

Committee	PLANNING COMMITTEE A	
Report Title	9 STAPLEHURST ROAD SE13	
Ward	Lee Green	
Contributors	Michael Forrester	
Class	PART 1	23 October 2014

Reg. Nos. DC/14/87501

Application dated 12.05.2014

Applicant CgMs

Proposal The additional use of Unit A (Use Class A3) and Unit B (Use Class B1) to also include retail use (Use Class A1) on the ground floor of 9 Staplehurst Road SE13, and change of use of B1 space at first floor level above Unit A to provide one, 2 bedroom self contained residential flat (Use Class C3).

Applicant's Plan Nos. Transport Statement, CIL form, Planning Statement, Report on BREEAM Domestic Refurbishment Pre-Assessment, Summary of Marketing Information (CF Commercial), F9D13.061 A(00)11 rev B, F9D13.061 A(00)12 rev B, F9D13.061 A(00)13 rev B, F9D13.061 A(00)14 rev B, F9D13.061 A(00)31 rev C

F9D13.061 A(00)30, F9D13.061 A(00)33, EL01, Lifetime Homes - received 28 July 2014.

Technical Note - received 17 September 2014.

Background Papers

- (1) Case File LE/766/9/TP
- (2) Adopted Unitary Development Plan (2004)
- (3) Development Management Local Plan (for adoption November 2014)
- (4) Adopted Core Strategy (2011)
- (5) Local Development Framework Documents
- (6) The London Plan

Designation [Core Strategy or Adopted UDP] – Vacant B1/A3 floorspace.

1.0 Property/Site Description

1.1 The application site is situated on the north western side of Staplehurst Road and forms part of the 'Old Biscuit Factory' development which was completed in 2012. The application premises comprises part of the ground and first floor unit within a two storey building that has a frontage to Staplehurst Road and a return frontage to the access road within the development, Chiltonian Mews. The application premises is currently formed of two premises.

Unit A is of two storeys (ground and first floor levels) and is an Edwardian building fronting Staplehurst Road. Unit B is attached to the rear of Unit A and is the ground floor of a recently constructed three storey building. Unit A has a floor area of 96.43m² at ground floor and 102.19m² at first floor. Unit B has a floor area of 281m².

1.2 Staplehurst Road is characterised by commercial activity with a variety of uses at ground floor, this is designated as a local parade. Surrounding streets are predominantly residential in nature.

1.3 The site is not located in a conservation area.

2.0 Planning History

2.1 DC/03/55614 – The change of use, alteration and conversion of existing buildings at 9 Staplehurst Road SE13 incorporating a part second floor extension to the building on the Staplehurst Road frontage, to provide a restaurant/cafe or bar (falling within Use Classes A3 or A4), 13 live/work units, 6 one bedroom and 3 two bedroom self-contained flats, 2 one bedroom self-contained maisonettes and 4 two bedroom houses, together with the construction of a two storey building comprising 2 live/work units, a three storey building with roof terraces comprising 10 two bedroom houses incorporating integral garages and a 4 storey building comprising a kiosk (falling within Use Classes A1 or A2) and car parking on the ground floor with 12 two bedroom flats above and the provision of cycle parking and refuse storage.

2.2 DC/06/64094 – The change of use, alteration and conversion of existing buildings at 9 Staplehurst Road SE13, incorporating the construction of an additional storey at second floor level and three external staircases to the building on the Staplehurst Road frontage, to provide a restaurant/cafe-bar (falling within Use Class A3), 3 commercial units (Use Class B1) 16 one bedroom, self-contained flats, 4 two bedroom, self-contained maisonettes and a three bedroom house, together with the construction of a three storey building, incorporating balconies/terraces, comprising 4 one bedroom, 5 two bedroom and 4 studio self-contained flats, a three storey terrace, incorporating integral garages and roof terraces, comprising 11 two bedroom houses and a four storey building comprising a kiosk (falling within Use Classes A1 or A2) and car parking on the ground floor with 12 two bedroom, self-contained flats above and the provision of cycle parking and refuse storage.

