

PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 16 AUGUST 2012 TIME 7.30 PM**

PLACE: **ROOM 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD SE6 4RU**

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**Paul Bell (Chair)
Helen Gibson (Vice-Chair)
Pauline Beck
Liam Curran
Alexander Feakes
Peggy Fitzsimmons
Joseph Folorunso
Alan Hall
Madeliene Long
John Paschoud**

The public are welcome to attend our committee meetings, however, occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

**Barry Quirk
Chief Executive
Lewisham Town Hall
London SE6 4RU
Date: Tuesday, 7 August 2012**

**For further information please contact:
Patricia Simpson Committee Co-ordinator
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Committee	PLANNING COMMITTEE (C)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 16 AUGUST 2012

Members are asked to declare any personal interest they have in any item on the agenda.

(1) Personal interests

There are three types of personal interest referred to in the Council's Member Code of Conduct :-

- (a) Disclosable pecuniary interests
- (b) Other registerable interests
- (c) Non-registerable interests

(2) Disclosable pecuniary interests are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person* for profit or gain.
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:-
 - (a) that body to the member's knowledge has a place of business or land in the borough; and
 - (b) either
 - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or

- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

(3) Other registerable interests

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council;
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party;
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

(4) Non registerable interests

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

(5) Declaration and Impact of interest on member's participation

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take not part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.

- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

(6) Sensitive information

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

(7) Exempt categories

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception);
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt;
- (d) Allowances, payment or indemnity for members;
- (e) Ceremonial honours for members;
- (f) Setting Council Tax or precept (subject to arrears exception).

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Committee	PLANNING COMMITTEE (C)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 16 AUGUST 2012

MINUTES

To approve the minutes of the meeting of Planning Committee (C) held on the 24 May 2012.

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Committee	PLANNING COMMITTEE (C)	
Report Title	HARE AND BILLET PUBLIC HOUSE, 1A ELIOT COTTAGES, BLACKHEATH SE3 0QJ	
Ward	Blackheath	
Contributors	Gemma Barnes	
Class	PART 1	Date: 16 AUGUST 2012

<u>Reg. No.</u>	DC/12/79769 as revised
<u>Application dated</u>	22.03.2012 and revised 15.05.2012, 22.05.2012, 28.05.2012 & 26.07.2012.
<u>Applicant</u>	Sampson Associates on behalf of Greene King Pub Company
<u>Proposal</u>	Alterations to the side elevation including the installation of new double doors and two new windows to replace existing window and door, together with internal upgrading of the existing extract ducting at the rear of the property and partial demolition and rebuild of the yard wall.
<u>Applicant's Plan Nos.</u>	2445.7807.01.01, 2445.7807.02.00, 2445.7807.04.00, 2445.7807.06.00, Site Plan, Black and White Photos x 3 A3 sheets, AAC Euro vent Technical Information sheet, Design and Access Statement and Heritage Statement received 23 rd May 2012; Applicants Emails received 15 th and 22 nd May 2012; Drawing Nos. 2445.7807.05.01, 2445.7807.03.04 & 2445.7807.06.00 received 28 th May 2012; McCulloughs Ltd Letter and Technical Information received 28 th May 2012 and drawing no. 2445.7807.03.04 received 26 th July 2012.
<u>Background Papers</u>	(1) Case File LE/684/B/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents – specifically Core Strategy (4) The London Plan (2011) (5) National Planning Policy Framework (2012)
<u>Designation</u>	PTAL 4, Area of Special Character, Area of Archaeological Priority, Blackheath Conservation Area.
<u>Screening</u>	No screening opinion required given nature of the proposal.

1.0 Property/Site Description

This application relates to the Hare and Billet Public House which is located on the corner of Hare and Billet Road and Eliot Place (Eliot Cottages) directly opposite the pond on Blackheath. The main building of the pub is a brick built three storey end of terrace property, attached to the rear is a two storey brick built addition which became part of the pub in 1995. The main building has a pitched roof set behind a high parapet, there are uniform window openings at first and second floor level (infilled on the west elevation) and a traditional public house façade on the ground floor. The first and second floors are set back from the ground floor on the north elevation which allows for a small terrace at first floor level.

- 1.1 The Hare and Billet public house is a key building in this group of properties and a notable landmark. The prominent chimneystacks and the stuccoed surrounds to the blank windows on its western façade are visible for some distance and form an important part of the Blackheath skyline.
- 1.2 The pub is accessed on the north elevation. There is a closed yard in the southern section of the site which is used as a bin store area.
- 1.3 Adjoining the pub to the east is a terrace of 4 storey (3 storey plus roofspace) period properties comprising commercial uses on the ground floor with residential above. Adjoining the pub to the south is a terrace of 4 storey (including basement) residential dwellings. The properties fronting Hare and Billet Road, Eliot Place and Grotes Cottages form an island, the properties are generous in scale but occupy small footprints giving rise to a compact form of development whereby occupiers overlook each other at close proximity, particularly at the rear of the pub.
- 1.4 No.1 Eliot Cottages shares a party wall with the rear section of the pub. No.9 Hare and Billet Road abuts main pub building. No.9 is in commercial use at ground floor and residential use on the upper floors, the kitchen to the residential unit is located in the rear projection so overlooks the existing first floor toilets in the pub and the existing extract ducting in close proximity. It is important to note that the occupier of no.9 has a bathroom window close to the shared boundary and a roof terrace abutting the shared boundary. No.2 Grotes Place has clear views of and is located fairly close to, the existing extract duct given the close proximity of the bedroom window to the pub boundary.
- 1.5 In a wider context the site lies just outside Blackheath Village centre in a predominantly residential area although there are 3 commercial units to the east of the pub.

2.0 Planning History

1955: Erection of single storey lavatory extension. Granted.

1955: Alteration, including the formation of new vehicular access to the garage and store. Granted.

1986: Alterations and erection of single storey extension within the existing yard area and an enclosed corridor and stairs at first floor level. Granted.

1990: The construction of a brick wall, gates and canopy to provide a bin enclosure. Granted.

1992: The construction of a brick wall, gates and canopy to provide a bin enclosure. Granted.

1995: The erection of a parapet wall at first floor level on the roof of the pub to screen existing cooling plant. Granted.

1994: The installation of external extract ductwork above part of the roof at second floor level increase in height of the existing parapet wall to partly obscure the ductwork. Granted.

1996: The display of 2 externally-illuminated fascia signs plaque and 2 blackboards together with the erection of a lantern on the front elevation. Granted.

3.0 Current Planning Applications

The Proposals

3.1 Planning permission is sought for external alterations to elevations of the building by way of:

- Removal of the existing fire exit door and surrounding glazed sections in the west elevation of the rear section of the pub and insertion of replacement double width door (the existing opening is large enough to accommodate the new door without alteration). The new doors will be of traditional style and material with glazed panels on the upper section and fixed panels on the lower section. The glazed sections will be sealed double glazed units for soundproofing;
- Demolition of part of the rear yard wall and rebuild of the pier to reduce the length of the wall by 0.6m;
- Alteration to the existing steps to provide access to the new doors (fire escape access only);
- Removal of the existing ground floor door and window in the west elevation of the rear pub building and insertion of replacement timber framed sash windows. The windows will be double glazed units for soundproofing with an obscure self adhesive film over the inner skin. Infill up to the cills where the door has been removed will be undertaken in bricks to match the existing building;
- Application of obscure adhesive film to the inside face of the existing sash windows at first floor level in the west elevation of the rear section of the pub;
- Repair and maintenance of the existing windows in the north elevation of the rear pub building (currently serving toilets). The windows will be fixed shut and obscured with an internal film to prevent opening or views out of the proposed relocated kitchen;
- Re-hanging the existing fire escape door in the south elevation of the main pub building so that it opens outwards in direction of escape;
- Replacement of existing fanlights in the ground floor windows in the north and west elevations of the main building;

- 3.2 The above alterations are required as a result of the catering kitchen and customer toilets being moved from the ground floor to the first floor to provide further trading space (for dining) at ground floor level. A new disabled toilet will also be provided at ground floor level.
- 3.3 It is also proposed to upgrade the existing extract duct by way of enhanced vapour control and soundproofing. Additional trunking will be provided internally linking into the existing external duct. No alterations to the external ducting are required. Details of this have been submitted although it should be noted that planning permission is not in fact required for these internal alterations. Notwithstanding that planning permission is not required the details submitted have been discussed with the Council's Environmental Health Officer and are considered to be fit for purpose and therefore acceptable.
- 3.4 The external alterations subject of this application are required to facilitate the extension of trade area for dining within the pub. Internal rearrangement of the building to increase the size of the dining area, relocate the toilets and kitchen is proposed. Extension of dining facilities for the pub and the internal works required to facilitate this increase in dining does not require planning permission. The size of the building will remain the same, the primary use of the building as a drinking establishment will remain the same. Ancillary uses such as dining do not require planning permission neither does the intensification of ancillary uses provided the primary function of the building as a drinking establishment is retained. It would be unreasonable and inappropriate to consider the merits and impact of additional trade/dining facilities as part of this application as planning permission is only required for the external alterations.
- 3.5 The applicant is required to obtain permission from the Licensing Department of Lewisham Council for the increase in dining facilities by way of a variation to the Premises License. This is a separate matter to be controlled under relevant Licensing legislation and cannot form part of the consideration of this planning application.
- 3.6 A variation to the Premises License was granted by Lewisham Council on 11th July 2012.

