehicle management and access on to the private section of Stockholm Road and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

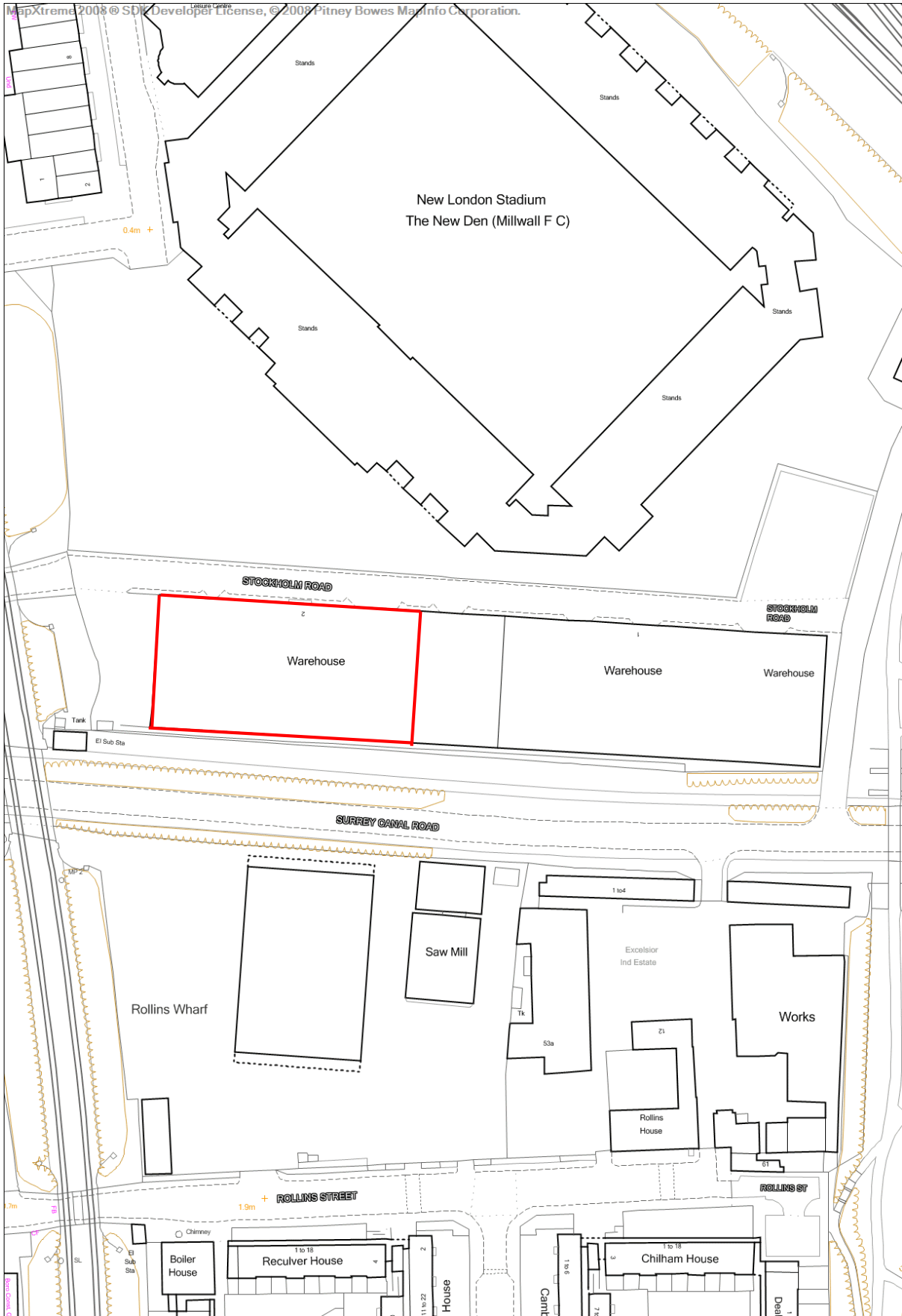
- 5 The occupiers of Unit 3 Stockholm Road shall remain registered with the Environment Agency Floodline Warnings Direct scheme and maintain an Evacuation Management Plan including details of safe refuge areas and their means of access for the duration of the temporary use of Unit 3 hereby approved.

Reason: To ensure the safe evacuation of occupants in the event of a flood.

Informatives

- A. **Positive and Proactive Statement:** 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.

