

Committee	PLANNING COMMITTEE A	
Report Title	79 Deptford High Street, London, SE8 4AA	
Ward	New Cross	
Contributors	Patrycja Ploch	
Class	PART 1	27 February 2020

<u>Reg. Nos.</u>	(A) DC/19/113857 – Planning Permission (B) DC/19/114046 – Advertisement Consent
<u>Application dated</u>	10/09/2019 (revised)
<u>Applicant</u>	Mr Javanesan
<u>Proposal</u>	The installation of a replacement shopfront and the display of non-illuminated fascia sign and non-illuminated projecting sign at 79 Deptford High Street SE8.
<u>Background Papers</u>	Case File DE/156/79/TP Local Development Framework Documents The London Plan
<u>Designation</u>	Deptford High Street Conservation Area Area of Archaeological Priority Major District Centre Shopping Core Area Article 4 Direction PTAL 6a
<u>Screening</u>	N/A

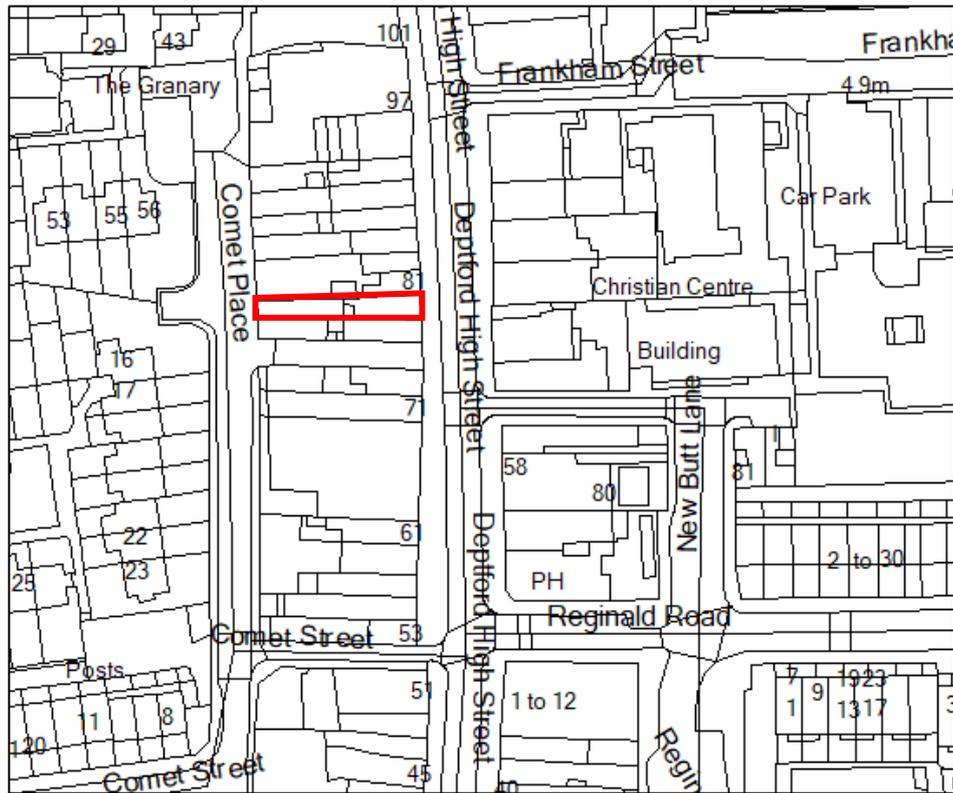
1 SUMMARY

- 1 This report sets out officer's recommendation in regard to the above proposals. The cases has been brought before members for a decision as permission is recommended to be approved and Deptford Society objected to the planning application.

2 SITE AND CONTEXT

SITE DESCRIPTION AND CURRENT USE

- 2 The application site is located on the western side of Deptford High Street. The land contains two-storey mid-terrace Victorian building that forms part of the commercial shopping strip along the High Street, which is identified as a Major District Centre.
- 3 The application relates to the ground floor unit, which operated as a takeaway (Use Class A5) under the name Chicken King.



