

PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 1 AUGUST 2019 TIME 7.30 PM**

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

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

Olurotimi Ogunbadewa (Chair)

Stephen Penfold (Vice-Chair)

John Paschoud

Peter Bernards

James Rathbone

Hilary Moore

Louise Krupski

Paul Maslin

Liz Johnston-Franklin

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.

**Janet Senior
Acting Chief Executive
Lewisham Town Hall
London SE6 4RU**

Date: Monday, 22 July 2019

**For further information please contact:
Georgia McBirney (Committee Co-ordinator)
2ndFloor, Civic Suite
Catford Road
SE6 4RU**

**Telephone No: 0208 314 7118
Email: planning@lewisham.gov.uk**



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Committee	PLANNING COMMITTEE (C)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 1 August 2019

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 (C)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 1 August 2019

MINUTES

To approve the minutes of the meeting of Planning Committee (C) held on the 3 April 2019 and 24 January 2019.

MINUTES OF THE PLANNING COMMITTEE C

Wednesday, 3 April 2019 at 9.14 pm

PRESENT: Councillors Olurotimi Ogunbadewa (Chair), Stephen Penfold (Vice-Chair), Peter Bernards, Louise Krupski, Liz Johnston-Franklin, Paul Maslin, Hilary Moore, John Paschoud and James Rathbone.

1. Planning C membership

RESOLVED that the circulated report on the membership of Planning Committee C be received.

2. Planning C Election of Chair

RESOLVED that Councillor Olurotimi Ogunbadewa be elected as Chair and Councillor Stephen Penfold be elected as Vice-Chair for the Municipal Year 2019-2020.

MINUTES OF THE PLANNING COMMITTEE C

Wednesday, 24 January 2019 at 9.40 pm

LONDON BOROUGH OF LEWISHAM

MINUTES of the PLANNING COMMITTEE C meeting held in Council Chambers, Civic Suite, CATFORD SE6 on 24th January 2019

Present

Councillors: Olurotimi Ogunbadewa (Chair); Stephen Penfold (Vice-Chair); Bill Brown; Leo Gibbons, Louise Krupski, Jim Mallory, Hilary Moore, Sakina Sheikh, Alan Smith, Sophie McGeevor (Under Standing Orders).

Councillor McGeevor did not sign the attendance record but was present.

Apologies: Councillor Aisling Gallagher

Officers: Suzanne White (Development Management Team Leader); Paula Young (Senior Legal Advisor); John Grierson (Committee Co-ordinator); Joanna Ecclestone (Senior Conservation Officer).

Late: -

1. DECLARATION OF INTERESTS

- 1.1. Councillor Penfold referenced previous comments he had made regarding item 5 on the agenda and concerns of bias that have been raised. Councillor Penfold declared that he would not be participating in the discussion on item 5 of the agenda to remove any doubt of bias.

2. MINUTES

2.1. The meeting Commenced at 19:40

2.2. The Minutes of the Planning Committee (C) meeting held on 29 November 2018 were approved.

2.3. The chair revised the remaining order due to the number of people who attended the meeting for 18 Bolden Street and at the objector's request for 7 Allenby Road. This was as follows:

1. Item 5 - 18 BOLDEN STREET, LONDON, SE8 4JF;

2. Item 4 - 7 ALLENBY ROAD, LONDON, SE23 2RQ;
3. Item 3 - 50-52 RUSHEY GREEN, LONDON, SE6 4JD;
4. Item 6 - 90 EFFINGHAM ROAD, LONDON, SE12 8NU.

3. 18 BOLDEN STREET, LONDON, SE8 4JF: *'The construction of a mansard roof extension at 18 Bolden Street, SE8.'*

3.1. Suzanne White outlined the details of the application to members, and discussed the proposed designs, the planning history, and explained the planning considerations for the application. She discussed the objections and letters of support received, and outlined the reasons for officers recommending refusal. She advised that the area is one of particular architectural unity, which adds to its character and significance, noting that the constant parapet line is the defining feature at roof level seen from the street. She also noted that the Council is required to pay special attention to the desirability of preserving or enhancing the character or appearance of its conservation areas, which is a legislative requirement, in addition to applying planning policies. She advised that the proposed mansard was considered harmful to the Conservation Area and, where harm is identified, Paragraph 196 of the NPPF requires that 'harm should be weighed against the public benefits of the proposal'. She added that officers do not consider the provision of additional living accommodation to constitute a public benefit sufficient to justify the harmful impacts of the proposed development, and that the previous approvals for extensions to the rear and basement of the property struck the appropriate balance between preserving the Conservation Area and enabling residents to alter their homes. In reference to the mansard extensions on Albyn Road and Lind Street, she stated that these demonstrate the harm of mansard extensions in this area and noted that Bolden Street was well preserved. She also noted a recent appeal decision for a mansard at 13 Bolden Street, which the Inspector dismissed as being detrimental to the character and appearance of the appeal property, and would failing to preserve or enhance the character and appearance of the Brookmill Road Conservation Area. She also referred members to the addendum report produced in response to further representations received from the Brockley Society.

3.2. Councillor Smith queried where one of the long section drawings through the building was taken.

3.3. Suzanne White advised this was not marked on the plans but judged its location to be through the hallway.

3.4. Councillor Ogunbadewa called the applicant to the table to speak.

3.5. The applicant Jeoff Neate handed print outs to the members; he referenced the document in his speech. He stated that this proposal will affect all the residents of the street and that in ** years 50% of the street might have mansards. He stated that there have been 23 mansards previously approved in recent years and questioned what had changed, stating that written policy has not changed since the last mansard was approved in the conservation area. He cited local precedents on neighbouring Albyn Road, referenced the housing shortage and need for residents to extend their homes. He also stated that Bolden Street is one of the least well preserved in the conservation area.

3.6. Councillor Sheikh asked the applicant about the set back of the mansard roof.

3.7. The applicant responded stating they want cohesion so the mansard will be of similar design to others existing in other streets.

3.8. Councillor Ogunbadewa dismissed the applicant and invited any objectors to the table.

3.9. Robin Cross came to the table and introduced himself as an architect and former Lewisham Councillor and member of a planning committee. He stated that the applicant had not provided any images showing how the mansard would relate to the rest of the street. He presented drawings showing the impact of the mansard and his own existing and proposed street elevations. He stated the mansard would be an incongruous projection which is contrary to planning regulations as the unity of the street's roofscape would be ruined. He stated that he understood the desire for the applicant to improve their home, but felt that this application would destroy a key feature of the conservation area.

3.10. Councillor Ogunbadewa summoned Councillor McGeevor to the table.

3.11. Councillor McGeevor spoke under standing orders, stating that she strongly agreed with the applicant, despite being in favour of conservation in principle. She stated that an argument can't be made for the street in isolation and that the consideration would be for the wider context of the conservation area in which there is precedent. She said that she understands the resident's frustration and can see why they think it is unfair. She stated that alterations have been made to the guidance in the Draft Alterations and Extensions SPD to include the wider area when considering mansard roofs in conservation areas. She also stated that in regard to preserving the existing roofs, substantial change has already happened and the application should therefore be approved.

3.12. Councillor Ogunbadewa asked if there were any questions.

3.13. Suzanne White responded to the comments made by those speaking for and against, stating that the Draft Alterations and Extensions SPD has not been used to assess this application or the appeal for 13 Bolden Street. She stated that there are a variety of 2 – 4 bed homes within the immediate conservation area so there is housing choice available without having to extend with a mansard roof. She also stated that mansards are not a bad thing in the correct location, but that the application property is an inappropriate location for a mansard roof. She further stated that the photos presented show that Bolden Street has only been the subject of very minor alterations and is well preserved. She then invited Joanna Ecclestone to speak.

3.14. Joanna Ecclestone showed on a map of the wider conservation area that the mansards were concentrated in the south of the conservation area and that the north of the conservation area did not have any mansards, concluding that overall the conservation area was well preserved. She stated that there has been a significant change along Albyn Road because of the mansards which have been previously approved and that in the case of that particular street, further mansards may contribute to restoring uniformity, and would be considered differently to mansard applications on Bolden street, where adding a mansard would reduce the uniformity.

3.15. Councillor Mallory questioned why mansards were initially approved on Albyn Road.

3.16. Suzanne White advised that the first mansard on Albyn Road was approved at committee in 2009.

3.17. Councillor Mallory stated that the inconsistency of decisions made things difficult for members.

3.18. Suzanne White advised that the previous approvals were regrettable.

3.19. Councillor Krupski asked if there was any difference in the form of the roofs on Albyn Road in comparison to Bolden Street.

3.20. Joanna Ecclestone advised that for the most part, Albyn Road is on level ground.

3.21. Councillor Smith advised that he was the chair of the committee which approved the first mansard roof on Albyn Road and had the casting vote. He cited that the reason was to avoid losing families from the area due to the restrictions in terms of space. He cited his opinions on conservation and how he feels that conservation should not take priority over residents improving their homes. He shared his opinions on butterfly roofs, stating they are of bad design, and that conserving them would preserve bad design. He stated that he felt the approach to precedent in this scenario was inappropriate and that he would feel comfortable with all the properties in the conservation area having mansard roofs.

3.22. Councillor Mallory questioned whether the portion of Albyn Road which is not on level ground also has mansard roofs. Suzanne White confirmed that this portion does have some mansard roofs.

3.23. Councillor Gibbons stated that Bolden Street is not unique and that there are many other streets in the conservation area without mansard roofs. He suggested the idea that half of the conservation area should be allowed mansard roofs and the other half should not. He stated he felt he would accept the proposal and wanted further comments from the conservation officer.

3.24. Joanna Ecclestone argued that dividing the conservation area in this way would cause such harm to the character of one half of the conservation area, that questions would be raised as to whether or not it should remain in the conservation area. She stated that the butterfly roof with parapet as an architectural typology is important to this conservation area, and that just because there have been previous precedents which have harmed it this does not mean other harmful proposals are now acceptable. She also stated that due to the number of mansard roofs in Albyn Street, the further addition of mansards on this street would help reintroduce uniformity for that street.

3.25. Councillor Gibbons asked how unique the conservation area is.

3.26. Joanna Ecclestone stated that there is one other conservation area of similar typology in Lewisham and that the fact that there's another shouldn't be seen as a reason to allow harm to this one as the statutory duty to preserve or enhance them relates to both individually. ..

3.27. *Councillor Smith reiterated his previous comments about the residents' desire to extend their home taking priority over conservation, and proposed a motion to reject the officer's recommendation for the following reasons:*

- a. There is a precedent set;*
- b. It would not cause harm;*
- c. Refusal would restrict the rights of the homeowners to extend their property, which outweighs the conservation considerations;*

3.28. Councillor Krupski stated that people are aware of the restrictions imposed when buying a conservation area property and that many people buy their homes in conservation areas for that very reason. She also stated there is a need for houses of all sizes, not just large ones.

3.29. Councillor Mallory stated that the reason he felt the scheme was approvable was not because of the residents desire to expand their homes, but because a precedent has been set.

3.30. Councillor Moore argued that what is the reasoning behind setting up a conservation area in the first place if any considerations of harm are just going to be ignored. She also stated that the construction quality of the existing butterfly roof should not be a material planning consideration.

3.31. Councillor Gibbons argued that as the precedent has been set, the debate should be geared towards the conformity of the proposed roof with existing precedents, and enquired about any guidelines for the design of the roof to be uniform with the other precedents.

3.32. Councillor Sheikh asked why permission, which has now lapsed, was granted for no.6 Bolden Street and Suzanne White responded stating this was approved under delegated powers, stating that in her opinion it was an error. Councillor Sheikh advised that this put her in a difficult position. Suzanne White advised that the policy context had changed since this delegated decision, including the adoption of the Development Management Local Plan in 2014.

3.33. Councillor Mallory questioned whether or not the precedent should be extended to Bolden Street, and also considered moving for a deferral to allow more information to be obtained regarding how the mansard proposed would relate to existing precedents.

3.34. Councillor Krupski stated that clear guidelines need to be set for the street with existing mansards to allow for uniformity in future proposals. Suzanne White stated that there was no set technical guidance for this and that each application is assessed on a case by case basis.

3.35. Councillor Gibbons enquired as to whether Suzanne White thought the same application would be approved if it was on Albyn Road. Suzanne White said she could not make that assessment without looking at the previously approved plans on Albyn Road in more detail.

3.36. Councillor Smith asked if deferral was an option to look at other plans for existing precedents on Albyn Road to help make a decision. Suzanne White advised that the risk would be that applicant would appeal for non-determination, but as this would take 4-6 months, the applicant would likely engage in negotiation and the case would return to committee.

3.37. *Councillor Mallory proposed a deferral to allow further information to be obtained to establish whether or not the proposal would be in keeping with the established precedent.*

3.38. Councillor Sheikh questioned whether or not the design of the mansard is something that could be conditioned.

3.39. Paula Young advised that this was not possible.

3.40. Councillor Sheikh asked if the dimensions were the same as other traditional mansards.

3.41. Joanna Ecclestone showed the section on the screen and stated that this proposal was of a three plane roof form as opposed to a more traditional four plane roof form. A member of the audience interrupted stating this was untrue. They were silenced by Councillor

Ogunbadewa. Joanna Ecclestone proceeded to state that she was describing what was shown on the drawing on the screen.

3.38. Councillor Sheikh suggested that this proposal could set the precedent for future mansards on Bolden Street.

3.39. Councillor Krupski stated that the precedent set is not strong enough to approve the design. Councillor Smith argued this point and stated that the precedent set on Albyn Road was strong enough to approve this application.

3.40. *Councillor Brown moved to second Councillor Smith's motion to reject the officer's recommendation and approve the scheme. The councillors voted as followed:*

For: Councillor Smith; Councillor Sheikh; Councillor Gibbons; and Councillor Brown.

Against: Councillor Moore; and Councillor Krupski.

Abstained: Councillor Mallory; Councillor Ogunbadwa.

4. 7 ALLENBY ROAD, LONDON, SE23 2RQ; “The demolition of the existing side extension and construction of two single storey side extensions, internal modifications and external works at 7 Allenby Road, SE23.”

4.1. Suzanne White outlined the details of the application to members, and discussed the proposed designs, showing drawings, photographs and CGIs, and explained the planning considerations for the application. She discussed the objections, and outlined the reasons for officers recommending approval, noting that officer's considered the proposal to be of high quality design which responds sensitively to the particular characteristics of the site. She concluded that it would result in no harm to the existing building or conservation area. She also referred members to the addendum report produced in response to further representations received from the Sydenham Society.

4.2. Councillor Smith asked if there had previously been a different extension to the existing conservatory due to markings on the side of the building.

4.3. The applicant advised from the audience that there was previously a different conservatory there.

4.4. The agent representing the applicant, Miles Griffies, was called to the table. Mr Griffies described the characteristics of Perryfields Conservation Area, citing one of which as being the green landscaped front gardens. He stated that the extension would replace an existing conservatory and would be softened by the green landscaping which would be retained. He stated the dimensions and setback and described the proposed materials, with the flat green roofs, curved design and London stock brick. He stated that the contemporary design and materials work better than a pastiche Victorian design. He argued that the setback was sufficient and that there are other examples of side extensions in the conservation area. He closed by stating that this would allow the applicant to extend their home which they felt was much needed.

4.5. Councillor Smith asked for clarification regarding the green roof materials and this was provided by the agent.

4.6. Councillor Ogunbadewa dismissed the applicant and called the objector, Margaret Leslie, to the table.

4.7. Margaret Leslie stated that she has lived on Allenby Road since 1980 and stated that the proposal does not meet the terms of the Article 4 Direction in place at Perryfields, arguing that the direction requires a greater weight of design consideration than the proposed London Stock Brick facade. She stated that the weight of the information provided by the applicant is insufficient and that there is therefore a lack of sufficient information to make a legal decision. She referenced the front elevation being presented as a boundary wall and stated that boundary walls cannot be higher than 2m, despite this being over 3m. She said that the roof should be pitched and not flat. She expressed her disagreement with the committee report, particularly to the officer's comments on the proposal enhancing the conservation area and that the design is high quality. She finished by stating that good architecture would not have to be hidden away behind planting.

4.8. Councillor Sheikh asked the objector why she initially withdrew her objection and Margaret Leslie replied stating that she did not think her first objection submitted took the best approach.

4.9. Councillor Penfold wanted the presenting officer to address the points raised by the objector about the proposal breaking planning regulations.

4.10. Suzanne White clarified the nature of the Article 4 Direction being a tool to restrict or remove permitted development rights and that it does not prevent a planning application being submitted and assessed on its own individual merits. She clarified the height of the extension.

4.11. Councillor Gibbons asked if the planting is retained by condition. Suzanne White responded stating that there is no separate condition for this but stated that the planting would be retained as shown in the plans, and a condition is recommended requiring that the development is carried out in accordance with those plans. She then clarified the 3 conditions proposed.

4.12. Councillor Sheikh stated that planning officers were operating legally and wanted clarification from Suzanne White to the objector's comments about being unable to make a legal decision.

4.13. Suzanne White confirmed that officers were operating legally and advised that with regard to the 2.0m boundary treatment, this refers to permitted development rights, and this right has been removed from the properties in the conservation area anyway. She advised that there is no limit to what can be submitted as a planning application and that it must be assessed against the policies of the Development Plan.

4.14. *Councillor Gibbons stated that he felt the proposal would enhance the conservation area and proposed a motion to accept the officer's recommendation and approve the scheme.*

4.15. *Councillor Smith seconded this. The members voted as follows:*

For: All Councillors voted to accept the officer's recommendation and the application was approved.

