

Committee	PLANNING COMMITTEE A	
Report Title	ADDENDUM REPORT - THE ARCHES, CHILDERS STREET, LONDON, SE8 5PL	
Ward	EVELYN	
Contributors	Russell Brown	
Class	PART 1	5 th July 2018

<u>Reg. Nos.</u>	DC/17/103827
<u>Application dated</u>	28.09.2017
<u>Applicant</u>	Evelyn Court LLP
<u>Proposal</u>	The alteration and conversion of six vacant commercial units (Use Class B1a) into 1 x one bedroom, 6 x two bedroom and 1 x three bedroom self-contained flats, together with the provision of 4 car parking and 17 cycle spaces.
<u>Applicant's Plan Nos.</u>	TP/100 Rev B; TP/104 Rev B; TP/105 Rev A; TP/107 Rev E; TP/109 Rev D; TP/110 Rev E; TP/112; TP/113 Rev A; TP/115 Rev A; TP/116 Rev A; TP/117 Rev A; TP/121 Rev C; Site Location Plan; Acoustic Assessment; Design & Access Statement rev. v. 6; Flood Risk Assessment; Revised Daylighting Report; Revised Sustainability & Energy Statement; Transport Statement Received 28th September 2017
	TP/118 Rev D; TP/119 Rev D; TP/120 Rev D; Schedule of External Facing Materials Received 16th January 2018
	TP/106 Rev F; TP/123 Rev A; TP/124; TP/125; TP/126 Received 1st February 2018
	TP/103 Rev L Received 2nd February 2018
	Marketing Report & Appraisal (with Appendices) Received 1st March 2018
<u>Background Papers</u>	(1) Case File DE/134/D/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) London Plan (March 2016)
<u>Designation</u>	None
<u>Screening</u>	N/A

1.0 Introduction

- 1.1 On Thursday 22nd February 2018 this application was presented to committee B with an Officer's recommendation for approval (original committee report attached as Appendix 1). As part of the deliberation of the application by Members the extent and quality of the marketing of the units for commercial purposes was discussed at length approval (original

committee report attached as Appendix 1). Objections received in writing during the application and verbally in the committee by Deptford Folk further questioned the quality of the marketing appraisal and the findings. Following discussion Members resolved to approve the application.

- 1.2 Following the committee meeting Deptford Folk wrote to Council Officers and Members to explain that the marketing appraisal as referenced in the committee meeting was not available to view on the Council's website. Once alerted to this Officer's confirmed that due to a technical issue the report had not been visible for the public to view.
- 1.3 Planning Officers took the view, following legal advice, that given the recommendation of Officers was based on a document that the public and Members had been unable to view that no formal decision should be issued. It was considered that reconsultation should take place to allow the public time to view and comment of the submitted document before taking the application back to Committee B for formal determination.
- 1.4 This addendum report addresses further consultation responses following the publication of the marketing information and subsequent actions leading to this case returning to committee.

2.0 Consultation

- 2.1 On the 1st March 2018, the marketing appraisal and appendices were made available on the Council's website for the public to view and consultation letters were resent to local residents giving 22 days for comments. This was the same document that was submitted for the previously withdrawn application (DC/16/096613).
- 2.2 61 further objections have been received to the application raising the following issues:
 - The application units have been intentionally left unmaintained and not marketed effectively whereas all other units in the immediate vicinity are occupied and offering employment to boost the local economy.
 - Requests to view the units have been ignored.
 - The marketing report is offensive to Lewisham Council residents in social housing and does not consider changes to the area since the units were built.
 - A full 'Healthy Streets' assessment should be undertaken in line with TfL policy as this street is on the Quietway 1 route.
 - Evidence should be provided that LBL planning officers have visited the units and established that they have been maintained in line with the "appropriate standard", as required by the Development Management Local Plan.
 - There has been a lack of adherence to statutory conditions including onsite notification and lack of or delayed availability of relevant public documents.
 - Enforcement action taken to ensure the ongoing issues with the public realm are rectified.
 - The developer received a reduction in social housing units to have these spaces built and given that there is a need for social housing and not more private, this application should be rejected.
 - The use of the units be explored for social housing or creative business start-up spaces for the local community.
- 2.3 Separately, 22 other comments were received complaining about the location of the local meeting and the developer not engaging with local residents or groups.
- 2.4 It is noted that the London Fire and Emergency Planning Authority were satisfied with the proposals with regard to the fire precautionary arrangements.
- 2.5 As 10 or more objections have been received on the application the Council's adopted Statement of Community Involvement requires that a local meeting be held prior to any

formal decision. Therefore Officers contacted the agent to arrange such a meeting. However before the event was agreed the applicant appealed to the Planning Inspectorate over non-determination of the application within an agreed time.