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.

A site notice was displayed and letters were sent to adjoining residents and the relevant ward Councillors. The Council's Conservation Officer and Environmental Health were also consulted.

The application was advertised in the press on 9th May 2012.

At the time of writing the following responses had been received.

Written Responses received from Local Residents and Organisations

4.2 At the time of writing 15 letters of objection had been received from the Occupiers of 1, 1a, 3, 4, 5 Eliot Cottages, 7, 13, 14, 15 Eliot Place, 1, 2, 5, 6, 7 Grotes Place, 9 Hare and Billet Road (x 4 letters). The following objections were raised:-

- The proposed changes are required for the increase in trade at the pub, this is harmful to neighbours and the area;
- Residents are already disturbed by the operation of the pub, this will get worse with more customers;
- Any alterations to the side elevation of the pub will affect residents in Eliot Cottages;
- The existing side access door is only used as a fire escape, this does help to reduce impact on residents in Eliot Cottages but what about the proposed access doors;
- New windows in the side elevation would increase noise into Eliot Place;
- There are concerns about introducing customers to the rear section of the pub where the party wall is shared with Eliot Cottages;
- There is already a problem with customers urinating outside the pub, this will be made worse if the toilets are moved upstairs;
- More customers will mean more noise and disturbance;
- Moving the kitchen upstairs will increase fire risk;
- There are already problems with customers standing on the pavement smoking and drinking which blocks the pavement, this will get worse;
- The additional windows will harm the conservation area;
- There are plans to use the Heath as a picnic area, this will cause nuisance in the public space;
- Use of the Heath for drinking will pose a threat to the wildlife on the Heath and in the pond;
- Moving the kitchen will cause odour pollution;
- The pub poses a threat to children that live in this area;
- The extension of opening hours in 2005 has led to more noise and disturbance;
- The pub already breaches its delivery times;
- The drawings submitted are incorrect particularly with respect to the arrangement with no.9 Hare and Billet Road;
- The Design and Access Statement and Heritage Statement incorrectly describes the neighbouring buildings;
- The proposal to 'black-out' the windows will harm the appearance of the building and conservation area;
- Insufficient public consultation was undertaken;

- The application should have been accompanied by a noise survey to show the impact of the use on neighbours;
- The plans submitted show an existing kitchen on the first floor, this is not correct;
- The proposal is not sustainable and will harm the heritage asset and neighbours;
- The only benefit of this proposal is an economic benefit for the pub;
- Has an Environmental Assessment been carried out, this is important given the location of the pub near the Heath;
- A larger/more powerful extract flue would harm neighbouring properties;
- The proposal is contrary to Policies URB1, URB2, URB4, URB16, PRO2, PRO11 and the NPPF and should therefore be refused.

(Letters are available to Members)

4.3 Given the number of objections received a Local Meeting was held on 10th July 2012. The notes from the meeting are attached as Appendix A to this report. As a result of the meeting additional representations were received from the Occupier of 14 Eliot Place. The following points were raised:-

- Greene King need to explain how the proposal conforms to their published Corporate Social Responsibility Goals on reducing health and safety risks;
- Greene King should be able to provide information on how additional custom will lead to an increase in outside smoking;
- Greene King refused to address legitimate concerns about the above issues at the Local Meeting.

Written Responses received from Statutory Agencies

Environmental Protection

4.4 **Initial Comment:** The scheme for the new kitchen extract includes, attenuator and odour control units to be housed within loft space but these are connected into the existing ducting at roof level. The existing ducting follows a bit of a convoluted route and when viewing the photos the discharge is directed onto the roof, which doesn't adequately distribute the odour so I wouldn't normally consider this as being appropriate. In saying this however, the system is existing and they don't appear to be applying for a change in the ducting. In the light of the above it is therefore important to ensure that they are using an appropriate odour control system. With the ozone odour control system proposed, this system should run in conjunction with high efficiency particulate removal, such as an electrostatic precipitator. Please could you check whether they plan to include this. Also they will need to consider the volume flow rates as to how many Ozone units they'll need, which can be coupled together. Could you get confirmation of how many they're using and a statement of how this satisfies the rate of use expected.

4.4.1 **Final Comments:** The details are fine and on that basis I'd have no objections to approving these plans with the additional data supplied via the e-mail.

Conservation Officer

- 4.5 **Initial Comments:** This is a prominent local landmark building which is noted in the Blackheath Conservation Area Appraisal . It sits on the edge of Blackheath and has three visible elevations.
- 4.5.1 I have no objection to replacing the modern door and small window in the coach house to the rear with two sash windows and the principle of this is considered an improvement. However, they should reflect the proportion of the existing windows, which are similar throughout. I am slightly more concerned with the internal blanking out of the upper three windows as with a little careful internal rearrangement I think this could be saved with obscured glass. Blanking out windows can look tatty over time.
- 4.5.2 Additionally, I am concerned about the replacement of the fire exit doors with plain glazed doors. I do not consider this to be sympathetic and although re-ordering of this small part of the elevation is not opposed, the style of the new doors do not complement the existing building as the current doors do. These doors are also very visible and so their impact on the significance of the host building is great. I am also unconvinced by the rebuilding of the gate pier to accommodate the fire exit. I would like further justification that this is necessary and also this would need to be conditioned (pointing and reuse of brick and coping) if approved.
- 4.5.3 I don't consider the alteration to the ventilation duct (which appears to be just a small external vent?) to have a harmful impact on the character of the conservation area as it is not visible.
- 4.5.4 I have no comment to make on the internal alterations as this is not a listed or locally listed building.
- 4.5.5 **Final Comments:** The revised plans are acceptable subject to the recommended conditions.

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.
- 5.2 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.
- 5.3 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). The National Planning Policy Framework does not change the legal status of the development plan.

National Planning Policy Framework (NPPF)

- 5.4 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. In summary, this states, that for a period of 12 months from publication of the NPPF decision takers can give full weight to policies adopted since 2004 even if there is limited conflict with the NPPF. Following this period weight should be given to existing policies according to their consistency with the NPPF.
- 5.5 Officers have reviewed the Core Strategy and saved UDP policies 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, 214 and 215 of the NPPF.

Ministerial Statement: Planning for Growth (23 March 2011)

- 5.6 The statement sets out that the planning system has a key role to play in rebuilding Britain's economy by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The Government's expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

5.7 Other National Guidance

The other relevant national guidance is:

By Design: Urban Design in the Planning System - Towards Better Practice (CABE/DETR 2000)

5.8 London Plan (July 2011)

The London Plan policies relevant to this application are:

Policy 4.1 Developing London's economy
Policy 7.1 Building London's neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 7.15 Reducing noise and enhancing soundscapes

5.9 Core Strategy

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 1 Lewisham spatial strategy

Spatial Policy 3 District hubs

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

5.10 Unitary Development Plan (2004)

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

STR URB 1 The Built Environment

URB 3 Urban Design

URB 6 Alterations and Extensions

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

ENV.PRO 9 Potentially Polluting Uses

ENV.PRO 11 Noise Generating Development

HSG 4 Residential Amenity.

6.0 Planning Considerations

As this application relates only to external alterations to the elevations, the main issues to be considered are:

- (a) Principle of Development
- (b) Design including impact on the Conservation Area
- (c) Impact on Adjoining Properties
- (d) Sustainability

6.1 Principle of Development

This application seeks consent for external alterations to the building. The external alterations are sought in order to facilitate the internal alterations required to increase the trade area on the ground floor. It is intended to use the additional trade area for dining purposes. This would create an additional 30 covers. As discussed in section 3 of this report planning permission is not required for the internal alterations, relocation of kitchen and toilets or increase in dining facilities. No change of use is required in planning terms as the primary use of the premises as a drinking establishment will be retained. Consequently as the application only relates to external alterations there is no objection in principle.

