

Committee	PLANNING COMMITTEE (A)	
Report Title	The Talma Public House, 109 Wells Park Road SE26	
Ward	Sydenham	
Contributors	Geoff Whittington	
Class	PART 1	Date: 2 June 2016

Reg. Nos. DC/14/87819

Application dated 3 June 2014, amended 10 January 2015

Applicant Ms C Syson

Proposal The alteration and refurbishment of The Talma Public House, 109 Wells Park Road SE26, together with the construction of a 3-storey rear extension and an additional storey at roof level to provide 2, one bedroom and 1, two bedroom self-contained flats, and 1, two bedroom self-contained maisonette, together with the provision of refuse and cycle stores.

Applicant's Plan Nos. S.00; EX.05; EX.06; EX.07; EX.08; GS.01; Lifetime Homes Assessment; Design & Access Statement; Sustainability Statement (Received 3 June 2014)

GE.00 Rev 4; GE.01 Rev 4; GA.01 Rev 3; GA.02 Rev 3; GA.03 Rev 2; GA.04 Rev 2; GA.05 Rev 4; GA.06 Rev 4; GS.00 Rev 4; GS.01 Rev 4 (Received 10 January 2015)

Background Papers

- (1) Case File LE/73/109/TP
- (2) Local Development Framework Documents
- (3) The London Plan (2015 as amended)
- (4) The NPPF

Designation PTAL 2

1.0 Property/Site Description

- 1.1 The Talma Public House is a mid-Victorian building occupying the corner of Wells Park Road and Coombe Road. Primarily of yellow London stock brick with red brick detailing, the building has three storeys, with two bays facing Wells Park Road and three bays facing Coombe Road. The roof is of low pitch set behind a parapet wall, which features a white rendered frieze at high level.
- 1.2 The building is canted around the corner with an original entrance on the corner and curved brick feature, which together with the frieze is likely to have once had advertising lettering applied. The pub frontage has had some alteration to the windows and the corner doorway, but original tiling and a large cornice remain. The windows are historic timber double hung timber sashes with horns and central glazing bars, set in reveals with cills and curved window arches embellished with

composition stone springings. The building retains original chimneys, and there is a pub sign on a pole of traditional painted type.

- 1.3 At the rear of the building is a single-storey addition that leads out to a small external garden area that was formerly used by customers of the public house. The land is currently in the ownership of the Council, however there has been a long term agreement for the pub to use it for amenity purposes.
- 1.4 The building is not nationally or locally listed, nor is it in a conservation area, however officers consider it to be an undesignated heritage asset, being the only Victorian building remaining within the immediate vicinity.
- 1.5 The pub was last in full operation in 2013, however the upper floors have remained occupied for residential purposes. The upper floors are not self-contained and are ancillary to the A4 use, once occupied by former public house landlords.
- 1.6 The surrounding area is predominantly residential in character. The adjacent building is a 3-storey residential block providing flatted accommodation. A local convenience store lies to the east of the site.
- 1.7 Wells Park Road is not a particularly busy highway, but experiences a high level of on-street parking. A local bus route operates along there, whilst to the east of the site, bus routes operate along Kirkdale, which leads down to Sydenham Train Station to the south-east. The PTAL for the area is 2, where on a scale of 1-6, 6 is excellent.

2.0 Planning History

- 2.1 No planning history.

3.0 Current Planning Application

- 3.1 The current application, which has been subject to amendments since the original submission, proposes the following:
 - The construction of a 3-storey extension to the rear of the existing building, spanning the full width and measuring 2.1 metres deep, constructed in materials to match the existing.
 - The construction of a mansard extension to the roof of the building, measuring 2.7 metres in height, with facing materials including natural slate and lead clad dormers. The roof addition would be built partly over the proposed 3-storey extension.
 - The use of the first, second and third floors for (C3) residential, comprised of 2, one bedroom and 1, two bedroom self-contained flats, and 1, two bedroom self-contained maisonette.
 - The reconfiguration of the existing ground floor bar area, together with use of the basement area for associated kitchen facilities and public toilets. A wheelchair accessible toilet would be located at ground floor.
 - The existing pub frontage would be largely retained, with the only alteration being the formation of a new doorway fronting Wells Park Road, providing separate access to the upper floor units.