Map 1: Site location plan

CHARACTER OF AREA

- 4 The surrounding area is predominantly commercial in character, with a mixture of retail and other commercial uses at ground floor and residential uses above.
- 5 Deptford High Street continues to represent a wide range of retail uses and retains a great deal of its historic character.

HERITAGE/ARCHAEOLOGY

- 6 The site is located within the Deptford High Street Conservation Area and it is in close proximity to a number of non-designated heritage assets located along the High Street.

LOCAL ENVIRONMENT

- 7 The site falls within Flood Risk Zone 1, and is therefore considered as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%).

TRANSPORT

- 8 The site has a Public Transport Accessibility Level (PTAL) score of 6a on a scale of 1-6b, 1 being lowest and 6b the highest.
- 9 The site is in a great proximity to transport interchanges at Deptford Station, Deptford Bridge Station, New Cross Station providing access to mainline and DLR services. There are also several bus routes that run along New Cross Road, Deptford Broadway and Evelyn Street.

3 RELEVANT PLANNING HISTORY

10 The relevant planning history to the application site is as follow:

Reference	Description	Decision
DC/19/111497	<p>Retrospective planning permission for the installation of a replacement shopfront at 79 Deptford High Street, SE8. The application was refused on the following ground:</p> <p><i>The development, by reason of the use of non-traditional materials, the scale of glazed part of the shop front and centralising the doors resulted in the obstruction of original architectural details and poor quality shopfront that fails to preserve or enhance the character and appearance of the Deptford High Street Conservation Area, contrary to the NPPF; London Plan (March 2016) policies 7.4, 7.6 and 7.8; Core Strategy (June 2011) Policies 15 and 16 and Development Management Local Plan (November 2014) policies DM19, DM30 and DM36.</i></p>	Refused on 29/05/2019
ENF/19/00038	Replacement of a shopfront and new advertisement without planning permission and advertisement consent	

3.1 PRE-APPLICATION ENGAGEMENT

11 Duty planner complex service request was submitted to the local planning authority on 26th June 2019 under reference PRE/19/112860.

12 The written response advised that the shopfront be re-designed to include traditional features in respect of the proportions and design. The applicant was also advised to reduce the size of the fascia sign.

4 CURRENT PLANNING APPLICATION

13 Planning Permission is sought for the installation of a replacement shopfront. Advertisement Consent is sought for the display of a non-illuminated fascia sign and non-illuminated projecting sign.

14 During the determination of the planning application officers accepted revised drawings. The changes to the original submission included revisions to the design of the shopfront including the addition of transom windows, stall raiser, insertion of glazing bars to the sides and changing a double door to single door; reduction of the size of fascia sign, and a change the position of the projecting sign and making it non-illuminated. Due to the minor nature of the changes to the design, it was considered that re-consultation was not necessary.

Shopfront

15 A red colour (RAL 3020) coated aluminium shopfront is proposed, with single door fitted centrally on the shopfront. On either side of the door, there would be a 0.45m high metal

stall riser. Above the door, spanning across the whole width of the shopfront would be transom windows.

Fascia

- 16 The fascia would sit directly above the shopfront and it would measure 3.9m in width, 0.6m in height and approximately 30mm in depth.
- 17 The fascia sign would finished in red matt aluminium and it would have non-illuminated white build up letters. The fascia sign would be lit by a trough light fitted above with maximum illumination of 300Cnd/M2.
- 18 There would be a shutter housing behind the fascia sign. The shutter would be brick-bond style grill shutter.

Projecting sign

- 19 The projecting sign would measure 0.8m in height, 0.87m in depth and 0.16m in width. It would be non-illuminated sign that is located in line with the fascia on the right hand side.

5 CONSULTATION

5.1 APPLICATION PUBLICITY

- 20 Consultation for the application has been carried out in accordance with Lewisham Council's Statement of Community Involvement.
- 21 Letters were sent to residents and businesses in the surrounding area and the relevant ward Councillors on 1st October 2019. Public notice was display around on the application site on 3rd October 2019 and press notice was published on 9th October 2019.

