

Committee	PLANNING COMMITTEE (A)	
Report Title	33-35 LEWISHAM WAY SE14 6PP	
Ward	Brockley	
Contributors	Russell Penn	
Class	PART 1	Date: 19 MAY 2011

<u>Reg. Nos.</u>	DC/11/76582 & DC/11/76582A
<u>Application dated</u>	11.02.11 and revised 28.03.11
<u>Applicant</u>	BPTW Partnership on behalf of Hatcham (Lewisham) Ltd.
<u>Proposal</u>	The change of use from car showroom (sui generis) to retail (Use Class A1), together with the construction of a first floor extension to the rear, the installation of water tanks, air conditioning units and a satellite dish on the existing roof, with alterations to the shopfront incorporating an ATM and provision of a ramped access.
<u>Applicant's Plan Nos.</u>	LUA/SK02/P2, SK03/P2, SK04/P2, SK05/P2, SK06/P2, SK07/P1, SK10/P3, SK11/P4, SK12/P4, SK13/P4, SK14/P4, Site Plan, Design & Access Statement
<u>Background Papers</u>	(1) Case File DE/110/33/TP (2) Adopted Unitary Development Plan (July 2004) (3) Emerging Local Development Framework (May 2007) (4) The London Plan (February 2008) Consolidated with Alterations Since 2004
<u>Zoning</u>	Adopted UDP – District Centres – Other Shopping Area

1.0 Background

- 1.1 This application was deferred from the Planning Committee on the 5th May 2011, to enable Ward Councillors who were unable to attend the meeting to consider the application.

2.0 Property/Site Description

- 2.1 The site is situated on Lewisham Way, 20m west of the junction with Parkfield Road and some 90m east of the junction with New Cross Road. The site falls within the New Cross District Centre. The site is irregularly shaped and comprises a three storey building on the street frontage to Lewisham Way with a large single storey warehouse addition at the rear.

- 2.2 The ground floor premises has been vacant for a long period; it was previously used as a car showroom, however it was used most recently for education purposes in connection with Goldsmith's College. The upper floors are currently in use for a faith group known as the Believer Mission Church of God (Use Class D1) with its own street level entrance.
- 2.3 To the north and north east the site adjoins a recently constructed part three and part five storey residential building accommodating 14 flats. This building was constructed on land originally part of the application site. The ground floor rear section of the application site building was in part demolished to accommodate this building. As a result the application site ground floor rear elevation abuts the rear access decks to the residential five storey block creating a void space at first floor level and above between the three storey section of the front part of the application site and the new building to the rear. Only access doors and non habitable rooms face in the direction of the application site. To the west the site adjoins the rear yards of 23-31 Lewisham Way.
- 2.4 The site is opposite Goldsmiths College and close to the busy junction with New Cross Road. Lewisham Way is a red route and has limited loading and stopping bays outside. Adjacent to 33-35 Lewisham Way is an empty shop premises with flats above at 37-39 Lewisham Way and on the other side are further shops and A3 uses. The accommodation above the ground floor retail units in some cases appears to be poor (from recent site visits) and many appear to be rented to students attending Goldsmith College. The properties fronting Lewisham Way are all 3 storeys high, often with single storey rear extensions and in some cases there are single storey front extensions. Many of the shop units also have forecourt areas, some of which are used for sitting out. A number of the properties have extended to the rear at upper levels. The most obvious of these is the neighbouring building 29-31 Lewisham Way which has a half finished roof addition.