2.3 DC/10/73783 – the change of use, alteration and conversion of part of the existing building at 9 Staplehurst Road SE13 (fronting Staplehurst Road) to provide a restaurant/ café-bar (falling within Use Class A3), demolition of the remaining buildings and the construction of a part two/ part three storey building to the rear and part three/ part four storey building to provide a retail kiosk (Use Class A1 and A2), commercial floorspace (Use Class B1) and 51 residential dwellings, comprising 7 one bedroom, 28 two bedroom and 5 studio self-contained flats and 11 three bedroom houses, together with associated amenity space, landscaping and access, provision of 23 car parking spaces and 54 bicycle spaces.

2.4 The development has been completed the residential elements are occupied. The commercial units providing the A3, B1 floorspace remain vacant and have never been occupied other than as a marketing suite for the development.

3.0 Current Planning Applications

The Proposals

- 3.1 The application is for the addition of Use Class A1 retail to the permitted uses for the ground floor of Units A and B. The current permitted use for Unit A is restaurant/café-bar (falling within Use Class A3) on the ground floor and B1 on the first floor. The current permitted use for Unit B is B1. The submitted drawings show internal alterations that would result in a single ground floor commercial unit with a floor area of 377.43m². This is accessed via Staplehurst Road on the front elevation, and also includes a further entrance within the return frontage on Chiltonian Mews. There are no details submitted with the application as to a potential occupier of the commercial unit.
- 3.2 The first floor of Unit A is proposed to be converted to create a single 2 bedroom flat, accessed via an entrance within the Staplehurst Road frontage.

Supporting Documents

- 3.3 BREEAM Domestic Refurbishment – this document states that a score of 70.78% (BREEAM Excellent) can be achieved for the residential unit.
- 3.4 Transport Statement – this document assesses the suitability of the site for retail and residential purposes from a transport perspective. This includes a review of servicing arrangements, parking provision and the accessibility of the site.
- 3.5 Technical Note – this note is appended to the Transport Statement and provides further information regarding potential staff levels, delivery times and areas for unloading in the vicinity of the site, together with swept path analysis to demonstrate that busses and passing cars would not be obstructed by a delivery vehicle.
- 3.6 Planning Statement – this document provides a planning policy overview.
- 3.7 Summary of Marketing Activity and Interest – This comprises a letter from CF Commercial who have been instructed to market the units since April 2013. The letter states that despite reductions in rent no expressions of interest have been received.
- 3.8 Lifetime Homes Document – this is provided in support of the proposal for a residential unit at first floor.

4.0 Consultation

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

Written Responses received from Local Residents and Organisations

- 4.3 Notification letters were sent to surrounding properties and local ward councillors. 140 letters of objection and two petitions with 700 signatures and 367 signatures respectively have been received. Both petitions oppose the proposal. 14 letters of support have also been received. The representations received are summarised below:

Objections:

- this unit was promised as an restaurant and office space
- noise and disturbance from the retail unit for adjacent occupiers.
- area is in need of restaurants
- damaging visual impact
- would damage local retail opportunities for independent traders
- this is of no benefit the community
- there are no off street servicing opportunities
- Impact on local bus service via the parking of delivery vehicles
- use would generate excessive demand for parking
- negative impact upon property values
- do not need or want a Tesco in this location
- there are too many supermarkets in the area
- contradicts the original planning permission which promised a restaurant.
- Staplehurst Road/ Fernbrook Road cannot take additional traffic
- a Tesco here would result in vacant units along Staplehurst Road
- detrimental to community spirit
- contrary to Lewisham's planning policy
- loss of light
- would detract from the community atmosphere that FUSS (Friends and Users of Staplehurst Shops) has created, with their Christmas Fair for example.

Support:

- convenience store or similar store would be an excellent addition to the area.
- would provide additional competition to the Costcutter.
- current choices are limited in the area
- would attract more business to the area
- unit has been vacant too long
- amenity of residents would improve compared to the approved restaurant
- would have no damaging visual impact
- Retail is favourable compared to takeaways or other fast food outlets.
- would benefit the community.

- 4.4 An objection has been received from Heidi Alexander MP raising the following concerns:

- I always supported the proposal for a restaurant and believe a restaurant in this location could be a viable proposition.
- Concerned about traffic flows associated with a supermarket in this location (both in terms of delivery and customers).
- Not convinced that adequate attention has been paid to refuse arrangements and noise, which is a particular issue for residents who live adjacent to the building.