Table 1: Proposed Residential Occupancy (London Plan minimum requirement in brackets)

Unit	Occupancy	Floor area	Bed 1 <i>(11.5sq.m)</i>	Bed 2 <i>(7.5sq.m)</i>	Kitchen/ Living/ Diner
01	2B3P	68.8sq.m (61)	13.5	9	29.8 (25)
02	1B2P	50sq.m (50)	14.2	n/a	25.8 (23)
03	1B2P	50.5sq.m (50)	14.2	n/a	26.8 (23)
04	2B3P	61sq.m (61)	15.5	10.3	25.1 (25)

4.0 Consultation

Neighbours and Local Amenity Societies

- 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 A site notice was displayed, letters were sent to residents in the surrounding area and the relevant ward Councillors.

Written Responses received from Local Residents

- 4.3 Subsequent to the submission of amended plans, re-consultation procedures were undertaken on 23 January 2015. Four letters were received, objecting to the proposed development, on the following grounds:
- The ground floor pub premises would be so small to be uneconomic;
 - Flats above bar areas have proven that future residents can and do object to such bars carrying out their legitimate business;
 - Key to the viability of pubs is the provision of 'live-in' accommodation for landlords and their families;
 - No alternative fire exit for the flats;
 - Siting of refuse bins;
 - The additional storey on the roof would change the character of the building entirely – destroying the character.
- 4.4 The Sydenham Society objects to the planning application for the following reasons:

'The Talma has been designated a "Heritage Asset". This is defined as "a building...place...identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.

'In the Society's opinion, the new roof level storey as proposed is both inappropriate and poorly configured. Its over-dominant scale, the unfitting specification of roofing material (aluminium sheet is not a traditional material) and its lack of relationship between the base contour of the new roof and the existing perimeter (particularly the quadrant at the northwest corner), as established by the enclosing parapet wall, are out of keeping in a heritage building situated on such a prominent corner site. The Talma is conspicuously visible from all the streets from which it is approached (reference Sydenham Society letters of 1- 3 -14, paragraph 1 and 15-8-14, paragraphs 1 & 2).

'Existing chimneys ascending above the party wall parapet will be over-topped by the proposed new upper floor. This will have the effect of making them unfit for the expulsion of combustion gases from internal rooms. More importantly, it will hugely diminish their visual impact and contribution to the building outline which makes these chimneys salient features of the roof-scape as existing.

'The current scheme is self-evidently an over-development of this relatively small domestic scale building. The excessive cramming of residential accommodation into such a modest volume has given rise to poor room "stacking" on the northern side of the building. The living / dining area in the top floor flat sits above two bedrooms in the maisonette that occupies the northern end of the first and second floor.

'Living / dining areas as shown on the deposited plans for units 2 and 3 are less than 3.20m in width, which is a minimum width for ensuring that occupants can pass around room furniture and fittings (reference Design Bulletin 6, "Space in the Home").'

- 4.5 Cllr Liam Curran objects due to concerns that the provision of separate flats would affect the viability of the public house.

(Letters are available to Members)

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 shall have regard to:-

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

A local finance consideration means:

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

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

in accordance with the plan unless material considerations indicate otherwise.' The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

- 5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. 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 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 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

The London Plan (2015 as amended)

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

Policy 3.9 Mixed and balanced communities
Policy 3.16 Protection and enhancement of social infrastructure
Policy 6.3 Assessing effects of development on transport capacity
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.12 Road network capacity
Policy 6.13 Parking
Policy 7.4 Local Character
Policy 7.5 Public Realm
Policy 7.6 Architecture

Nationally Described Space Standard

- 5.7 Technical housing standards – nationally described space standard (2015)

London Plan Supplementary Planning Guidance (SPG)

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

Housing (2016)

Core Strategy

5.9 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the London Plan and the Development Management Local Plan (2014), 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
CS Policy 1	Housing provision, mix and affordability
CS Policy 14	Sustainable movement and transport
CS Policy 19	Provision and maintenance of community and recreational facilities

Development Management Local Plan

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 17	Restaurants and cafés (A3 uses) and drinking establishments (A4 uses)
DM Policy 20	Public houses
DM Policy 22	Sustainable design and construction
DM Policy 26	Noise and vibration
DM Policy 27	Lighting
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
DM Policy 35	Public realm
DM Policy 37	Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest
DM Policy 43	Art, culture and entertainment facilities

6.0 Planning Considerations

6.1 The main planning considerations include:

- Principle of converting the upper floors to residential units;
- Scale and appearance of the proposed extensions, including impact upon the character of the undesignated heritage asset;
- Standard of residential accommodation;
- Visual impact upon the amenities of neighbouring occupiers;
- Parking matters;
- Sustainability.