6.2 Design

- 6.2.1 National and local planning policies place considerable emphasis on the importance of achieving high quality design that complements existing development, established townscape and character. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. All new developments should contribute towards improved safety and security and new buildings must be fully accessible. New development must conserve the significance of heritage assets and their setting. When critiquing design local planning authorities must take a proportionate approach to the type of development proposed and its context.
- 6.2.2 It is not proposed to extend the existing building by way of footprint or height. As originally submitted the proposal was not considered to be acceptable in terms of the detailed design of the replacement windows and doors and the proposed method for obscuring the upper floor windows. Following advice given by the Council's Conservation Officer the applicant has submitted revised plans. The revised submission has been discussed with the Council's Conservation Officer, who is now satisfied with the proposal.
- 6.2.3 Removal of the existing fire exit door and surrounding glazed sections in the west elevation of the rear section of the pub and insertion of replacement double width door is considered to be acceptable. The doors are required for emergency access and to provide additional light into the proposed dining area. The design of the doors has been altered to ensure a more traditional appearance. The glazed windows panes in the upper sections of the doors will match the proportions and style of the traditional sashes within the building. The timber framed doors will have fixed panels on the bottom and the doors will be painted in a colour to be agreed by the local planning authority. A condition is recommended requiring 1:5 elevations and sections of all replacement windows and doors to enable the local planning authority to control the detailed design.
- 6.2.4 It is proposed to extend the width of the steps that currently provide access to the above opening. This will be undertaken in materials to match the existing steps which is acceptable.
- 6.2.5 There is an existing brick wall along the western edge of the site separating the rear yard from the pavement of Eliot Cottages. This wall provides a screen to the refuse storage area making a positive contribution to the streetscene. It is proposed to remove the existing brick pier and demolish part of the wall to reduce its length by 0.6m. This is required to open up the area in front of the fire exit doors in case they are required for an emergency and also to allow additional light into this part of the building and views out of this part of the building. The brick pier will be re-erected from the original bricks, coping and capping stones and therefore it is not considered that the alterations to the wall would adversely affect the character or appearance of the building or visual amenity of the street scene.
- 6.2.6 Removal of the existing ground floor door and window in the west elevation of the rear pub building is welcome from a design perspective as the modern door and window do not match the traditional style, proportions and detailed design of other fenestration within the building. The replacement sash windows will match the proportions, style and material of the sash windows above with matching cills.

- 6.2.7 The void below the window will be infilled with bricks to match the existing building. The replacement windows will enhance the appearance of this section of the building which will improve the heritage asset.
- 6.2.8 It is proposed to apply an obscure adhesive film to the inside face of the ground and first floor windows in the west elevation of the rear pub building and the first floor windows in the north elevation. This is required for privacy reasons. This method of obscuring the glass is considered by Conservation Officers to be the most appropriate solution as it will not harm the character and appearance of the building.
- 6.2.9 Repair and maintenance of the existing windows in the north elevation (currently serving toilets) would be a welcome improvement. The windows are currently in a poor state of repair and whilst they are not visible from any public viewpoint, good maintenance of buildings, particularly heritage assets is always welcome. The obscure adhesive film is an appropriate way of protecting the privacy of the neighbouring occupier (no.9 Hare and Billet Road).
- 6.2.10 The re-hanging of the fire escape door in the south elevation of the main building will have no design impact.
- 6.2.11 It is proposed to replace the existing fanlights in the ground floor windows in the north and west elevations. The replacements will match the existing in terms of size, position and design. This is acceptable.
- 6.2.12 It is also proposed to upgrade the existing extract duct by way of enhanced vapour control and soundproofing. Additional trunking will be provided internally, linking into the existing external duct. No alterations to the external ducting are required and therefore there would be no visual impact on the character or appearance of the building.
- 6.2.13 Overall it is considered that the proposed external alterations to the building are acceptable in design terms as they would not adversely affect the character or appearance of the building and would not harm the Blackheath Conservation Area. Consequently the proposal complies with adopted design policies.

7.0 Impact on Adjoining Properties

- 7.1 Policy HSG 4 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance. Policies ENV.PRO 9 and ENV.PRO 11 of the UDP seek to ensure that residential occupiers are afforded an adequate level of protection from commercial uses in respect of noise and odour pollution.
- 7.2 A number of objections have been received in respect of this application as set out in section 4 of this report. Many of the objections relate to problems experienced as a result of the use of this premises as a pub and impact of increasing the trade area/dining facilities at the pub. As discussed in earlier sections of this report planning permission is not required for the increase in trade area/dining facilities. The primary use of the building as a whole, in planning terms is a drinking establishment (Use Class A5). Planning legislation allows for ancillary uses to take place without the need for additional planning consent to be obtained.

- 7.3 This would cover use of parts of the building for consumption of food provided the main use is still as a pub. In planning terms the lawful use of this building in its entirety is a pub which means the entire floor area of the building can be used for this purpose and other ancillary uses.
- 7.4 It is therefore only appropriate to assess as part of this application those elements which require planning permission. Assessment of the impact of the development and how it conforms to adopted planning policies in this case is restricted to the external alterations only. Whilst objections have been submitted regarding the use of the building and the impact of intensification of this use they cannot be considered as relevant to the assessment of this application. Furthermore it would not be appropriate for the Planning Authority to insist that a noise assessment in respect of use of the pub be submitted as part of this application as only the external alterations form part of the assessment.
- 7.5 Many of the issues raised are relevant to the licensing application that has been submitted. Planning Officers explained this at the Local Meeting that was held on 10th July 2012.
- 7.6 This application does not propose any extension to the existing building and therefore there will be no impact on neighbours by way of overshadowing, loss of light or overbearing impact.
- 7.7 Concerns have been raised that the proposed replacement sash windows in the ground floor west elevation (close to the boundary with No.1 Eliot Cottages) will give rise to an unacceptable increase in noise and disturbance. These windows are proposed to provide an additional source of light into the ground floor trade/dining area. The applicant has confirmed that the windows will be fixed shut.
- 7.8 There is an existing door and window in this location which serves a kitchen. This door is often open for deliveries being taken into the kitchen. There is already a high level of activity within this part of the building as this is where the commercial kitchen is located. It is not considered that the replacement windows will give rise to a significant increase in noise and disturbance so as to warrant refusal of this application. Indeed it is considered that it would be unreasonable for the Planning Authority to refuse planning permission for the replacement windows on the grounds of harm to neighbouring amenity by way of noise. However, as the applicant has stated that the windows will be fixed shut a condition is recommended to control this.
- 7.9 The proposal to install double width doors in the west elevation of the building could give rise to an increase in noise and disturbance for residents in Eliot Cottages/Eliot Place if it were intended to use these doors as a secondary customer access into the pub. At the present time the only access is via the main entrance onto Hare and Billet Road. This is considered to be appropriate given that the building fronts onto Hare and Billet Road and Eliot Cottages/Eliot Place is a residential street. Officers would be concerned about introducing a new customer access at the western side of the pub as this would create a new relationship to residential neighbours, it could encourage customers to congregate outside of the building at this point and to use the refuse storage area for congregating, smoking and/or drinking.

- 7.10 In response to the concerns raised by neighbours and planning officers, the applicant has confirmed that the proposed doors are only required as an emergency access. The doors will be alarmed and only used in the event of an emergency. This is considered to be acceptable. A condition is recommended to ensure that the doors are only used for emergency purposes and not as a customer access/egress point and that the adjacent yard/refuse storage area is not used as any form of external seating area or by staff or customers standing, drinking or smoking.
- 7.11 The replacement windows and doors in the west elevation will not provide views into neighbouring properties and will not therefore give rise to a loss of privacy.
- 7.12 Concerns have been raised in respect of the first floor windows in the north elevation of the rear section of the building. These windows currently serve a toilet and bathroom. The windows are located in close proximity to the terrace and kitchen of No.9 Hare and Billet Road. The applicant has confirmed that these windows will be repaired and fixed shut so that staff in the kitchen cannot open them. In addition an obscure adhesive film will be attached to the inside. This will ensure that there is no harm to the neighbouring property by way of overlooking or loss of privacy.
- 7.13 Overall it is not considered that the changes to fenestration will give rise to unacceptable harm to neighbouring occupiers. It has been suggested by concerned neighbours that the fenestration alterations will give rise to unacceptable noise and disturbance. This objection has been duly considered but Officers do not believe that refusal of planning permission for this reason could be justified or upheld on appeal.
- 7.14 It is proposed to enhance the existing ventilation equipment to accommodate the increase in cooking. The improvements are internal only and therefore planning permission is not required. However, the applicant has submitted details of the ventilation equipment. The details have been discussed with the Councils Environmental Health Officer who has confirmed that the equipment is fit for purpose. If at a future date residents do experience odour or noise pollution it is open to residents to contact Lewisham's Pollution Control Team for further investigation/action.
- 7.15 The proposed external alterations are not considered to harm neighbouring amenity. The proposal therefore complies with Policy HSG4 of the UDP.