4.5 In response to the local interest in the application proposal, a local meeting was held in accordance with the requirements of the Council's Statement of Community Involvement. The meeting was held on the 10 September 2014 at 9 Staplehurst Road. A copy of the notes of the meeting is appended to this report.

All of the representations received are available to Members.

Highways and Transportation

4.6 No objections to the application proposal however, a Delivery and Servicing Plan needs to be secured by condition.

5.0 Policy Context

Introduction

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

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

A local finance consideration means:

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

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

National Planning Policy Framework

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

Other National Guidance

- 5.5 The other relevant national guidance is:

Design
Ensuring the vitality of town centres
Renewable and low carbon energy
Use of Planning Conditions
Viability

London Plan (July 2011)

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

Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 3.8 Housing choice
Policy 3.9 Mixed and balanced communities
Policy 4.8 Supporting a successful and diverse retail sector
Policy 4.9 Small shops
Policy 4.12 Improving opportunities for all
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 6.3 Assessing effects of development on transport capacity
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.11 Smoothing traffic flow and tackling congestion
Policy 6.12 Road network capacity
Policy 6.13 Parking
Policy 7.1 Building London's neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime

Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture

London Plan Supplementary Planning Guidance (SPG)

- 5.7 The London Plan SPG's relevant to this application are: Accessible London: Achieving an Inclusive Environment (2004)

Housing (2012)

Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy

Spatial Policy 5 Areas of Stability and Managed Change

Core Strategy Policy 1 Housing provision, mix and affordability

Core Strategy Policy 5 Other employment locations

Core Strategy Policy 6 Retail hierarchy and location of retail development

Core Strategy Policy 7 Climate change and adapting to the effects

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 14 Sustainable movement and transport

Core Strategy Policy 15 High quality design for Lewisham

Unitary Development Plan (2004)

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

STR URB 1 The Built Environment

URB 3 Urban Design

URB 6 Alterations and Extensions

HSG 4 Residential Amenity

HSG 5 Layout and Design of New Residential Development

STC 8 Local Shopping Parades and Corner Shops

STC 9 Restaurants A3 Uses and Take Away Hot Food Shops

Residential Standards Supplementary Planning Document (August 2006)

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

Emerging Plans

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

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

5.12 The following emerging plans are relevant to this application.

Development Management Local Plan

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

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

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

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 4	Conversion of office space and other B Use Class space into flats
DM Policy 11	Other employment locations
DM Policy 16	Local shopping parades and corner shops
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings
DM Policy 32	Housing design, layout and space standards

6.0 Planning Considerations

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

- a) Principle of Development
- b) Design
- c) Housing
- d) Highways and Traffic Issues

- e) Noise
- f) Impact on Adjoining Properties
- g) Sustainability and Energy

Principle of Development

- 6.2 The ground floor of 9 Staplehurst Road is currently divided into two units, Unit A with approved A3 use and B1 on the first floor and Unit B with approved B1 use. It is proposed to combine these two units at ground floor level for use as a single A1 retail premises and to convert the first floor for use as a self contained two bedroom flat. These two commercial spaces form part of the wider Old Biscuit Factory development. There are no conditions attached to the implemented planning permission DC/10/73783 which relate to the commercial units (other than a requirement for details of the kitchen extraction system and flue for the restaurant/café and to restrict opening hours). Neither does the associated s106 agreement include clauses which would prevent changes of use of the commercial space.
- 6.3 The site is not located within a designated employment location but does provide space for local employment. Core Strategy Policy 5 states that with regard to 'other employment locations' the Council will protect the scattering of employment locations throughout the borough outside Strategic Industrial Locations, Local Employment Locations and Mixed Use Employment Locations'. However, other uses including retail, community and residential will be supported if it can be demonstrated that site specific conditions including site accessibility, restrictions from adjacent land uses, building age, business viability and viability of redevelopment show that the site should no longer be retained in employment use'.
- 6.4 DM Policy 11 of the Development Management Local Plan (for adoption November 2014) echoes Core Strategy Policy 5 by requiring high quality design, requiring contributions to training/ local employment schemes where there is a loss of employment as a result of the redevelopment and demonstration that the site has been shown to no longer be viable for commercial purposes through the submission of a marketing report.
- 6.5 The planning permission for Unit B and the first floor of Unit A is for B1 (offices) however there has been no occupation of the commercial premises (other than as a sales suite) since completion of the development. The applicant has submitted details of marketing information, for both units A and B. CF Commercial have been instructed to market Units A and B since April 2013 at a rental value of £26,275 p.a (£12.50 p.s.f) and £37,800 p.a. (£12.50 p.s.f) respectively.
- 6.6 These values were identified as comparable with office rents in the local area with comparisons shown with Clipper Way SE13, Mercia House SE13, Lewis Grove SE13 and Southbrook Mews which rent for between £9.46 and £12.72 p.s.f. CF Commercial have stated that no expressions of interest have been received at these rental values and that the rents of both units were reduced to £8.50 p.s.f, which is below all the other comparables despite being newly converted, but that again no interest has been expressed. It is therefore concluded by the commercial agent that the units are unlikely to be suited to office use. Core Strategy Policy 5 does not specify a period of time for which marketing has to take place. The agent has stated that the units have been marketed for almost 18 months without interest being shown. A change of use from B1 is therefore considered acceptable in this instance.