UNIT 3, STOCKHOLM ROAD, LONDON, SE16 3LH SITE PLAN



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Committee	PLANNING COMMITTEE B	
Report Title	46 Bromley Road, SE6 2TP	
Ward	Rushey Green	
Contributors	Amanda Ghani	
Class	PART 1	9 th November 2017

<u>Reg. Nos.</u>	DC/17/102817
<u>Application dated</u>	01/08/17
<u>Applicant</u>	Mrs Hogman
<u>Proposal</u>	Change of use from residential (Use Class C3) to Day Nursery (Use Class D1) at 46 Bromley Road, SE6.
<u>Applicant's Plan Nos.</u>	PL01; PL02; PL03; PL04; PL051; PL06; PL07; PL08; PL09; PL10; PL11; Location Plan; Design & Access & Heritage Statement - Plan B Architecture Ltd; Planning Statement
<u>Background Papers</u>	(1) Case File LE/472/46/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	Area of Archaeological Priority PTAL 6a Floor Risk Zone 2 Culverley Green Conservation Area Culverley Green Article 4 Direction Not a Listed Building nor a locally listed building Classified an A Road.
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.0** The application site includes a large two-storey detached Edwardian property with roof accommodation, located on the west side of Bromley Road (The A21 and a red route). The current use of the building is as a single dwelling. The property has a large front garden, an in-out driveway, with two dropped kerbs. There is a garage to the side of the property and an unused double garage at the bottom of the large rear garden (providing secondary access to a vehicular path between 48 and 50 Bromley Road). The surrounding area provides a mix of residential with a number of care homes and other community uses.

2.0 Planning History

- 2.0** PRE/16/002318 – Pre application submitted regarding the change of use from residential (Use Class C3) to nursery (Use Class D1) to provide day care for up to

60 children. Pre-application response stated that no identified demand had been demonstrated nor had alternative accommodation been considered. On this basis, the principle of the use had not been shown to be acceptable. Furthermore, highway concerns had been identified given the number of children proposed, the limited space within the site and the likely impact on traffic conditions along Bromley Road and the Bus Network. The applicant was advised that the current proposal could not be supported.

- 2.1** DC/16/098134 – Change of use from residential (Use Class C3) to Day Nursery (Use Class D1) to accommodate up to 58 children and 17 staff members together with use of the frontage for children’s drop off/pick up. Officers recommended refusal, and Planning Committee A on 11 May 2017 upheld the officer’s recommendation.
- 2.2** The application was refused on transport / highways grounds only, namely the:-
1. Impact on the public highway due to a failure to demonstrate satisfactory drop off and pick up arrangements within the site to ensure appropriate parking and queuing arrangements, having regard also to pedestrian safety within and immediately outside the site.
 2. The proposal failed to provide a satisfactory Travel Plan to demonstrate mitigation measures against likely car use for drop off and pick up, nor did it propose robust and committed measures to promote sustainable transport mode shifts away from private vehicle use by staff and parents, which was considered against TFL guidelines.
- 2.3** Duty planner advice has since been sought, regarding the reasons for refusal of the preceding application (duty planning reference PRE/17/102171)
- 2.4** It should be noted that the applicant has an existing childcare operation at no.32 Bromley Road.

3.0 Current Planning Application

- 3.1** The application seeks the ‘Change of use from residential (Use Class C3) to Day Nursery (Use Class D1)’. The scheme would provide nursery spaces for up to 60 children and would be operated by 14 full time employees and 1 part time employee. The proposed opening times of the nursery are Monday to Friday 7:00am to 6:30pm.
- 3.2** The sole external alterations proposed relate to the installation of swing gates which would be installed at the (2) front access points of the site, to prevent vehicle access whilst allowing pedestrians access. In addition, the original internal features of the building will be retained as much as possible to allow the existing residential use to be reinstated where necessary in the future.
- 3.3** The existing rear garden would be retained to provide an outdoor play area ancillary to the nursery.
- 3.4** The development would be car free with no parking to be provided for staff, parents or visitors. Six secure cycle parking spaces would be provided within the existing

front/side garage. The front/side garage would also accommodate prams and scooters.

4.0 Consultation

4.0 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. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

4.1 Site notices were displayed, a press notice was advertised on 23 August 2017 and letters were sent to 43 neighbouring properties in the surrounding area and the relevant ward Councillors. The Council's highways and conservation teams were also consulted together with Transport for London, Culverley Green Residents Association, the Council's Children's and Young People and Early Years Improvement teams.