Sustainability and Energy

Achieving more sustainable patterns of development and environmentally sustainable buildings is a key objective of national, regional and local planning policy. Given the nature and scale of development proposed it is not considered reasonable or necessary to require the development to incorporate renewable energy facilities and there is limited scope to address other London Plan policy requirements in this respect.

7.16 Other Issues

It has been suggested that an Environmental Statement should be submitted as part of this application to assess the impact of the development on the adjacent Heath and pond. This is not considered to be a valid requirement for this application which only seeks consent for elevational changes to the building.

8.0 Conclusion

8.1 This application has been considered in the light of the NPPF, policies set out in the development plan and other material considerations including third party representations.

8.2 Subject to conditions to control the detailed design of the replacement fenestration and construction of the wall and to restrict the use of the access doors on the west elevation it is not considered that the proposal would cause unacceptable harm to the character and appearance of the building or the surrounding conservation area. Furthermore there would be no significant harm to neighbouring residents. Consequently approval is recommended.

9.0 Summary of Reasons for Grant of Planning Permission

9.1 The decision to grant planning permission has been taken, having regard to the particular circumstances of the application against relevant planning policy set out in the National Planning Policy Framework (2012), the London Plan (July 2011), Lewisham's Core Strategy (June 2011) and the 'saved' policies in Lewisham's adopted Unitary Development Plan (July 2004) and all other material considerations including the conditions to be imposed on the permission and comments received in response to third party consultation. The Local Planning Authority considers that:

9.2 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 Policies 7.1 Building London's neighbourhoods and communities, 7.2 An inclusive environment, 7.3 Designing out crime, 7.4 Local character, 7.5 Public realm, Policy 7.8 Heritage assets and archaeology and 7.15 Reducing noise and enhancing soundscapes of the London Plan (2011), Spatial Policy 1 Lewisham spatial strategy, Spatial Policy 3 District hubs, Spatial Policy 5 Areas of stability and managed change, Core Strategy Policy 15 High quality design for Lewisham and Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (2011); Policies STR URB 1 The Built Environment, URB 3 Urban Design, URB 6 Alterations and Extensions, URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas, ENV.PRO 9 Potentially Polluting Uses , and HSG 4 Residential Amenity of the UDP (2004).

10.0 **RECOMMENDATION:** **GRANT PERMISSION** subject to the following conditions

Standard Condition 1

Three year time limit.

Standard Reason

As required by Section 73 of the Town and Country Planning Act 1990.

Standard Condition 2

Unless minor variations are otherwise approved in writing by the local planning authority, the development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved.

Standard 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.

Additional Conditions

- (1) All new external finishes including works of making good, shall be carried out in materials to match the existing building and as shown on the plans hereby approved

Reason:

To ensure that the proposed development is in keeping with the existing building and does not prejudice the appearance of the locality and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) and Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).

- (2) Prior to commencement of development full details including 1:5 elevations and sections of all of the proposed new windows and doors (including details of frames, panels, glazing bars, parting beads, cill and minimum 90mm reveals) shall be submitted and approved in writing by the local planning authority. The works shall be undertaken in accordance with the approved details

Reason:

To ensure that the proposed development is in keeping with the existing building and does not prejudice the appearance of the locality and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) and Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).

- (3) The proposed rebuilding of the boundary wall and piers shall be carried out in the original bricks, coping and capping stones salvaged from the partial demolition hereby approved. The rebuilt pier shall match exactly the original design as shown on the plans hereby approved.

Reason:

To ensure that the proposed development is in keeping with the existing wall and does not prejudice the appearance of the locality and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) and Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).

- (4) No development shall commence on site until sample panels of facing brickwork showing the proposed colour, texture, facebond and pointing have been provided on site and approved in writing by the local planning authority.

Reason: To ensure that the proposed development is in keeping with the existing wall and does not prejudice the appearance of the locality and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) and Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).

- (5) The 3no. first floor windows in the west elevation of the building (serving the toilets) shall be obscured by way of a obscure self adhesive film over the inner film of the glass as shown on the plans hereby approved. The film shall be retained and maintained to a good standard in perpetuity.

Reason: In the interest of protecting privacy in a form which will not adversely affect the appearance of the building and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) Policies URB 3 Urban Design and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

- (6) The 2no. first floor windows in the north elevation of the building (serving the kitchen) shall be fixed shut and obscured by way of a obscure self adhesive film over the inner film of the glass as shown on the plans hereby approved. The film shall be retained and maintained to a good standard in perpetuity.

Reason: In the interest of protecting privacy in a form which will not adversely affect the appearance of the building and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) Policies URB 3 Urban Design and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

- (7) The 2no. ground floor windows in the west elevation of the building (serving the trade/dining area) shall be fixed shut and obscured by way of a obscure self adhesive film over the inner film of the glass as shown on the plans hereby approved. The film shall be retained and maintained to a good standard in perpetuity.

Reason: In the interest of protecting privacy in a form which will not adversely affect the appearance of the building and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) Policies URB 3 Urban Design and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

- (8) The double width doors in the western elevation hereby approved shall be used as a fire exit only. The doors shall remain closed at all times and shall not be used by customers or staff for access/egress, save for emergency purposes. The adjacent external yard shall only be used a refuse storage area and shall not be used at any time as an external seating area or by staff or customers for the purposes of congregating, sitting out, smoking, drinking or other such activities.

Reason: In the interests of protecting the amenity of neighbouring residential occupiers in accordance with Policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

Appendix A – Local Meeting Notes

On 10th July a local meeting was held to discuss application DC/12/79769.

Proposed Development: The installation of extract ducting attached to the existing ducting on roof to the rear of Hare & Billet PH, Eliot Cottages, Hare and Billet Road SE13 and alterations to the side elevation including the installation of a new double doors and two new windows to replace existing window and door.

At the time of the meeting 15 letters of objection had been received from Occupiers of 6, 7, 13, 14, 15 Eliot Place, 1, 2, 5, 6, 7 Grotes Place, 1, 1a, 3, 4, 5 Eliot Cottages and 9 Hare and Billet Road.

The meeting was attended by

- Cllr Bonavia (Chair)
- Planning Officer – Gemma Barnes (GB)
- Catherine Banfield, Sampson Associates (CB)
- Joe Sampson, Sampson Associates (JS)
- Andy Cutts, Greene King (AC)
- Charade Adams, Greene King (CA)
- Kaye Heath, Greene King (KH)
- 7 local residents (R)

7:30pm Cllr Bonavia opened the meeting by doing introductions and explaining the purpose of the local meeting. He stated that he would be sitting on the licensing committee so would not express a view on this proposal. His role at the meeting was to act as Chair only.

R – The licensing department have crossed out some of the representations made by local residents.

GB – explained that licensing and planning are two separate functions within the council so only planning questions could be answered at the meeting. However, all letters received in the planning department would be taken into account. None of the comments received would be deleted/crossed out but only relevant planning considerations could be considered when the application is determined. A site inspection had already been undertaken from 2 neighbouring properties, photographs taken at the visit have been discussed with the applicant to fully assess the impact on neighbours.

Cllr B – pointed out that residents must raise licensing issues at the licensing committee meeting scheduled for 11th July 2012.

KH – explained the company's reasoning behind submitting the application. It was stated that the increased dining facilities are intended to increase custom but also to enable more people to sit inside the pub rather than standing outside.

R – stated that more customers would lead to more smokers outside the pub. He asked for confirmation of the percentage of customers that would be likely to smoke outside.

KH – stated that she would have no way of estimating how many customers smoke. More customers would probably mean more smokers but this is impossible to quantify.

R – asked that further thought be given to this and that Greene King come back on this issue.

R – read out one of the KPIs for Greene King concerning safety (taken from the company website). He asked how the current proposal would respond to this. **It was agreed that KH would respond to this after the meeting via email exchange.**

KH – confirmed that the proposal would result in 30 additional covers but it was important to note that the function room will be removed.

R – stated that the function room is not in use so should not be counted at the moment.

CB – the brief for the architects was to make the pub more food based. At the present time the majority of customers use the pub for drinking only. Greene King would like a more food orientated business with a 50/50 split of eating and drinking.

Cllr B – asked what measures have been taken to address odour from cooking.

GB – pointed out that ventilation from the kitchen is a planning consideration as this application proposed improvements to the existing equipment. GB will work with Environmental health officers to ensure that the equipment is fit for purpose. Planning Officers do not recommend approval of applications for ventilation equipment until they have been advised by EHO that the details are acceptable.

JS – advised that it is intended to improve the existing equipment (internal alterations only) to deal with smell and noise from cooking.

GB – stated that neighbours concerns about smell and noise from the ventilation equipment would be properly considered as part of the application.