- 6.7 The approved A3 floorspace in the front part of the building would be amalgamated with the new ground floor B1 space to form part of an enlarged commercial space to also include Use Class A1. There are no policies which protect A3 uses and changes of use from A3 to A1 could take place as permitted development. In this case the permitted use is A3 but as this use has never been implemented, permission is required for use as A1.
- 6.8 The proposal for a larger A1 retail unit is therefore considered to be acceptable in principle as this would continue to provide employment and would make effective use of a prominent vacant premises.
- 6.9 With regard to the residential conversion at first floor, DM Policy 4 states that the Council will support the conversion of office space into self contained flats where there is no conflict with other policies in relation to employment floorspace (Strategic Employment Locations, Local Employment Locations, Mixed Use Employment Locations), meet the standards for residential development and provide good quality living environment. DM Policy 11 requires sufficient marketing evidence to demonstrate that the site is no longer viable. The text to this policy states that a marketing time of between 2 and up to 5 years is generally required, however, in this instance the residential unit is located at first floor level, thereby not resulting in the loss of active street frontage, and the proposals include the provision of employment floorspace at ground floor. It is considered in principle that the provision of residential accommodation is acceptable in this instance. The provision of an additional residential unit also does not conflict with the original planning permission and s106 Agreement for the wider development in terms of affordable housing provision, as the legal agreement did not include a clause for a financial review or additional affordable housing provision where there is an uplift in land value.
- 6.10 Some of the objections received make a comparison between this application and a recently refused application for No. 2-6 Staplehurst Road. This application (DC/13/85684) was refused on grounds of the scale, appearance and materiality of the proposed building which was not in keeping with the terrace of which it is part. No objections were raised with regard to the replacement of the shop unit at ground floor, or the principle of the ground floor unit being extended.

Design

- 6.11 External changes to the building are limited to the creation of an entrance to serve the residential dwelling at first floor. This raises no objections where it is positioned at the edge of the building and would be of modest visual impact.
- 6.12 There are no other external alterations proposed. Areas of signage for the commercial unit are unknown at this stage and such alterations would form part of a separate application.

Housing Issues

- 6.13 Policy 3.5 'Quality and design of housing developments' of the London Plan requires housing developments to be of the highest quality internally, externally and in relation to their context. This policy sets out the minimum floor space standards for new houses relative to the number of occupants and taking into account commonly required furniture and spaces needed for differing activities and circulation, in line with Lifetime Home Standards. The accompanying London Plan Housing SPG is also a material consideration, and contains further guidance

on internal layout. The standards require 1 bedroom, 2 person units to be a minimum of 50m² and that 2 bedroom, 4 person dwellings to measure a minimum of 70m².