Councillor Ogunbadewa (Chair), Councillor Penfold (Vice-chair), Councillor Gibbons, Councillor Krupski, Councillor Mallory, Councillor Moore, Councillor

Sheikh, Councillor Smith.

50-52 RUSHEY GREEN, LONDON, SE6 4JD; *“The display of 3 x internally illuminated and 2 x non-illuminated canopy fascia signs, 1 x above fascia level internally illuminated sign & 1 viney glazing sign on Bradgate Road elevation and 2 x internally illuminated and 1 x non-illuminated canopy fascia signs on Rushey Green elevation at Aldi Store 50-52 Rushey Green SE6.”*

5.1. Suzanne White outlined the details of the application to members, and discussed the proposed designs, showing drawings, photographs, and explained the planning considerations for the application. She discussed the objections, and outlined the reasons for officers recommending approval. She also advised that she can't confirm why this case was not determined at an earlier date due to it being submitted in 2014.

5.2. Paula Young advised that advertisement consent lasts for 5 years and the key considerations are public safety and amenity impact.

5.3. Councillor Penfold asked if submitting an advertisement application retrospectively is discouraged. Paula Young advised that it is not encouraged but is acceptable practice to do so.

5.4. Councillor Ogunbadewa asked if the applicant was present. The applicant was not present.

5.5. Councillor Ogunbadewa called the objector, Renata Allamandi, to the table. She advised that she lives directly opposite the signage. She stated that it has a detrimental impact on her property to the extent that she cannot open the curtains at night because it is too bright and that this is a direct consequence of the signage. She discussed other issues she had with the Aldi store in general such as access, anti-social behaviour and advised that she does not want members to encourage Aldi to further promote themselves.

5.6. Councillor Ogunbadewa queried whether Aldi have breached planning control.

5.7. Councillor Smith queried whether the light was coming from the signs or the nearby streetlights.

5.8. Councillor Krupski showed images she had taken of the signage to members and they all agreed that the lights seemed excessively bright.

5.9. Councillor Mallory posed the idea making Aldi commit to reducing the brightness.

5.10. Councillor Penfold queried whether or not the previous signs were lit.

5.11. Suzanne White responded to the comments made by members, discussing the previous planning history stating that signs were previously lit, and that at present there was not breach of control, but once approved, the level of luminance was proposed to be conditioned to be 2 lux at the nearest residential window.

5.11. Councillor Mallory questioned the member's confidence in that condition providing an adequate resolution to the issue with brightness.

5.12. Suzanne White advised that on approval of the application, the condition could be enforced if the levels of brightness did not meet the 2 lux that is conditioned.

5.11. Councillor Sheikh posed the idea of conditioning the times at which the signs are allowed to be lit and Suzanne White advised that this would be possible.

5.12. Councillor Sheikh questioned whether, if after approval the 2 lux was not acceptable, it could be reduced further. Suzanne White said that once approved it could not be changed, but added that 2 lux is very low.

5.13. Councillor Penfold read the definition of a lux from the internet and members were satisfied that the levels of brightness currently being displayed were almost certainly in excess of 2 lux.

5.14 Councillor Mallory proposed that the application be conditioned to turn off the sign at 10pm.

5.15. Councillor Brown proposed a motion to accept the officer's recommendation subject to the conditions proposed by the officer, with the additional condition that the advertisement lights are only turned on between the hours of 8am and 10pm.

5.16. Councillor Krupski wished that her distaste for the applicant's attitude towards the application, in light of the fact that they did not attend the committee, to be noted on record.

5.17. Councillor Sheikh suggested that the condition proposed be amended to reflect the opening hours of the store. One of the members advised of the opening hours by looking on the Aldi website.

5.18. Paula Young advised that the condition should not link to the opening hours as these may be subject to change, but that it should state the current opening hours explicitly.

5.19. The proposed condition was revised by members to state that the sign could only be lit between the hours of 8am to 10pm Monday to Saturday and 11am to 5pm Sunday.

5.20. Councillor Sheikh advised that she wished for enforcement action to be taken should Aldi not reduce the luminance levels of the sign following a decision being issued.

5.21. Councillor Smith advised that there is an app available to check luminance levels from a smart phone.

5.22. Councillor Mallory moved to second the motion to accept the officer recommendation subject to the additional condition that the sign could only be lit between the hours of 8am to 10pm Monday to Saturday and 11am to 5pm Sunday.

The members voted as follows:

For: All Councillors voted to accept the officer's recommendation subject to the additional condition regarding operating hours and the application was approved.

Councillor Ogunbadewa (Chair), Councillor Penfold (Vice-chair), Councillor Gibbons, Councillor Krupski, Councillor Mallory, Councillor Moore, Councillor Sheikh, Councillor Smith.

90 EFFINGHAM ROAD, LONDON, SE12 8NU; *“Construction of 2 dormer windows with a mansard link in the rear roof slope at 90 Effingham Road SE12, together with the installation of 2 roof lights in the front roof slope and the replacement of the roof tiles with natural slate.”*

6.1. Suzanne White outlined the details of the application to members, reminding them that this case was previously deferred due to concerns about the setback of the mansard link between the dormer windows. She also made members aware of the further representations received from the Lee Manor Society who objected to the revised proposal and the addendum report produced in response to this.

6.2. The applicant was invited to speak but he decided not to.

6.3. No objectors were present to speak.

6.3. Councillor Mallory wished to express his understanding and sympathies for the Lee Manor Society's objection.

6.4. Councillor Smith moved to accept the officer's recommendation and approve the application.

6.5. Councillor Gibbons

seconded. The members voted

as follows:

For: All Councillors voted to accept the officer's recommendation subject to the additional condition regarding operating hours and the application was approved.

Councillor Ogunbadewa (Chair), Councillor Penfold (Vice-chair), Councillor Gibbons, Councillor Krupski, Councillor Mallory, Councillor Moore, Councillor Sheikh, Councillor Smith.

The meeting concluded at 21.55pm.

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Committee	PLANNING COMMITTEE C	
Report Title	The White Hart, 184 New Cross Road, London, SE14 5AA	
Ward	Telegraph Hill	
Contributors	Alfie Williams	
Class	PART 1	01 August 2019

Reg. Nos. (A) DC/18/106613 (Planning Permission)
(B) DC/18/106611 (Listed Building Consent)

Application dated 04.04.2018 [as revised on 12.02.2019]

Applicant Wellington Pub Company

Proposal Planning permission and Listed Building Consent for alterations in connection with the conversion of the upper floors of No 184 New Cross Road, SE14, into 2 one bedroom, self-contained flats, a two bedroomed self-contained flat and a one bedroomed self-contained maisonette with study, together with the reconfiguration and retention of the existing public house at ground and basement level and the provision of two lantern lights to the flat roof at the rear of the existing public house.

Plan Nos 0100-DR-0101 Rev P01; 0100-DR-0102 Rev P01; 0100-DR-0105 Rev P01; 0100-DR-0106 Rev P01; 0100-DR-0107 Rev P01; 0100-DR-0108 Rev P01; 0100-DR-0010 Rev P01; 0100-DR-0011 Rev P01; 0100-DR-0012 Rev P01; 0100-DR-0013 Rev P01; 0100-DR-0014 Rev P01; 0100-DR-0015 Rev P01; 0100-DR-0016 Rev P01; 0100-DR-0017 Rev P01; 0100-DR-0018 Rev P01; 0100-DR-0019 Rev P01; 0100-DR-0020 Rev P01; 0100-DR-0021 Rev P01; Heritage Statement; Design and Access Statement; Planning Statement; Received 5th April 2018

0100-DR-0100 Rev P02; 0100-DR-0103 Rev P02; 0100-DR-0104 Rev P02; 0100-DR-0109 Rev P02; Received 20th June 2018

Noise Impact Assessment (KP Acoustics Ltd, January 2019) Received 12 February 2019

Viability Study (Savills, May 2018) Received 9th April 2019

Background Papers (1) Core Strategy (June 2011)
(2) Development Management Local Plan (November 2014)
(3) The London Plan (March 2016)

(4) The Draft London Plan (showing minor suggested changes (July 2018))

Designation

Hatcham Conservation Area
Hatcham Conservation Area Article 4(2) Direction
New Cross/New Cross Gate District Centre
PTAL 6A
Area of Archaeological Priority

1 SUMMARY

1 This report sets out officer's recommendation in regard to the above proposal. The report has been brought before members for a decision as the Council's Head of Planning considers the matter would be more appropriately dealt with by Planning Committee.

2 SITE AND CONTEXT

2.1 SITE DESCRIPTION AND CURRENT USE

2 The property is an three-storey listed public house, circa 1870, situated on the west side of the triangular shaped traffic 'island' at the junction with New Cross Road (A2) and Queen's Road (A202), almost opposite Pepys Road. It was the site of the original toll gate that gave New Cross Gate its name.

3 The building is in use as a Public House, The White Hart, at ground floor level. Historically the building housed living accommodation on the upper floors. At present, the upper floors are in use, as a Hotel comprised of 11 rooms. The public house operates a late licence (until 3am) on Fridays and Saturdays.

4 The building's freehold is owned by the Wellington Pub Company, but this entity does not operate the public house. Officers understand the existing public house and hotel businesses are operated independently. Officers also understand the pub operator's lease expired in December 2018 although they continue to operate the pub. (Ownership issues are generally not relevant to planning, however the above information is for member's reference given the planning issues related to the retention of the current operation of the public house).

2.2 CHARACTER OF AREA

5 The building is highly prominent and visible within the streetscene and townscape, due to the building's dominant setting on a key corner within the Hatcham Conservation Area. The property and terrace with its high quality architectural features and treatments significantly contribute to the historic character of the local area, and streetscene.

2.3 HERITAGE/ARCHAEOLOGY

6 The building is nationally listed by English Heritage at Grade II (LEN: 1346214) with the following description:

- "Public house. Circa 1870, shown on the 1873 Ordnance Survey Map. Polychrome brickwork with stuccoed dressings, slate roof concealed by parapet and brick chimneystacks. Corner building of three storeys; five windows to New Cross Road

elevation and two to Queens Road, including a tripartite window. Elaborate parapet with curved panel to Queens Road, pedimented panel with brackets to New Cross Road and modillion cornice. Corner full-height pilasters and bands between floors. All windows are sashes with vertical glazing bars and horns. Second floor windows are cambered with keystones and two windows have cast iron flower guards. First floor windows have round-headed arches filled with stuccoed decoration with keystones above, roundels between the windows and cast iron flower guards. Bar front has fascia, end pilasters with double brackets and windows with ventilation grilles above divided by pilasters. Interior retains a bar partition and both bars have original panelled wooden counter.”

- 7 The special architectural interest of The White Hart is primarily derived from the historic and architectural character of its principal street elevations. Taken together, the tiled street frontage, generous windows, substantial fascia and signage and decorative pilasters mean that this building is easily distinguishable as a public house. As well as the detailing of the principal elevations, the scale and decorative roof form of The White Hart help this building to stand out visually in the street scene, thereby reinforcing its role as a landmark within the street and local society.
- 8 The plan form has been significantly altered at both first and second floor levels however, much historic fabric remains at first floor level including historic party walls, room and ceiling decorations, fireplaces and windows. The second floor is less significant due to its more functional appearance and loss of historic fabric.
- 9 The property is also within Hatcham Conservation Area and is subject to an Article 4 Direction restricting certain permitted development rights for dwellinghouses.

2.4 LOCAL ENVIRONMENT

- 10 The building is located within a busy town centre (New Cross/New Cross Gate District Centre) at the junction of the A2 and A202 producing high background noise levels. New Cross Road is designated as an Air Quality Management Area and also falls within an Air Quality Focus Area, where exposure is predicted to be high.

2.5 TRANSPORT

- 11 The site has a PTAL of 6a which is the highest possible and is served by 24 hour transport including several night-bus routes and New Cross Gate Station. The road junction has been substantially remodelled as part of a Transport for London (TfL) highway improvement scheme.

3 RELEVANT PLANNING HISTORY

- 12 DC/18/107982: Listed Building Consent for maintenance work to the front elevation of 184 New Cross Road SE14, consisting of repair of window joinery and replacement of cracked panes of glass, pointing of brickwork areas and general redecoration of stonework and joinery – Granted.
- 13 DC/16/095391: Listed Building Consent for alterations to the front elevation and the bar, the laying of new floorboards, the re-location of a fireplace, the restoration of original internal features including columns, panelling and lime plaster to internal walls, and the retrospective removal of non-original features at ground floor level of 184 New Cross Road, SE14 - Granted.
- 14 EN/15/00322: Unauthorised works to a Grade II Listed Building - Case closed following grant of DC/16/095391.

- 15 DC/04/58029/: Listed Building Consent in respect of internal alterations to the upper floors of the White Hart Public House, 184 New Cross Road SE14, in connection with the change of use to a hotel, including the construction of a stud partition to create an additional bedroom at first floor level, a new doorway, replacement of all doors and the installation of 2 fire places at second floor level -Granted.
- 16 DC/04/58030: The change of use of the upper floors of the White Hart Public House, 184 New Cross Road SE14 to a hotel - Granted.
- 17 DC/03/53350: The retention of the new front door openings at 184 New Cross Road SE14, together with internal alterations to the bar area - Granted.
- 18 DC/01/49623: The alteration and conversion and change of use of the upper floors of the White Hart Public House, 184 New Cross Road SE14 to a hostel incorporating a three bedroom, self-contained manager's flat - Refused as the proposed hostel would provide a poor standard of amenity for residents, in terms of space provision and communal facilities.
- 19 DC/01/49879/: Internal alterations and conversion of the upper floors of the White Hart Public House, 184 New Cross Road SE14 in connection with the use as a hostel incorporating a three bedroom, self-contained manager's flat - Refused as the proposal does not preserve the special architecture or appearance of the Grade II Listed Building.
- 20 DC/99/44091: The alteration of the front elevation of the White Hart P.H 184 New Cross Road SE14 door openings - Granted.]

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSALS

Planning permission

- 21 Planning permission is sought for the alteration and conversion of the upper floors of the building to provide 3 x one-bedroom/two-person flats and 1 x two-bedroom/three-person flats. The conversion would require a number of external alterations to the building including the repositioning of the residential entrance in the front elevation, the installation of lanterns to the rear flat roof and the installation of timber sash windows in the rear elevation.

Listed Building Consent

- 22 The application for Listed Building Consent would include a number of internal and external alterations to the building. The alterations at first and second floor level are detailed as follows:
- removal of later external alterations to the rear elevation such as ventilation stacks, timber roof terrace, and kitchen extension.
 - reinstatement of traditional windows and fenestration pattern to the rear elevation.
 - removal of later internal fabric and partitions.
 - The moving of the second floor staircase to attic level.
 - Removal of the commercial kitchen.
- 23 The Listed Building Consent would also include alterations at ground floor and basement level to the public house. The alterations include:

- repositioning of the residential entrance on the eastern elevation in place of the existing service entrance, removal of the partition wall and installation of a new double doors.
- reinstatement of fireplace and chimneybreast to the billiards room to be more in line with the historic plan form.
- relocation of the toilets.
- installation of two rooflights to the rear flat roof.
- changes to the layout of the basement in connection with the relocation of the commercial kitchen.

5 CONSULTATION

5.1 APPLICATION PUBLICITY

- 24 Site notices were displayed on 9 May 2018 and a press notice was published on 9 May 2018.
- 25 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 1 May 2018.
- 26 Objections were received from two local residents and the business operating the pub and hotel. The main planning consideration raised relates to the viability of the public house.
- 27 A second period of publicity was undertaken on 9 April 2019 to allow residents to review a Viability Assessment relating to the public house. This has resulted in the submission of 316 further objections (319 objections in total from both rounds of publicity). The main issues raised relating to the viability of the public house are summarised below

5.1.1 Objections

Material planning consideration	Paragraphs where addressed
Loss of the live music	64-82
Loss of the late licence	64-82
Noise transference & sound insulation	56-63
Relocation of the kitchen	107
Loss of the hotel	84
Asset serving a diverse community	64-82
Impact on local economy and jobs	64-82

- 28 Cllr Dromey objected to the application due to the impact on the viability of the public house due to the loss of the late night operating hours, live music and hotel use, which contribute a significant proportion of income. It also noted that the White Hart is one of the few live music venues in the area. Councillor Dromey also expressed concern regarding the loss of hotel accommodation and the potential loss of 20 jobs and concluded that the proposed residential units were not adequate compensation given the tenure of the units. These issues are addressed below in paragraphs 64-82 and 84.
- 29 Cllr Bell objected to the application due to the impact on the privacy of neighbouring residents. The objection also raised concerns with the level of amenity and privacy

provided for the proposed residential accommodation. These issues are addresses in paragraphs 92-101 and 127-131.

30 Officers are aware of a petition set up on the Change.org website in relation to this proposal opposing the scheme. This petition has not formally been presented to the Council and so no weight can be afforded to it.

5.2 LOCAL MEETING

31 Due to the number of submissions received, a Local Meeting was held on Wednesday 26th June 2019 at Deptford Lounge. The meeting was chaired by Councillor Joan Millbank and attended by 23 people. A record of the Local Meeting is contained in Appendix 1 to this report.

5.3 INTERNAL CONSULTATION

32 The following internal consultees were notified on 1st May 2018.

33 Environmental Health: no objections, subject to conditions. It was noted that the sound insulation would only be appropriate for general pub use with potential for some background music and therefore conditions would be required restricting the operating hours to 11pm and preventing live music

34 Conservation: raised no objections, subject to conditions.

35 The Highways Department were notified but did not comment on the application as TfL are the highways authority for New Cross Road.