Principle of the Change of Use of the Upper Floors to Residential (C3)

6.2 The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

6.3 Policy 3.3 Increasing Housing Supply of The London Plan (March 2015) establishes a housing target for the Borough of 13,847 additional dwellings for the plan period 2015-2025.

6.4 While Lewisham is on target to achieve those figures, the policy also states that boroughs should seek to exceed the housing supply targets set through enabling the bringing forward of previously developed land. The policy requires such additional homes to be in accordance with other policy objectives within the London Plan such as Policy 3.5 Quality and design of housing developments and Policy 7.8 Heritage assets and archaeology.

6.5 The public house last operated in late 2013, and the ground floor premises have remained vacant. The premises have been marketed since 2013 for continued public house use, however interest has generally been to convert the entire building into flatted accommodation, reflecting the national trend of pub conversions.

6.6 The Talma has recently been marketed by Fleurets, and they advise that;

'We have had the Talma listed for sale on our website since 22nd June 2015, the total period of our instruction to date. Since our appointment as agents, we have distributed the sales particulars to 105 matching applicants on our database. We have received a small number of enquiries, all from developers, so far resulting in one informal offer of £400k, which was immediately rejected by the client.'

6.7 The existing ancillary upper floors of the public house have been in short-term lease residential occupancy, however the accommodation has suffered neglect and poor maintenance. The applicant advises that the income of the pub had been insufficient to maintain the building in its entirety, whilst landlords in recent years have not resided on the premises. Due to its large floor area, it is considered the residential space could be better utilised.

6.8 The applicant is seeking to convert the existing residential floorspace to provide two self-contained flats, and a self-contained maisonette, which would represent a change of use from the established (A4) Drinking Establishment. The proposal would retain the use of the public house at ground level, with the provision of kitchen

facilities within the existing basement area. Whilst the former ancillary accommodation on the upper floors would be lost, it is not uncommon for publicans to reside off-site.

- 6.9 Concern has been raised regarding the provision of self-contained residential accommodation on the upper floors and the subsequent impact it may have upon the viability of the pub by way of future residential occupiers complaining about noise and disturbance relating to the use.
- 6.10 Officers consider that it is possible for self-contained flats to coexist with ground floor A4 uses without the latter giving rise to unacceptable nuisance to the former. Officers would seek to ensure the flats would be provided with sufficient levels of internal insulation measures to prevent the future occupiers experiencing significant noise nuisance and inevitable disturbance from the operation of the pub. This would extend to noise from the associated external area to the rear of the pub, and would likely require windows to be provided with acoustic glazing/ ventilation.
- 6.11 In regard to the hours of operation of the A4 use, this would be subject to the agreement of the Council as licensing authority, therefore a planning condition specifying opening hours of the pub is not considered necessary.
- 6.12 The existing external rear yard area is currently in Council ownership, however the pub has been permitted for many years to allow customers to use the space, whilst refuse is stored there. The application proposes that commercial and residential occupiers would have access to the yard to store refuse bins and bicycles. It is unlikely the yard would be considered suitable for redevelopment in the future due to site constraints and close proximity of neighbouring dwellings. Nevertheless, it is acknowledged that alternative storage space may be provided for the proposed residential units within the ground floor lobby area, whilst a refuse bin enclosure may be accommodated to the corner of the forecourt adjacent to the front entrance, subject to scale and appearance.
- 6.13 In summary, officers raise no objections to the principle of residential use, and consider the conversion would provide the necessary income to renovate and maintain the building and public house for future years. Given DM Policy 20, it is recommended a condition be included to ensure the ground floor of the building would be retained as A4 public house, unless the local planning authority formally confirms otherwise.