- 6.14 Initially the proposals sought to divide the first floor to create two, 1 bedroom flats measuring 43m². This is below the 50m² minimum as set out in the London Plan and the application has been amended to propose the creation of one, 2 bedroom flat measuring 102m². This would exceed the minimum standards required for a 2 bedroom dwelling and is therefore in accordance with the London Plan Housing SPG.
- 6.15 The flat would be dual aspect and is considered to benefit from good levels of natural light, ventilation and outlook. The internal layout is also considered to be acceptable. The dwelling would not have private amenity space, however, this is not uncommon in the conversion of upper floor premises. Given that this dwelling is proposed for open market sale or rent, potential occupiers would be aware of the layout and character of the flat and could make a choice on that basis.
- 6.16 Core Strategy Policy 1 requires all new dwellings to meet Lifetime Homes standards. A revised Lifetime Homes statement has been submitted following the revision to the internal layout to provide one, 2 bedroom flat rather than two 1 bedroom units which demonstrates that the dwelling would meet Lifetime Homes criteria with the exception of those which relate to car parking.
- 6.17 It is considered that the dwelling would provide an acceptable standard of accommodation for future occupiers.

Highways and Traffic Issues

a) Access

- 6.18 The residential unit is proposed to be accessed via its own entrance on Staplehurst Road, this is considered satisfactory.
- 6.19 The ground floor A1 commercial unit is accessed via a double set of doors facing Staplehurst Road which is again considered satisfactory.

b) Servicing

- 6.20 The applicant has submitted a Transport Statement, which states that servicing could take place from the marked loading areas on Staplehurst Road or on the double yellow lined area on the south east side of Fernbrook Road, south of the bus stop. The Transport Statement states that some highway works may be required for the latter option.
- 6.21 During the assessment of the application Officers requested that additional information is submitted to assess the highways impact. In response, the applicant has submitted a Technical Note (received 17/09/2014) to supplement the Transport Statement.
- 6.22 The end user of the retail unit is not yet known, however, the Technical Note states that the number of deliveries for a store of this size would be likely to be between 1 and 3 per day, but that this is dependent on the end user.

- 6.23 The width of delivery vehicles varies between 2m and 2.5m. The two loading areas, located approximately 30m from the store entrance measure approximately 3.7m by 4.3m and 3.7m by 5m. These would be of sufficient width for smaller delivery vehicles due to the length of the bay. Larger vehicles would need to load/ offload on Fernbrook Road.
- 6.24 The duration of deliveries is estimated as typically between 5 and 45 minutes depending on the end use and size/ type of delivery. The Technical Note states that all deliveries will be taken through the front of the site. This can be secured through a Delivery and Servicing Plan.
- 6.25 An area of concern raised within the objections is the potential conflict between delivery vehicles and passing busses (route 273). The applicant has submitted a swept path analysis of a bus passing a delivery vehicle adjacent to the bus stop. The swept path analysis assumes for a larger bus than is used for the 273 route and is as such a worst case scenario.
- 6.26 A swept path analysis has also been undertaken of two vehicles passing the delivery vehicle when in situ. The cars assumed measure 4.7m in length, which is equivalent to a Ford Mondeo.
- 6.27 Both swept path analyses show that the parking of a delivery vehicle in Fernbrook Road would continue to allow busses and other vehicles to pass without obstruction. Officers consider that given deliveries would be for limited periods of time during the day, that there would be limited impacts upon the highway from a servicing perspective, where the swept path analyses is shown to demonstrate that vehicles can pass. However, it is considered appropriate to require a Delivery and Servicing Plan by way of condition which can secure a delivery/ servicing strategy for any end user, which at this point is unknown.

c) Cycle Parking

- 6.28 The residential unit has provision for bicycle storage at first floor within a 7m² cupboard accessed off the main entrance. Although located at first floor which would involve carrying a bicycle up the stairs, this is for a single residential unit and is secure and therefore likely to be used, compared to an external cycle rack. This is therefore considered to be acceptable in this instance.
- 6.29 There are cycle stands available in Staplehurst Road which could be used by those visiting the retail unit. The level of provision of cycle stands locally is considered acceptable.

d) Car Parking

- 6.30 The site has a PTAL of 3 but is within 30m of Hither Green Rail Station and is therefore considered to benefit from good links to public transport. A car free development for the residential unit is considered appropriate in this instance.
- 6.31 The site is located in a controlled parking zone. 21 parking bays including 3 disabled bays are available outside the shops in Staplehurst Road, these are all pay and display.
- 6.32 Parking in Fernbrook Road is also controlled via pay and display. The retail unit would not have any allocated parking. Customers arriving by car would be able to use the pay and display bays.