5.4 STATUTORY CONSULTATION

36 The following Statutory Consultees were notified on 1st May 2018

37 Historic England: no objections. They are satisfied that the ground to first floor section of the main staircase has been removed and rebuilt. Therefore, the legibility and authenticity of the staircase as a key component of the pub plan has already been negatively affected, and whilst the removal of the top section is still undesirable and incrementally harmful, it would not warrant an objection to the works

38 TfL: as the relevant roads are TfL roads: no objections.

6 POLICY CONTEXT

6.1 LEGISLATION

39 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

40 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

6.2 MATERIAL CONSIDERATIONS

41 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.

42 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

43 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the test of reasonableness.

6.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance

6.4 DEVELOPMENT PLAN

44 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
- Draft London Plan (expected 2019): The Mayor of London published a draft London Plan on 29 November 2017 and minor modifications were published on 13 August. The Examination in Public commenced on 15 January 2019 and concluded on 22 May 2019. During the EiP the Mayor tabled further changes to certain policies. This document now has varied weight as a material consideration when determining planning applications, depending on the degree of conflict exhibited at the EiP. The relevant draft policies are discussed within the report (DLPP), and none were subject to further changes.
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013)

6.5 SUPPLEMENTARY PLANNING GUIDANCE

45 Lewisham SPG/SPD:

- Hatcham Conservation Area Supplementary Planning Document (2006)

46 London Plan SPG/SPD:

- Housing (March 2016)
- Culture & Night Time Economy (November 2017)
- Mayor of London's Culture Strategy (December 2018)

7 PLANNING CONSIDERATIONS

47 The main issues are:

- Principle of Development
- Impact of the Grade II Listed Building
- Standard of Accommodation
- Transport Impact
- Impact on Adjoining Properties

7.1 PRINCIPLE OF DEVELOPMENT

General policy

48 The National Planning Policy Framework (NPPF) at Paragraph 11 states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan

7.1.1 Retention of the public house use

Policy

49 There is a clear policy objective at national, regional and local level to protect public houses. This includes protection from development that may harm a public house's ability to operate a viable business.

50 Paras 83 and 92 of the NPPF promotes the retention of public houses, and at para 182 establishes the Agent of Change principle.

51 The current London Plan seeks to protect public houses and noise-generating uses. LPP 4.8 seeks to prevent the loss of public houses. The Culture and Night Time Economy SPG (GLA, 2017) ("the SPG") seeks to protect public houses, amongst other objectives relevant to this application. LPP 7.15 seeks to manage adverse impacts of noise to avoid adding unduly to the costs and administrative burdens on existing businesses. The Mayor of London's Culture Strategy (GLA, 2018) ("the Strategy") highlights the value of public houses as a component of Good Growth.

52 The emerging Draft London Plan follows the NPPF and current London Plan in affording protection to public houses and noise-generating uses. DLPP HC7 seeks to protect public houses where, amongst other things, they have heritage, economic, social or cultural value to local communities.

53 CSP 19 seeks to retain and improve existing community facilities and ensure that there is choice and no net loss of community facilities. DMP 20 seeks to protect public houses from a change of use unless it can be proven that the use is no longer financially viable.

54 The SPG pre-dates the current version of the NPPF and introduced the Agent of Change principle, stating: "Development proposals should seek to manage noise without placing unreasonable restrictions on development. They should also not add unduly to the costs and administrative burdens of existing businesses. Acoustic and other design measures should be used to mitigate noise and other impacts. There should be no prospect of unreasonable neighbour complaints, licensing restrictions or threat of closure."

55 DLPP D12 seeks to ensure new noise-sensitive development takes responsibility for mitigating the impact from existing noise and other nuisance generating activities to

ensure they remain viable and can continue or grow without unreasonable restrictions being placed on them.

Discussion

- 56 The proposal includes the retention of a public house use at basement and ground floor levels, as well as the conversion of the first and second floors to provide residential accommodation. The accommodation provided at this site had previously been used as a hotel and historically would have been occupied by persons associated with the pub use.
- 57 The introduction of private residents separate to the pub use creates the potential for conflict between the right of residents to the quiet enjoyment of their homes and the operation of the pub. The 'Agent of Change' principle within the NPPF at Paragraph 182, the SPG and the draft London Plan advises that the party responsible for any change in the noise environment is responsible for managing the impact of the change.
- 58 The applicant has submitted a Noise Impact Assessment (NIA), which outlines the impact of the pub use to the floors above. The NIA makes the following recommendations:
- Installation of sound insulation beneath the floor boards between the first floor and ground floor, to enable the retention of the existing floorboards.
 - The installation of secondary glazing to be installed a minimum of 80mm away from the existing windows to achieve a maximum internal noise level of 45dB(A).
- 59 The NIA shows that from 6pm to 11pm, where live music has been measured, the levels over this period are such that the music will be well over 10dBA above background within the habitable rooms above. This level would amount to a nuisance.
- 60 Therefore, the Environmental Health Officer advises conditions would be necessary to prevent amplified or live music within the pub, to protect the amenity of the proposed residential accommodation above. While it would be necessary, Officers conclude such a condition would be unreasonable and therefore fail to meet the Six Tests. The pub would not be able to play any amplified or live music while the upper floors were in separate residential use. This would likely be for the lifetime of the building. Such a constraint would prevent alternative pub models from emerging in response to changing economic and cultural conditions to remain viable or to meet demand for live music and other events involving music or amplified sound. This would unreasonably restrict the operational flexibility of the pub, contrary to Agent of Change policies in general and DLPP HC7(C) in particular.
- 61 The proposed sound insulation is only appropriate for a general pub use without live music and would not be sufficient to mitigate this nuisance. More substantial sound insulation cannot be installed due the restrictions imposed by the building's Grade II Listing. Research on internal noise levels within the pub after 11pm demonstrates that there is potential for noise generation of up to 88 dB LAeq. The NIA indicates that the level of sound insulation proposed would result in noise levels within the habitable rooms on the first floor of 10dB higher than the BS8233 for avoidance of sleep disturbance of 30dB LAeq. Therefore, a condition would also be necessary to limit the operating hours of the existing pub to 11pm.
- 62 The NIA was reviewed by the Council's Environmental Health Officer, who confirmed the noise attenuation would only be sufficient if the pub no longer has live or amplified music and closes at 11pm. If the planning application were to be approved, conditions would have been recommended to secure these measures and restrictions. The applicant and

freeholder of the building has confirmed they would accept conditions as described above, however this agreement does not preclude the need to meet the Six Tests.

63 It is the impact of the conditions that is critical to the planning assessment in this case. According to the submissions from the operator, the existing pub relies to a large extent on the late night live music element of the use to remain viable and in continued operation. The public house would be retained however only in a significantly changed state, with the existing model ceasing and a new model replacing it. While this alteration complies with some aspects of the policy framework, it would be contrary to the Agent of Change Principle, as the operation of the public house would be subject to unreasonable restrictions as to the established noise generating use. This conclusion informs the assessment of the principle of development in the section below.

7.1.2 Loss of live music venue and impact on night time economy and culture

Policy

64 National, regional and local policy objectives are to support the night time economy and arts, culture and entertainment venues and facilities.

65 The NPPF at para 8(b) states the social objective of planning is to support a community's health, social and cultural well-being. Para 92 says policies and decisions should provide the social, recreational and cultural facilities and services the community needs. Para 182 encourages integration of new development with existing businesses and community facilities and seeks to avoid unreasonable restrictions because of subsequent development.

66 The current London Plan, supported by the SPG, contains several relevant policies. LPP 3.1 protects facilities and services that meet the needs of particular groups and communities. LPP4.6 supports and seeks to enhance arts, culture and entertainment. LPP4.8 encourages boroughs to manage clusters of uses that can contribute to an area's sense of place or local identity. LPP7.1 says development should maximise the opportunity for community diversity. The SPG states planning policies and decisions should protect valued social, recreational and cultural facilities and services.

67 The emerging draft London Plan builds on the NPPF and current London Plan and SPG with several policies that expand on the current adopted policy situation. DLPP GG1 *Building Strong and Inclusive Communities* promotes the role town centres have in the social, civic, cultural and economic lives of Londoners, and plan for places that provide important opportunities for building relationships during the daytime, evening and night time; and supports and promotes the creation of an inclusive London, where all Londoners...can share in its prosperity, culture and community.

68 DLPP HC5 *Supporting London's Culture and Creative Industries* protects existing cultural venues, facilities and uses (especially in town centres and places with good transport connectivity); and seeks to enhance existing, locally-distinct clusters of cultural facilities, venues and related uses. Para 7.5.3 of the supporting text specifically references the loss of "essential spaces and venues for cultural production and consumption, including pubs, night-clubs and venues that host live or electronic music and rehearsal facilities. Boroughs are encouraged to develop an understanding of the existing cultural offer in their areas and evaluate what is unique or important to residents, workers and visitors." Existing cultural venues should be supported. The Mayor of London has identified New Cross and Deptford as a Creative Enterprise Zone (CEZ); accordingly, (C)(2) supports existing cultural venues in CEZs.

69 DLPP HC6 Supporting the night-time economy recognises the night-time economy as being increasingly important to London's economy and emphasises the importance of promoting London as a 24-hour city. It states boroughs should (B)(1) promote the night –

time economy in places such as this with access via Night Buses; (B)(6) protect and support evening and night-time cultural venues such as pubs, night-clubs, theatres, cinemas, music and other arts venues. It is also clear that boroughs should be alive to the potential impacts of the night-time economy in terms of anti-social behaviour and other harms.

- 70 HC6 sets out different areas of night-time activity function at different scales that have different catchments. The policy classifies three distinct categories, N1 Areas of international or national significance, N2 Areas of regional or sub-regional significance and N3 Areas with more than local significance. Figure 7.7 of the draft London Plan identifies New Cross District Centre as an NT3 Area. NT3 Areas generally draw visitors from other parts of London and tend to feature smaller venues and premises. Promoting and managing the night-time economy within New Cross is therefore an important consideration for development effecting public houses and other contributors to the night-time economy within the New Cross District Centre.
- 71 DLPP HC7(A) seeks to protect pubs where they have a heritage, economic, social or cultural value to local communities. The evidence from residents is that the White Hart currently has significant economic, social and cultural value to a diverse clientele that is representative of diverse local communities. Part (B) encourages boroughs to refuse schemes where public houses with heritage, cultural, economic or social value would be lost, unless there is authoritative marketing evidence that the building would not be used as a pub in the future.
- 72 To help support HC7 the Mayor of London has appointed a Night Czar and established a Night Time Borough Champions Network, which includes Lewisham Council. The purpose of the Night Time Borough Champions Network is to share good practice on the development and management of the evening and night time economy, support the development of new night time initiatives and support the development of local visions for the night time economy.
- 73 CSP19 and DMP43 protect existing art, culture and entertainment uses.

Discussion

- 74 The subject pub meets the criteria for a live music venue: the pub offers music as an accompanying activity to the core business purpose and the music programme is a key component of the existing pub model. Representees to the publicity and attendees of the local meeting have given evidence that this is a unique arts, culture and entertainment venue that caters to a diverse clientele and audience. Officers have given this very significant weight. For the purposes of this report, the 'existing pub model' refers to this unique combination of pub and live music venue, catering for diverse clientele.
- 75 In the event permission were granted, a 'new pub model' would emerge and would be subject to significant restrictions and the existing pub model would cease (as the noise mitigation is not able to protect future residential amenity given the listed status of the building).
- 76 There is a clear policy objective in the London Plan, the SPG, the Strategy, the emerging London Plan, the Core Strategy and the Development Management Local Plan to protect venues that contribute to the economic, social and cultural lives of Londoners, and to support the night-time economy. Live music venues have been under particular threat in recent years (as evidenced in the SPG). The importance of the diversity of such venues is also established in the Development Plan.
- 77 The applicant has provided a Viability Assessment to demonstrate the proposed development would not have an adverse impact on the future viability of the pub use. The report also provides evidence of other inner London pubs within the ownership of

the applicant that operate similarly to the proposed public house. These include The Bear in Camberwell, The Crown on Blackfriars Road, Camel and Artichoke in Lambeth and the Three Johns in Islington.

78 It is clear the existing pub, by virtue of its unique intrinsic character resulting from the current tenant's pub model, has economic, social and cultural value. This would be lost if permission were granted. The new pub model would be of a different character that would not make a similarly valuable contribution to the economic, social and cultural lives of local residents. This would diminish the diversity of arts, culture and entertainment available in the area. It also has the potential to exclude certain groups from accessing arts, culture and entertainment locally.

79 There is no evidence that the current pub operates in an unviable way or that the current operation creates problems for the owner or local community. In the absence of these harms, Officers do not reduce the weight given in para 74. This view is supported by the Agent of Change principle established in the NPPF, the SPG and in DLPP D12.

Summary

80 The applicant has demonstrated a new conventional pub model could be viable without a late night component, while the current tenant contends the existing pub model would become unviable if planning permission were to be granted.

81 Officers consider the key material planning consideration in this instance is the loss of the current public house, which is of a unique and intrinsic character. The provision of a new conventional pub in the same building, even if viable, would lack the character of the public house operating as it is (with a music venue and late night operation which serves a community function). The current functioning accords with the objectives of the development plan. The loss of the existing public house is harmful and contrary to adopted policy, even if a viable replacement public house operating in the same building is viable and feasible. A new conventional pub arrangement would not outweigh the loss of the existing public house.

82 On balance, the proposal is unacceptable in terms of the loss of a public house with a unique and intrinsic character, including live music provision and a late night venue. The loss would have consequential and harmful impacts on diversity of venues, inclusivity and harm to the wider late night economy. Officers give this matter very significant weight.

7.1.3 Principle of residential units

Policy

83 The Core Strategy recognises the Borough's need for housing and outlines the objectives to achieve 18,165 new dwellings between 2009/2010 and 2025. The London Plan outlines through Policy 3.3, 3.5 and 3.8 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported, which are of the highest quality and of varying sizes and tenures in accordance with the Local Development Framework. Lewisham Core Strategy Spatial Policy 1 'Lewisham Spatial Strategy' that links to Core Strategy Objective 2 'Housing Provision and Distribution' supports the delivery new housing to meet local need.

Discussion

84 The existing hotel use does not benefit from any policy protection. As such, the principle of the provision of residential accommodation is acceptable, subject to details securing a good standard of accommodation. The proposal would contribute four homes,

comprising three no. one-bedroom and one no. two-bedroomed self-contained flat in a sustainable urban location. This is a limited contribution to Lewisham's housing targets.

Summary

85 The provision of new residential units is considered a planning merit to which moderate weight is attached, however there are difficulties in reconciling the use of the ground floor as a public house and the upper floors as residential in a listed building, which are discussed in more detail below.

7.1.4 Principle of development conclusions

86 The inability to provide a pub that operates the existing pub model is, on balance, unacceptable. It would result in material harm in terms of the loss of the live music and late night venue which caters for a diverse clientele, and the consequential harmful impacts on diversity of venues, inclusivity and Good Growth and harm to the wider late night economy. Officers give this very significant weight.

7.2 Standard of Residential Accommodation

87 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP 3.5, 7.15), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

88 The main components of residential quality are: (i) space standards; (ii) outlook, privacy, daylight and sunlight; and of particular relevance (iii) noise and disturbance. In this location air quality is also relevant.

Internal and external space standards

89 The proposed units would be appropriately sized when assessed against the London Plan and Development Management Local Plan standards, including meeting the bedroom, living, and storage space requirements of the London Plan Housing SPG and National Technical Standards. Floor to ceiling heights are significantly in excess of the required 2.3m (as measured from the plans provided with the application).

90 In addition, DM Policy 32 requires all new dwellings to be provided with a readily accessible, secure, private and usable external space and include space suitable for children's play. The London Housing SPG makes provision for the size of the units to be increased to mitigate lack of amenity space in exceptional circumstances. Officers consider the difficulties in providing space in a listed building in a town centre location to be exceptional circumstances, and therefore an alternative approach is acceptable here. All of the proposed flats would be oversized and as such, the provision of undersized amenity space for Flat 4 and no external amenity space for Flats 1, 2 and 3 is considered acceptable.

Outlook, Privacy, Daylight and Sunlight

91 The proposed units would be provided with dual aspect as a minimum, by way of windows facing east and west in the case of Flats 1 and 3, and windows facing south, east and west in the case of Flats 2 and 4. This would enable an acceptable amount of daylight and sunlight into habitable rooms and would provide a good level of outlook.

Noise and Disturbance

- 92 The NPPF at para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Development should help to improve local environmental conditions. Para 180 states decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 93 The NPPG states LPAs should consider noise when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment and in doing so consider:
- whether or not a significant adverse effect is occurring or likely to occur;
 - whether or not an adverse effect is occurring or likely to occur; and
 - whether or not a good standard of amenity can be achieved
- 94 Significant observed adverse effect level: This is the level of noise exposure above which significant adverse effects on health and quality of life occur.
- 95 Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected.
- 96 No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected
- 97 If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. Such decisions must be made taking account of the economic and social benefit of the activity causing the noise, but it is undesirable for such exposure to be caused. The objectives of the NPPF and NPPG are reflected in LPP 7.15, DLPP D1,D12 and D13, CS Objective 5 and DMP 26
- 98 Noise can constitute a statutory nuisance and is subject to the provisions of the Environmental Protection Act 1990 and other relevant law.
- 99 As discussed above, the development could only achieve a satisfactory standard of accommodation for future residents subject to conditions to ensure the proposed noise attenuation measures are installed correctly and conditions to restrict the hours of operation of the pub and prevent amplified or live music. Without these conditions, the noise and vibration impact would be a significant observed adverse effect level and therefore unacceptable.
- 100 Imposing a condition to prevent amplified or live music would not be reasonable, taking account of the economic and social benefit of the operation of the existing pub model, expressed in detail in section 7.1 above.
- 101 Turning to noise break in from the road, the provision of secondary glazing would be sufficient to prevent unacceptable noise break in from New Cross Road.