CB – pointed out that the Hare and Billet is an existing business that must be developed.

R – asked if the kitchen is moved upstairs what will happen to the existing broken windows in the north elevation

CB – advised that the windows will be repaired and will remain in place but inside a stud partition will be erected so that the windows cannot be accessed or opened. This will also add a further sound barrier.

R – asked if it was intended for Greene King to merge with Mitchells and Butler and if so could the pub become a 'Harvester' pub. This would raise serious concerns if it happened.

KH – It is not intended to operate as a 'Harvester'.

R – stated that Greene King have shown little regard for neighbours over the years

R – stated that people living in the area have to walk on the road when passing the pub as the pavement is blocked by customers drinking and smoking. This is intimidating and dangerous. This situation will be made worse when there are more customers.

R – will customers use the new doors proposed in the side elevation?

CB – stated that the additional doors are for fire escape purposes only.

R – stated that this would be worse as more people would be forced to use the main entrance.

Cllr B – asked if the plans would improve safety.

R – asked what measures can be taken to improve safety outside the pub.

Cllr B – asked Gemma what the Council could do to improve safety outside the pub.

GB – stated that she could only respond from a planning perspective.

R – asked if an alternative smoking area could be provided.

KH – advised that previously a smoking area had been designated but this had caused problems as it meant smokers were closer to residents.

R - asked if any noise surveys had been undertaken in respect of the party wall to the south of the pub to ascertain the impact on adjacent occupiers from people using the southern end of the pub.

CB – confirmed that no surveys had been undertaken but advised that all new windows would be double glazed and fixed shut. The fire escape door would be soundproofed. If noise was not currently being experienced from use of the kitchen in this location (which can be very noisy) it is unlikely that dining would create more of a noise nuisance.

R – read out government guidance on relevant planning considerations which includes noise and disturbance.

GB – stated that noise is a relevant planning consideration but planners can only determine those matters that form part of the application. In this case planning permission is not required for the change of use of the premises. The lawful planning use of the entire planning unit (ie: whole site) is as a pub. As the primary use is a pub other ancillary uses are allowed without the need for planning permission to be obtained. Ancillary uses can include dining, residential accommodation, B&B facilities but the primary function of the building is as a drinking establishment. Increasing the kitchen and dining facilities within the existing building footprint as part of the function of the pub does not need planning permission. Consequently officers must only consider what has been applied for by the applicant which in this case is alterations to windows and doors and enhancement of the ventilation equipment.

It is unreasonable for the Council to consider matters associated with the more intense use of the pub when planning permission is not required for this intensified use. The Council cannot reasonably refuse planning permission for changes to the fenestration on the ground of increased noise or disturbance.

Planning guidance must be considered in the right context. Some matters are not relevant to all applications. When dealing with windows planners must consider the visual impact of the change and amenity impact in terms of overlooking and loss of privacy. It would be a tenuous link to try and suggest that replacing a window with a door would cause harm by way of increase in noise.

R – stated that he did not fully understand or agree with the above point as some connection should be made between the fact that the kitchen could not go ahead without the changes to windows and doors. He asked whether the application should be considered in its entirety rather than just the windows.

GB – reiterated her previous advice and confirmed that the application in its entirety is for physical alterations to the building not a change or intensification of use.

R - asked if fixed window is capable of being opened.

CB – confirmed that the fixed windows wouldn't have opening mechanisms. Some of the windows would also have a film on them to screen views out/in.

Cllr B – asked if there were any measures the pub could take to deal with the concerns raised throughout the meeting.

KH – stated that she would be happy to meet with local residents outside of this meeting to discuss their concerns and possible solutions.

JS – showed the proposed furniture layout plans so residents could see the position of seats etc...

R - asked GB at what point is a use considered to have changed for the purposes of planning.

GB – explained using the example of a café (A3) use. She explained that a ground floor café could operate from the front section of the premises for a number of years leaving the rear section unused. They could then expand to operate from the entire ground floor and this wouldn't need planning permission as the use of the planning unit would still be a café. But if the operation of the business changed to a hot food take away or drinking establishment that would need planning permission. The test is type of use changing or expanding beyond the existing building not an intensification of the same use within the existing building.

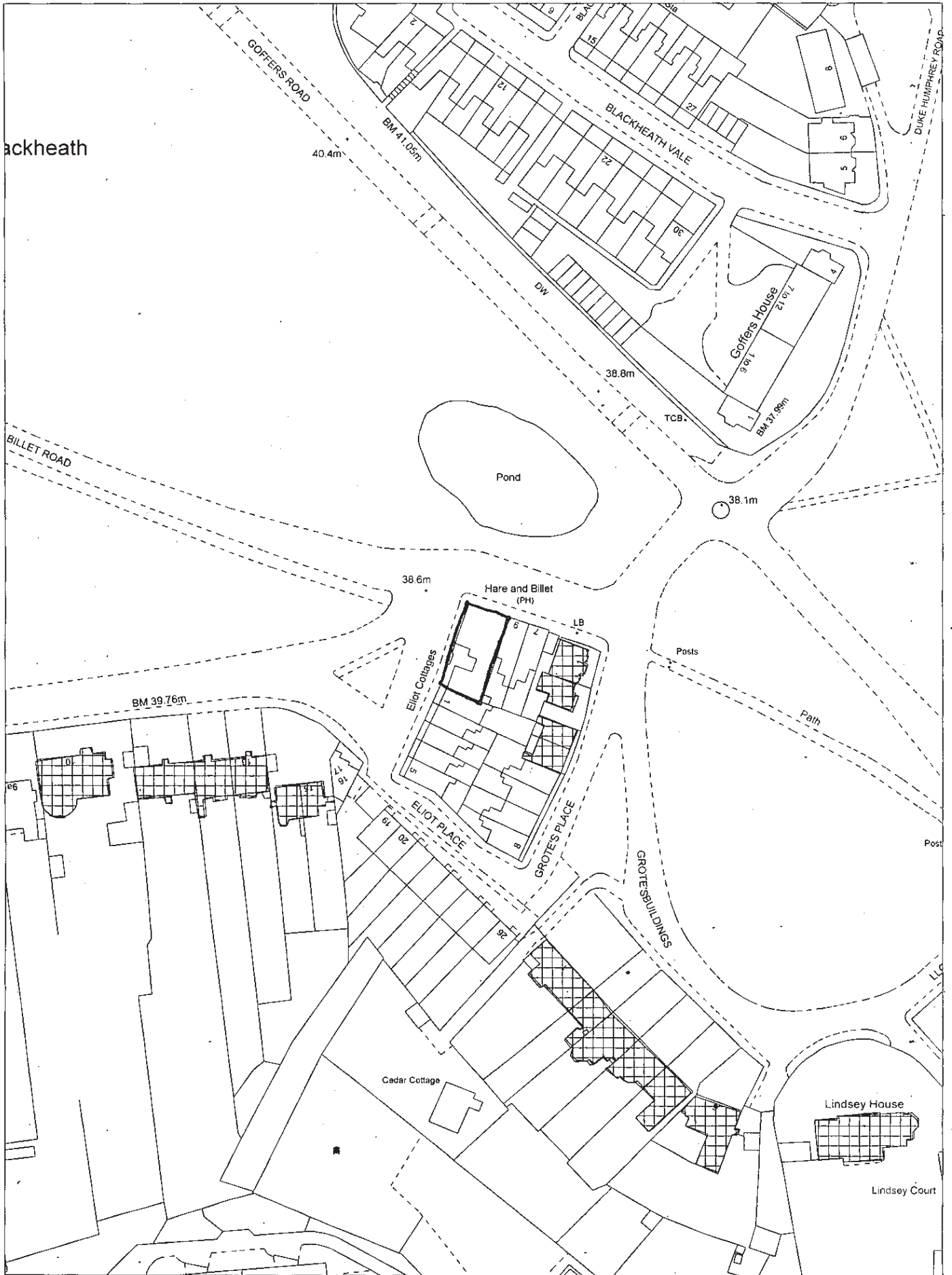
Cllr B - asked GB to set out next steps with the application process.

GB – advised that planners had not reached a conclusion on the application yet as this meeting is an important part of that. Further discussions are to be had with EHO. If officers are minded to recommend approval of the application this would be put before a planning committee where members would make the final decision. A committee date is not known at this stage but everyone who wrote in and/or attended the meeting would be notified so they could attend.

9:00pm – Cllr B closed the meeting.