The Transport Statement states that due to the sites location, it is likely that a majority of trips would be pass-by traffic on foot. Officers concur with the findings of the Transport Statement as it is likely that the size of store would predominantly attract those passing by or living in close proximity, rather than a larger store, which would have a larger catchment which generates significant car borne custom, such as Lee Green Sainsbury's or Lewisham Tesco.

d) Refuse Storage and Collection

- 6.33 The residential unit has a first floor cupboard for refuse storage. Occupiers of this dwelling would need to bring refuse out for collection on the appropriate day.
- 6.34 The commercial unit would be serviced via the front entrance on Staplehurst Road, and would have a secondary door on Chiltonian Mews. Details of refuse storage for the unit are proposed to be required by condition. The strategy for refuse collection showing the use of the front door would form part of a Delivery and Servicing Plan. A retail store is not considered to have significant levels of waste that would result in odour nuisance, and would be comparable to a restaurant in that respect.

Impact on Adjoining Properties

- 6.35 The planning permission for the redevelopment of the site under DC/10/73783 restricts the A3 floorspace (Unit A) to opening hours of between 8am-11pm.
- 6.36 The applicant has not proposed opening hours of the commercial unit as the end user is unknown, however has stated that taking into account the planning history and proximity of residential units, opening hours of between 8am and 11pm are considered to be acceptable. Convenience stores in residential areas commonly operate in the evenings and opening until 11pm is considered reasonable. Furthermore, it is considered that an A1 retail unit would not generate more noise than an A3 restaurant unit. It is recommended that these hours are secured by planning condition.
- 6.37 It is considered that the provision of a residential unit at first floor above an A1 retail space is acceptable and would not be subject to excessive noise levels or general disturbance.
- 6.38 A number of the objections received make reference to a loss of light from the proposals. This application proposes internal alterations and seeks additional uses to those permitted; no extensions are proposed, with the external alterations indicated limited to the creation of entrances. The proposals would therefore not result in a loss of light.

Sustainability and Energy

a) Renewable Energy

- 6.39 Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.

- 6.40 Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:
- 1 Be Lean: use less energy
 - 2 Be clean: supply energy efficiently
 - 3 Be green: use renewable energy
- 6.41 Achieving more sustainable patterns of development and environmentally sustainable buildings is a key objective of national, regional and local planning policy. London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policy 8 requires all new residential development to meet a minimum of Code for Sustainable Home Level 4 and commercial buildings to achieve a BREEAM rating of 'Excellent'.
- 6.42 The Council adopts a pragmatic approach when dealing with the conversion of existing buildings where minimal changes to the building fabric are proposed, as it is recognised that it may be onerous for existing buildings to be retrofitted in order to meet Level 4 or BREEAM 'Excellent' standards. However, all practical measures to reduce energy and water consumption should be adopted.
- 6.43 In terms of sustainable development the first approach should be to re-use existing buildings as far as possible. In principle a conversion of the premises would represent a sustainable use of the building but it must be demonstrated that efficient use can be made of natural resources.
- 6.44 The applicant has submitted a BREEAM Domestic Refurbishment pre-assessment, this indicates that a score of 70.78% can be achieved, which equates to BREEAM Excellent.

7.0 Local Finance Considerations

- 7.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).
- 7.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 7.3 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

8.0 Equalities Considerations

- 8.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

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

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

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

8.4 In this matter there is no impact on equality.

9.0 Conclusion

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

9.2 It is considered that the conversion of units A and B to provide a single commercial unit is acceptable. The acceptability of the loss of B1 space has been demonstrated through marketing information and there are no policies which seek to protect A3 uses. Given the period of time for which these units have been vacant it is considered that their re-use would be beneficial to the local area.

9.3 The impact of delivery vehicles upon local bus services and passing vehicles has been demonstrated as being acceptable by a series of swept path analysis. These show that servicing of the unit could take place without obstruction to the highway.

9.4 Officers acknowledge the concerns of objectors regarding a larger A1 retail unit in this location, and regarding the impact that a national chain would have upon the area, however, there are no policy objections to retail use in principle and the impacts of servicing and deliveries and opening hours can be mitigated by way of conditions.