3.0 Planning History

- 3.1 In 1960 planning permission was granted for the construction of a three storey building comprising a motor showroom on the ground floor in connection with the premises at the rear.
- 3.2 In 1970 planning permission was granted for the use of the basement, ground and first floors as a School of Art for Goldsmiths College. This permission was renewed in 1978 and 1984 and in 1992 was granted on a permanent basis.
- 3.3 In 2006 planning permission was granted (Ref: DC/06/62431) for the use of the ground floor and basement of 33-35 Lewisham Way SE14 as a restaurant/public house (Use Class A3/A4) incorporating alterations to the shop front, together with the construction of a part three/part five storey building to the rear, incorporating a roof terrace and balconies, to provide 9 two bedroom self-contained flats and 4 two bedroom self-contained maisonettes, associated landscaping and provision of bicycle and refuse/recycling stores. Only the residential block has been implemented within this permission.
- 3.4 In 2010 temporary planning permission was granted (Ref: DC/09/73092) for the change of use of the first and second floors at 35 Lewisham Way SE14 from offices to provide a meeting place for a faith group and associated activities (Use Class D1). The use is permitted until 30 April 2012.

4.0 Current Planning Applications

- 4.1 Planning permission is sought for the change of use of 33-35 Lewisham Way SE14, from car showroom (sui generis) to retail (Use Class A1) together with the construction of a first floor extension to the rear, the installation of water tank area, air conditioning units and a satellite dish on existing roof.
- 4.2 The application has been amended during the assessment process with a reduction in its mass and form. The rear extension will now project 7m from the existing rear elevation of the upper floor D1 use and increase the floor area of the application premises by 112m² from 225m² to 337m². The extended area will provide a storage and staff area for the proposed ground floor A1 use. The rear elevation is partly inclined in to the site and set 2m away from the access decks of the flats to the rear. No windows are proposed in the structure and two windows in the existing ground floor extension facing 31 Lewisham Way are to be infilled.
- 4.3 Three air condition units and fans, a satellite dish and an area of water tanks are indicated to the existing roof space of the three storey front section of the original building. These have been positioned to the rear of the roofspace.

5.0 Consultation & Replies

Neighbours and Local Amenity Societies.

- 5.1 Letters of consultation have been sent to 48 neighbouring properties including Ward Councillors.
- 5.2 Five letters of objection have been received from the occupiers of 21, 29, 31, Regnum Solicitors on behalf of the occupier of 31 Lewisham Way, and from Councillor Darren Johnson. A petition has also been received with six signatories. The content of the objections has been summarised as follows:
- There will be substantial damage to the amenities of residents caused by noise, disturbance, smell or loss of light.
 - Concern regarding parking and servicing from Lewisham Way in relation to the adjacent busy junction.
 - A retail store will increase the noise and disturbance around the premises by attracting people from bars and clubs nearby who may be drinking alcohol.
 - Concern that a large retailer in the development will rival local shops and businesses nearby and increase unemployment rather than provide employment opportunities.
 - The development will damage neighbouring business and will not promote social inclusion or tackle deprivation and discrimination. The development will have a detrimental effect on the local community.
 - A further building will not make London an exemplary world city which is supposed to be mitigating and adapting to climate change and a more attractive, well designed and green city.
 - The development will affect right to light under the Prescription Act 1832.

- The development will create risks for the elderly and children using the upstairs Christian Centre.
- The development will overload the water supply and put more pressure on the existing poor structure.
- Loss of view and light has already been blocked by the flats to the rear.
- The development will block the windows to the rear of the application site resulting in lack of adequate natural daylight and also worsen the light to the flat access decks to the rear.
- Air conditioning units on the roof will cause noise and disturbance by their operation.
- Planning application was procedurally defective – residents should be given six weeks to comment. No Site Notice has been displayed at the site

5.3 The above comments have been addressed in the assessment section of this application report.

5.4 Regarding notification of the planning application residents have been notified as per the requirement of government regulation to allow a period of 21 days for comment. A Site Notice was displayed on a lamp post in front of the site. This was confirmed by the applicants agent in writing and with a site photograph showing the location of the Notice.

5.5 Four letters of support from the occupiers of 6, 12 and 13 Seymour Mews, Lewisham Way and 68/82 Digby Road, London E9 have been received and are summarised as follows:

- The unit has been unoccupied for the last three years and was recently squatted. A more up market unit would be of great benefit to the local community and will improve the conditions of the immediate vicinity and provide a very attractive amenity for local residents.
- The take up of commercial space will continue the investment currently seen in the local area.