5.2 CONSULTATION RESPONSES

5.2.1 Responses from the public

- 22 No responses received to date.

5.2.2 Internal consultation

- 23 Deptford Society – Objects to the application due to the design of the shopfront failing to either preserve or enhance the character of the conservation area.
- 24 After receipt of the amended plans, the Deptford Society was re-consulted. They advised that their objection to the scheme still stands, the aluminium shopfront on the High Street neither enhances or preserved the character of the conservation area.
- 25 Conservation – Advises that as the development affects the front elevation the context and setting of the surrounding non-designated heritage assets and the Conservation area are a consideration.
- 26 Highway Officer – Advise that they have no objection to the proposed signage that is externally illuminated to 300cd/m.

6 POLICY CONTEXT

6.1 LEGISLATION

27 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

28 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets. To deliver on an LPA's statutory duties, legislation confirms that they need the properly informed input of specialist conservation advice and judgement. An importance and weight needed to be given to the desirability of preserving the setting of listed and non-designated listed building and their settings when carrying out the balancing exercise.

29 Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

6.2 MATERIAL CONSIDERATIONS

30 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.

31 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

32 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the test of reasonableness.

6.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance (NPPG)
- National Design Guide 2019 (NDG)

6.4 DEVELOPMENT PLAN

33 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)

6.5 SUPPLEMENTARY PLANNING GUIDANCE

34 Lewisham SPG/SPD:

- Deptford High Street and St Paul's Church Conservation Area Appraisal and Management Plan (December 2019)

- Shopfront Design Guide SPD

35 London Plan SPG/SPD:

- Character and Context (June 2014)

6.6 DRAFT LONDON PLAN

36 The Mayor of London published a draft London Plan on 29 November 2017. The Examination in Public was held between 15th January and 22nd May 2019. The Inspector's report and recommendations were published on 8 October 2019. The Mayor issued to the Secretary of State the Intend to Publish London Plan on 9th December 2019. This document now has some weight as a material consideration when determining planning applications. The relevant draft policies are discussed within the report (DLPP).

7 PLANNING CONSIDERATIONS

37 The main issues are:

- Principle of Development
- Urban Design and heritage impact
- Impact on Adjoining Properties
- Transport impacts

7.1 PRINCIPLE OF DEVELOPMENT

7.1.1 Shopfront

General policy

38 The National Planning Policy Framework (NPPF) at paragraph 11, states that there is a presumption in favour of sustainable development and the proposal should be approved without delay so long as they accord with the development plan.

Discussion

39 The proposal would improve the appearance and character of the main building and the wider conservation area. For this reason there is no issue in terms of the principle of development.

7.1.2 Advertisement consent

Policy

40 The legislation relevant to the assessment and determination of applications for Advertisement Consent is the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), the National Planning Policy Framework (the Framework) and the national Planning Practice Guidance (PPG) all confirm that the advertisements should be subject to control only in the interests of amenity and public safety only, taking account of cumulative impacts. Therefore the Council's policy alone cannot be decisive.

41 The display of advertisements is controlled through a specific approval process and separate planning permission is not required in addition to advertisement consent. Under section 222 of the Town and Country Planning Act 1990 (as amended), planning permission is deemed to be granted for any development of land involved in the display of advertisements in accordance with the regulation.

7.2 URBAN DESIGN

7.2.1 Urban design

Policy

42 The NPPF at para 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The NPPG encourages decision takers to always secure high quality design; this includes being visually attractive and functional, however other issues should be considered.

43 London Plan Policy 7.6 requires development to positively contribute to its immediate environs in a coherent manner, using the highest quality materials and design.

44 Core Strategy Policy 15 repeats the necessity to achieve high quality design.

45 DM Policy 30 states that all new development should provide high standards of design and should respect the existing forms of development in the vicinity.

46 DM Policy 19 deals with shopfronts, signs and hoardings and requires the design of shopfronts to be high quality and reflect and improve the character and quality of their surroundings.

47 The Shopfront Design Guide SPD and paragraph 13.1 of the Deptford High Street and St Paul's Church Conservation Area Appraisal provide further guidance on alteration to shopfronts.