Air Quality

- 102 London Plan policy 7.14 is relevant. The Grade II listing would prevent the provision of mechanical ventilation and air filtration for when the front windows are closed. Officers consider that this would be acceptable in this case given that the flats are dual aspect, with the windows in the rear providing adequate ventilation and relief from the main road.

7.2.1 Standard of accommodation conclusion

103 The proposal does not meet relevant policies in terms of noise and vibration, resulting in material harm to the living conditions of future residents in terms of noise and vibration. This harm cannot be mitigated as any condition to prevent amplified or live music would be unreasonable taking account of the economic and social benefits of the noise-generating use; this is a planning harm to which significant weight is given and, balanced against the proposal's other planning harms and merits, is considered a reason for refusal.

7.3 LISTED BUILDING CONSENT AND THE IMPACT ON HERITAGE ASSETS

General Policy

104 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives Local Planning Authorities the duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest, which it possesses.

105 Paragraph 195 of the NPPF 2019 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

106 DM Policy 36 states that consent will only be granted for alterations and extensions to Listed Buildings which relate sensitively to the building's significance and sustain and enhance its significance and integrity.

7.3.1 Public house (ground floor and basement)

107 The proposed works to the basement would retain much of the historic fabric including the stone and brick floors, the historic public facilities under the pavement of New Cross Road, the stone kitchen fireplace, and stone storage shelves. The changes to the basement do not raise any significant concerns and overall do not create harm to the understanding, significance or interest of the building.

108 The installation of two rooflights to the rear areas of the pub would not usually be acceptable within historic spaces due to the intervention with historic fabric, and the effect to the character of the listed building. However, there is evidence of a historic roof lantern to the billiards room, and the flat roof of the ground floor is not visible from any public viewpoints.

109 The relocation of the residential entrance would provide a more rational layout to the ground floor and provide a clearly legible residential entrance separate to the entrances to the public house.

110 The removal of later unsympathetic additions and fabric is considered a benefit to the character of the building. This would include the removal of the uncharacteristic entrance hall wall, which separates the pub from the entrance hallway to the upper floors. The wall causes harm to the historic plan form, and cuts through the ceiling decoration and as such is removal is welcomed. The works proposed to reinstate the fire surround to the entrance lobby, the fireplace and chimneybreast to the billiards room, and the relocation of the toilets would better reflect the historic plan form of the ground floor.

111 The changes to the ground floor make significant improvements to the significance and understanding of the historic pub. The proposals rationalise the space well, and

reintroduce lost historic features. Had the recommendation been to approve, conditions would have been required to secure the refurbishment works to the ground floor prior to the occupation of the flats in order to secure the beneficial impacts to the listed building.

7.3.2 First & second floors

- 112 The proposed removal of later harmful fabric externally such as large unsightly ventilation stacks, timber roof terrace, and kitchen extension would result in significant improvement to the cluttered rear elevation. The reinstatement of traditional windows and fenestration pattern to the rear elevation would also result in a significant improvement to the historic character of the building. Had the recommendation been to approve, conditions would have been required to secure the design and appearance of the new windows and the new duct.
- 113 Conversion from hotel use to flats would return the upper floors of the building to its residential use, which is thought to be the original use of the upper floors, improving the legibility and understanding of the building. These works would remove harmful additional fabric and dividing walls, which in some cases have completely altered historic fabric of interest such as ceiling roses, window decorations, cornicing, embossed ceilings and skirting.
- 114 The proposed alterations also remove harmful alterations to the historic layout. Although it is not proposed to replicate the historic plan form at first and second floor levels, the proposed alterations allow for better appreciation of the historic layout by opening the spaces up and removing partitions, which divide the space and cut up the historic fabric. The new partitions are proposed in more suitable locations and feature shadow-gaps so they are discernible from the historic walls. The alterations would create a more historically appropriate plan form, helping to reveal and enhance the significance of these floors.
- 115 The majority of the remaining historic fabric, such as historic cupboards, doors and door architraves will be retained. The historic windows will also be retained with internal secondary glazing installed. Had the recommendation been to approve, conditions would have been required to secure details of the secondary glazing.
- 116 The original second floor staircase is proposed to be retained and reused in a more convenient location for the use of the building as residential flats, while still providing access to the attic. Staircases, when original, are crucial in helping to understand the use, hierarchy and plan form of historic buildings. As such, the moving of the staircase is considered to cause harm to the significance of the building. However, the number of beneficial alterations that are proposed to the more significant ground and first floors and exterior of the building would enhance the overall significance of the listed building. Therefore, the partial loss of the staircase on the second floor is considered acceptable.

7.3.3 Impact on the Hatcham Conservation Area

- 117 The proposed works principally comprise internal alterations with external alterations limited to the rear elevations which would not be apparent from public viewpoints within the conservation area. However, the repositioning of the residential entrance in the front elevation would see the installation of a new double-leaf door in the location of the original door opening and removal of the existing poor quality door. Officers consider that the new entrance to be beneficial to the appearance of the property thus preserving the character of the Hatcham Conservation Area,

7.3.4 Impact on heritage assets conclusion

- 118 Therefore, it is considered that the proposals to alter the listed structure and facilitate the historic use as residential, as well as the improvements provided in terms of the historic

understanding of the plan form, would enhance the significance of the building. The proposal is therefore compliant with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 of the NPPF and DM Policy 36. This is a planning merit to which significant weight is attached.

7.4 TRANSPORT IMPACT

7.4.1 Servicing and refuse

119 The pub would retain the previous servicing arrangement from New Cross Road. This arrangement is acceptable.

120 The residential units would be provided with refuse and recycling storage within the flats, with bags to be brought down on collection days. This would be consistent with the Council's policy on the collection of refuse from flats above commercial uses and is therefore acceptable. However, the proposed layouts do not include details of refuse storage and therefore had the recommendation been to grant, a condition would have been recommended to secure these.

121 The refuse for the pub would be stored within the basement and taken out by staff on collection days. This arrangement is acceptable.

7.4.2 Cycle Parking

122 The London Plan cycle parking minimum standards requires one cycle space per one bedroom dwelling and two spaces for all other dwellings. The proposed development would therefore require five cycle parking spaces. Further to the London Plan requirements, Transport for London's (TfL's) '*London Cycling Design Standards*' sets out that cycle parking should be fit-for-purpose, secure, dry and well-located.

123 The scheme is unable to provide appropriate cycle storage. This is due to the site constraints imposed by the use of the ground floor as a public house and the desirability of restoring historic features to the lobby (including a fireplace and chimneybreast). This significant benefit to the historic character of the listed building outweighs the harm by failing to comply with cycle storage requirements.

7.4.3 Car Parking

124 Core Strategy Policy 14 states that the Council will take a restrained approach to parking provision. London Plan Policy 6.13 seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use and through the use of well-considered travel, plans aim to reduce reliance on private means of transport. Table 6.2 Car parking standards in the London Plan states that all residential developments in areas of good public transport accessibility should aim for significantly less than one space per unit.

125 No off-street parking is proposed which is considered acceptable given the PTAL of 6a. The on-street parking restrictions, including red routes on both New Cross Road and Queens Road and double yellow lines on the surrounding roads, are considered sufficient to prevent any increase to parking stress within the local area.

7.4.4 Transport impact conclusion

126 The proposal would not result in harm to the local highway network or pedestrian or highway safety. The inability of the site to formally accommodate cycle storage is due to the listed status of the building, and on balance, had the recommendation been to approve, this would have been acceptable in this particular case.

7.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

127 DM Policy 32 states that the Council expects all new residential development to provide a satisfactory level of privacy, outlook and natural lighting both for neighbouring residents.

7.5.1 Enclosure, Outlook and Privacy

128 The external alterations to the property are restricted to the rear elevations. These alterations include the installation of additional windows and an inset balcony at roof level. The views from the windows are established and the balcony and other external terraces are an existing part of the hotel. As such, it is considered that the proposed development would not result in any loss of privacy to the residential units located to the west and north of the property.

7.5.2 Noise and disturbance

129 The public house would operate with reduced hours and would no longer be permitted to be a live music venue. As such, the public house would have reduced impact on the surrounding residential units in terms of noise disturbances.

130 Details of the specification for the extraction and ventilation equipment for the commercial kitchen would have been secured by condition had the application been considered otherwise acceptable.

7.5.3 Impact on neighbours conclusion

131 Overall, the proposed development is not considered to result in any unacceptable impacts to the surrounding properties in accordance with DM Policy 31.

8 LOCAL FINANCE CONSIDERATIONS

132 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

- 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
- sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

133 The weight to be attached to a local finance consideration remains a matter for the decision maker. The CIL is therefore a material consideration.

9 EQUALITIES CONSIDERATIONS

134 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

135 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

136 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

137 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

138 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

139 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

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

10 HUMAN RIGHTS IMPLICATIONS

141 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. “Convention” here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

142 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

143 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

11 CONCLUSION

144 The proposal would result in unacceptable living conditions for future residents, in terms of noise and vibration. Suitable noise attenuation to allow a satisfactory standard of residential accommodation is not possible (given the listed status of the building) without additional conditions to control the hours of operation of the existing public house and to preclude any amplified or live music. Such conditions, while agreed by the applicant, would be unreasonable and would harm the operational flexibility of the public house, a use which is afforded significant protection at national, regional and local policy. This is a very significant harm.

145 Amplified or live music is an important part of a pub's character and common to many public houses. That is apparent in the existing pub model. The applicant proposes a new pub model that does not require amplified or live music. While this might be viable in the short term, it is not reasonable to constrain the future operational flexibility of the pub to the extent that would be necessary to make the living conditions of future residents acceptable. The inherent conflict between pub and residential uses cannot adequately be overcome in this instance, in large part due to the limitations imposed by the buildings listed status, which restricts the noise attenuation that can be installed.

146 The NPPG and policies also require regard to be had to the economic and social benefits of the noise-generating use. The live music offer and late opening (until 3am) define the character of the pub at present. The pub as operated makes a significant contribution to the local community, inclusivity and diversity, the late night economy and culture. The above mentioned conditions would unreasonably restrict the existing pub model to the extent it would have to cease.

147 Based on representations from the existing tenant, it is evident the pub could not continue to have the same character if permission were granted. Representations from residents have demonstrated the value the character of the pub has in terms of serving the diverse local communities who enjoy the pub. Officers are satisfied that the economic, social and cultural lives of local residents and the New Cross late night economy and culture would be materially harmed should permission be granted, and this could not be adequately mitigated by conditions.

148 A pub would be re-provided as part of the planning permission, and a condition could be imposed to ensure it is provided before the residential units are fully occupied. Second to the main issue of the living conditions of future residents is the change to the pub character as a result of necessary (but unreasonable) conditions and the impact this would have on the local community, economy and cultural offer. The existing and emerging policy framework of the NPPF, the London Plan, the SPG, the Strategy and

the Draft London Plan is clear that boroughs should have regard to the cultural lives of Londoners and seek to protect or enhance venues for cultural production and consumption. New Cross is ideally suited to this type of venue and activity, as the Draft London Plan notes, due to the presence of similar venues, supporting late-night economic activity.

- 149 The applicant has not provided any evidence that the current operation is unviable. There is no evidence to suggest the character of the pub is not suited to the area or that there are other problems. This application identifies no harm that it is seeking to overcome. Therefore the argument in favour of this change is limited to two merits: (1) the enhancements to the listed building; and (2) the provision of new homes.
- 150 This first merit is significant: the works would clearly increase the heritage value of this listed building. The nature of the works, principally involving internal alterations and works to the rear elevations, mean the enhancement to the Conservation Area would be more limited. The second merit is less significant, based on the number and mix of the units proposed. Taken together, the merits are significant.
- 151 Officers conclude that the very significant harms identified above would outweigh the significant merits of the proposal. The recommendation is to refuse planning permission, for the reason set out below.
- 152 The application for Listed Building Consent is otherwise acceptable and is recommended to be granted, subject to a condition that planning permission first be secured before the implementation of the subject consent.

12 RECOMMENDATIONS

REFUSE PLANNING PERMISSION for the following reason:

- 1) The proposed conversion of the upper floors to residential use, by virtue of the restrictions imposed by the building's statutory listing which limit the maximum noise attenuation that can be achieved, would result in unacceptable living conditions for future residents, in terms of noise and vibration, that cannot be mitigated by conditions as any such conditions would amount to unreasonable restrictions on the use of the pub which is of a unique and intrinsic character that caters to a diverse clientele and contributes materially to the economic, social and cultural lives of local residents and the late night economy and culture of New Cross, contrary to the NPPF (2019), NPPG, Policies 3.1, 4.6, 4.8 and 7.15 of the London Plan (2016), Policies GG1, HC5, HC6, HC7, D1, D12 and D13 of the draft London Plan (2019), Objective 5 and Policy 19 of the Core Strategy (2011), Policies 20, 26 and 43 of the Development Management Local Plan (2014) and the provisions of the Culture & the Night-Time Economy SPG (2017).

GRANT LISTED BUILDING CONSENT subject to the following conditions:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.
Reason: As required by Section 91 of the Town and Country Planning Act 1990.
- (2) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

0100-DR-0100 Rev P02; 0100-DR-0101 Rev P01; 0100-DR-0102 Rev P01; 0100-DR-0103 Rev P02; 0100-DR-0104 Rev P02; 0100-DR-0105 Rev P01; 0100-DR-0106 Rev P01; 0100-DR-0107 Rev P01; 0100-DR-0108 Rev P01; 0100-DR-0109 Rev P02; 0100-DR-0010 Rev P01; 0100-DR-0011 Rev P01; 0100-DR-0012 Rev P01; 0100-DR-0013 Rev P01; 0100-DR-0014 Rev P01; 0100-DR-0015 Rev P01; 0100-DR-0016 Rev P01; 0100-DR-0017 Rev P01; 0100-DR-0018 Rev P01; 0100-DR-0019 Rev P01; 0100-DR-0020 Rev P01; 0100-DR-0021 Rev P01;

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) (a) Notwithstanding the details hereby approved, the staircase connecting the second floor of the building to the attic room shall not be removed until a detailed record of the existing staircase has been submitted to and approved in writing by the local planning authority. This should detail those elements of the staircase to be reused in the replacement staircase connecting the proposed second floor flat to the attic room.
- (b) Notwithstanding the details hereby approved, the staircase connecting the second floor to the attic room shall not be removed until a detailed scheme for treatment of the area of the removed staircase has been submitted to and approved in writing by the local planning authority. This should clearly identify those elements to be original staircase to be reused as part of these works.
- (c) Notwithstanding the details hereby approved, the new staircase connecting the second floor to the attic room shall not be installed until detailed drawings of the proposed staircase at a scale 1:10 and 1:20 has been submitted to and approved in writing the local planning authority. This should clearly identify those elements to be original staircase, which will be incorporated into the fabric of the new staircase.
- (d) The development shall be carried out in accordance with the approved details.

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 and Policy 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens, Development Management Local Plan (November 2014).

- (4) (a) No development shall commence on site until detailed drawings of the proposed sliding sash windows for the flats hereby approved, at a scale 1:10 or 1:20 have been submitted to and approved in writing by the local planning authority.
- (b) The approved details shall be installed prior to occupation of the flats and retained thereafter unless the local planning authority has given its agreement in writing to any variation.

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 and Policy 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed

buildings, schedule of ancient monuments and registered parks and gardens, Development Management Local Plan (November 2014).

- (5) If during the works any hidden architectural or historic features are revealed, the local planning authority must be made aware of any such discovery within [] days of such discovery and a full method statement for the preservation and treatment of the features in-situ shall be submitted to and approved in writing by the local planning authority before any further work on the relevant part of the building proceeds. The method statement approved by the local planning authority shall be implemented in full.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- (6) All new works, and works of making good to the retained fabric, whether internal or external, shall be finished to match the original work with regard to the methods used and to material, colour, texture and profile, and in the case of brickwork, to match the original bond, mortar and pointing.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- (7) (a) Prior to the installation of the sound insulation a detailed method statement explaining how the floorboards are proposed to be lifted, recorded for re-installation, stored and put back in place shall be submitted and approved in writing by the Local Authority.

(b) The Works Shall be carried out in strict accordance with the Method Statement.

Reason: To ensure that special regard is paid to specific architectural features or fixtures and to ensure the fabric is protected from damage, and poor re-installation after during and after the course of works.

- (8) All existing original features throughout the building (all floors and external fabric) shall be retained in situ, if moved for repair and restoration they should be kept on site, unless the local planning authority has previously given its approval in writing to any other arrangement.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- (9) (a) Prior to installation of the proposed secondary double glazing to the to the windows of the flats hereby approved, detailed drawings of the proposed secondary double glazing at a scale 1:10 or 1:20 shall be submitted to and approved in writing by the local planning authority.

(b) The approved details shall be installed prior to occupation of the flats and retained thereafter unless the local planning authority has given its agreement in writing to any variation.

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 and Policy 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations

affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens, Development Management Local Plan (November 2014).

- (10) (a) Prior to installation of the proposed lantern lights to the flat roof of the public house, detailed drawings of the proposed lantern lights at a scale 1:10 or 1:20 (as appropriate) shall be submitted to and approved in writing by the local planning authority.