Proposed Extensions - Impact on the Undesignated Heritage Asset

- 6.14 DM Policy 37 states the Council will protect the local distinctiveness of the Borough by sustaining and enhancing the significance of non-designated heritage assets, ensuring they continue to contribute to the richness of the historic environment.
- 6.15 DM Policy 20 Public Houses states the Council will only permit a change of use or redevelopment of a public house after an assessment of the ability and appropriateness of the building and site to accommodate an alternative use or uses without the need for demolition or alterations that may detract from the character and appearance of the building.
- 6.16 The Talma Public House is considered to be an undesignated heritage asset of significance for the following reasons:
- It is a well preserved and solid example of mid-Victorian public house;

- Considered to be a building of architectural quality;
- Significant streetscape value as a positive historic building on a prominent corner site providing a strong reference point in an area where there has been much change and re-development during the 20th century.

- 6.17 In Planning terms, a heritage asset is '*a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.*' Since the building is identified by the Council as an undesignated heritage asset, conservation concerns are a material consideration in considering this application.
- 6.18 This does not necessarily negate altering or extending such a building, however the proposal must be sympathetically designed whilst respecting the character and heritage of the building.
- 6.19 The applicants have engaged with officers to seek an appropriate form of extension that meets with this criteria. The application originally proposed a flat roof extension that was of a contemporary approach, however officers considered it to be an inappropriate addition that would fail to complement the character of the existing building.
- 6.20 The current mansard roof extension is considered more appropriate for this particular building type. The extension would measure 2.7 metres in height, set back 0.8m from the edge of the building, whilst being sited behind an existing parapet wall that would serve to minimise its overall scale and bulk. The use of slate tiles to the roof would complement the existing building, whilst the siting and proportions of the proposed dormers would be acceptable, aligning with the existing openings.
- 6.21 In some circumstances, mansard roofs are considered appropriate for traditionally designed commercial buildings of the 19th century. In this case, the relationship between the roof addition and the existing Victorian period building would be acceptable, introducing a new element that would be compatible and respectful of the existing architectural character.
- 6.22 The proposed 3-storey extension to the rear of the building would measure 2.1 metres deep, spanning the full width of the building. Facing brick would match the existing, whilst the rear elevation would incorporate windows at first and second floors. It is considered the extension would be acceptable in scale and appearance, relating well with the existing building.
- 6.23 The siting of the roof extension would ensure sufficient space to retain the existing chimneys, serving to preserve the character of the building.
- 6.24 Details of the proposed ventilation and fume extraction system for the commercial kitchen of the public house have not been submitted at this stage. The provision of a flue to the rear elevation of the building has been discussed with the applicant and Conservation officer, and subject to appearance and siting, no objections to the principle are raised. However, preferred approach would be the incorporation of a ventilation system within the retained chimneys, which would provide a less conspicuous alternative. A condition will require the submission of this information, including technical specifications prior, to the commencement of works.
- 6.25 Taking the above into account, it is considered that the proposed extensions would be of appropriate height, scale and massing, and would preserve and enhance the

character of the building. Officers consider that the proposed development would facilitate the restoration and repair of the building, which would assist in preserving the character of the undesignated heritage asset.

Standard of Residential Accommodation

- 6.26 DM Policy 20 states the proposed change of use of a public house for residential use will only be acceptable where the Council is satisfied that residential use is acceptable, the accommodation to be provided is to be of the highest quality and meet the requirements outlined in DM Policy 32.
- 6.27 Policy 3.5 'Quality and design of housing developments' of the London Plan sets out the minimum floor space standards for new homes relative to the number of occupants and taking into account commonly required furniture and spaces needed for different activities and circulation.
- 6.28 The Technical housing standards – nationally described space standard March 2015, together with the London Plan Housing Standards (2016) and Lewisham's Residential Standards SPD (amended 2012) sets out the standard of accommodation required from new housing development.
- 6.29 The proposal is for the provision of 2, one bedroom and 1, two bedroom self-contained flats, and 1, two bedroom self-contained maisonette. The floor areas for each unit would comply with the minimum floorspace housing standards, as detailed in Table 1. All rooms would be appropriately sized and ensured of good circulation, in accordance with guidance. Each habitable room, including kitchen/ living/ diners, would exceed the London Plan SPD requirements. Floor to ceiling heights would meet with the minimum requirement of 2.3 metres.
- 6.30 All units would be provided with sufficient outlook and natural light intake, with the two bedroom units being dual aspect. The single aspect units would be west facing, which is acceptable considering the Council will generally resist single aspect north facing units.
- 6.31 The London Plan Housing SPG states that a minimum of 5sq.m of private outdoor space should be provided for 1-2 person dwellings. In this case, no flats would be afforded amenity space due to the constraints of the site. The area is however served by existing public space, with Sydenham Wells Park lying a short walking distance (0.1km) to the west of the application site, providing children's playspace – thereby serving to mitigate the lack of private amenity space within the scheme.
- 6.32 Building Control officers have advised that the provision of a single means of access for the residential units would suffice, and that a separate fire escape would not be required. However, the applicant would be expected to propose fire retardant insulation measures between the ground floor residential lobby area and the A4 use.
- 6.33 The flats would provide a good level of accommodation subject to having satisfactory levels of insulation to prevent future residential occupiers experiencing noise nuisance from the operation of the pub. This would extend to noise nuisance from the external area at the rear associated with the pub, which would require windows to be provided with sufficient acoustic glazing and ventilation. As hours of operation of the A4 use would be subject to the agreement of the Council as licensing authority, a planning condition specifying opening hours of the pub is unnecessary.

