

Committee	PLANNING COMMITTEE	
Report Title	LADYWELL TAVERN, 80 LADYWELL ROAD, LONDON, SE13 7HS	
Ward	LADYWELL	
Contributors	Russell Brown	
Class	PART 1	6 th October 2016

<u>Reg. Nos.</u>	DC/16/097305
<u>Application dated</u>	30.06.2016
<u>Applicant</u>	Mash Inns
<u>Proposal</u>	The demolition of two outbuildings and a garage to create a beer garden to the rear of the Ladywell Tavern, 80 Ladywell Road, SE13, together with the erection of timber gates fronting onto Slagrove Place and new glazed doors to the function room.
<u>Applicant's Plan Nos.</u>	Planning & Heritage Statement; 01; 02 Received 1st July 2016 03 Received 21st July 2016
<u>Background Papers</u>	(1) Case File LE/837/80/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) London Plan (March 2016)
<u>Designation</u>	Ladywell Conservation Area and Locally Listed
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application site is located on the south side of Ladywell Road (B236), at the junction with Slagrove Place and opposite Gillian Street. It is occupied by a two-storey building (circa 1846) that operates as a public house on the ground floor with living accommodation on the first. There are two entrances, one to the front on Ladywell Road and one to the side on Slagrove Place.
- 1.2 There is a small forecourt to the front that is used as an external seating area with space for three picnic benches and some seating to the rear yard area.
- 1.3 The premises directly adjoins 12, 14 and 16 Malyons Terrace to the rear, which are all single dwellinghouses, and 78 and 78A Ladywell Road to the east.
- 1.4 The property is a locally listed building, with the following listing description:

"The Ladywell Tavern was built in 1846 on the corner of Ladywell Road and Slagrove Place. The main entrance is on Ladywell Road but the building also

offers a secondary elevation including another entrance on Slagrove Place. It is an impressive and well detailed building with a central protruding entrance bay and small bull nosed sash windows to the side elevation. It is built from red brick with stucco parapet and detailing. There is a slate tiles mansard roof with dormer windows. The Ladywell Tavern has a prominent position within the local streetscape and is well detailed building that stands out from the surrounding yellow brick shopping parades. This pub makes an attractive and positive contribution to Ladywell's centre."

- 1.5 The site is located within Ladywell Conservation Area, but is not subject to an Article 4 direction or within the vicinity of any listed buildings. The land lies within Flood Risk Zone 2 and has a PTAL rating of 3/4. The street is a B Road.

2.0 Relevant Planning History

- 2.1 None.

3.0 Current Planning Application

- 3.1 Planning permission is sought for the demolition of two single storey outbuildings and a garage to create a beer garden to the rear of the Ladywell Tavern, together with the erection of timber gates fronting onto Slagrove Place and new glazed doors to the function room to the rear.
- 3.2 The outbuilding and garage to be demolished are currently used for storage. The internal layout of the main pub building would also change with the kitchen moved to where the boiler / plant room and ladies WC are currently located, the latter moving to the current food preparation area and a bar being installed at ground floor level of the function room.
- 3.3 The function room would also feature new timber framed double doors to replace the east-facing window. Furthermore, the existing up-and-over garage door would be replaced by timber gates attached to the brick wall at either side.

4.0 Consultation

- 4.1 No pre-application advice was sought.
- 4.2 The Council's consultation met the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.3 A site and public notice were displayed and letters were sent to seven adjoining residents, Ladywell Ward Councillors, Ladywell Society, CAMRA and the Council's Conservation Officer.

Written Responses received from Local Residents

- 4.4 Four objections and one comment were receiving from local residents raising the following concerns:
- The proposal would increase the already large volume of traffic in the area and aggravate the parking situation whereby driveways are blocked and cars are double-parked on single yellow lines.

- It would also increase noise levels in a largely residential area caused by the removal of the outbuildings that act as a sound barrier.
- The opening and closing times of the beer garden should be stated, secured by a covenant written into the planning permission.
- It would exacerbate the litter, which is also thrown into surrounding residential gardens, and anti-social behaviour problems.
- The block plan submitted with the application is incorrect with regard to the positioning of the adjoining properties on Malyons Terrace.
- Concerns over the structural integrity of the rear boundary wall, which could be compromised by the removal of the outbuildings.
- No site notice has been displayed.

4.5 Representations are available to members on request.

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 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), DMLP (adopted in November 2014) and policies in the London Plan (March 2016). 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 that (paragraph 211), 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.

London Plan (March 2016)

- 5.6 On 14 March 2016 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 7.4 Local character
Policy 7.8 Heritage assets and archaeology

Core Strategy

- 5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together the Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant 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 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Plan

- 5.8 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 Core Strategy and the London Plan is the borough's statutory development plan. The following policies are relevant to this application:-

DM Policy 1 Presumption in favour of sustainable development
DM Policy 20 Public houses
DM Policy 30 Urban design and local character
DM Policy 31 Alterations/extensions to existing buildings
DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens
DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest

Ladywell Conservation Area Character Appraisal (March 2010)

- 5.9 The pub is marked as a positive building. The single storey rear outbuildings are marked as being neutral buildings.