(b) The lantern lights shall be installed in accordance with the approved details prior to occupation of the flats hereby approved and shall be retained thereafter unless the local planning authority has given its agreement in writing to any variation.

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 and Policy 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens, Development Management Local Plan (November 2014).

- (11) Prior to the implementation of the Listed Building Consent hereby approved, details of a contract made for the carrying out of works of redevelopment shall be submitted in writing to and approved by the Local Planning Authority and planning permission shall have been granted for the redevelopment. The development shall be in accordance with the approved details.

Reason: to meet the Local Planning Authority's obligation to ensure new development will proceed after the loss of part of a heritage asset has occurred.

Appendix 1

Local Meeting Wednesday 26th June 2019 – Deptford Lounge

Planning permission and Listed Building Consent for alterations in connection with the conversion of the upper floors of No 184 New Cross Road, SE14, into 2 one bedroom, self-contained flats, a two bedroomed self-contained flat and a one bedroomed self-contained maisonette with study, together with the reconfiguration and retention of the existing public house at ground and basement level and the provision of two lantern lights to the flat roof at the rear of the existing public house. (DC/18/106611 & DC/18/106613)

Participants:

Cllr Joan Milbank (Chair)

Alfie Williams (Case Officer)

Angus Saunders (North Team Leader)

Mark Batchelor (Agent for applicant)

Minutes of the meeting

Cllr Milbank – gave a short introduction and thanked those in attendance for making the effort to come to the meeting, a brief introduction as to who is present at the meeting with apologies for Cllrs Sorba and Bell;

Cllr Milbank - Asks the planning team for some clarification on what happens after the meeting and the proposed timeframe for any decision to be made.

Alfie Williams – Explains that that this meeting is a change to ask the planning team questions about the planning processes for the application and questions relating to the current application should be directed to the agent (Mark Batchelor).

Additionally it was also added that this meeting would not come to any conclusions on the current application, but the purpose of the meeting was to give those who have made representation on this application an opportunity to voice their opinions.

Mark Bachelor - Gives a brief introduction about the company he is representing (Wellington Pub Company), highlighting the importance of working in collaboration with the local community.

Brief background as to why the landlord has submitted these plans

- the tenancy agreement with the current tenants expired December 2018
- Helps the council meet current housing objectives in the borough
- The applicant is a pub operator and wants the pub to work as a successful business in the long term

- High demand for lock up pubs, evidenced in viability assessment undertaken by Savills – also highlighting the need for investment in the pub
- Same trading floorspace, same food and drink offer.
- Noise Impact Assessment was conducted and recommended conditions relating to sound insulation, a restriction to the opening hours and prevention of live amplified music.
- Conservation Officer and Historic England have no objection to the internal alterations.

At this stage of the meeting the chair opened the floor to the public to ask both parties questions, as aforementioned those relating to process should be directed towards the planning officers and those relating directly to the application should be directed to Mark Bachelor.

Questions and comments from members of the public are detailed below:

Q: (For Mr Bachelor) Concerns over the viability of the pub, with the addition of residential homes above the pub concerns over potential noise complaints from those residents could impact the operation of the pub. Can a planning condition require a clause in the tenancy agreement be added to stop tenants complaining about noise.

A: (Mr Bachelor) Does not object to this in principle and will pass this suggestion on to the applicant.

Cllr Millbank – Raises this point with Planning Officers.

A: (Mr Saunders) Further examination will be required by the council, however a condition could be added to this effect if it is found to be necessary.

Q: The noise assessment conducted on behalf of the applicant, shows higher levels of noise generation over what would normally be recommended.

A: (Mr Bachelor) The noise levels in the report were taken on site and reflect the current levels of noise at various times of the pubs operation and those levels in the report will be the ones conditioned by the applicant.

Q: Does the council condition the licencing of the pub or will the condition be that of a planning condition?

A: (Mr Williams) Conditions would be recommended based on the assessment from the Environmental Health Officer which would restrict the opening hours of the pub due to the levels of noise generated after 11pm.

A: (Mr Saunders) Gives further clarification as to why such a condition would be necessary, as the seriousness of noise pollution on human health is well documented and should be avoided were possible.

Q: Can the steps taken to reduce the potential impact of noise pollution be increased in order to stop the restriction of the pubs opening times?

A: (Mr Bachelor) All steps have been followed in this case however, there are limitations on the level of sound insulation possible within a Listed Building.

Q: (Cllr Dromey, New Cross Ward Cllr) had a few comments that he wanted to share;

- Music is vital for the success of the pub and is concerned that the use of the pub will be put in jeopardy;
- The importance of late night music is a key selling point for the pub and is essential for the survival of the pub;
- The proposed development will not meet to councils need for social housing given the number of units provided and the fact they will be sold privately.
- The need to protect local pubs and support local business is important, in recent years thousands of pubs have been closed and need to be supported by the council.

Q: Will the music stop at 11pm with the proposed development?

A: (Mr Bachelor) Yes the opening times will be changed

Q: Inaccuracies have been identified in the viability assessment as an individual assessment was undertaken by the current tenants which have brought these inaccuracies to light. This has highlighted that over 50% the businesses incomes comes from the provisions of late night music.

A: (Mr Bachelor) A different business model will have to be applied. The viability assessment concludes that a lock-up operation would be successful.

Q: The current pub caters for families and has a club feel on late nights which make this pub more than just a pub, so has the applicant looked at any alternative uses for the upper floors?

A: (Mr Bachelor) The owner's business model is reliant on residential units on the upper floors.

Comment: The council should look at new policies to help protect pubs and encourage their use. The Montague Arms has also closed recently and has been a loss to the community

Q: Can the applicant provide any examples of when a business model like this has been successful for a pub?

A: (Mr Bachelor) Examples will be provided after this meeting.

Comment: Important to ask who the pub is for, the Telegraph and the Rose already cater for this sort of market. The White Hart attracts families but also provides live music and late nights.

Comment: Local live music helps fund other local businesses like fast food vendors and generates a multiplier effect within the surrounding area.

Q: Question regarding similar redevelopments at other pubs in Wellington's ownership which have not reopened including the Fox in Dalston and Bear in Camberwell.

A: (Mr Batchelor) I will get an update from Wellington.

Q: Will the pub remain as a pub and not be redeveloped?

A: (MR Bachelor) Wellington is a pub operator so the pub use will be maintained.

Q: What happens if the proposed model fails?

A: (Mr Williams) Planning permission would be required in order to change the use of the pub.

The chair brings to meeting to a close at this stage and thanks everyone for taking the time to come and informs the attendees that the minutes of this meeting will be made public to view.



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Committee	PLANNING COMMITTEE C	
Report Title	Demolition of the existing building and erection of a single storey building comprising a new church (D1 Use) and four storey building comprising 8 residential flats (C3 Use) with associated refuse, cycle storage, landscaping and amenity space at land attached to Evelyn Hall, Clyde Street, SE8.	
Ward	Evelyn	
Contributors	Patrycja Ploch	
Class	PART 1	01 August 2019

Reg. Nos. DC/18/110165

Application dated 17/12/2018

Applicant Peacock and Smith (on behalf of Bible Truth Church of God and Opes Real Estate Ltd)

Applicant's Plan Nos

Proposed Site Plan (Drawing No (000) 001 Rev B); Existing Floor Plan (Drawing No (000) 002); Existing Elevations (Drawing No (000) 003); Proposed Basement Plan (Drawing No (000) 101 Rev D); Proposed Section (Drawing No (000) 111 Rev D) received on 18th December 2018.

Proposed Site Plan (Drawing No (000) 100 Rev E); Proposed Ground Floor Plan (Drawing No (000) 102 Rev H); Proposed First Floor Plan (Drawing No (000) 103 Rev F); Proposed Second Floor Plan (Drawing No (000) 104 Rev F); Proposed Third Floor Plan (Drawing No (000) 105 Rev C); Proposed North (Drawing No (000) 106 Rev F); Proposed South & East Elevations (Drawing No (000) 107 Rev E); Proposed Contextual Elevations (Drawing No (000) 108 Rev C) received on 15th July 2019.

Background Papers

- (1) Core Strategy (2011)
- (2) Development Management Local Plan (November 2014)
- (3) London Plan (March 2016)

Designation

Core Strategy – Regeneration and Growth Areas, Flood Zone 2 and 3

1 SUMMARY

This report sets out officer's recommendation in regard to the above proposal. The report has been brought before members for a decision as permission is recommended to be approved and there are three or more valid planning objections.

2 SITE AND CONTEXT

2.1 SITE DESCRIPTION AND CURRENT USE

- 1 The application site is approximately 0.05ha plot located on the eastern side of Staunton Street next to the junction with Diana Close. Staunton Street is a no-through road, blocked to vehicular traffic at its southern end.
- 2 The existing building, Evelyn Hall, is single storey with a steeply pitched roof and was formerly known as the Evelyn Mission Hall. The building dates from the late 19th century. Officers understand it has been used a church (Use Class D1) by the current applicants since 1975. It serves a local need with the average attendance approximately 50 persons. The building is in poor repair, with some dilapidated outbuildings. It occupies only part of the site, the rest of which is undeveloped hard standing.
- 3 The application site is bounded to the east in part by the side garden of No 1 Diana Close but mostly by undeveloped land in the Council's ownership which the church have been using and maintaining for a number of years and beyond that the playground to Grinling Gibbons Primary School, the grounds of which wrap around along the southern boundary also. Across Staunton Street to the west is the Redeemed Christian Church of God, Bunnyhops Nursery and Dolphin Tower, which is 16 storeys high residential tower. To the north is a parking area for Diana Close, a residential cul-de-sac.

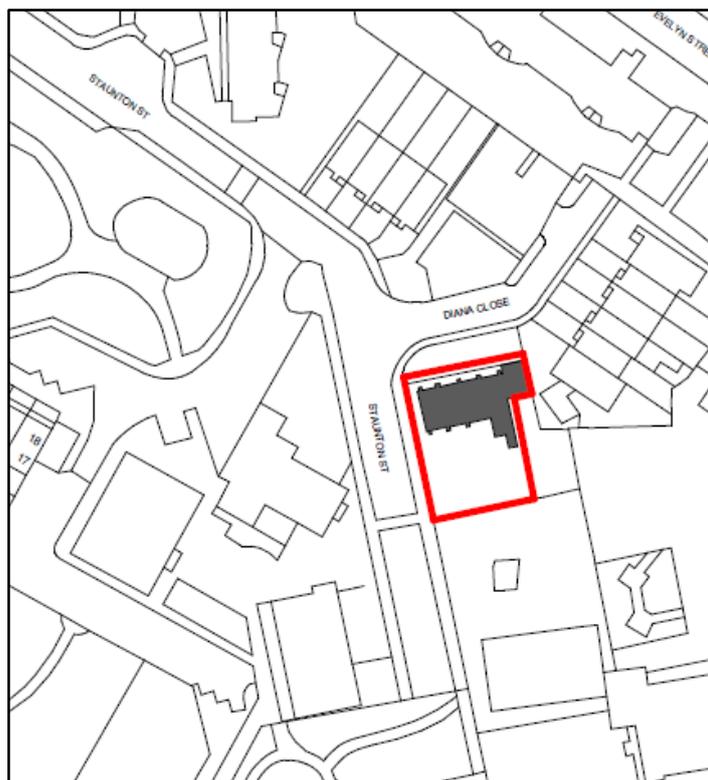


Image 1: Existing Location Plan

2.2 CHARACTER OF AREA

4 The surrounding area is characterised by a mix of architectural styles and scales, dominated by apartment blocks ranging from two to 16 storeys surrounded by a large areas of open space. There is a street tree on the corner of Staunton Street and Diana Close. The part of the school to the south is heavily vegetated.

2.3 HERITAGE/ARCHAEOLOGY

5 The application property is not a listed building and is not located in a conservation area. The site falls into an Area of Archaeological Priority. Although the building is a survivor of the mid-20th century clearances of the area, its present state means it is not considered a non-designated heritage asset.

2.4 SURROUNDING AREA

6 The site has good connectivity and is within a walking distance to Deptford High Street, which provides a number of local services such as shops, restaurants, takeaways and bars. The site also benefits from being in close proximity to areas of open space.

2.5 LOCAL ENVIRONMENT

7 The application site falls within Flood Zone 2 and 3 as per the Environmental Agency flood zone mapping.

8 The site is also within the Deptford Neighbourhood Forum area.

2.6 TRANSPORT

9 The application site has a Public Transport Accessibility Level (PTAL) rating of 3, which indicates 'Good' transport connectivity. There is no Controlled Parking Zone (CPZ) in place, with unrestricted on-street parking along the Staunton Street frontage.

10 The site is approximately 800m from Deptford High Street and Deptford Rail Station, served by South-eastern trains that provide regular connections to London Cannon Street. There is a bus stop 210m to the north that links the site to Liverpool Street, Russell Square, Canada Water and North Greenwich.

3 RELEVANT PLANNING HISTORY

11 On 21st December 2017 planning permission was refused for demolition of the existing church at Evelyn Hall, Staunton Street SE8 and the construction of a 3 storey building comprising a church on the ground floor with mezzanine level (196sqm) and 1 one-bedroom, 6 two-bedroom and 1 three-bedroom self-contained flats incorporating balconies, together with the provision secure cycle parking, refuse stores and associated landscaping (application reference DC/17/104014).

12 The application was refused for four reasons.

1. The proposal, by reason of excessive site coverage, roof form and large area of blank elevation would result in an incongruous, poorly designed

addition to the street scene, harmful to the character of the area, contrary to Policies 7.4 'Local character' and 7.6 'Architecture' of the London Plan (2016), Policy 15 'High design quality for Lewisham' of the Core Strategy (2011) and DM Policy 30 'Urban design and local character' of the Development Management Local Plan (2014).

2. In the absence of the proposed activities associated to the church including the size of the existing and proposed congregation, nature of activities, number of staff and visitor, worship and operating hours, the proposed development fails to demonstrate there will be no detrimental effect on local amenities contrary to Policy 44 'Places of worship' of the Development Management Local Plan (2014).
3. In the absence of a parking survey including the church activities, the proposal fails to demonstrate additional parking demand can be accommodated in the area and adequate cycle storage facilities can be provided for the future users and visitors, contrary to Policies 6.9 'Cycling' and 6.13 'Parking' of the London Plan, Policy 14 'Sustainable Movement and Transport' of the Core Strategy (2011), DM Policies 29 'Car parking' and 44 'Places of worship' of the Development Management Local Plan (2014).
4. The proposed communal cycle and waste storage area for the church and residential uses, by reason of its siting, close proximity to the ground floor residential windows and access arrangement would give rise to privacy and conflicts between the prospective occupiers, contrary to DM Policy 32 'Housing design, layout and space standards' of the Development Management Local Plan (2014).

13 There is no other planning history.

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSALS

14 The current full planning application, which is the subject of this committee report, is for demolition of the existing church building and the erection of a single storey building to provide a modern church and a four-storey building to provide eight residential units, together with amenity space, landscaping and the provision of secure cycle parking and refuse storage.

15 The new church would be located over two floors, basement and ground floor.

16 The residential part of the development will be set out over four floors and provide eight self-contained residential units of various sizes, including two 1-bed/2person units, five 2-bed/4-person units and one 3-bed/4-person unit.

17 Access to both the church and residential units would be from Staunton Street through separate entrances. The bin store would be located on the site elevation of the proposed residential unit and it would be shared between church and residential units.

4.2 COMPARISON WITH PREVIOUS SCHEME

- 18 The overall site coverage, scale, mass and design of the scheme has changed. The top floor of the proposed residential block has been set in substantially.
- 19 The current application is supported by a travel plan and a transport statement. These documents provide information on the size of the existing and proposed congregation, worship and operating hours, the proposed activities associated to the church.
- 20 Each reason for refusal and how it is overcome by the current proposal is addressed in Header 7 Planning Consideration, below.

5 CONSULTATION

5.1 PRE-APPLICATION ENGAGEMENT

- 21 The applicant submitted a pre-application enquiry in September 2018.
- 22 The issues that were discussed during the pre-application included but were not restricted to scale of building, mix of units, provision of neighbouring residents and provision of parking spaces and how the refusal reasons could be overcome. The design has developed in response to the advice given.

5.2 APPLICATION PUBLICITY

- 23 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 22nd January 2019.
- 24 The Council received 9 letters in objection. The table below provides a summary of the reasons for objecting to the application together with an officer response.

Table 1: Summary of objections

Ground of objection	Para where addressed
Scale, mass and design	
The proposed development would have excessive plot coverage and would result in incongruous, poorly designed addition to the street scene that is harmful to the character of the area.	Paragraph 79
Church	
There is no local need for a church.	Section 7.1.1 Section 7.3
The activities associated with the church including the size of the existing and proposed congregation, nature of activities, number of staff and visitor, worship and operating hours, throwing of summer events that run until late, the proposed development will have a detrimental effect on local amenities.	Section 7.1 Section 7.3

The use of the proposed church would generate unacceptable noise disturbance.	Section 7.7.4, paragraph 119
Impact on amenity of neighbouring uses	
The proposed development will be overlooking the children's playing space of the adjoining school from windows on the east and south elevation.	Section 7.7.2
Transport and parking	
The proposed development would add to the parking and traffic stress in the area and would have an adverse environmental impact on the local residents.	Section 7.6.1
The proposed cycle storage facilities are inadequate for the future users and visitors.	Section 7.6.2
Concerns with how the church will manage and enforce on using sustainable modes of transport instead of relying on the use of the car.	Section 7.6.4

25 A number of non-material planning considerations were also raised as follows:

- The plan view shows an area labelled as 'existing landlocked site' that belongs to the Grinling Gibbons Primary School. We would like to see plans for this as currently it has become filled with waste from the previous users of the site and has no boundary fenestration.
- The proposed development fails to consider wider implications and opportunities in the area.
- The applicant has failed to consult with neighbours, residents and local organisations in advance of the submission of the planning application.
- The proposed building due to its proximity to the southern boundary might affect the structural stability of the boundary wall.
- People behaving loudly after the service, loitering after the service and littering.