Written Responses received from Local Residents and Organisations

4.2 Four letters in favour of the application were received. The comments are summarised as follows:-

- It is difficult to find a good place for childcare. A good quality nursery is needed in the area. The nursery group has a good record of providing quality nurseries. There are a number of children on waiting lists. The rear garden will provide a good environment for play when many children do not have access to a garden.

4.3 One neighbouring resident at 47 Canadian Avenue raised concerns over access to the garage, namely that:

- The garages at the bottom of the rear garden are accessed via an access way between 48 and 52 Bromley Road, which is in a poor state due to fly tipping and being overgrown. The resident states that this would cause problems in using the garages.

4.4 Officers note that the applicant is not proposing using the rear garages, but rather the garage to the front/side of the property.

4.5 The Culverley Green Residents Association has raised an objection, along the lines of that raised in regard to the previous application, namely:

- Concerns regarding noise from the outdoor play area arising from number of proposed pupils and staff levels
- Loss of large residential unit.
- Introduction of another nursery in the conservation area will see an over concentration resulting in cumulative negative impact on area

- No analytical documentation from Early Years Team showing the pent up demand for places in the area.
- Council meeting in February 2017 to discuss early year's provision showed there was no need for such provision in South Catford or Rushey Green wards as area is already well served.
- Parents will seek to park locally thereby adding to weekday pressure on surrounding roads. No travel plan can prevent this or ensure staff do not come by car and park locally.
- The statement about Rushey Green School is a distraction as the school is expanded with extra parking in place and has been operational for some time.
- Traffic Plan does not address problems.
- If objections are not supported by the Council, the Association would like to see the permanent closing up of the vehicle access from their rear garden onto Occupation Road (access way) and contribute to its overdue improvement.

4.6 In this regard, officers note that the Council's Early Years Quality and Sufficiency Team note that additional places in the Rushey Green area are required. In addition, the applicant is a known provider and judged to be 'Good' by Ofsted.

Written Responses received from Statutory Agencies

4.7 Transport for London were consulted and their comments are summarized below:-

- Footway/carriageway on Bromley Road must not be blocked during conversion works
- No skips or construction materials to be kept on the footway or carriageway
- Car free proposal welcomed and applicant does not need to supply a blue badge parking space
- Level of secure cycle storage exceed London Plan minimum standard
- Travel Plan ambitious and welcomed. Non-car travel should be secured by condition
- Design and Access Statement contradicted the Transport Statement. The applicant has subsequently confirmed the servicing arrangements will take place at no.32 Bromley Road rather than the subject property and is considered acceptable and should be secured by condition.

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, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. 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. 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)'.

Officers have reviewed the Core Strategy 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

- 5.4** On 6 March 2014, DCLG launched the national Planning Practice Guidance (PPG) resource. This replaced a number of planning practice guidance documents.

London Plan (March 2016)

On 10 March 2016 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 3.16 Protection and enhancement of social infrastructure
Policy 3.18 Education facilities
Policy 3.9 Mixed and balanced communities
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.13 Parking
Policy 7.2 An inclusive environment
Policy 7.4 Local character
Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

Core Strategy

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 Development Management Local Plan and the London 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 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

Development Management Local Plan

- 5.5** The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

The following policies are considered relevant to this application:

DM Policy 1	Presumption in favour of sustainable development
DM Policy 2	Prevention of loss of existing housing
DM Policy 22	Sustainable design and construction
DM Policy 26	Noise and vibration
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings

DM Policy36 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 42 Nurseries and childcare

London Plan Supplementary Planning Guidance (SPG)

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

Shaping neighbourhoods: Play and Informal Recreation (2012)

6.0 Planning Considerations

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

- a) Principle of Development
- b) Highways and Traffic Issues
- c) Noise and disturbance

Principle of Development

6.2 This application involves the loss of the existing single-family dwellinghouse and the change of use to a nursery. The principle of development is established in DM Policy 2 'Prevention of loss of existing housing' and DM Policy 42 'Nurseries and childcare' of the Development Management Local Plan (November 2014)

DM Policy 2 states that:

The Council will only grant planning permission for the loss of housing by demolition, redevelopment or change of use in the following circumstances:

- a) The proposed redevelopment would result in housing gain which regenerate and replace older housing estates in line with an agreed plan or strategy
- b) The land or premises are allocated for another use in an adopted Local Plan.
- c) A change of use to a local community service or facility is proposed that meets an identified need.
- d) An economic viability study confirms that the dwelling(s) cannot be rehabilitated to a satisfactory standard at reasonable cost.
- e) Evidence shows the environmental problems are such that demolition and redevelopment is the only effective option.