6.0 Planning Considerations

- 6.1 The relevant planning considerations are the impact of the proposal on the character and appearance of the existing locally listed building, the Ladywell Conservation Area, the amenities of neighbouring occupiers and on car parking.

Design

- 6.2 NPPF Section 7 Requiring good design states that the Government attaches great importance to the design of the built environment. Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 6.3 DM Policy 30 states that the Council will require all development proposals to attain a high standard of design, including alterations and extensions to existing buildings. DM Policy 31 Alterations and extensions to existing buildings including residential extensions states that development proposals for alterations and extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.
- 6.4 The proposed demolition of the outbuildings is considered to be acceptable given that they are not of historical significance and their removal would not have a negative impact on the locally listed building or on the Ladywell Conservation Area. However, as they adjoin what appears to be a historic rear boundary wall, it is considered necessary to add a condition requiring that any works of making good are to be carried out in materials to match the existing.
- 6.5 There is no objection in conservation terms as the outbuildings to be demolished do not have any historical significance, the main significance being the public house building itself. There would be no impact on the wider Conservation Area as the alterations to the function room would not be visible.
- 6.6 The proposed doors would be in timber, which is a traditional material suitable for use in a Conservation Area. There is no objection to creating a new point of access for the function room into the proposed beer garden, nor to the proposed timber doors that would replace the garage.
- 6.7 The principle of development and the materials proposed for the alterations are considered to be acceptable by being appropriate for the locally listed building and the surrounding Conservation area. As such, the proposal complies with Core Strategy Policies 15 and 16 and DM Policies 30, 31, 36 and 37.

Impact on the amenity of neighbouring occupiers

- 6.8 There would be no impact on the amenities of adjoining neighbouring properties in terms of levels of sunlight, daylight, associated overshadowing, outlook or privacy. A number of local residents are concerned that the noise levels would increase as a result of the proposed beer garden.
- 6.9 The existing pub is well established, and there is already a rear yard which patrons can use. The proposal will allow a greater number of people to sit and stand outside in the open air as 75m² of space is being gained through the demolition of the outbuildings.
- 6.10 Given that the extent of the external area would increase, the level of noise generated would be likely to be greater. However, subject to conditions restricting the hours of use of the beer garden to no later than 9pm and limiting the use of an amplified sound system or generation of music or other form of loud noise within the garden, it is not considered that any additional disturbance would be unreasonable given the existing use of the site. It should be noted that there are currently no conditions controlling the use of the existing rear yard and so at present noise in this area can be generated much later. Therefore, subject to the imposition of suitable conditions, it is not considered that this proposal would increase activity and noise levels to a degree that would warrant refusal of the application.
- 6.11 The use of the beer garden would also be controlled through the licensing regime. The Council as licensing authority therefore has powers to intervene should any unwarranted disturbance arise.

Car Parking

- 6.12 Whilst the public area of the premises would increase, and therefore potentially its capacity, the internal trade area remains the same. The site has a PTAL rating of 3/4, which means it is well served by nearby public transport. It is a two minute walk to Ladywell train station with services to Hayes and north to Cannon Street and Charing Cross and there are bus stops outside on either side of the road serving Crystal Palace, Plumstead, Grove Park, Lewisham and Brixton with three routes (122, 284 and P4).
- 6.13 As such, it is not considered that there would be an increase in customers attending the pub by car to raise concerns about the impact on parking locally. No off-street parking has therefore been sought.

Equalities Considerations

- 6.14 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.15 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;

- (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
 - (c) Foster good relations between people who share a protected characteristic and persons who do not share it.
- 6.16 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 6.17 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 6.18 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 6.19 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>
- 6.20 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.

Conclusion

- 7.0 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011), London Plan (March 2016) and the National Planning Policy Framework (2012).

8.0 It is considered that the principle of and the materials proposed for the alterations are acceptable and the proposal would have no adverse impact on the locally listed building, surrounding Conservation area or on neighbouring amenity.

8.0 RECOMMENDATION: GRANT PLANNING 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:

Planning & Heritage Statement; 01; 02 Received 1st July 2016

03 Received 21st July 2016

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) No new external finishes, including works of making good, shall be carried out other than in materials to match the existing.

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

4) The proposed beer garden shall only be open for customer business between the hours of 12:00 and 21:00.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policies 17 Restaurants and cafes (A3 uses) and drinking establishments (A4 uses) and 26 Noise and Vibration of the Development Management Local Plan (November 2014).

5) No music, amplified sound system or other form of loud noise (such as singing or chanting) shall be used or generated within the beer garden which is audible outside the premises or within adjoining buildings.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 120 of the National Planning Policy

Framework and DM Policy 26 Noise and Vibration of the Development Management Local Plan (November 2014).

INFORMATIVES

Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.