5.3 INTERNAL CONSULTATION

26 The Council's Highway Department was notified of the planning application on 22nd January 2019 and, raised no objections subject to conditions. See para 7.6 for further details.

5.4 STATUTORY CONSULTATION

27 The Environment Agency was notified of the planning application on 22nd January 2019 and raised no objections subject to conditions. See paragraph 128 for further details].

6 POLICY CONTEXT

6.1 LEGISLATION

28 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

6.2 MATERIAL CONSIDERATIONS

29 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.

30 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

31 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the test of reasonableness.

6.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance

6.4 DEVELOPMENT PLAN

32 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
- Draft London Plan (expect 2019): The Mayor of London published a draft London Plan on 29 November 2017 and minor modifications were published on 13 August. The Examination in Public commenced on 15 January 2019 and concluded on 22 May 2019. This document now has some limited weight as a material consideration when determining planning applications. The relevant draft policies are discussed within the report (DLPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013)

6.5 SUPPLEMENTARY PLANNING GUIDANCE

33 Lewisham SPG/SPD:

- Planning Obligations Supplementary Planning Document (February 2015)

34 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- Sustainable Design and Construction (April 2014)
- Character and Context (June 2014)
- Town Centres (July 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Housing (March 2016)

7 PLANNING CONSIDERATIONS

35 The relevant planning considerations are:

- Principle of Development
- Housing
- Social Infrastructure
- Urban Design
- Transport
- Impact on Adjoining Properties
- Sustainable Development
- Planning Obligations

7.1 PRINCIPLE OF DEVELOPMENT

General policy

36 The National Planning Policy Framework (NPPF) at Paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay, so long as they accord with the development plan.

37 The principle of development is whether the retention of the church facility and provision of housing on the adjacent land is appropriate for this location.

7.1.1 Demolition and re-provision of community facility

38 London Plan Policy 3.16 and Core Strategy Policy 19 seek to protect and enhance social infrastructure provision to meet the needs of its growing and diverse population. The NPPF also seeks to ensure that established facilities are able to develop and modernise in a way to is sustainable.

39 The proposal would result in complete demolition of the existing church building. The building is not statutory listed or locally listed, it is also not of any particular architectural or historic merit.

40 The replacement church has been designed as a bespoke, purpose built, high quality facility that would better suit the needs of the congregation and the local community. As such, there is no in principle of objection to the re-provision of the community facility.

7.1.2 Provision of residential accommodation

- 41 National, regional and local planning policies all indicate that development should aim to make the most effective use of land. Indeed, the London Plan makes housing a priority for London.
- 42 At present, part of the site proposed for residential development is un-developed. Residential use is the default use where there are no other policy protections established by regional and local policies.
- 43 The site is located in the area of borough where additional residential accommodation is encouraged. There is good access to public transport, schools, health facilities and general amenities.
- 44 In this context, the application seeks to optimise the development potential of the site, by providing additional residential accommodation.

7.1.3 Principle of development conclusions

- 45 In light of the above, the principle of the proposed development of the site is acceptable as it would optimise the use of the site and re-provide a better quality community facility, in accordance with the national and local planning policies on a well located site. This is considered a planning merit to which a substantial weight is given, subject to a planning condition requiring completion of the Church before occupation of the residential units. This is to mitigate the risk the Church is demolished and not replaced, since no case has been put forward for the loss of community facility.

7.2 HOUSING

- 46 This section covers: (i) the contribution to housing supply, including density; and (ii) residential quality.

7.2.1 Contribution to housing supply

Policy

- 47 National and regional policy promotes the most efficient use of land. London Plan outlines through Policy 3.3, 3.5 and 3.8 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported that are of the highest quality and of varying sizes and tenures in accordance with Local Development Frameworks.

Discussion

- 48 The scheme proposed 8 self-contained residential units of various sizes, including two 1-bed/2-person units, five 2-bed/4-person units and one 3-bed/4-person unit.
- 49 The proposed housing mix would provide of a range of housing sizes and contribute towards providing units for which there is an identified need.
- 50 Table 2 below sets out the measures of density criteria required by emerging DLPP D6 for all sites with new residential units.

Table 2: Measures of Density

Criteria	Value	Value/site area
Site area	0.05ha	-
Units	8	160 u/ha
Habitable rooms	23	460 hr/ha
Bedrooms	15	300 bedrooms/ha
Bedspaces	27	540 bedspaces/ha

Summary

- 51 The proposed would provide good quality and suitable housing mix of dwellinghouses to the optimum density the site can accommodate. The proposal is acceptable in terms of expectant housing provision and consistent with all relevant planning policies.

7.2.2 Residential Quality

Policy

- 52 New residential development are expected to provide a good standard of amenity for future occupiers in accordance with London Plan Policy 3.5, the London Housing SPD, Core Strategy Policy CS15 and Development Management Policy DM32.

Internal space standards

- 53 All of the proposed units would be well laid-out, and would either meet or exceed the national standards for floorspace and room size. Officers note that units 5, 6, 7, and 8 would under provide on the build in storage as required per the national standard. However, since these properties are slightly oversized this would not warrant reason for refusal as there is ample space within the property to offset the lack of compliance.

External space standards

- 54 Private open space should be provided in all new housing developments. London Plan Housing SPD, Standard 26 and 27 state that a minimum of 5sqm of outdoor space is provided for up to 1-2 person dwelling and an extra 1 sqm should be provided for each additional occupant.
- 55 All units have been provided with a private amenity space that have been designed to prevent overlooking, while also providing attractive outlook and access to light.
- 56 Units 3, 4, 5, 7 and 8 would marginally fail to provide the minimum size of private open space. However, as these units are slightly oversized they can offset the lack

of compliance internally. The policy also allows for exceptions where the site constraints make it impossible to provide private open space for all dwelling for that proportion of dwellings to be provided with additional internal living space equivalent to the area of the private open space requirement. Moreover, the residents would also have access to private communal amenity space at the back of the church building.

Outlook, Privacy and Ventilation

- 57 The outlook from the proposed units would be acceptable. The ground floor windows facing onto Staunton Street would be separated from the pavement by private garden. At first floor units 03 and 05 would have windows overlooking looking the flank wall of the Church building, however as these windows would be secondary windows, the overall outlook for these units would be good.
- 58 The submitted plans indicate that all the windows on the south elevation would be fitted with obscure glazing. This is to minimise any views over the school's playground. As these windows serve either non-habitable rooms or there is another window on a different elevation, officer do not object to this.
- 59 All units will benefit from adequate privacy. The units are in an urban context and there would be sufficient distance between the neighbouring properties and habitable room windows to provide an acceptable level of privacy.
- 60 Overheating and ventilation are material considerations. The proposed layout results in two single aspects units. These units would benefit from the large floor to ceiling height windows. Moreover, to improve ventilation the entrance doors into apartments 01, 02, 03 and 04 will all have an openable window above the door. The remaining flats would have adequate ventilation.

Daylight and Sunlight

- 61 The applicant did not submit a Daylight and Sunlight report with this application. However, officers have assessed the proposal and it is considered that the development would provide adequate levels of sunlight and daylight for future occupiers given the scale and siting of the buildings.

Noise & Disturbance

- 62 Part of the proposed development would be residential. This use is considered compatible with the surrounding area which is residential in nature. Given the quantum of development and the site being car free the proposed would not result in a materially harmful increase in noise or disturbance. The noise impacts arising from the adjoining D1 use are considered commensurate with the existing position and as set out below, a condition to control the operation of re-provided D1 Use is recommended for imposition.

Accessibility and inclusivity

- 63 London Plan Policy 3.8 and DLPP D5 require 10% of new build dwellings to be wheelchair accessible as per Building Regulation requirement M4(3).

64 The ground floor units could be reasonably provision for a wheelchair user to live in the dwelling and use any associated private outdoor space and communal facilities that are provided for the use of the occupants.

7.2.3 Housing conclusion

65 To conclude, officers are satisfied that the quality of residential accommodation would be acceptable. Whilst some the units would fail to meet the requirement for built-in storage and private amenity space, these flats are oversized and could accommodate for the shortfalls internally.

7.3 SOCIAL INFRASTRUCTURE

66 The principle of the use has been established at paragraph 7.1.1. National, regional and local policies seek to protect and enhance social infrastructure provision to meet the needs of its growing and diverse population. Places of worship are key community facilities, which offer significant opportunities to support the well-being and social cohesion of communities.

67 Following the public consultation, comments were received from neighbours raising concern that the church use would have detrimental impact on the amenities in the local area. The letters received also questioned whether there is a need for the church.

68 The existing Evelyn Hall has been in operation as a church (Use Class D1) since at least 1975. It was previously known as Mission Hall since the late 19th century, indicating a religious use since its construction. This shows that the church use has been established a long time ago. As such there are no planning control over the use of the land for this purpose. The site serves a local need with the average attendance and capacity of worshippers being approximately 50 persons.

69 The existing floorspace of the church is 141sqm. The replacement church would be of high quality to suit the current needs of the congregation. The existing church location and scale would be largely preserved by the proposed development. The replacement church would have the same floorspace as the existing church. However, it would be located over two floors, basement and ground floor. The basement level would comprise a church office and toilets. The ground floor area would comprise an entrance lobby and the church.

70 It is considered that as the church would have the same floorspace as the existing and given that it would be constructed in modern materials and subject to building regulation requirement there would be no additional sound issues beyond the one that are currently being experienced.

71 The proposed facility would also serve as a local community centre. The building would provide community access for voluntary and community groups at rates the same as equivalent local authority controlled community facility in the local area. This would be secured by a way of planning obligation.

72 The current hours of operation will be similar to the hours of operation in the new facility. It is recommended that a condition be added to limit the hours of operation of the church to maintain the amenities of the area.

7.4 URBAN DESIGN

General Policy

- 73 The NPPF at para 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 74 Urban design is a key consideration in the planning process. Part 12 of the NPPF (2019) makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 75 London Plan (2016) Policies 7.1-7.7 (inclusive) and Core Strategy (2011) Policy CS15 reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.
- 76 Further to this, the Development Management (2014) DM Policy 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.

7.4.1 Layout, form and scale

- 77 The scale of development is appropriate for the area, and would be a positive contribution to the appearance of the street.
- 78 Complete demolition of all buildings on site is proposed. There is no objection to this, as the building is not of particular architectural or historic merit. The proposed scheme would provide two new buildings, comprising a two storey church and a four storey residential block of flats.
- 79 Concern has been raised by neighbours about the footprint of the buildings. The proposed development would infill the plot boundaries, increasing the footprint from the existing building. The replacement building would be extended to the north-west corner of the site to allow for the set back of the mass from neighbouring buildings located on Diana Close to provide better outlook and create amenity space at the rear of the church.
- 80 The proposed residential building would be set flush with the front boundary and would be set in from the side boundary to allow access. The site is in a dense, urban area. The plot coverage is appropriate and would not represent overdevelopment of the site.
- 81 Officers consider the new active frontage, including residential front doors, as a planning merit, improving the appearance of the area and increasing passive surveillance.
- 82 The top floor of the proposed residential block has been set in substantially from all elevation of the building, reducing the prominence of the top storey in the street scene. This would help the building to achieve an appropriate relationship to the other buildings in the surrounding area.

7.4.2 Appearance and character

- 83 The design of the building is appropriate for its location.
- 84 The proposed residential block would be of contemporary design. The full height glazing gives rise to an attractive elevation. At ground floor the low boundary wall and soft landscaping are used to achieve privacy, screening and a small amount of urban greening. The proposed palette of materials, which relies heavily on the use of a grey (Weinerberger forum smoked branco) brick, anthracite grey aluminium windows and grey cladding panels for the top level, effectively breaks up the massing of the building. The proposed materials are of a high quality and would work effectively together to provide a highly contemporary, interesting and attractive building. Given the simplicity of the building, it is necessary to see some further details including securing deep window reveals.
- 85 The design of the church is simple, minimalistic and contemporary. The use of limited palette of materials (artificial stone cladding with darker cladding to be used around the main entrance) from this building and the use of the tall windows would break down the elevation and create an attractive and welcoming building. A cross-shaped cut on the front elevation clearly indicated the function of the building and it is considered an attractive feature.

Urban design conclusion

- 86 The proposed development would create two new buildings that would be of high quality and would have a positive effect on the image of the surrounding area. To ensure the high quality of design, it is recommended that a condition is added to secure materials and details such as depth of window and door reveals, details of brickwork headers and soldier courses and window frames (including the means of opening, to address the risk of loss of privacy to the south), both to the Church and to the residential units.

7.5 LANDSCAPING

- 87 The proposal includes landscaped areas to the front and rear of the site. The applicant has not submitted a landscaping plan with this application. The detail of soft landscaping would be secured by condition.
- 88 The proposed development would also result in a remove a tree on the corner off Diana Close. The proposed replacement church would be built a lot closer to the north-west corner of the site. The distance and the proposed foundation depth means that the tree is unlikely to survive. This tree is outside the redline area. Officers are mindful of the site and its setting, and it is considered that the proposal should provide a contribution to address re-planting of additional trees to replace the one that would be lost by way of a planning obligation. A Head of Term is below.

7.6 TRANSPORT IMPACT

7.6.1 Car parking

- 89 The Council, in line with the London Plan and NPPF policies, takes a restrictive approach to private car parking provision in order to promote use of sustainable

modes of transport. Parking should comply with the standards of the London Plan, as shown in Table 6.2 of the Parking Addendum.

- 90 The development would be car-free and would not provide any vehicular access. In order to understand the existing parking level on the roads surrounding the site the applicant has prepared and submitted a transport statement. As part of the transport statement a parking street survey has been carried out. The parking levels were measured on a Tuesday and Sunday when a church service was being held.
- 91 The report confirms that on a Tuesday evening when the majority of the residents living in the area would have returned from work, the parking stress level was at 86%. On average there was a total of 10 spaces available within the study area.
- 92 On Sundays, throughout the entire duration of the Sunday survey there were only two time periods where any of the streets were fully utilised. This being Diana Close between 10am – 10:30am and Dorking Close at 2pm. The average parking stress across the unrestricted kerb space within the survey area is 79%. On average there was a total of 26 spaces available within the study area.
- 93 From looking at the result of the parking survey, officers are of view that it has been sufficiently demonstrated that the area provides some capacity for further parking. To ensure that the development does not add to the parking stress, it is recommended that a condition is added preventing future residents from obtaining a parking permit. Furthermore, the applicant would be required to provide all residents with a car club membership in line with the adopted Planning Obligation SPD.
- 94 The Highway Officer noted that the installation of waiting restrictions to facilitate service vehicle access to the site, will significantly reduce the amount of available on-street parking. It was recommended that a contribution should be sought towards extending the existing Deptford Town Centre CPZ, and the residents of the development should be exempt from obtaining permits in any future CPZ. The applicant would also be required to provide a car club membership for residents for a period of at least 3 years. Officers agree with this recommendation.

7.6.2 Cycle parking

- 95 Cycle parking standards are set out in Table 6.3 of the Parking Addendum to Chapter 6 of the London Plan.
- 96 The proposed development would comprise of two one-bed, five 2-bed and one 3-bed units. The new church would have 141sqm GIA and would have similar capacity to the existing.
- 97 The standard required 14 cycle parking spaces for the residential use and 3 cycle parking spaces for church. The proposed development would provide 17 secure cycle parking spaces at the rear of the church building. These cycling spaces would not be fully enclosed or covered.
- 98 The proposed scheme would provide acceptable level of cycle parking in relation to the standards set out in the London Plan to meet residential and long-term cycle parking needs. A condition is recommended seeking that the cycle parking is

provided in a fully enclosed and covered space. The officers would like to see the design of any enclosures at the site.

7.6.3 Servicing and refuse

- 99 DM Policy 29 requires new development to have no negative impact upon the safety and suitability of access and servicing.
- 100 Standard 22 and 23 of the London Plan Housing SPG provides guidance on refuse for new residential development and references the British Standard BS5906:2005.
- 101 A refuse area of approximately 3.5sqm is proposed on the site elevation of the residential unit. The bin storage would open on the on the amenity space between the church and the proposed building. The servicing would be provided from the kerbside of Staunton Street from the communal bin store to a designated collection point close to the church entrance. Both uses would share the bins.
- 102 The submitted swept analysis demonstrates that the Lewisham size refuse vehicle is capable of serving the site and that the maximum distance the bins would need to be wheeled from the refuse vehicle operators is 6.5m.
- 103 The proposed refuse and servicing arranged are therefore acceptable and in accordance with London Plan guidance.

7.6.4 Transport modes

- 104 Concern has been raised by neighbours about the travel patterns of the worshippers. This section assess whether there are viable alternative to the use of private car.

Walking and cycling

- 105 The existing pedestrian network near the site is considered adequate and provides access to the range of services and local facilities in the proximity of 2km. The existing routes are wide, lit footways along the majority of routes to nearby local facilities.
- 106 Moreover, there are two cycle routes National Route 4 and 21 are easily accessible from the site making cycling an attractive and realistic travel option in the local area.
- 107 The Council's Highway Officer reviewed the submitted information and considers that it would be necessary for the developers to enter into a legal agreement with the council to make alterations or improvements to a public highway, as part of a planning application. The improvement that would be sought includes improvements to the crossing, pedestrian facilities at the Staunton Street / Diana Close junction.