DM Policy 42 states that:

The Council will require applicants for day nurseries and facilities for the car, recreation and education of children to consider:

- a) The acceptability of the loss of the existing use
- b) Traffic volumes and the effect on congestion

- c) Accessibility by walking, cycling and public transport
- d) Access, egress, cross-site movement and parking/drop off areas, including for disabled users.
- e) The impact on local residential amenity, including noise
- f) The need for suitable space for outside play areas.

6.3 In order to assess the acceptability of the principle of development, the principle of the loss of the existing house must be addressed and a need for the proposed nursery within the Rushey Green Ward identified, in line with DM Policy 2 paragraph c and DM Policy 42 paragraph a.

6.4 Lewisham Councils 'Childcare Sufficiency Assessment and Plans for Extended Entitlement (2016) states that "with plans for an extended early education entitlement for eligible children aged 3 and 4 years from September 2017, Rushey Green, Lewisham Central, Forest Hill, Evelyn, New Cross and Perry Vale wards will have greater numbers of children eligible for these places." As a result, there will be greater requirements in these wards for 'more flexible early education to meet the needs of working families.'

6.5 Consequently, the principle of the proposed change of use is considered to meet the requirements of DM Policy 2 paragraph C which provides that planning permission will only be granted where 'a change of use to a local community service or facility is proposed that meets an identified need' and DM Policy 42 paragraph a. Furthermore, in support of the principle (though not in itself creating a precedent which dictates a particular approach), a recent appeal decision at 59 Daneby Road where an appeal against the Councils refusal of planning permission for a change of use of a dwellinghouse to a nursery in SE6 was upheld, confirmed that up to date Childcare gap analysis were a material consideration in assessing and understanding demand for additional day nursery provision in the area.

6.6 As the application site is situated in the Culverley Green Conservation Area, s72 of the Town and Country Planning Act 1990 has to be considered by the Council, which requires the Council to pay with respect to any buildings or other land in a conservation area, special attention to the desirability of preserving or enhancing the character or appearance of that Area.

6.7 Paragraph 132 of the National Planning Policy Framework (NPPF) states: "When considering the impact on 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."

6.8 Paragraph 134 of the NPPF states: "Where a development proposal will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

6.9 The proposed development, whilst altering the nature of the use of the site, would result in a minimal external physical changes. The applicant proposes to install gates between existing brick wall piers, matching the appearance of those currently installed at number 34 Bromley Road. Officers do not support the use of

gates of this simple, functional and uninteresting design. Therefore a condition shall be added to require the submission of further details relating to a more appropriate form of gates. As such, the proposed change of use would not cause a material change in the contribution of the site property to the character and appearance of the Conservation Area.

- 6.10** The principle of the proposed change of use is therefore considered acceptable in this instance, as is the impact of the scheme upon the Conservation Area.

6.8 Highways and Traffic Issues

Bromley Road (A21) is a designated red route and the applicants own parking assessment indicated that there is no parking availability in surrounding streets. The previous application proposed vehicle dropping off arrangements, which could have resulted in car stacking and queuing within the site which in turn could have impacted the free flow of traffic on Bromley Road. The submitted Travel Plan submitted with the previous (refused) application was not considered robust enough to mitigate these concerns. However, with the current application, a car free development is proposed with no car parking or dropping off site provided for staff, parents or visitors.

The application site is considered highly accessible through public transport routes and due to its location, there is considered sufficiently legible pedestrian routes to the premises. The site is within a PTAL rating of 6a, which is considered excellent. As such, the site benefits from extensive public transport access. The property is 750m from Catford Bridge railway station and 850m from Catford Railway Station. There are nine regular bus routes that pass the property. TFL welcomes the car free element of the proposal.

Car Parking

- 6.9** TFL's comments asked for provision of at least one blue badge parking space, however, subsequent emails between TFL and the applicant between 14th-21st September 2017, show TFL acknowledging the applicants argument, reasoning and justification for not proposing a parking space. Consequently, TFL, Highways and Council officers have no objection to the lack of a disabled parking space. Given the high level of accessibility of the site and the nature of the use, a general needs car free development is supported.

