

+Committee	PLANNING COMMITTEE (A)	
Report Title	29 DARTMOUTH ROAD SE23 3HN	
Ward	Forest Hill	
Contributors	Kate Challenger	
Class	PART 1	Date 14 MARCH 2012

<u>Reg. No.</u>	DC/11/78476
<u>Application dated</u>	29.09.11 completed 21.10.11
<u>Applicant</u>	Ablitts Solicitors on behalf of Mr C Liburd
<u>Proposal</u>	The change of use from Retail Shop (Use Class A1) to Financial and Professional Services (Use Class A2).
<u>Applicant's Plan Nos.</u>	Site Location Plan; Ground Floor Plan; Lower Ground Floor Plan
<u>Background Papers</u>	(1) Case File LE/458/29/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan (July 2011)
<u>Designation</u>	Core Strategy or Adopted UDP - Existing Use

## **1.0 Property/Site Description**

- 1.1 The application site is part of the ground floor and lower ground floor of a two storey plus basement end of terrace building on the east side of Dartmouth Road.
- 1.2 The property is within the Forest Hill Conservation Area, which is also subject to an Article IV Direction. It is within Forest Hill District Hub and is classified as a non-core shopping area.
- 1.3 The upper floor and rear of the ground and lower ground floors are in residential use, with access from the side alleyway. The last use of the application site was believed to be as a nail bar, within the A1 Use Class.
- 1.4 The surrounding properties along Dartmouth Road have a mix of commercial uses at ground floor level, with some residential above.

## **2.0 Planning History**

- 2.1 In 1949 permission was granted for the use of the first floor as an office in connection with an employment agency.
- 2.2 In 1989 permission was granted for the use of the lower ground floor as a commercial studio (Class B1), the retention of the ground floor as a shop and the use of the first floor as a 2 bedroom flat, together with a first floor rear extension, an external staircase to the side, formation of a roof terrace and the provision of two off-street car parking spaces.

- 2.3 In 1993, permission was granted for the alteration and conversion of the first floor to provide 1, three bedroom self-contained flat, together with an external staircase at the rear and retention of the shopfront.
- 2.4 In 2009, permission was granted for the alteration and conversion of part of the lower ground and ground floors to provide 2, one bedroom self-contained flats, together with alterations to the elevations and the provision of refuse and cycle storage.
- 2.5 In 2010 permission was granted for the retention of the shopfront at 29 Dartmouth Road.

### **3.0 Current Planning Application**

#### **3.1 The Proposal**

- 3.2 The change of use of the ground floor shop unit from A1 (retail) to A2 (Financial and Professional Services). The lower ground floor basement area would be continued to be used as storage ancillary to the use of the ground floor.
- 3.3 The works to convert the unit to A2 had already been carried out at the time of the planning officers site visit, in December 2011, however the unit was not open.
- 3.4 The proposed use is as a lender of short term 'pay day' loans under the name 'City of Cash'. Two full time employees are proposed with opening hours of 9 am-5 pm Mondays-Fridays and 10 am -4 pm on Saturdays. They are proposing to be closed on Sundays and Bank Holidays.
- 3.5 The arrangement internally provides for a waiting/queuing area to the front for customers, with serving staff at a high desk behind a glass screen. To the rear is a further desk, staff area and access to the basement storage area.
- 3.6 The signage of the property has also been changed, to include a box fascia sign, and double sided projecting sign, along with the addition of an external roller shutter. Although not illuminated at the time of the site visit, the signs do appear to have the capability to be internally illuminated. The signage and roller shutter do not form part of this application for change of use. The applicant has been informed of the need to apply separately for the changes to the shopfront and signage and of the fact that the existing signage is not appropriate within the Conservation Area.

#### **4.0 Consultation**

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Letters of consultation were sent to 14 neighbouring properties as part of the planning application process, together with the Forest Hill Society. Notices were displayed on site and in the local press. Ward Councillors were also notified.

## Written Responses received from Local Residents and Organisations

4.3 One letter of objection has been received from the Forest Hill Society.

4.4 The concerns are:

- Object to change of use to A2 due to the loss of a retail unit.
- With the re-opening of the Forest Hill Pools it is believed that the area will be revitalised and therefore we need to protect existing retail units to provide opportunity for new businesses.
- The site is within the core shopping area of Forest Hill and is therefore covered by STC 4 in which the Council states it will strongly resist any change of use involving the loss of ground floor level A1 shops.
- The change to non-retail would harm the retail appearance of the road at this section.

(Letters are available to Members)

## Amenity Societies Panel

4.5 The Panel have no objection in principle. However, the Panel were aware of concern about the proliferation of betting shops in the area and the Council may therefore wish to limit the nature of the A2 use by condition to Solicitor's office (this being the A2 use for which planning permission was being sought).

## **5.0 Policy Context**

### Introduction

5.1 In considering and determining applications for planning permission the local planning authority must "have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations" (Section 70 (2) of the Town and Country Planning Act 1990). Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. This approach is reflected in PPS 1, where, at paragraph 8 (and again at paragraphs 28 and 31), it is confirmed that, where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011).