Public transport

- 108 The site is approximately 800m from Deptford High Street and Deptford Rail Station, served by South-eastern trains that provide regular connections to London

Cannon Street. There is a bus stop 210m to the north that links the site to Liverpool Street, Russell Square, Canada Water and North Greenwich.

Car clubs

- 109 The application site has access to several car club bays within walking distance. The closest car club is a 7 minute walk from the site on Octavius Street.

7.6.5 Transport impact conclusion

- 110 For these reasons, subject to recommended conditions and the entering into of a relevant section 106 agreement by the applicant with the Council, any impacts upon parking space capacity in the area, and congestion within the surrounding local highways, are considered to be acceptable. The proposal is considered to be consistent with CS Policy 14 and the higher aforementioned planning policy.
- 111 The Transport Statement and Travel Plan sufficiently demonstrated that there are other viable travel options to the use of private car. The use is established and the application does not propose to increase the size of the congregation or the floorspace of the church. The submitted travel plan would encourage the churchgoers to use sustainable modes of transport reducing the impact on the need to travel by car. The proposed development would reduce car dependence, provide good quality cycle parking spaces. As such, it is considered that, in relation to transport issues, the proposed development should be supported.

7.7 IMPACT ON ADJOINING PROPERTIES

General Policy

- 112 The NPPF (para 127 and 180), London Plan Policies 7.4 and 7.6, Core Strategy Policy CS15 and Development Management Policy DM 32 require new residential development should be neighbourly and not result in adverse impacts on the amenities of nearby properties, providing a satisfactory level of privacy, outlook and natural lighting both for its future residents and its neighbours.

7.7.1 Enclosure and Outlook

- 113 The location, mass and height of the buildings would mean that they would be in view from the neighbouring properties. However, given the separation distances between the proposed buildings and existing neighbouring windows and gardens, the development is would not result in an unacceptable sense of enclosure and loss of outlook.

7.7.2 Privacy

- 114 The proposed could have potential privacy impact upon neighbouring occupants, in particular the Grinling Gibbons Primary School to the east and south of the site and the existing houses on Diana Close to the east.
- 115 Concern has been raised by neighbours about overlooking of the children's playing space at Grinling Gibbons Primary School. Officers note that there is no policy protection afforded to school playgrounds in terms of overlooking from residential units. The existing school playground is also overlooking by the properties on Diana Close and from the flats within the residential tower. Nevertheless there is a

general principle of public safety being part of the public interest basis of planning controls.

116 The windows in the rear elevation would serve principal habitable rooms and be approximately 10m from the boundary, which is a high brick wall. Therefore the part of the playground that would be visible behind this wall is significantly farther away than 10m. It is considered that this would not warrant a reason for refusal. When the children are inside the building the distance between the rear elevation of the proposed residential building and the school would be approximately 59m. The applicant proposed that the windows on the south elevation are to be fitted with obscure glazing to minimise any views. It is recommended that a condition be added to this effect.

117 The separation distance between the proposed residential block of flats and the properties on Diana close would be sufficient to prevent a loss of privacy.

7.7.3 Daylight and Sunlight

118 There is no daylight and sunlight report submitted with this application as the relationship between the proposed building and adjoining residential windows and amenity space is such that no material harm would be likely to arise. Officers have assessed this relationship again and reach the same conclusion as before.

7.7.4 Noise and disturbance

119 The proposed development would retain the Church use and introduce residential use. It is not considered that the continued use of the site as the church would give rise to any additional noise and disturbance. The replacement church having the same floorspace as the existing. The new building would also be of higher quality with double glazed windows helping to prevent noise egress. Conditions are recommended to control the hours of use of the Church and to control the impact of amplified music on local residents.

120 The residential use is compatible with the surrounding area. A condition is recommended to control the installation of any building mounted or free standing lights to the rear of the site where it is close to No.1 Diana Close, to prevent harmful light pollution.

121 Given the quantum of development and the site being car free the proposal would not result in a materially harmful increase in noise or disturbance.

7.7.5 Impact on neighbours conclusion

122 The proposed development would have no harmful loss of daylight, sunlight, privacy, outlook, noise and light impact upon the neighbouring properties.

123 As stated above, it is recommended that a condition is added to ensure that the windows in the south elevation are fitted with obscure glazing and be non-openable.

7.8 SUSTAINABLE DEVELOPMENT

General Policy

124 The NPPF (para 148) sets an expectation that planning will support transition to a low carbon future. Contributing to conserving and enhancing the natural environment and reducing pollution is a part principle for planning.

7.8.1 Urban Greening

Policy

125 The proposal would offer some landscaping. In accordance with DMP25 it is recommended that further details of soft and hard landscaping are conditioned. Officers will seek to ensure this includes areas of permeable surfacing to assist in surface water mitigation.

7.8.2 Flood Risk

Policy

126 London Plan 5.12, DLPP SI and Core Strategy CS10 require new development to minimise flood risk and suitably protect new development from known flood risk.

Discussion

127 The application site is located in flood zone 2 and 3 on Environmental Agency flood zone mapping. However, due to the protection afforded to the site by floor defences along both the River Thames and the Thames Barrier, the flood risk to the site is low.

128 The Environment Agency has reviewed the submitted flood risk assessment and concluded that the proposed development would meet the requirement of the NPPF provided that the measures detailed in the Flood Risk Assessment dated 13th May 2019 (reference 70105R3) are implemented and secured by a way of a planning condition.

129 It is recommended that a condition requiring the ground floor finished floor level to be no lower than 3.8m above Ordinance Datum (mAOD) is added to this effect.

8 LOCAL FINANCE CONSIDERATIONS

130 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

- 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
- sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

131 The weight to be attached to a local finance consideration remains a matter for the decision maker.

132 The CIL is therefore a material consideration.

133 £66,000 Lewisham CIL and £23,100 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the

applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

9 EQUALITIES CONSIDERATIONS

134 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

135 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

136 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

137 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

138 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

139 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further

information and resources are available at:
<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

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

10 HUMAN RIGHTS IMPLICATIONS

141 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Article 8: Respect for your private and family life, home and correspondence
- Article 9: Freedom of thought, belief and religion
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

142 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

143 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

144 This application has the legitimate aim of providing a new building with community and residential use. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

11 LEGAL AGREEMENT

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

- (a) Necessary to make the development acceptable

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

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

147 Heads of terms have been agreed with the applicant:

1. Community Access Plan demonstrating how community access to the facilities available at the church would be given to the local groups and how it will be managed.
2. Contribution of £1,700 for re-provision of a street tree of similar size to the one that would be removed and maintenance cost for upkeep of the tree for three years post planting.
3. Free car club membership for future occupants, one membership per household for three years from first occupation;
4. Contribution of £5,000 towards the consultation to consider if a controlled parking zone should be extended.
5. Contribution of £2,500 towards highway improvement/reinstatement works of Staunton Street to improve pedestrian access to the site and to improve pedestrian route between the application site and the nearest bus stop.

148 Officers consider that the obligations outlined above are appropriate and necessary in order to mitigate the impacts of the development and make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

12 CONCLUSION

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

150 The proposed scheme presents several planning merits: 1) the re-provision of bespoke, purpose build and high quality community facility, 2) the optimal use of otherwise redundant land south of the church for residential purposes, 3) the provision of a range of appropriate dwellings sized to meet the local need, 4) provision of homes in a sustainable urban location with good access to public transport, local services and amenities. Substantial weight is given to these merits.

151 The scheme has been well designed and would not harm the character or appearance of the wider area.

152 Officers considered that the proposed would result in some overlooking of the Grinling Gibbons Primary School to the east of the site. However, given that there is no policy protection afforded to school playgrounds in terms of overlooking from residential units and officers are satisfied that the general principle of public safety

would be satisfied. The proposed development would be located at a sufficient distance. The weight attributed to this harm does not outweigh the benefits of the scheme.

153 For these reasons, it is recommended that the development is approved.

13 RECOMMENDATION

154 That the Committee resolve to **GRANT** planning permission subject the following conditions and informatives:

13.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

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

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

2) APPROVED PLANS

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

Proposed Site Plan (Drawing No (000) 001 Rev B); Existing Floor Plan (Drawing No (000) 002); Existing Elevations (Drawing No (000) 003); Proposed Basement Plan (Drawing No (000) 101 Rev D); Proposed Section (Drawing No (000) 111 Rev D) received on 18th December 2018.

Proposed Site Plan (Drawing No (000) 100 Rev E); Proposed Ground Floor Plan (Drawing No (000) 102 Rev H); Proposed First Floor Plan (Drawing No (000) 103 Rev F); Proposed Second Floor Plan (Drawing No (000) 104 Rev F); Proposed Third Floor Plan (Drawing No (000) 105 Rev C); Proposed North (Drawing No (000) 106 Rev F); Proposed South & East Elevations (Drawing No (000) 107 Rev E); Proposed Contextual Elevations (Drawing No (000) 108 Rev C) received on 15th July 2019.

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) DESIGN QUALITY - MATERIALS

(a) Notwithstanding the details shown on the drawings hereby approved, prior to the construction of the building, detailed schedule and specification (including manufacturer's literature) of materials to be used in the external elevations and surfaces, shall be submitted to and approved in writing by the local planning authority. The development

shall be carried out in accordance with the approved details. The following details are required:

- Walls (brick type, brickwork bond and mortar type and pointing method), reveals, cills, windows and doors (including their vents, surrounds etc)
- Soffits, copings rain water goods,
- Cladding, roofing, boundary treatment/ enclosures / retaining walls;
- Planters

Reason: To ensure that the high design quality demonstrated in the plans and submission is delivered and that that local planning authority may be satisfied as to the external appearance of the buildings and structures hereby approved and to comply with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policies 30 Urban design and local character and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens.

4) PROTECTING RESIDENTIAL PROPERTIES FROM NOISE

- (a) The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAm_{ax} (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to achieve levels not exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472.
- (b) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.
- (c) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas and DM Policy 44 Places of worship of the Development Management Local Plan (November 2014).

5) OBSCURED GLAZED WINDOWS

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), all the windows to be installed in the south elevation of the residential building as per detailed hereby approved shall be fitted as obscure glazed and retained as such in perpetuity.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards and, DM Policy 32 Housing design, layout and space standards, of the Development Management Local Plan (November 2014).

6) SOFT LANDSCAPING

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

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

7) EXTERNAL LIGHTING

- (a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.
- (b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and be retained permanently.
- (c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

Reason: In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

8) USE OF FLAT ROOF

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roof on the building hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions and, DM Policy 32 Housing design, layout and space standards, of the Development Management Local Plan (November 2014).

9) HIGHWAY IMPROVEMENT

(a) No development (excluding demolition and site clearance) shall commence until the written confirmation of the Local Highway Authority certifying the completion of an agreement pursuant to section 278 of the Highways Act 1980 ('the Agreement') to allow for the execution of the following works to the highway (including drawings and specifications):

- i. Highway improved/reinstatement works of Staunton Street to improve pedestrian access to the site, The works should include improvement to the crossing / pedestrian facilities at the Staunton Street / Diana Close.
- ii. Improving the pedestrian route between the application site and the nearest bus stop on Evelyn Street to encourage sustainable trips to and from the site.
- iii. Installation of waiting restrictions to facilitate servicing of the site (as per submitted swept path drawings with in the Transport Statement).

(b) The residential dwellings hereby approved shall not be occupied until a completion certificate has been provided by the local highway authority certifying the highways works defined in the Agreement have been completed to their satisfaction and submitted and approved in writing by the local planning authority.

Reason: In order to ensure that satisfactory on-street parking is provided to mitigate adverse parking displacement impacts, to ensure that the development does not prejudice the availability of existing parking supply to neighbouring residents and congest the free flow of traffic along the neighbouring highway and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011) and Policy 29 Car Parking

within the Development Management Local Plan (2014). This is a pre-commencement condition because the local planning authority needs to be satisfied that the proposed and required Highways works necessary to mitigate adverse impacts of the development are satisfactorily designed before development starts.

10) CYCLE PARKING

(a) The building hereby authorised by this planning permission shall not be occupied until the dimensions, surface materials, dry cover space, and stand type of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.

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

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

11) REFUSE STORAGE:

(a) Notwithstanding the detail shown on the drawings hereby approved, prior to the commencement of the use hereby permitted, detail of waste and recycling storage, disposal and collection of refuse and recycling facilities to serve the development shall be submitted to and approved in writing by the local planning authority. Specifically, details of the location of food waste collection facilities, and how all refuse and recycling facilities are to be managed by way of provision of a statement detailing who is to be responsible for the transfer of the communal refuse and recycling storage units to the street for collection.

(b) The approved details shall be carried out in full prior to occupation of each phase of development and retained for the lifetime of the development.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse disposal, storage and collection, in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

12) FLOOD RISK MITIGATION

All finished flood levels of the houses hereby approved must be no lower than 14.88m above ordinance datum, in accordance with the letter from Ardent Consulting Engineers dated 13th May 2019, and retained as such for the lifetime of the development.

Reason: To ensure the proposed houses within the former school building are appropriately protected from flood risks present at the site, in accordance with Policy 10 Managing and reducing the risk of flooding of the Lewisham

Core Strategy (2011) and Policy 5.12 Flood risk management of the London Plan (2016).

13) OPENING HOURS

The church building shall only be operational between the hours of 18:00 and 22:00 on Tuesday, Thursday and Friday; 10:00 and 12:00 and 18:00- 22:00 on Saturday; and 10:30 and 15:00 and 18:00 and 22:00 on Sunday or any hours that form part of a community use arrangement that may be agreed in writing beforehand with the Local Planning Authority as part of a planning obligation

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 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014) (delete inappropriate policies)

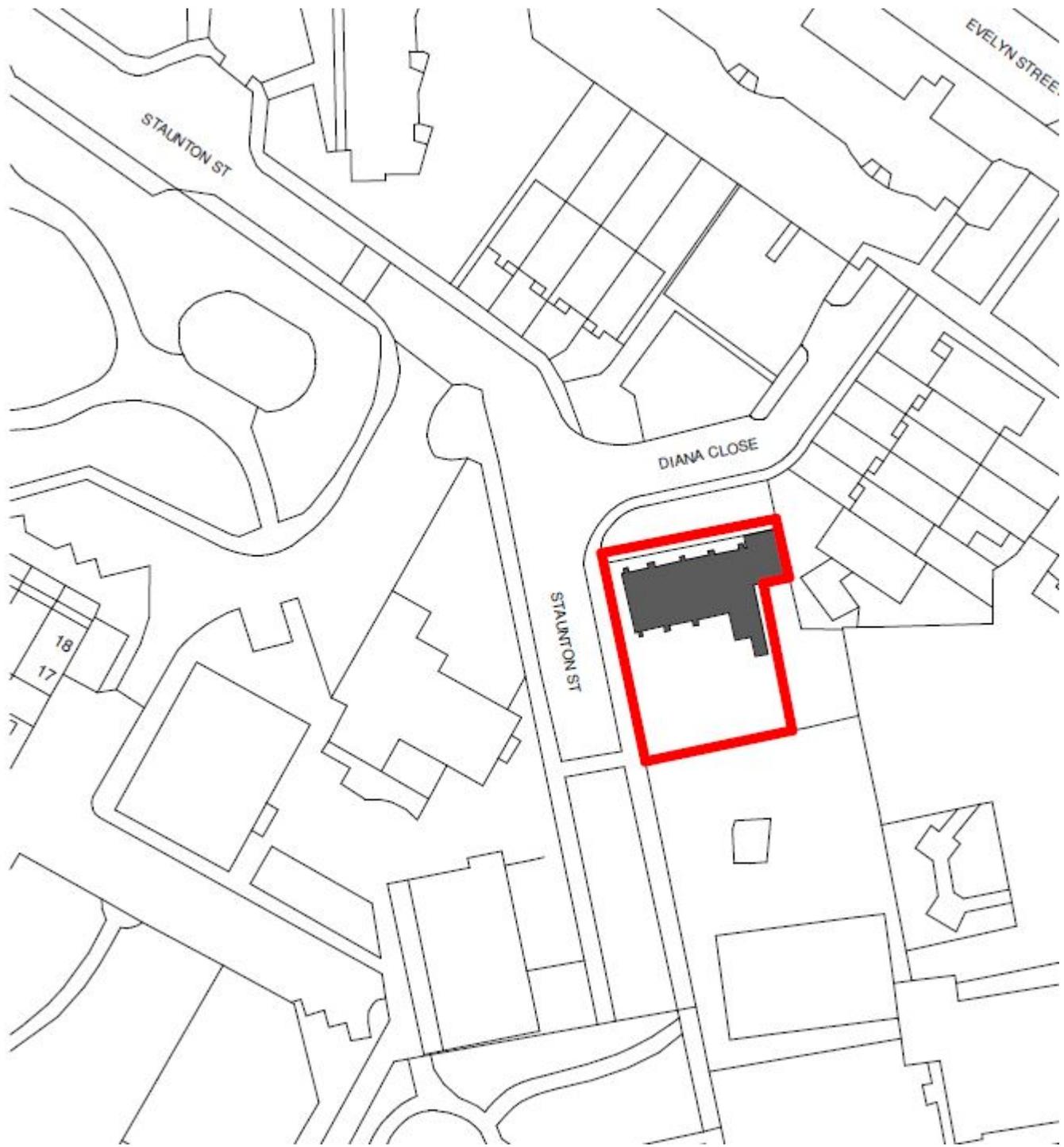
13.2 INFORMATIVES

- 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 discussions took place which resulted in further information being submitted. The application was the subject of pre-application meeting discussions, and further amendments to the design were made during the processing of the application to improve the quality of design of the building.
- 2) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which would be payable on commencement of the development. Before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myserVICES/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- 3) The applicant is advised that to compliance with condition 5 will require the applicant to enter into an agreement with Lewisham Highways pursuant to section 278 of the Highways Act 1980, and pay for the costs of amending the Traffic Regulation Order governing the Lee Green Controlled Parking Zone which will be amended by complying with the conditions of the scheme.
- 4) The applicant is reminded that working hours and the operation of construction machinery and equipment is restricted to the following hours:

Monday – Friday: 8am – 6pm
Saturday: 8am – 1pm

Sunday and Bank Holidays: No operation of construction machinery and equipment permitted.