Cycle Parking

- 6.10** The proposed number of six secure cycle storage spaces exceed the London Plan minimum standards of three spaces. TFL furthermore welcomes the ability for parents to leave prams in the garage.

Servicing

- 6.11** The submitted Design and Access Statement (Access for services) states that proposed deliveries for the nursery would be undertaken at the frontage of the existing Bay Tree House Nursery at 32 Bromley Road. Whilst this differs from what is written in the submitted Transport Statement (Delivery and Service Vehicles) which states that proposed deliveries would take place at the frontage of 46 Bromley Road, limited to weekdays between 11am and 2pm, a maximum of 3 times per week. Officers confirmed with the applicant that servicing would take

place at 32 Bromley Road rather than at the subject site. TFL do not object to this part of the proposal and officers find the arrangement to be acceptable. As a consequence, an updated delivery and servicing plan will be secured by condition.

Noise and disturbance

The main concern would be through the transmission of noise internally through the building, noise from parents dropping off and picking up children and noise generated from use of the rear garden for play.

- 6.12** The building is detached and of a substantial size and there would be no significant issues regarding internal noise or vibration transmission. The site is located on a main road with significantly high ambient noise levels. There is heavy pedestrian and traffic movement in this area, being close to the town centre. It is not considered that the movement and activity associated with picking up and dropping off children at the property would have a significant impact given the backdrop to the sites location and as the scheme would not incorporate car parking, and the site road is a no stopping red route between 7am and 7pm.
- 6.13** Regarding the use of the rear garden, the Environmental Health Officer is satisfied that the level of supervision during play times would be sufficient to mitigate noise from children's play that could be detrimental to adjacent residential amenity. Moreover, the nursery operating at 32 Bromley Road has not resulted in any complaints from noise nuisance to the Council from adjacent residential properties. The hours of use of the property, as well as playtime and levels of supervision, could be conditioned if the application is considered acceptable. In this respect, the use of the premises in terms of noise and activity is considered acceptable.

Local Finance Considerations

- 6.14** The Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), 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).
- 6.15** The weight to be attached to a local finance consideration remains a matter for the decision maker. In this instance the development would not result in any CIL liability or exert any other local finance implication that would have any significance in the assessment of this scheme.

Equalities Considerations

- 6.16** 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:-
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

- advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

6.18 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. Having assessed the proposals, officers have concluded that there is no impact upon equalities.

Conclusion

6.19 This application has been considered in the light of policies set out in the development plan and other material considerations. Officers consider the proposal to be acceptable.

7.0 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.

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

PL01; PL02; PL03;PL04; PL051;PL06; PL07; PL08; PL09; PL10; PL11;
Location Plan; Design & Access & Heritage Statement - Plan B
Architecture Ltd; Planning Statement

(3) Notwithstanding the details hereby approved, prior to the first use of the development hereby approved, detailed drawings showing the proposed front gates shall have been submitted to and approved in writing by the local planning authority, and thereafter retained for the lifetime of the development.

(4) The maximum number of children attending the day nursery at any one time shall be 60.

(5) The external play area shall not be used by nursery children other than on Mondays to Fridays between the hours of 10am -12pm and 2.30pm – 4.30pm, with no more than 20 children using the area at any one time.

(6) The premises shall not be open for customer business between the hours of 6.30 pm and 7.00 am on Mondays to Fridays, and not at all on Saturdays, Sundays and Public Holidays.

(7) The development hereby approved shall not be occupied until the existing driveway access has been closed and new gates installed to prohibit motor vehicles from parking,

dropping off /picking up on the driveway for as long as the building remains in D1 use. Following the first commencement of the use hereby approved, no car parking upon – or motor vehicle access onto – the site shall occur.

(8) All deliveries and servicing for the property shall be undertaken at the frontage of existing Bay Tree House Nursery at No.32 Bromley Road as stated in the submitted Design and Access Statement with the aim of reducing the impact of servicing activity.

(9) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to as long as the building remains in D1 use.