Discussion

48 Concerns were raised with the proposed shopfront, in particular the materials used. Officers are of view that the design and proportions of the proposed shopfront would be more traditional, including a stall riser and glazing bars running along the top half of the shop window. Although a timber shopfront would be normally preferred, the High Street shows a substantial degree of variation in terms of the detailed design and materials of the shopfronts. For this reason, there is no objection to the proposed aluminium and metal shopfront. The single door is more in keeping with the design of other shopfronts in the area.

49 The proposed fascia and projecting sign have been amended during the application process. The fascia sign has been revised to stay within the fascia zone and better relates to the shopfront below. The design of the advertisement is simple and sleek and it does not protrude much further forward of the architectural detailing of the shopfront than the existing fascia board. The method and level of illumination is not considered to detrimentally affect the amenity of the area.

50 The projecting sign has been revised to be fixed on the pilaster at fascia height. The design, location and scale of the sign is such that it is unlikely to have any unacceptable impact on the amenity of the area. Given the location of the application site in the major district centre. Officers are of view that both signs would be consistent with other signs on the street.

- 51 Concerning the proposed brick bond style roller shutter, the shutter would be metal roller type with grille design and it would be concealed behind the fascia. The proposed design would be compliant with the guidance given in the Council's adopted Shopfront Design Guide SPD. There is no objection to this element of the proposal.
- 52 It is considered that on balance the shopfront as proposed appropriately integrates with the host building and is consistent with the design guidelines outlines in Council's shopfront SPD.

7.2.2 Impact on heritage assets

Policy

- 53 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated. The application building is in a conservation area and adjacent to non-designated heritage assets.
- 54 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 55 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset's conservation when considering the impact of a proposed development on the significance of a designated heritage asset: para 193 of the NPPF. Further, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.
- 56 LPP 7.8 states that development should among other things conserve and incorporate heritage assets where appropriate. Where it would affect heritage assets, development should be sympathetic to their form, scale, materials and architectural details. DLPP HC1 reflects adopted policy.
- 57 Core Strategy Policy 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.
- 58 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.
- 59 DMP 37 seeks to ensure that the value and significance of the borough's non-designated heritage assets are protected so that they may continue to contribute to the richness of the borough's historical environment and inform future development and regeneration.

Discussion

- 60 The Council's Conservation Officer reviewed the proposal and advised that the proposed shopfront, following amendment, is acceptable in terms of design and its impact on the conservation area and non-designated heritage assets.
- 61 The application site is within an area of archaeological priority. This is an application for alterations to shopfront and no archaeological deposits within the ground would be undisturbed as a result of this application.

62 Harm can arise from the loss of historic fabric or features of significance as well as impact on the setting of a heritage asset. Whether 'substantial' or 'less than substantial', any harm should be avoided unless it can be justified by what is proposed by the application.

63 Whilst the proposal would constitute a visual change, the overall alterations to the shopfront would ensure that the proposal would be an appropriate addition, reflecting the existing character of the site and its immediate surroundings. Overall the proposed changes are not considered to meaningfully alter the existing contribution of the façade of the main building to the setting and significant of the non-designated heritage assets and the Conservation Area. As such the proposals forms part of this application are considered to cause no harm to the special interest as defined by the NPPF.

7.2.3 Urban design conclusion

64 Officers are satisfied that the overall design of the extension would be appropriate and that the proposal would not have unacceptable impact on the main building, non-designated heritage assets along both sides of the High Street in proximity to the site and the Conservation Area.

65 Furthermore, having regard to the statutory duties in respect of conservation area in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment. Officers are satisfied that the proposal would cause no harm to the special interest on the non-designated heritage assets and it would preserve the conservation area.

7.3 LIVING CONDITIONS OF NEIGHBOURS

General Policy

66 NPPF paragraph 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users.

67 This is reflected in relevant policies of the London Plan (Policy 7.6), the Core Strategy (Policy CS15), the Local Plan (DM Policy 32) and associated guidance (Housing SPD, 2017, GLA).