(Letters and Petition are available to Members)

5.6 One letter relating to the retraction of an earlier objection has also been received from the Believers Mission Church of God at Upper Floor 35 Lewisham Way.

Highways and Transportation

5.7 No objections subject to prevention of parking on the front forecourt area.

6.0 Policy Context

Local Development Framework - Core Strategy

6.1 Lewisham is in the process of replacing the UDP with the documents that comprise the Local Development Framework (LDF). The most important document in the LDF

is the Core Strategy, Development Plan Document (DPD). The Lewisham Core Strategy was submitted to the Secretary of State on 29th October 2010, and its Examination in Public was held on 1st and 2nd February 2011. The Council has now received the Inspector's report. The Inspector has found the Core Strategy to be sound provided certain amendments, identified in his report, are made. In accordance with the regulations Officers will make the necessary changes with the intention of adopting the Core Strategy subject to its approval at the full Council meeting in June 2011.

- 6.2 For development control purposes the Core Strategy will become part of the development plan when adopted by resolution of the full Council. Government advice on the weight to be attached to emerging DPD policies is that this is determined on the stage of preparation or review, increasing as successive stages are reached. As the Core Strategy has been found sound all that remains for legal adoption is a resolution of full Council. As such very considerable weight can be attached to the Core Strategy in the decision making process.

Adopted Unitary Development Plan (July 2004)

- 6.3 URB 3 (Urban Design) states that the Council will expect to achieve a high standard of design in extensions to existing buildings, while whilst ensuring that schemes are compatible with, or complement the scale and character of existing development. Scale and mass of development will be taken into consideration where a new development might be out of scale with the existing surrounding development.
- 6.4 URB 6 Alterations and Extensions states that extensions should respect the plan form, period, architectural characteristics and detailing of the original buildings, including external features such as chimneys, porches etc. and should normally use matching materials. In addition additional or enlarged windows, doors etc, should be in keeping with the original contemporary pattern.
- 6.5 Policy STC 6 Major and District Centres - Other Shopping Areas states that outside the Core and Non Core Shopping Areas, applications for development or change of use which involve the loss of A1 units will normally be acceptable, provided:
- (a) it does not harm the amenity of adjoining properties;
 - (b) it does not harm the character, attractiveness, vitality and viability of the centre as a whole;
 - (c) in the case of change to a residential use the frontage for shoppers is not unreasonably interrupted
- 6.6 Policy HSG 4 Residential Amenity states that the Council will seek to improve and safeguard the character and amenities of residential areas throughout the Borough. Siting, design, landscaping, traffic and parking will be considered.
- 6.7 ENV PRO 9 Potentially Polluting Uses states various criteria that application for polluting or potentially polluting use will be assessed against.
- 6.8 Policy ENV.PRO 11 Noise Generating Development states that the Council will resist development that could lead to unacceptable levels of noise.

Where noise sensitive development is proposed close to an existing source noise, or when noise generating development is proposed, the Council may require the developers to have prepared a detailed noise impact survey outlining possible attenuation measures.

- 6.9 Policy TRN 14 Cycle Parking states that the Council will negotiate with applicants for new development to make provision for cycle parking in accordance with the Council's standards.

7.0 Planning Considerations

7.1 The main planning considerations relevant to this application are:

- The principle of the proposed change of use from a sui generis car showroom to A1 retail use.
- The design and appearance of the proposed scheme and conversion to the existing building and the impact of these alterations on the character and appearance of the neighbouring area,
- The impact of the scheme on the residential amenity of neighbouring properties
- Traffic, parking and servicing

Principle

7.2 Policy STC6 is relevant to this proposal and states that applications for development or change of use which involve the loss of A1 units will normally be acceptable outside of core and non core areas, provided that it does not harm the amenity of adjoining properties and that it does not harm the character, attractiveness, vitality and viability of the centre as a whole. The proposed use is A1 and therefore involves the addition of an A1 use outside the core and non core areas of the District Centre. This is welcomed and is considered to be the preferred use for the site, compatible with other retail and commercial uses in the immediate vicinity.