9.5 The provision of a single two bedroom flat at first floor level is considered acceptable and would provide a good standard of accommodation. A car free approach for the residential unit raises no objections in this location.

10.0 RECOMMENDATION

GRANT PERMISSION subject to the following conditions:-

1. 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. Accordance with Plans

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

Transport Statement CIL, Planning Statement, Report on BREEAM Domestic Refurbishment Pre-Assessment, Summary of Marketing Information (CF Commercial), F9D13.061 A(00)11 rev B, F9D13.061 A(00)12 rev B, F9D13.061 A(00)13 rev B, F9D13.061 A(00)14 rev B, F9D13.061 A(00)31 rev C

F9D13.061 A(00)30, F9D13.061 A(00)33, EL01, Lifetime Homes - received 28 July 2014.

Technical Note - received 17 September 2014.

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. BREEAM

- (a) The buildings hereby approved shall achieve a minimum BREEAM Rating of 'Excellent'.
- (b) No development shall commence until a Design Stage Certificate for each building (prepared by a Building Research Establishment qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (c) Within 3 months of occupation of any of the buildings, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with part (a) for that specific building.

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

4. Delivery and Servicing Plan

- (a) The development shall not be occupied for Use Class A1 until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.
- (b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.
- (c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

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

5. Construction Hours and Deliveries.

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

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

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

6. Operational Delivery Hours

No deliveries shall be taken at or despatched from the site other than between the hours of 7 am and 8 pm on Mondays to Fridays, 8 am and 1 pm on Saturdays, and no deliveries shall take place at any time on Sundays or Public Holidays.

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

7. Opening Hours

The premises shall only be open for customer business between the hours of 8:00 and 23:00 on any day of the week.

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

8. Refuse Storage

(a) No development shall commence on site until details of proposals for the storage of refuse and recycling facilities for each residential/commercial unit hereby approved, have been submitted to and approved in writing by the local planning authority.

(b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

(c) In respect of the commercial unit, no storage of refuse shall take place outside the building.

(d) In respect of the residential unit, no storage of refuse shall take place outside the building, other than on refuse collection day.

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

INFORMATIVES

- (1) The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted including a Technical Note to support the Transport Statement and an amendment to the residential layout to reconfigure the first floor to provide 1 larger two bedroom flat.

Local Meeting in Connection DC/14/87501 – 9 Staplehurst Road

10 September 2014

Application for: The additional use of Unit A (Use Class A3) and Unit B (Use Class B1) to also include retail use (Use class A1) to the ground floor of 9 Staplehurst Road SE13, and change of use at first floor level above Unit A to provide 2 one bedroom self contained residential flats (Use Class C3). (Amended Description)

Matthew Roe (MR) - Planning Consultant CGMS

Bethan Hawkins (BH) - Planning Consultant CGMS

Unnamed man (UM) - Transport Consultant

Helen Milner (HM) - LBL Planning case officer

R - Residents

Cllr Simon Hooks (CSH) - Ward Cllr and meeting Chairperson

Minutes

- Introduction by Cllr Hooks and HM
- Introduction of scheme by MR, outlining the proposal is to widen the consent from A3/B1 to also include A1
- Ann Lewis from Friends and Users of Staplehurst Shops (F.U.S.S) commented that FUSS have been working for over a decade to improve the area to develop the independent character which with the one application will be lost and asked about end user.
- MR commented this was not known.
- R stated that CGMS often work for Tesco.
- MR commented that CGMS worked for a lot of national retailers but on this application they were working with the property owner and as yet no brand had been secured.
- R told when they bought flat in development that the premises would be a restaurant which they wanted and not a large shop
- UM stated that the location was sustainable and meet government transport policy for location of shops given proximity of rail station
- R stated that a shop of this size would cause parking problems and impact on local bus routes
- R concerned that Tesco would buy unit and keep vacant to stop competitors buying it
- Cllr Mallory did not understand the reason for the meeting as we had no details of the proposal and until we knew the end user how could this be fully understood
- HM stated that the proposal was the widening of the use classes on the building and that the brand was not for consideration
- R asked HM how to object and what the Council considers in determining the application
- HM stated that the Council looked at planning policy and other material considerations, including highways, amenity, refuse management etc HM continued that they needed to say why they didn't agree with the scheme
- Cost Cutter planning consultant Peter Stanway commented that the Council could not consider the viability of the restaurant verses a shop but said that people should comment on the scale of the proposal and how this will impact on local character and impact on grain of area as well as highways, refuse etc