Impact on the Amenity of Neighbouring Occupiers

- 6.34 DM Policy 32 states that new residential development must 'provide a satisfactory level of privacy, outlook and natural lighting for both its future residents and for its neighbours.'
- 6.35 It is not considered that the proposed development would have any adverse impact on neighbour amenity as the mix of uses within the building would remain largely the same as at present, albeit the provision of residential accommodation would increase.
- 6.36 The proposed extensions would not impact significantly upon the existing outlook or natural light intake of neighbouring properties, neither would there be any unacceptable overlooking or loss of privacy. The original scheme proposed a roof terrace to Unit 04, which has since been removed.
- 6.37 Details of the proposed ventilation and fume extraction system for the commercial kitchen of the public house will be requested by condition to ensure there would be no unacceptable impact upon neighbouring occupiers.

Highways

- 6.38 Policy 6.13 of The London Plan states; 'The Mayor wishes to see an appropriate balance being struck between promoting new development and preventing excessive car-parking provision that can undermine cycling, walking and public transport use.' 'In locations with high PTAL, car-free developments should be promoted.'
- 6.39 The site does not provide sufficient space for any off street car parking. The site is located within close proximity to bus routes that operate along Wells Park Road, whilst there are on-street parking opportunities within the immediate area.
- 6.40 A dry, secure cycle store for residential occupiers would be provided, accessed from the external courtyard to the rear of the pub. A minimum of 5 spaces would be required, in accordance with The London Plan. This would be ensured by condition.
- 6.41 Highways officers have raised no objections to the proposal, and are satisfied it would not result in any unacceptable increase in on-street parking.
- 6.42 In regard to refuse and recycling, residential and commercial bin stores would be located to the rear of the building, with collection from Coombe Road. The refuse details are considered acceptable.

Sustainability

- 6.43 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.
- 6.44 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

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.

- 6.45 Relevant policies within the London Plan Core Strategy would need to be addressed in any submission. London Plan Policy 5.2: Minimising Carbon Dioxide Emissions establishes an energy hierarchy based around using less energy, in particular by adopting sustainable design and construction (being 'lean'), supplying energy efficiently, in particular by prioritising decentralised energy generation (being 'clean') and using renewable energy (being 'green').
- 6.46 The applicant has submitted a Sustainability Statement in support of the application, which satisfactorily addresses sustainability issues, confirming that Code Level 4 would be achieved.
- 6.47 Following a review of technical housing standards in March 2015, the government has withdrawn the Code for Sustainable Homes, though residential development is still expected to meet code level in regard to energy performance and water efficiency.
- 6.48 The Ministerial Statement advised from 1 October 2015, the standard for energy efficiency in new residential development will be a 19% reduction in CO2 emissions over Building Control requirements, which is equivalent to Code Level 4.
- 6.49 In regard to water efficiency, from 1 October 2015 new development is expected to achieve a consumption of 110 litres per person per day, including a 5 litre allowance for external water use.
- 6.50 In this case, considering the proposal relates to the conversion of an old building, with the retention of much of the original fabric, officers acknowledge it would be difficult to achieve the new requirements. The applicant has advised they would seek to engage with Building Control should planning permission be granted in respect of energy and water efficiency.

7.0 Community Infrastructure Levy

- 7.1 The above development is liable for Lewisham CIL.

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 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.