7.3 The premises has been vacant for a number of years and consequently does not contribute to the vitality or viability of this part of New Cross. The frontage is also partly concealed by the neighbouring ground floor addition at the front of 29-31 so it is hidden from view when approaching from New Cross Road. Situated opposite Goldsmiths College it is likely that an A1 retail use would be successful in this location.

Impact on the character of the original building and locality.

7.4 To the front of the building the shop front would be altered on the frontage to Lewisham Way incorporating automatic sliding doors and a ramped access to an ATM. The alterations proposed are considered acceptable subject to a greater level of detail being submitted through condition. The only other changes are the introduction of bollards around the forecourt space at the front to prevent cars parking in this area and facilities for securing bicycles will be provided. Details of the bollards and the means of securing bicycle parking has not yet been finalised and conditions are recommended in this respect.

7.5 To the rear the main alteration involves the provision of a first floor rear extension that will in part infill the existing area at first floor between the rear elevation of the first floor D1 use and the recently built flats to the rear of the site. During the assessment process the footprint of the first floor extension has been reduced in depth by 2m, incorporating a part rear sloping rear elevation, from the extent of the existing ground floor footprint to set the mass and bulk of the structure away from the rear access decks of the flats. This has helped to mitigate the impact of the structure in this direction. It is noted that the rear elevation of the flats and access area contains no habitable room accommodation and comprises only access doors to the flats and non habitable room windows. It is acknowledged that the existing lower areas do not receive much daylight due to the close massing of the existing ground floor area which was considered an acceptable situation when the planning permission was granted for their construction in 2006 (Ref DC/06/62431). As such given the circumstances and massing relationships of the surrounding buildings the revised set back of the proposed first floor to the rear is considered sufficient to maintain an acceptable building relationship given the non habitable room accommodation immediately adjacent.

Impact on Amenity

7.6 Concern has been raised regarding the mass of the extension in relation to the rear of 29 and 31 Lewisham Way resulting in loss of light and outlook to this property in an already compromised area due to the new flats at the rear. The extension will run flush with the existing ground floor structure along this boundary and not project any further. At ground floor two existing windows facing No 31 will be infilled. It is not anticipated that the extra mass of the first floor will significantly block daylight to the small rear yard area to warrant refusal of the application. The ground floor area is in commercial use with the first floor area in an extended state of renovation that has been going on for a number of years. Even if the first floor of No. 29 was in residential use it is not considered that the projection of the first floor would significantly reduce daylight to this property to withhold planning permission.

7.7 Further concern has been raised regarding the loss of the rear windows to the existing first floor area of the site in D1 use outside the parameters of this application. At present the rear windows of the premises have been blocked internally with sound insulation materials and as such do not function as windows for the D1 use. The first floor currently only has outlook onto Lewisham Way which given the depth of the first floor at approximately 7m is considered acceptable to provide sufficient natural daylight to this existing area.

7.8 The use of the proposed extended first floor area is stated as storage area and staff room for the ground floor A1 use. There are no windows in the proposed structure. Therefore it is not anticipated that there will be any increase in noise and disturbance to nearby residential uses due to the enclosed nature of the activity.

Other matters

- 7.9 With regard to the satellite dish, water tanks and air conditioning units located on the existing front flat roof space. It is considered that their siting and relatively low height above the roof level is sufficient to prevent detrimental views from the streetscene on Lewisham Way and Parkfield Road. At the rear of the site their siting is more apparent to the flats at the rear, however, given this is an access deck with only non habitable rooms looking into the application site it is preferable to locate them as indicated. As regards noise and disturbance from units an appropriate condition can ensure that any noise associated with their function is at an appropriate level to not be a nuisance to surrounding property.
- 7.10 Traffic generation is a consideration, however the property is well served by public transport and as there is relatively little scope in the vicinity for parking to occur. It is considered that the majority of visitors would either use public transport or arrive by foot. Highways have commented and find the scheme to be unobjectionable subject to prevention of any parking on the front forecourt. Deliveries will be carried out from Lewisham Way during permitted hours and refuse stored within the building. A refuse management plan can ensure that this is carried out appropriately which can be secured by condition.
- 7.11 The proposed hours of operation from 07.00 to 23.00 hours Monday to Sunday and bank Holidays are considered acceptable combined with the location of the property in this busy locality. A planning condition can ensure compliance.