68 DM Policy 32 (1)(b) expects new development to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.

Discussion

69 The only potential impact that the proposal would have on the neighbouring properties is in respect of light pollution. The nearest residential property is located above the premises and on the other side of the High Street approximately 15 metres away. It is considered, given the pre-existing conditions, nature of the surrounding area, the well-established use and historic use of the high street together with the fact that the signs will only be internally illuminated, means that it is unlikely that the proposal would have a detrimental impact upon the residential amenity of the nearby properties.

7.3.1 Living conditions of neighbours conclusion

70 Officers consider the scheme would not give rise to negative impacts on living conditions of neighbours.

7.4 TRANSPORT IMPACT

Policy

71 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of paragraph 102.

Discussion

72 The Council's Highway Officer reviewed the proposal and advised that the proposed signage and the proposed level of illumination is acceptable.

73 The shopfront changes to do not introduce any impediment to the passage of any type of traffic on the adjacent footpath. As such, the proposal is considered acceptable in terms of potential impacts upon the adjacent highway.

74 The proposed fascia sign would be externally illuminated by through light above. Officers are of the view given the scale, position and level of illumination that the illumination would not cause a hazard to pedestrians or road users. Similarly, the residential amenity of those living above the shop is unlikely to be affected due to the position and level of illumination of the through light.

75 Concerning the projecting sign, this element of the proposal would be fixed to the fascia at a height of 2.5m above the ground level. The projecting sign would be non-illuminated. In light of its position, size and illumination the signage is considered unlikely to have an unacceptable impact upon highway safety of any person walking or driving along surrounding streets. The same applies for the fascia sign.

7.4.1 Transport impact conclusion

76 Officers consider the scheme would not give rise to any transport impacts.

8 EQUALITIES CONSIDERATIONS

77 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.

78 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

79 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.

80 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:

<https://www.equalityhumanrights.com/en/publication-download/services-public-functions-and-associations-statutory-code-practice>

<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

81 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

82 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:

83 <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

84 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 HUMAN RIGHTS IMPLICATIONS

85 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. “Convention” here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. There are no Convention rights are relevant to this application.

86 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

87 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in

the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

10 CONCLUSION

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

89 The proposed development is considered would negatively impact upon the character and appearance of the existing building, the adjacent non-designated heritage asseste and the Deptford High Street Conservation Area. Moreover, there would be no negative impact on the living condition on neighbours and vehicle and pedestrian safety.

11 RECOMMENDATION

11.1 **GRANT PLANNING PERMISSION** subject to the following conditions and informatives:

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) LIST OF APOVED PLANS

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

1 of 3 and 2 of 3 (received on 13th September 2019) and 3 of 3 (received 2nd December 2019).

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) ILLUMINATION

The illuminated advertisement hereby granted consent shall not be displayed with a maximum illuminance of 300 cd/m² unless previously agreed in writing by the local planning authority.

Reason: To protect the visual amenities of the area and to comply with the terms of the application and DM Policy 19 Shopfronts signs and hoardings and DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

11.2 **GRANT ADVERTISEMENT CONSENT** subject to the following conditions and informatives:

CONDITIONS

1) STANDARD ADVERTISEMENT CONDITION

- (a) This consent is granted for a fixed period expiring 5 years from the date of consent.
- (b) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- (c) No advertisement shall be sited or displayed so as to:-
 - (i) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military).
 - (ii) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air.
 - (iii) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (d) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (e) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- (f) Where an advertisement is required under these regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In accordance with the Town and Country Planning (Control of Advertisement) (England) Regulations 2007.

2) APPROVED PLANS AND ILLUMINATION

The illuminated advertisement hereby granted consent shall not be displayed otherwise than in complete accordance with the approved plans, listed below and with a maximum illuminance of 300 cd/m² unless previously agreed in writing by the local planning authority.

1 of 3 and 2 of 3 (received on 13th September 2019) and 3 of 3 (received 2nd December 2019).

Reason: To protect the visual amenities of the area and to comply with the terms of the application and DM Policy 19 Shopfronts signs and hoardings and DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

11.3 **INFORMATIVES**

- 3) 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 and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.