- 2.6 Therefore the formal determination of this application can not take place by the Council and will instead be made by the Planning Inspectorate. However Officers are bringing this application before members for a decision to be made on what their formal determination would have been, had the agent not appealed.
- 2.7 In addition to the already printed committee report the considerations below focus on the additional comments received following reconsultation of the application.

3.0 Planning Considerations

- 3.1 Further to discussions between Officers and a local amenity society, it was discovered that the marketing information had not been made public for the duration of the application determination period for viewing by external consultees and local residents. The report was made public the day after the previous committee meeting (22nd February 2018) and the appendices were subsequently provided and made public on 1st March.
- 3.2 Standard of accommodation was previously assessed within paragraphs 6.29- 6.33 of the original report and it was found to be acceptable.
- 3.3 Officers consider that the marketing evidence demonstrates that a long and extensive process has been carried out without any success in generating interest for the current use class. Officers cannot control the current condition of the units and there are a number of factors why they would not be suitable for offices attractive to potential occupiers. Consideration of the marketing report is also dealt with within paragraphs 6.9- 6.11 of the original report.
- 3.4 Whilst Officers consider the previous committee report to have clearly summarised the findings of the marketing report, as this was not available for the public to view the decision has been taken to allow this opportunity to take place.
- 3.5 Given that Officers had sight of the marketing information, then it is considered that the recommendation to approve the proposed development should remain unchanged. Furthermore, the appendices contain supplementary information and that most relevant to the determination of this application is within the main body of the report.

4.0 RECOMMENDATION

- 4.1 The Council have received an appeal to the Planning Inspectorate, appealing under non-determination of the application. Therefore no formal determination of the application can take place. However Officers have set out their recommendations to committee to ascertain what the formal decision of Members would have been, had an appeal not been received. The conclusion of Members will be sent to the Planning Inspector to advise what the Council's formal decision would have been on the proposal, had such an appeal not been received. Officers have therefore set out below their recommendations;
- 4.2 **Recommendation A:** To agree the proposals and authorise Officers to negotiate and complete a legal agreement to secure a financial contribution of £4,770 to mitigate against the loss of employment floorspace.
- 4.3 **RECOMMENDATION B:** Subject to the completion of a satisfactory legal agreement, authorise the Head of Planning to **GRANT PLANNING PERMISSION subject to the conditions set out in the main committee report and those listed below.**

- 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:

TP/100 Rev B; TP/104 Rev B; TP/105 Rev A; TP/107 Rev E; TP/109 Rev D; TP/110 Rev E; TP/112; TP/113 Rev A; TP/115 Rev A; TP/116 Rev A; TP/117 Rev A; TP/121 Rev C; Site Location Plan; Acoustic Assessment; Flood Risk Assessment; Revised Daylighting Report; Revised Sustainability & Energy Statement; Transport Statement Received 28th September 2017

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TP/103 Rev L Received 2nd February 2018

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) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new side elevation windows for bedroom 2 of Flat 1, bedroom 1 of Flat 5 and bedroom 1 of Flat 6 hereby approved shall be fitted as obscure glazed and retained in perpetuity.

Reason: To avoid the privacy of the new residential units being compromised and to comply with DM Policies 31 Alterations/extensions to existing buildings and 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- 4) The units shall be designed and fitted out so as to provide sound insulation against external and internal noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAmax (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with windows shut and other means of ventilation provided. 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.

Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policies 26 Noise and vibration, 31 Alterations and extensions to existing buildings including residential extensions and 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- 5)
 - (a) A minimum of 15 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 6.9 Cycling of the London Plan (March 2016) and Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

- 6) The refuse facilities shall be provided within the development prior to occupation of the development as indicated on the plans hereby approved, and shall thereafter be permanently retained and maintained.

Reason: In order that the Local Planning Authority is 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 Policy 13 Addressing Lewisham waste management requirements of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

- 7) a) The detailed design for each dwelling hereby approved shall meet the required standard of the Approved Document M of the Building Regulations (2015) as specified in the schedule below:

Unit reference number	Approved Document M (2015) Access Requirement	Dwelling type
Unit 6	M4(3)(2)(a)	Wheelchair user (adaptable)
All other units	M4(2)	Accessible and adaptable

- b) The development shall be carried out in accordance with drawing no. TP/103 Rev L hereby approved prior to their first occupation of the development.

Reason: To ensure that there is an adequate supply of wheelchair accessible housing in the Borough in accordance with Policies 1 Housing provision, mix and affordability and 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).