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Hare and Billet P.H



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Committee	PLANNING COMMITTEE (C)	
Report Title	26 BARGERY ROAD SE6 2LN	
Ward	Catford South	
Contributors	Kate Jordan	
Class	PART 1	Date: 16 AUGUST 2012

<u>Reg. No.</u>	DC/12/79439 as revised
<u>Application dated</u>	13.02.2012, revised and completed 23.03.2012
<u>Applicant</u>	Mrs P Ellis
<u>Proposal</u>	The change of use of the ground floor at 26 Bargery Road as a Day Nursery (Use Class D1).
<u>Applicant's Plans.</u>	Site Location Plan; Unnumbered Plans: Proposed Ground Floor and Front Garden, Rear Garden, 1 st Floor/2 nd Floor, Loft Bedrooms; Design and Access Statement; Heritage Statement; Green Travel Plan.
<u>Background Papers</u>	(1) Case File LE/702/26/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan (5) Culverley Green Conservation Area Character Appraisal
<u>Designation</u>	Core Strategy or Adopted UDP - Existing Use

1.0 Property/Site Description

- 1.1 The property is a substantial two storey plus loft semi-detached Edwardian house on the south side of Bargery Road, roughly halfway between the junctions of Bromley Road to the west and Penderley Road to the east. The property benefits from a small front garden with off street parking for one car and a large rear garden.
- 1.2 The property lies within the Culverley Green Conservation Area, which is also covered by an Article 4 Direction that removes permitted development rights from single family dwellinghouses. The area is residential in character.

2.0 Planning History

- 2.1 In 1977, the Council issued a letter confirming that planning permission would not be required for a loft conversion.
- 2.2 In 1985, the Council issued a letter confirming that the proposed single storey rear extension would be permitted development.

- 2.3 Also in 1985, the Council issued a letter confirming that that a 'granny bedsit', provided it was not laid out as a non-related household, would constitute permitted development.

3.0 Current Planning Application

Layout

- 3.1 The applicant plans to use the ground floor of the property as a day nursery for up to 24 children. The existing front room would be the proposed baby room, for children up to 2 years. The existing rear living room would be the proposed toddler/pre-school room. A bathroom and kitchen would remain on the ground floor.
- 3.2 The front garden would remain as existing, with car parking for one car. Use of the existing wheelie bins (2 black and 2 green) is proposed for all waste. The rear garden would remain as is, and the applicant proposed that it would be used by the children.
- 3.3 The first floor would be adapted to make the front bedroom a sitting room, the utility room would be adapted to serve as a kitchenette for the family during nursery hours, and the rear bedroom would become a dining room. The house would remain open plan and it is the applicant's intention to continue to use the ground floor kitchen for personal use when the nursery is closed.

Operation / Staffing

- 3.4 Hours of operation proposed are 7.30am to 6.30pm Monday to Fridays. The nursery would be closed on Bank Holidays and during Christmas week. The applicant has stated that 6 full time staff and 2 to 3 part time staff would be employed, with a full time equivalent of 7 full time staff.
- 3.5 The applicant has stated that OFSTED approval would be sought following any grant of planning permission. The applicant has stated that she is qualified to manage a nursery.

Access/parking

- 3.6 The car parking space in the front garden would be made available to clients. In addition, the applicant envisages that many parents will drop off and collect before 9am and after 6pm when there are parking spaces usually available on the street.
- 3.7 It is also envisaged some clients would walk to and from the nursery.
- 3.8 A Green Travel Plan has been submitted, which would be given to parents at enrolment. This encourages parents to make use of public transport or walk. Bike and buggy storage would be provided (secure cycle storage for five bicycles).

4.0 Consultation

- 4.1 This section outlines the consultation carried out 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 Site notices were displayed and letters were sent to residents in the surrounding area and the relevant ward Councillors. The Culverley Green Society, Early Years Social Services, Conservation and Environmental Health were also consulted.

Written Responses received from Local Residents and Organisations

- 4.3 8 objections from local residents living on Bargery Road and Inchmery Road, were received, as well as an objection from the Culverley Green Residents association.

- 4.4 A local drop in session was held on 3rd July 2012 to which the objectors were invited. Seven people attended, as well as Kate Richardson of the Culverley Green Residents Association. Minutes of this meeting are attached to this report as Appendix 1.

- 4.5 The objection letters and local meeting raise the following issues:

- Principle of change of use from residential is not acceptable, as there are already many non-residential uses, including nurseries in the area. A balance of uses is needed and further non-residential uses threaten the character of the conservation area and would lead to a loss of much needed residential accommodation.
- Parking - this is already very difficult for residents and a new nursery will only make matters worse. Whatever the good intentions, it is felt that some of the parents at least will drop off their children, park all day and take public transport to work, thereby using up a parking space for the whole day. With 6 staff and up to 24 children there will be an increase in parking. There is already a problem with Council staff using these roads to park on.
- Traffic - the proposed use would generate considerable additional traffic on what is a quiet road. Road safety will be impacted.
- Any signage externally or posters/artwork placed inside the windows would be detrimental to the character of the area.
- Number of children – 24 seems a very high number for the space.
- Noise disturbance both from children playing in the garden and within the house, as the walls between properties are quite thin and noise travels.
- Layout and use – no information on storage of equipment (inside and out), staff facilities, separation of cooking areas from children.
- Is the space adequate for the number of children proposed?

(Objection letters and notes from local drop-in session are available to Members)

Early Years

- 4.6 No objection to the application. The local authority has a duty to provide additional places for two years old children over the next few years so new provision able to offer places for two year old children will be encouraged.

Conservation Officer

- 4.7 No objection, provided no external changes are to take place, in particular no changes to front garden area.

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.

- 5.2 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.

- 5.3 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). The National Planning Policy Framework does not change the legal status of the development plan.

National Planning Policy Framework (NPPF)

- 5.4 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. In summary, this states, that for a period of 12 months from publication of the NPPF decision takers can give full weight to policies adopted since 2004 even if there is limited conflict with the NPPF. Following this period weight should be given to existing policies according to their consistency with the NPPF.
- 5.5 Officers have reviewed the Core Strategy and saved UDP policies 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, 214 and 215 of the NPPF.

London Plan (July 2011)

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

Policy 3.14 Existing housing
Policy 3.16 Protection and enhancement of social infrastructure
Policy 3.18 Education facilities

- Policy 7.1 Building London's neighbourhoods and communities
- Policy 7.4 Local character
- Policy 7.8 Heritage assets and archaeology
- Policy 7.15 Reducing noise and enhancing soundscapes

Core Strategy

- 5.7 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 5 Areas of stability and managed change
- Core Strategy Policy 1 Housing Provision, mix and affordability
- Core Strategy Policy 14 Sustainable movement and transport
- Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment
- Core Strategy Policy 19 Provision and maintenance of community and recreational facilities

Unitary Development Plan (2004)

- 5.8 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 1 Prevention of Loss of Housing
- HSG 4 Residential Amenity
- HSG 7 Gardens
- LCE 1 Location of New and Improved Leisure, Community and Education Facilities
- ENV.PRO 9 Potentially Polluting Uses
- ENV.PRO 11 Noise Generating Development

6.0 Planning Considerations

- 6.1 The main issues to be considered in respect of this application are the principle of change of use, the impact on the character of the area and impact on residential amenity.

Principle of change of use

- 6.2 The Council seeks to resist the loss of residential accommodation, in line with Policy 3.14 Existing housing of the London Plan (2011) and HSG 1 Prevention of Loss of Housing in the Unitary development Plan (2004).
- 6.3 However, in this instance the residential accommodation of the upper floors is being retained and the occupants would also continue to make use of the ground floor and garden outside of nursery opening hours. The layout of the property would not be altered so it is envisaged it could easily revert to full residential use should the nursery use cease.

- 6.4 The proposed use of part of the property as a day nursery is considered to be acceptable in principle, being in line with policies 3.16 Protection and enhancement of social infrastructure and 3.18 Education facilities of the London Plan (2011) and Policy 19 Provision and maintenance of community and recreational facilities of the Core Strategy (2011), as well as saved policy LCE 1 Location of New and Improved Leisure, Community and Education Facilities of the Unitary Development Plan (2004). These policies encourage the provision of such facilities and say these should be located within easy reach by walking, cycling and public transport, close to other community facilities and services and town and local centres. This is providing there is no adverse impact on residential amenity, including noise and traffic generation.
- 6.5 The Social Service Early Years Team have confirmed there is a duty to provide additional nursery places for two year old children over the next few years.
- 6.6 It is considered that as the proposed use would not result in the loss of all the residential accommodation at this property and would provide a potentially valuable community facility, the principle of the proposed use is supported in policy terms.
- 6.7 The childcare facilities would need to be registered with OFSTED and the number of children that can be cared for is governed in part by the space at the property and the number of carers working in the establishment. However, the concerns of OFSTED differ from the responsibilities of the Planning Service in that the latter has a responsibility to ensure that the amenities of the neighbouring properties are not unduly harmed by any proposal. Therefore it is considered reasonable, for the protection of those occupants, to restrict through condition the number of children at the premises.