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Committee	PLANNING COMMITTEE C	
Report Title	30 VICARS HILL, LONDON, SE13 7JL	
Ward	Ladywell	
Contributors	Alfie Williams	
Class	PART 1	01 AUGUST 2019

<u>Reg. Nos.</u>	DC/19/111930
<u>Application dated</u>	16.04.19 revised on 02.07.19
<u>Applicant</u>	Matthew Farrar and Lauren Lamont
<u>Proposal</u>	The construction of a hipped roof extension to the flat roof of 30 Vicars Hill, SE13, together with the construction of two dormers to the rear roof slope, the installation of two rooflights, the resizing of one rear window at first floor, the painting of the pebble dash and the installation of replacement timber windows in the rear elevation.
<u>Background Papers</u>	(1) The London Plan (2) Core Strategy (3) Development Management Local Plan
<u>Designation</u>	Brockley Conservation Area
<u>Screening</u>	N/A

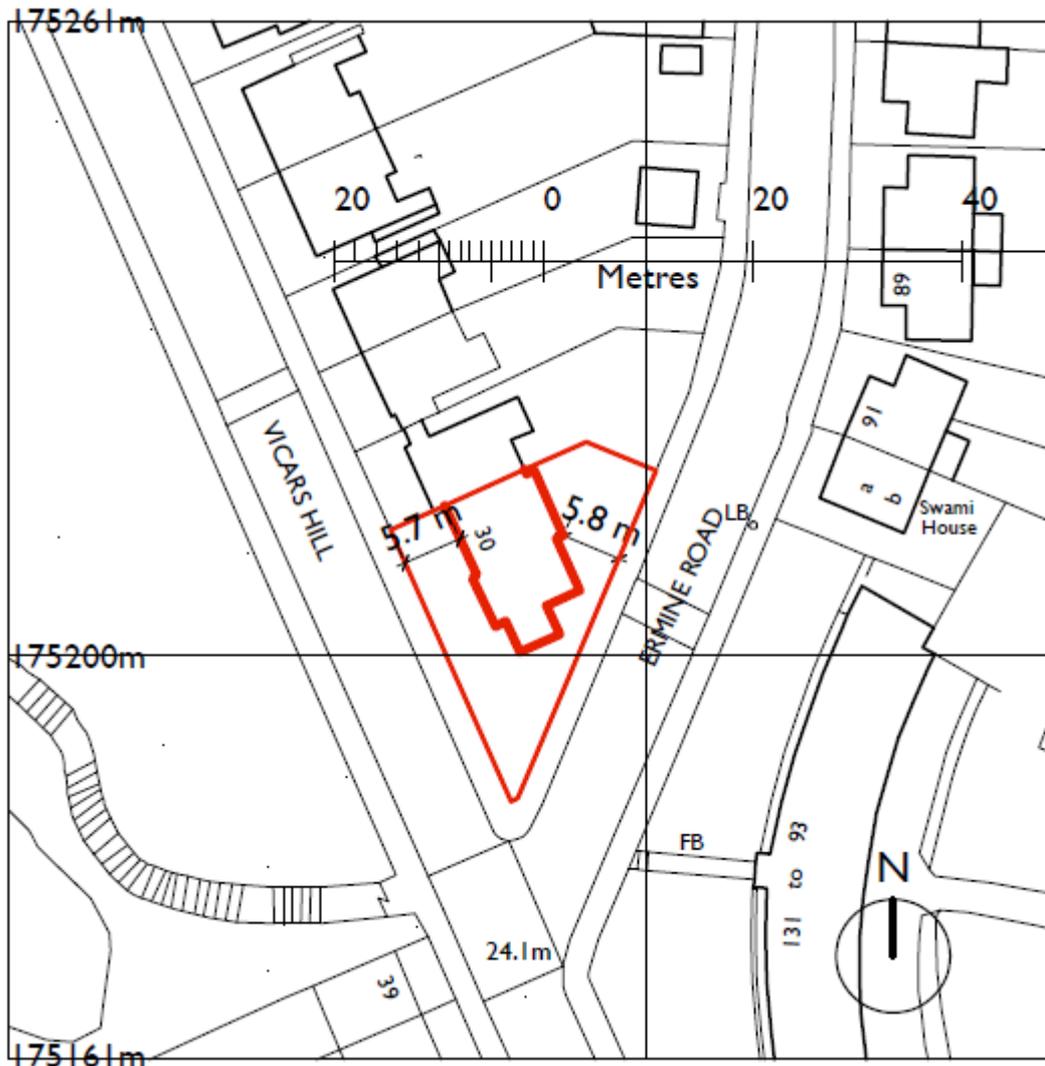
1 SUMMARY

- 1 This report sets out Officer's recommendation for the above proposal. The report has been brought before members for a decision as the recommendation is to APPROVE and there is a valid planning objection from an amenity group

2 SITE AND CONTEXT

2.1 SITE DESCRIPTION AND CURRENT USE

- 2 The site is located on the east side of Vicars Hill, north of its junction with Ermine Road. It is a two storey (plus lower ground floor at rear) semi-detached Victorian house.
- 3 The property is converted into flats. The application relates to the first floor flat.



Site location plan: not to scale

2.2 CHARACTER OF AREA

- 4 The area is residential in character, however the age and design of properties varies. This property is characteristic of others immediately to the north, which are likely to have been developed at the same time, however each property varies from its neighbours.
- 5 Hilly Fields Park is opposite.

2.3 HERITAGE/ARCHAEOLOGY

- 6 The site is within the Brockley Conservation Area. The property is not and nor is it close to any listed buildings.

3 RELEVANT PLANNING HISTORY

- 7 Planning permission was granted in March 2013 for a two storey side extension (LPA ref DC/13/08048). The works have been completed.

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSALS

8 The main change is to the roof to the front, adding a hipped roof to the existing flat roof. At the rear two dormer windows are proposed. Two rooflights would be added to the flat part of the main roof. A window on the first floor rear elevation would be resized and replaced in timber.

5 CONSULTATION

5.1 APPLICATION PUBLICITY

9 Site notices were displayed on 29 May 2019 and a press notice was published on 29 May 2019.

10 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 23 May 2019.

11 One response was received, comprising one objections, from the Brockley Society.

5.1.1 Objections

Material planning consideration	Para where addressed
Harm to character and appearance of property and Conservation Area, due to the front roof extension.	See paras 27 to 32 34

5.2 INTERNAL CONSULTATION

12 The following internal consultees were notified on 23 May 2019.

13 Conservation: raised no objections but minor alterations to the rear dormers and windows were requested in addition to the removal of a rooflight in the front roofslope. The proposed development has been revised to reflect their comments.

6 POLICY CONTEXT

6.1 LEGISLATION

14 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

15 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

6.2 MATERIAL CONSIDERATIONS

- 16 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.
- 17 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.
- 18 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the test of reasonableness.

6.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance

6.4 DEVELOPMENT PLAN

19 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
- Draft London Plan (expect 2019): The Mayor of London published a draft London Plan on 29 November 2017 and minor modifications were published on 13 August. The Examination in Public commenced on 15 January 2019 and concluded on 22 May 2019. This document now has some limited weight as a material consideration when determining planning applications. The relevant draft policies are discussed within the report (DLPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013)

6.5 SUPPLEMENTARY PLANNING GUIDANCE

20 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Brockley Conservation Area Supplementary Planning Document (December 2005)

7 PLANNING CONSIDERATIONS

21 The main issues are:

- Principle of Development
- Urban Design and Impact on Heritage Assets

- Impact on Adjoining Properties

7.1 PRINCIPLE OF DEVELOPMENT

General policy

- 22 The Development Plan is generally supportive of people extending or altering their homes. The principle of development is supported, subject to details.

7.2 URBAN DESIGN AND IMPACT ON HERITAGE ASSETS

Policy

- 23 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 24 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset's conservation, when considering the impact of a proposed development on the significance of a designated heritage asset. Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.
- 25 CSP 15 and 16, DMLP 30, 31 and 36 and the provisions of the Alterations and Extensions and Brockley Conservation Area SPDs are relevant.
- 26 The NPPG highlights the necessity of attention to detail for achieving high quality design.

Discussion

- 27 The Brockley Society has raised concerns about the front roof extension. Specifically they have commented that the resulting roof would be bulky and top heavy, with an overly flat roof frontage. They have drawn attention to the prominence of the site and the resulting impact on the local streetscape.
- 28 The application site includes all of the land around No. 30 (see site location plan above, at para 3) which is a prominent site; however, the works are limited to the northern part of the building. This part is not prominent, with foliage screening it from all but close views from the south. Without foliage, views up the hill to the front extension would remain limited to long views at an acute angle. Officers conclude this is not an especially prominent part. The gable end of the existing roof, however, is highly prominent, and it is proposed that this be repainted.
- 29 Policy DMP31(2)(b) resists roof extensions to the street frontage in favour of rear extensions. In this case the roof extension would be sympathetic to the design of the original house, with roof pitches that match the existing. There would be a flat roof frontage as a consequence, but this would be less obvious than the existing flat roof and would be part of a crown roof. DMP31(2)(b) notwithstanding, DMP31(1) supports roof extensions which are of high, site specific, and sensitive design quality. The front extension would, in Officers' opinion, achieve that.
- 30 The house itself is not of special significance as a heritage asset and its value is its part of a group of properties stretching along the east side of Vicars Hill northwards, built in 1910. These have similar characteristics in the Arts and Crafts style but are not uniform. Instead, they share defining characteristics rather than identical forms, with clay tile

roofs, sash windows, pebbledash and terracotta detailing which contrasted with the red brick. Some (Nos. 48 and 52) appear to have original crown roofs. Others have been altered in an unsympathetic manner (Nos. 34 and 36).

31 The other elements of the proposal are acceptable: the two dormer windows are suitably sized, well proportioned and well positioned on the rear roof slope. The changes to the windows would see two existing uPVC frames replaced with timber. One of the windows would be reduced in size by a small degree. The painting of the pebble-dash would be acceptable, subject to a condition on the colour.

32 Officers consider that the current proposal would lead to no harm to the Brockley Conservation Area. As such, it is not necessary to consider wider public benefits of the proposal.

Summary

33 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would preserve or enhance the character or appearance of Brockley Conservation Area. A condition is recommended to secure details of the roof tiles and in particular the hip tiles and the eaves, fascia, soffit and guttering, due to the location of the extension.

7.3 LIVING CONDITIONS OF NEIGHBOURS

Policy

34 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. Relevant policies of the London Plan (LP7.6), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Alterations and Extensions SPD 2019) reflect this.

Discussion

35 The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and disturbance.

36 None of these impacts would arise.

Summary

37 The proposal would not result in harm to the living conditions of neighbours.

8 EQUALITIES CONSIDERATIONS

38 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

39 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

40 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

41 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

42 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

43 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

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

9 HUMAN RIGHTS IMPLICATIONS

45 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. “Convention” here means the European Convention on Human Rights, certain parts of which were

incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

46 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

47 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

48 This application has the legitimate aim of providing new living accommodation to an existing flat. The rights potentially engaged by this application are considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

49 This application has been considered in the light of policies set out in the development plan and other material considerations, with particular regard given to the preservation of heritage assets.

50 The works would not result in harm to the character and appearance of the property or the wider Conservation Area. The extensions are sympathetic and, subject to further details of materials, well-designed.

11 RECOMMENDATION

51 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informatives:

11.1 CONDITIONS

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

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

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

Location Plan	829/OS01
Site Plan	829/OS02

Existing ground floor plan	829/S01
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Existing first floor plan	829/S02 Rev A
Existing roof plan	829/S03 Rev A
Existing section	829/S04
Existing front elevation	829/S05 Rev B
Existing rear elevation	829/S06 Rev B
Existing flank elevation	829/S07 Rev C

Proposed ground floor plan	829 P00 Rev A
Proposed first floor plan	829 P01 Rev B
Proposed second floor plan	829 P02 Rev C - received 02.07.19
Proposed roof plan	829 P03 Rev D - received 02.07.19
Proposed front elevation	829 P04 Rev D - received 02.07.19
Section AA and CC	829 P07 Rev C - received 02.07.19
Section BB	829 P08 Rev C - received 02.07.19
Proposed rear elevation	829 P09 Rev D - received 02.07.19
Proposed flank elevation	829 P10 Rev D - received 02.07.19

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) FURTHER DETAILS OF MATERIALS

No development above ground shall commence on site until:

- a. a detailed schedule and samples and/or manufacturer's literature as appropriate of all external materials (including paint colour) and finishes/windows/roof coverings and other site specific features (eaves, fascia, soffits and guttering) to be used on the building; and
- b. detailed section drawings at suitable scale (e.g. 1:10, 1:20) of the eaves, fascia, soffits and guttering and new and replacement rear windows

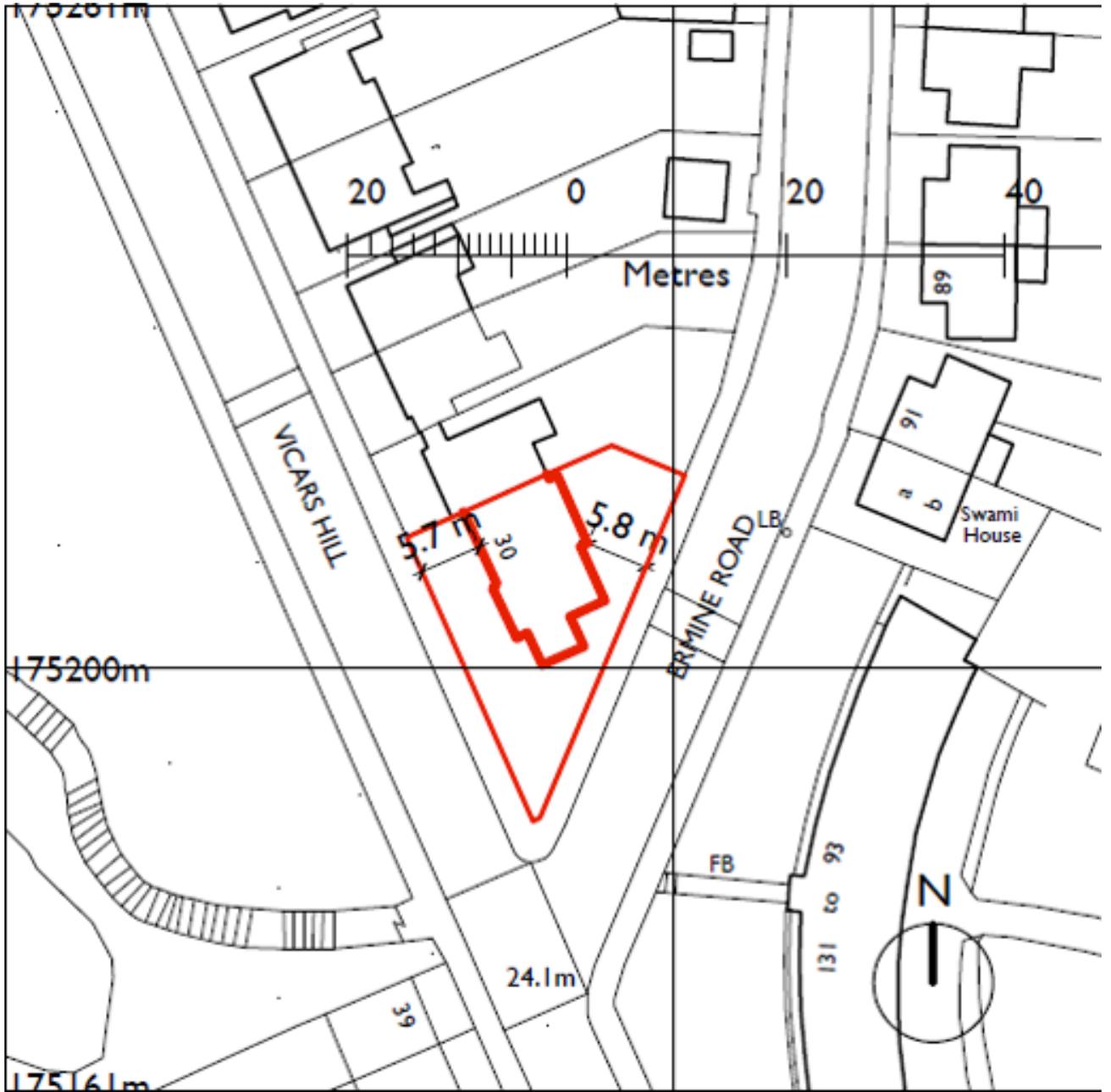
have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 and 36 and the provisions of the Alterations and Extensions SPD (2019) and Brockley Design Guide SPD (2005)

11.2 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. Positive discussions took place which resulted in further information being submitted.

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