### London Plan (July 2011)

5.2 The London Plan Policies relevant to this application are:

Policy 2.7 Outer London: economy  
Policy 2.15 Town centres

## Core Strategy

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

Spatial Policy 3 District Hubs

Core Strategy Policy 6 Retail hierarchy and location of retail development

Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

## Unitary Development Plan (2004)

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

URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas

HSG 4 Residential Amenity

STC 5 Major and District Centres – Non Core Shopping Areas

## **6.0 Planning Considerations**

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

- a) Principle of Change of Use
- b) Impact on Adjoining Properties

### Principle of Change of Use

- 6.2 The site, as allocated on the UDP Proposals Map, is within the area designated as a non-core shopping area of a Major or District Centre. Policy STC 5 of the adopted Unitary Development Plan (2004) gives policy guidance for non-core shopping areas. It is not, as stated by the Forest Hill Society in their objection letter, in the Shopping Core Area of Forest Hill town centre. Within non-core shopping areas policy STC 5 states that proposals for changes of use from an A1 shop will generally be acceptable provided:

- a) It is to an A2, A3, community use or amusement centre;
- b) It does not harm the amenity of adjoining properties;
- c) It does not harm the retail character, attractiveness, vitality and viability of the Shopping Centre including unreasonably reducing the percentage of A1 units.

- 6.3 The proposed use is within the A2 Use Class. It is not considered that this change of use would have any negative impact on the amenity of adjoining residents or properties. Access is unchanged, and existing refuse collection arrangements are to be retained. The use would not create any noise or fumes and the number of customers/visitors would be similar to the existing A1 use.

- 6.4 The existing mix of uses along Dartmouth Road is approximately as follows:
- 40% Retail (Useclass A1)
  - 15% Financial and Professional Services (Useclass A2)
  - 15% Restaurants and Cafes (Useclass A3)
  - 4% Drinking Establishments (Useclass A4)
  - 6% Hot food Take-Away (Use class A5)
  - 5% OTHER (B1, D1 and Sui Generis)
  - 15% VACANT
- 6.5 Due to the relatively high number of existing A1 shops, and vacant units (many of which would or could be A1 use) it is considered that the change of use of this unit would not unacceptably reduce the percentage of A1 uses along this road.
- 6.6 Further, the open shop front window and existing entrance door have been retained, and the proposed use includes the coming and going of customers throughout the day and therefore it is not considered the change would harm the vitality of the area.
- 6.7 The retaining of the shop window also allows for a future change back to A1 use should demand exist.
- 6.8 The attractiveness of the parade is not reduced by the change of use itself, and no change to the existing open shopfront is proposed. However, it is noted that new signage and shutters have been installed without permission and these do detract from the attractiveness of the parade and conservation area. Therefore, should permission be granted an Informative should be added informing the applicant of the need to apply for advertisement consent for the new signage and planning permission for the new roller shutters and asking them to contact the Planning Department for further advice.
- 6.9 The proposed use is therefore not considered to harm the retail character, vitality or viability of the area.
- 6.10 Addressing the specific concern of the Amenity Societies' Panel that the granting of an A2 use would allow future change to a betting shop, it is noted that this is a possibility as this also falls within the A2 Use Class. However, the proposed use is not as a Solicitors office, but as a Pay Day Loans office, and it is therefore not considered that it would be desirable to limit the use to this alone. Equally, it is not considered that it would be reasonable to specifically exclude a betting shop use.

#### Impact on Adjoining Properties

- 6.11 It is not considered that the proposed change of use would have any negative impact on residential amenity of adjoining properties. Access is unchanged, and existing refuse collection arrangements are to be retained. The use would not create any noise or fumes and the number of customers/visitors would be similar to the existing A1 use.

## **7.0 Conclusion**

7.1 This application has been considered in the light of policies set out in the development plan and other material considerations including policies in the Core Strategy.

7.2 On balance, Officers consider that the change of use would not harm the character, vitality or viability of the shopping centre or harm the amenities of adjoining property and the scheme is therefore considered acceptable.

## **8.0 Summary of Reasons for Grant of Planning Permission**

8.1 On balance, it is considered that the proposal satisfies the Council's Land Use and environmental criteria and is in accordance with Spatial Policy 3 District Hubs; Core Strategy Policy 6 Retail hierarchy and location of retail development; and Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011) and Policies URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas; HSG 4 Residential Amenity; and STC 5 Major and District Centres – Non Core Shopping Areas in the adopted Unitary Development Plan (July 2004).

8.2 It is considered that the proposal is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the surrounding area, or the amenities of neighbouring occupiers. The proposal is thereby in accordance with Spatial Policy 3 District Hubs; Core Strategy Policy 6 Retail hierarchy and location of retail development; and Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011) and Policies URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas; HSG 4 Residential Amenity; and STC 5 Major and District Centres – Non Core Shopping Areas in the adopted Unitary Development Plan (July 2004).

## **9.0 RECOMMENDATION GRANT PERMISSION subject to the following condition:-**

The premises shall not be open for customer business between the hours of 11 pm and 8 am on any day of the week.

### Reason

To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to comply with Policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

### Informative

The applicant be advised that the new signage and roller shutters require separate permission and are not included within this permission. The applicant should contact the Planning department for further advice on the suitability of these changes.