- Cost cutter told residents about council guidance on website outlining reasons for objection and told them to look on that.
- R asked who can comment on application and how
- HM told residents objections or support must be in writing and gave council email address
- R asked about planning committee
- HM said available on website and if email would sent links
- HM explained delegated/committee process and that residents would only get 5 minutes at committee so needed to be coordinated
- Cllr Mallory said he was not on committee so would give his voice to the objectors
- Cllr Hook also said that although he was on Committee C if that was the committee for the application he would stand back so he could represent the residents
- R voiced concerns about impact of scheme on light spill, noise, pollution and highways
- HM confirmed they were valid concerns but must be in writing to be formally considered
- R asked about impacts on highways and if no end user how could this be assessed
- UM stated that they were producing a standard servicing management plan which includes highways restrictions
- R reiterated concerns of others about impact on parking and that in the residential development behind the site parking was a big problem with many people parking without consent
- R commented that another A1 unit was not needed and that a childcare facility was required and could it be used for that instead and who decides what the unit can be used for
- HM commented that the Council only consider the proposal that is submitted and that the owner has the right to apply for whatever consent they wish, but this does not mean that they will gain consent. The Council determines applications on the basis of each proposal and its acceptance with planning policy.
- R asked if unit could still be used for A3 and B1
- MR confirmed that application was to widen use classes and that A3 and B1 could still be used
- R asked if the building was still on market, several residents commented that owner was not taking viewing and was not trying to let as restaurant
- R asked if community could buy it
- MR said they must ask the sales agent
- R stated that 'Tesco' was involved from the start and used the first application as a way in to the site
- R stated that this was a disaster and that if this was approved it would be a PR nightmare and would be boycotted
- R stated LBL had been deceitful and hidden details of application and not carried out sufficient consultation
- Cost cutter commented that they had had an application refused so why was this one acceptable
- R reiterated strong objection to national retailer and impact on local character
- Many other comments as the same as above, all in strong objection to the proposal.

Meeting closed at 8.15pm

MINUTES

The Planning Officer outlined the details of the proposal for the additional use of Unit A (Use Class A3) and Unit B (Use Class B1) to also include retail use (Use Class A1) on the ground floor, and change of use of B1 space at first floor level above Unit A to provide one, 2 bedroom self contained residential flat (Use Class C3). The Planning Officer mentioned that Councillor Hooks, ward councillor for Lee Green, had sent an email, which was circulated to members before the meeting, asking that committee members raise appropriate questions with the Committee's advisors, the applicant and local residents regarding the concerns that had been raised at the local meeting held on 10 September 2014.

The Committee received verbal representation from Mr M Roe, the applicant's agent, who said the site was within a local hub and that while there was concern that there may be an increase in competition amongst businesses in the hub, increase in competition was encouraged as stated in the NPPF. He said that a condition requesting servicing details which would have to be discharged before the site was occupied, could be imposed. He asked that planning permission be granted.

Councillor Mallory spoke under standing orders in opposition to the proposal. He said the change of use to retail would negatively impact on businesses in the hub and affect community cohesion. He also said servicing by delivery lorries would require constant enforcement which would be unmanageable. He felt that marketing of the current use had been inadequate, and asked members to thereby refuse the change of use.

Upon deliberation whereby members agreed that the information provided on marketing of the site within its current Use Class and the information provided on deliveries and servicing of the unit was insufficient, Councillor De Ryk moved a motion to defer determination of the proposal until such information was provided. The motion was seconded by Councillor Kennedy.

FOR: Councillors Amrani (Chair), Kennedy (Vice-Chair), Bourne, De Ryk, Raven, Upex, Till and Walsh.

RESOLVED: that determination of planning application DC/14/87501 be deferred pending the provision of:

- i. Further information regarding the marketing of the site within its current Use Class and;
- ii. Further information in relation to servicing of the proposed unit.

Note: Members were dissatisfied that neither the Council's Highway's Engineer nor the applicant's transport consultant were present to answer questions.