9.0 Conclusion

9.1 The proposed change of use of the upper floors of the Talma from residential accommodation ancillary to the A4 Drinking Establishment use to 4no self-contained units is considered to be acceptable, making better use of the existing upper floor layouts, which would ensure the undertaking of internal maintenance.

9.2 The pub would be retained at ground floor, whilst being expanded into the existing basement to provide new kitchen facilities and public toilets. The applicant has indicated there is some interest regarding the leasing of the ground floor premises for public house use. Officers welcome the retention of the public house use, and consider its viability would not be compromised by the proposed self-contained flats, subject to appropriate conditions.

9.3 Officers consider the proposed extensions to the Victorian building to be appropriate in scale and appearance, respecting and maintaining the character of the undesignated Heritage Asset.

9.4 Subject to appropriate conditions to protect the future residential occupiers from any adverse impact from noise from the ground floor commercial use, and to remove any permitted development change of the A4 accommodation without the written approval of the Council, the scheme is recommended for approval.

10.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions:

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

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:

S.00; EX.05; EX.06; EX.07; EX.08; GS.01; Lifetime Homes Assessment; Sustainability Statement (Received 3 June 2014)

GE.00 Rev 4; GE.01 Rev 4; GA.01 Rev 3; GA.02 Rev 3; GA.03 Rev 2; GA.04 Rev 2; GA.05 Rev 4; GA.06 Rev 4; GS.00 Rev 4; GS.01 Rev 4 (Received 10 January 2015)

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) 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 L_{Amax} (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) Development shall not commence until details of a sound insulation scheme complying with paragraph (a) of this condition have been submitted to an approved in writing by the local planning authority.
- (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, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- (4) (a) No development shall commence until full written details, including relevant drawings and specifications of the proposed works of sound insulation against airborne noise to meet $D'nT,w + Ctr$ dB of not less than 55 for walls and/or ceilings where residential parties non domestic use shall be submitted to and approved in writing by the local planning authority.
- (b) The development shall only be occupied once the soundproofing works as agreed under part (a) have been implemented in accordance with the approved details.
- (c) The soundproofing shall be retained permanently in accordance with the approved details.

Reason: In the interests of residential amenity and to comply with DM Policy 26 Noise and vibration, 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).

- (5) (a) No development shall commence on site until samples of all external materials and finishes to be used on the building have been submitted to and approved in writing by the local planning authority, including: Natural slate (mansard roof); Lead cladding and Aluminium framed windows (dormers); and London Stock brickwork, as stated on Plan nos GE:00 Revision 4 and GE.01 Revision 4.
- (b) The scheme shall be carried out in full accordance with those details, as approved, and permanently retained thereafter.

Reason: To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

- (6) (a) The residential and commercial refuse storage facilities hereby approved shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with 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).

- (7) (a) A minimum of 5 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.
- (b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

- (8) (a) No development shall commence until detailed plans and a specification of the appearance of and the equipment comprising a ventilation system, which shall include measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencer(s) and anti-vibration mountings where necessary) are submitted to and approved in writing by the local planning authority.
- (b) The ventilation system shall be installed in accordance with the approved plans and specification before use of the development hereby permitted first commences and shall thereafter be permanently maintained in accordance with the approved specification.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with DM Policy 17 Restaurants and cafes (A3 uses)

and drinking establishments (A4 uses) of the Development Management Local Plan (November 2014).

- (9) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, other than rainwater pipes, and any approved fume extraction shall be fixed on the external faces of the building.

Reason: In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

- (10) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the areas of the building identified for A4 Drinking Establishment use - ground floor and basement - shall be used only for this purpose and shall not be used for any other purpose (including any other purpose set out in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or an any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: To safeguard the established A4 Drinking Establishment use and to comply with Policy 19 Provision and maintenance of community and recreational facilities of the adopted Core Strategy (July 2011) and DM Policy 20 Public houses of the Development Management Local Plan (2014).

INFORMATIVES

- (A) 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.
- (B) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and 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>
- (C) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.

(D) **Pre-Commencement Conditions:** The applicant is advised that Conditions (3) Sound Insulation, (4) Soundproofing, (5) External Materials and (8) Ventilation Equipment, require details to be submitted prior to the commencement of works due to the importance of: minimising disruption on local residents and future occupiers; and securing quality design to ensure the approved scheme would be delivered as envisaged in the planning submission.