Character of the area

- 6.8 No external changes are proposed and therefore there would not be any visual impact on the character of the area. However, the use of the property would change and as such, any possible impact on the character of the area as a result of this needs to be considered. Although the ground floor would be used as a day nursery, the upper floors would continue in residential use as this is considered important in retaining the predominately residential character of the area.
- 6.9 It is noted that there are several non-residential uses within the street and area more generally, and that a balance is needed. However, it is not considered that the proposed changes would significantly alter the residential character of the area and therefore refusal on these grounds would not be warranted. Overall the property would remain in residential use and the appearance of the property would not change. Restrictions could be placed on any permission to limit the hours of operation, limit the use to day nursery use only and revert the property back to full residential use should the nursery use cease.

In addition, the number of children permitted can be limited by condition, as well as the times of usage of the garden.

Parking

- 6.10 The applicant has submitted a draft Travel Plan entitled “Travelling to and from the Nursery” that considers the local public transport options and availability of parking on-site and in the vicinity, plus cycle parking. There is one off street parking space to the front of the property that would be available for drop off and pick up if necessary. Several bus routes stop within a 5 minute walk on Bromley Road and Catford and Catford Bridge Rail Stations are a short walk away. There would be space for cycle parking for 5 cycles as well as shower facilities available to staff. It is envisaged that many customers and staff would be from the local area and therefore could walk, cycle or use public transport.
- 6.11 It is noted that there are issues with availability of on-street parking spaces at present and the proposed use would add to this to some extent. However it is envisaged many parents would drop off pre 9am and pick up after 6pm, when there are parking spaces available in the street.
- 6.12 The Travel Plan initiative encourages the use of alternative forms of travel associated with trips generated by the proposed day nursery. It is recommended that a full Travel Plan is required by condition.

Noise

- 6.13 It is accepted that a day nursery use is likely to generate some noise and disturbance, but balanced against the expanding need for childcare
- 6.14 not considered that the use would generate any significant noise disturbance to the area as the children would be inside for the majority of the time. Limiting the number of children by condition would also help to limit any noise impact. Use of the rear garden for play should be restricted to set hours, normally two hours in the morning and two in the afternoon so as to avoid excessive noise disturbance to neighbouring properties and their gardens.
- 6.15 With regard to use of the garden, it is considered that the Council's normal time restrictions should be applied by condition in order to minimise the impact to neighbouring dwellings. These are considered acceptable conditions in order to comply with Policy ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity.

7.0 Conclusion

- 7.1 This application has been considered in the light of policies set out in the development plan and other material consideration including policies in the Core Strategy.
- 7.2 On balance, the use of the ground floor of the property as a day nursery is considered to be acceptable on planning grounds and conditional permission is recommended.

8.0 Summary of Reasons for Grant of Planning Permission

- 8.1 The proposal satisfies the Council's Land Use and Environmental Criteria Policies and is in accordance with Spatial Policy 5 Areas of Stability and Managed Change, Policy 1: Housing Provision, mix and affordability,

Policy 14 Sustainable movement and transport, Policy 15: High Quality Design for Lewisham, Policy 16: Conservation areas, heritage assets and the historic environment and Policy 19: Provision and maintenance of community and recreational facilities in the Local Development Framework - Core Strategy (2011) and saved Policies HSG 4 Residential Amenity, LCE 1 Location of New and Improved Leisure, Community and Education Facilities, ENV.PRO 9 Potentially Polluting Uses & ENV.PRO 11 Noise Generating Development in the adopted Unitary Development Plan (July 2004).

8.2 It is considered that the proposal is appropriate in terms of its form and would not result in material harm to the character of the surrounding area, or the amenities of neighbouring occupiers. The proposal is thereby in accordance with Spatial Policy 5: Areas of Stability and Managed Change, Policy 1: Housing Provision, mix and affordability, Policy 14 :Sustainable movement and transport, Policy 15 High quality design for Lewisham, Policy 16: Conservation areas, heritage assets and the historic environment and Policy 19: Provision and maintenance of community and recreational facilities in the Local Development Framework - Core Strategy (2011) and saved Policies HSG 4 Residential Amenity, LCE 1 Location of New and Improved Leisure, Community and Education Facilities, ENV.PRO 9 Potentially Polluting Uses and ENV.PRO 11 Noise Generating Development in the adopted Unitary Development Plan (July 2004).

9.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions:

- (1) The day nursery hereby approved shall only operate at ground floor level of 26 Bargery Road and within the garden areas and shall not operate other than between the hours of 7.30 am and 6.30 pm Mondays to Fridays, and not at all on Saturdays, Sundays or Public Holidays, unless the local planning authority gives written consent to any variation.
- (2) The premises shall be used as a Day Nursery and for no other purpose in Class D1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended), or any subsequent Order or statutory provision revoking or re-enacting that Order.
- (3) The maximum number of children accommodated at any one time within the day nursery hereby permitted shall not exceed 24, without the prior written approval of the local planning authority.
- (4) The garden shall not be used by nursery children other than between the hours of 10.00 am and 12.00 noon and 2.30 pm and 4.30 pm on Mondays to Fridays.
- (5) The development hereby permitted shall include secure parking provision for cycles and prams, in accordance with details to be submitted to the local planning authority within three months of the date of this permission. Such provision shall be provided before the use commences and retained permanently thereafter.

- (6) The permission hereby approved shall not be implemented until such time as a user Travel Plan has been submitted to and approved in writing by the local planning authority. The development shall operate in accordance with the agreed Travel Plan. The Travel Plan shall specify initiatives to be adopted by the proposed use to encourage access to the site by a variety of means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.

Reasons

- (1) To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to comply with saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (August 2004).
- (2) To allow the local planning authority to properly assess the impact of other uses within Class D1 on the residential amenities of neighbouring in accordance with policies in the Local Development Framework - Core Strategy and Policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).
- (3) To safeguard the amenities of the adjoining premises and the area generally and to comply with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).
- (4) To safeguard the amenities of the adjoining premises and the area generally and to comply with saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).
- (5) In order to ensure adequate provision for cycle parking and to comply with Policy 14 Sustainable Movement and Transport of the adopted Core Strategy (June 2011).
- (6) In order that the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Management Plan for the site in accordance with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

Appendix 1 – Local Meeting Minutes

26 Bargery Road - Local Drop-In Meeting

Held at Civic Suite, Town Hall, 3rd July 2012

Meeting Notes

LB Lewisham: Kate Challenger - Case Officer (KC), Councillor Eva Stamirowski (ES)

Applicant: Patricia Ellis (PE)

7 local residents attended the meeting, as well as Kate Richardson of the Culverley Green Residents Association

The planning application file was on display from 7 to 8pm.

The following discussions took place:

Planning File

Inconsistencies between the plans on the website and the ones in the planning file. KC to check

KC - The correct plans are on the website and in the file. In addition, some old plans has been left on the file in error. These have now been removed.

Layout and use of the property

Clarification sought over the use of the two rooms. PE confirmed that the baby room at the front is for children under 2, however they would also have access to the larger room for specific activities. At these times the room would be partitioned.

Are Ofsted happy with the staff to child ratios? – this is not a planning matter but PE confirmed that they were and that there would be 3 level three staff, 3 level 2 staff and PE.

The properties on this road have thin dividing walls and therefore there is a concern over noise disturbance between the houses.

Noise disturbance from use of the garden.

Parking

Parking - this is already a major issue in the area with many residents unable to find places if they move their cars. The nursery will only make this worse. With 6 staff and up to 24 children it will lead to an increase in cars. The residents noted the good intentions of the applicant in terms of attracting local families within walking distance but pointed out that this would not happen in

practice and could not be enforced. Families will park all day and go to work from there.

ES pointed out that parking was an issue across the borough at many schools. Nurseries are a bit different but would still be a problem.

PE pointed out that you could easily park in the street at 7.30am, a time she envisages most parents will drop off. However, residents point out that after 9 am you cannot find a space and they are concerned parents will park and leave their cars all day rather than simply dropping off.

Number of Children

24 children seems an awful lot.

PE confirmed that she may well be able to run this as a going concern with less children but could not confirm what this number would be.

KC confirmed that the number of children could be limited by any planning permission granted.

Over Saturation of non- residential uses in the area

This is seen as the primary issue by residents.

There are already nurseries close by such as at 89 Bromley Road, 32 Bromley Road and 9 Inchmery Road.

There are already a lot of non residential uses at this end of Bargery Road, such as a hostel, care home and refuge.

Non- residential properties tend to less well maintained.

A balance of uses is needed and residents feel that a tipping point has been reached.