Reasons

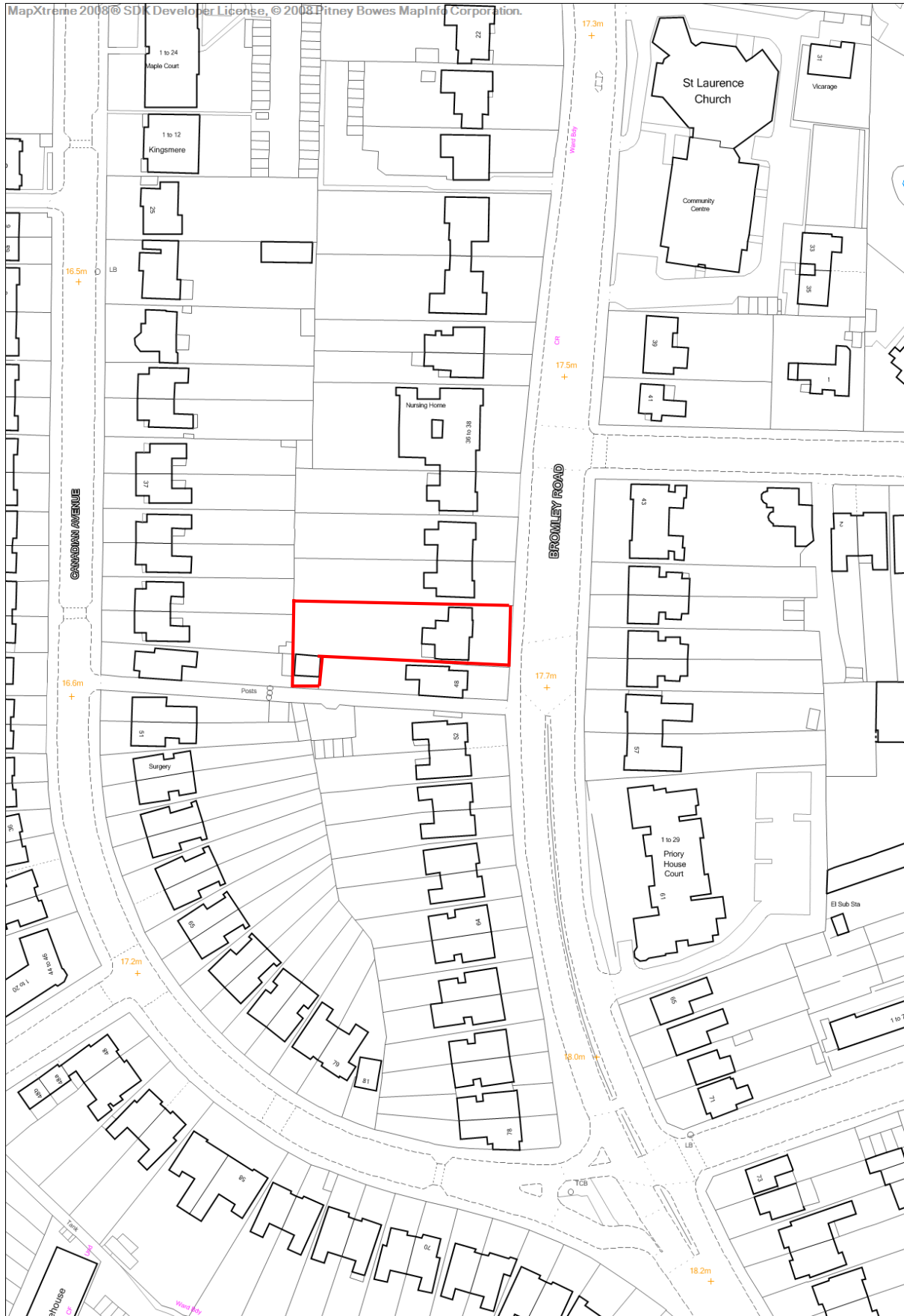
- (1) **Reason:** As required by Section 91 of the Town and Country Planning Act 1990.
- (2) **Reason:** To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.
- (3) **Reason:** In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.
- (4) **Reason:** To ensure that the intensity of the use does not cause an unacceptable loss of amenity to neighbouring residential properties and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration DM Policy 42 Nurseries and childcare of the Development Management Local Plan (November 2014)
- (5) **Reason:** In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration and DM Policy 42 Nurseries and childcare of the Development Management Local Plan (November 2014)
- (6) **Reason:** In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration DM Policy 42 Nurseries and childcare of the Development Management Local Plan (November 2014)
- (7) **Reason:** To prevent vehicle access to the front of the property 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).
- (8) **Reason:** In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).
- (9) **Reason:** In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

INFORMATIVES

(1) **Positive and Proactive Statement:** 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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46 BROMLEY ROAD, LONDON, SE6 2TP SITE PLAN



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