8.0 Consultations

- 8.1 The representation received has been taken into consideration in the assessment of the proposals and the recommendation.

9.0 Conclusion

- 9.1 The proposed change of use of 33-35 Lewisham Way SE14, from car showroom (sui generis) to retail (Use Class A1) together with the construction of a first floor extension to the rear, the installation of water tanks, air conditioning units and a satellite dish on the existing roof with alterations to the shopfront incorporating an ATM, and provision of a ramped access in a District Centre location are acceptable and the design, appearance and nature of the development would be in keeping with the character of the area. Therefore, the proposal is considered to be consistent with the relevant adopted UDP policy and is recommended for approval.

10.0 Summary of Reasons for Grant of Planning Permission

- 10.1 On balance, it is considered that the proposal satisfies the Council's Land Use and environmental criteria, and is in accordance with STC 6 Major and District Centres - Other Shopping Areas, URB 3 Urban Design and URB 6 Alterations and Extensions and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).
- 10.2 It is considered that the proposal is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the surrounding area, or the amenities of neighbouring occupiers.

The proposal is thereby in accordance with Policies STC 6 Major and District Centres - Other Shopping Areas, URB 3 Urban Design and URB 6 Alterations and Extensions, HSG 4 Residential Amenity, ENV.PRO 9 Potentially Polluting Uses and ENV.PRO 11 Noise Generating Development in the adopted Unitary Development Plan (July 2004).

11.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions:-

- (1) B01 Facing Materials – New Buildings
- (2) B09 Plumbing or Pipes
- (3) C11 Construction Hours
- (4) N10 Dust Minimisation Scheme
- (5) N02 Ventilation system Insulation
- (6) The premises shall not be open for customer business between the hours of 11 pm and 7 am on any day of the week.
- (7) Notwithstanding information shown on the drawings hereby permitted, full details of the proposed shopfront (including drawings at a scale of not less than 1:50 and details of the proposed materials) shall be submitted to and approved in writing by the local planning authority; the shopfront shall have a level or ramped access (maximum gradient: 1 in 12) and the entrance door shall be a minimum 900mm clear opening width and these features shall be retained permanently.
- (8) Notwithstanding information shown on the drawings hereby permitted, details of cycle storage facilities for staff and customers shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. The cycle facilities shall be provided before the building hereby permitted is occupied and shall be retained permanently thereafter.
- (9) The development hereby approved shall not be occupied until a Refuse Management Plan has been submitted to and approved in writing by the local planning authority. Refuse, including refuse storage bins, shall be stored in the designated refuse store at all times, apart from on refuse collection days, which shall be taken to mean such day or days which the Council or other waste collection authority has designated for the collection of refuse, when they may be temporarily stored outside the refuse storage area pending collection.
- (10) No parking of vehicles shall take place at anytime within the front forecourt area facing Lewisham Way.

Reasons

- (6) To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to comply with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development, HSG 4 Residential Amenity and STC 6 Major and District Centres - Other Shopping Areas in the adopted Unitary Development Plan (July 2004).
- (7) In order that the shopfront is suitably designed and that there is adequate access for everyone, particularly people with disabilities and to comply with Policies URB 3 Urban Design and URB 8 Shopfronts in the adopted Unitary Development Plan (July 2004).
- (8) In order to ensure adequate provision for cycle parking and to comply with Policy TRN 14 Cycle Parking in the adopted Unitary Development Plan (July 2004).
- (9) In order that provisions for refuse storage are adequate and to comply with Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).
- (10) To ensure that the use of the building does not increase on-street parking in the vicinity and to comply with Policy TRN 26 Car Parking Standards in the adopted Unitary Development Plan (July 2004).