Residents were keen to point out that the objections to this application were not a personal matter and appreciated the good intentions of the applicant, however they do feel there are enough non-residential uses in the area already.

So many non- residential uses threaten the character of the conservation area.

26 Bargery Road SE6



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Committee	PLANNING COMMITTEE (C)	
Report Title	137 NEW CROSS ROAD SE14 5DJ	
Ward	New Cross	
Contributors	David Knight	
Class	PART 1	Date: 16 AUGUST 2012

<u>Reg. No</u>	DC/12/80173
<u>Application dated</u>	01.05.2012 and completed 29.05.2012
<u>Applicant</u>	Hindwoods on behalf of Mr E Blanc
<u>Proposal</u>	The change of use to tattooing, body piercing, shiatsu treatment, retail and community arts project (Sui Generis), including the use the rear garden and part of the second floor as a community arts workshop space for young people.
<u>Applicant's Plan Nos.</u>	Ground, First & Second Floor Planned Changes, Photographs, Site Location Plan, Design, Access and Heritage Statement and email dated 26/06/2012
<u>Background Papers</u>	(1) Case File DE/414/137/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents
<u>Designation</u>	None
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application premises is a 3 storey mid terrace property located on the east side of New Cross Road, within the New Cross / New Cross Gate District Centre, the Hatcham Conservation Area, and the New Cross Gate Regeneration and Growth Area.
- 1.2 The premises include ground floor premises projecting at the front from a three storey building behind. The property is currently partially used. The ground floor of the property was last used as an advice and information centre for local job seekers, with the upper floors used as associated offices.
- 1.3 There is a garden to the rear of the property, which is currently unused.
- 1.4 Neighbouring properties include a range of A1 and A2 uses with C3 on upper floors.
- 1.5 The property is located on the A2 New Cross Road, a major route into central London. The property has a PTAL score of 6a, equating to excellent levels of public transport access. There is no on street parking on New Cross Road, however side streets have unrestricted parking.

- 1.6 The property is located in Flood Risk Zone 2.
- 1.7 The property was previously used as a job seekers' advice centre for the New Deal for Communities programme. This use has now ceased, and ownership of the property is in the process of passing to the charitable organisation New Cross Gate Trust, which is a legacy organisation from the New Deal for Communities programme.

2.0 Planning History

2.1 23/11/2011 - DC/11/78455

Permission granted for the change of use of the front part of the ground floor to Use Class A2 and Use Classes A2 and B1 for the remainder of the building.

2.2 01/03/2004 - DC/04/55959 & DC/04/55959A

Permission granted to change use from ground floor A1 and upper floors residential to an advice / information centre on the ground floor towards the front of the premises with offices at the back of the ground floor and on the upper floors.

2.3 19/07/1994

Permission refused to change use from A1 to amusement centre (suis generis).

3.0 Current Planning Applications

3.1 The Proposals

3.2 The application proposes a change of use of the property to a tattoo, piercing and shiatsu massage studio, with retail and community art space. This range of uses does not fit into any use class, and therefore is categorised as sui generis.

3.3 The ground floor front area is to be used as retail space. The remainder of the building comprises of lockable rooms accessed from a staircase located behind the retail area. Customers for the tattooing, piercing and shiatsu rooms on the ground, first and second floors will gain access through the retail space. There is a lockable door between the proposed retail space and access staircase.

3.4 It is also proposed to use part of the building for community art projects for local young people. The front room on the second floor is to be used as a teaching area and artwork planning area. The rear garden is to be used as a space where the young people can create art works. The applicant has verbally stated that a maximum of approximately 8 young people will participate in the project at any one time. The project is to be aimed at the 11-18 age group.

3.5 The applicant intends to fund the community art project through profits derived from the tattoo and piercing business.

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 Site notices were displayed and letters were sent to the residents of adjacent properties, and to the relevant ward Councillors. The letters and notice were re-issued to include a more accurate description of the proposed development.

4.3 5 letters of objection were received from 3 concerned parties (two of the concerned parties wrote two letters each). One letter of support has been received from the New Cross Gate Trust.

4.4 Written Responses received from Local Residents and Organisations

4.5 The letters of objection covered the following topics:

- loss of affordable office space;
- loss of community space
- the availability of other local retail units that could be used for tattoo use;
- concerns regarding the mix of tattooing and young people;
- concerns regarding waste disposal;
- the existing provision of tattoo parlours;
- child protection, fire, and health and safety issues.

4.6 The letter of support from the New Cross Gate Trust stated that the Trust have marketed the property for the last 9 months, however have only received interest from a 'cash converter' business and from a developer wishing to turn the property into bedsits. The rent gained from the current proposed tattoo parlour use would be used to fund the charitable activities of the Trust. The Trust state that they have undertaken detailed discussions with the applicant regarding the appearance of the building, the proposed use, and safeguarding issues, and are satisfied with the proposed tenant's responses.

5.0 Policy Context

5.1 Introduction

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.

5.2 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.

5.3 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). The National Planning Policy Framework does not change the legal status of the development plan.

5.4 National Planning Policy Framework

5.4.1 The NPPF was published on 27th 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.

5.4.2 At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. In summary, this states, that for a period of 12 months from publication of the NPPF decision makers can give full weight to policies adopted since 2004 even if there is limited conflict with the NPPF. Following this period weight should be given to existing policies according to their consistency with the NPPF.

5.5 Officers have reviewed the Core Strategy and saved UDP policies 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, 214 and 215 of the NPPF.

Local Policy

5.6 Core Strategy (June 2011)

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 2 Regeneration and Growth Areas: New Cross Gate

Core Strategy Policy 6 Retail Hierarchy and Location of Retail Development

Policy 5 Other employment locations

5.7 Unitary Development Plan (2004)

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

HSG 4 Residential Amenity

ENV.PRO 11 Noise Generating Development

STC 6 Major and District Centres – Other Shopping Areas

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

6.0 Planning Considerations

- 6.1 The main issue to consider is the suitability of the proposed tattoo, piercing, shiatsu, retail and community art space use in this location, including the impact on residential neighbours.
- 6.2 The premises have previously been used as a job seekers' advice centre and office space. The advice centre use has ceased due to the ending of the local New Deal programme. The Trust have marketed the property for 9 months, but have previously only received interest from a 'cash converter' business and from a developer wishing to turn the upper floors of the property into a large number of bedsits.
- 6.3 The use for tattooing, piercing, shiatsu, retail and community art space is considered to be compatible with the town centre location and consistent with policies in the UDP and Core Strategy. The premises will continue to provide employment opportunities, in line with Spatial Policy 2 Regeneration and Growth Areas: New Cross Gate and Policy 5 Other employment locations in the Core Strategy.
- 6.4 The proposed uses will contribute to the vitality and viability of the district centre by generating footfall in the locality and by creating an active retail frontage during daytime hours Monday-Saturday. The proposal is therefore considered to contribute to a vibrant network of local centres in line with Core Strategy Spatial Policy 2 Regeneration and Growth Areas and Core Strategy Policy 6 Retail hierarchy and location of retail development
- 6.5 The proposed community art space would continue to provide an element of community use, in line with Policy LCE 2 Existing Leisure and Community Facilities in the adopted UDP.
- 6.6 Therefore it is considered that the principle of the change of use is acceptable.
- 6.7 Objectors to the proposal have raised the issue of the safe disposal of clinical waste. The applicant has provided details of the disposal process. The waste will be stored in a secure room within the building. A private contractor will enter the premises and collect the waste on a regular basis. Therefore the waste will never be placed on the street. Therefore there are no concerns regarding waste.
- 6.8 Objectors to the proposal have also raised concerns over child protection and health and safety relating to the mixing of services that are only available to adults (tattooing and piercing) with services aimed at young people (the community art project). Child protection and health and safety is not within the remit of the planning service. However, it can be noted that access to different areas of the building will be controlled through lockable doors. Visitors to the community art spaces will not have to pass through the tattoo and piercing areas.
- 6.9 An objector has also raised the issue of the proximity of the Five Bells Public House, which is approximately 50m south along New Cross Road. The objector is concerned that a community facility for young people should be placed within this distance from a pub. The town centre location is considered appropriate for this community function and the location does not raise concerns relating to the proximity to the public house.

- 6.10 There is a potential concern over noise issues relating to the number of young people that could be working on art projects at any one time, either in the second floor teaching area or in the rear garden area.

The applicant has proposed opening hours of 10AM – 6PM Monday – Saturday. These limited opening hours are considered to reduce the potential conflict with the residential elements of neighbouring properties in line with Policy HSG 4 Residential Amenity in the UDP. The opening hours should be placed as a condition on any permission granted.

- 6.11 Further protection for the neighbouring adjoined second floor residential accommodation is considered appropriate in the form of a condition to be placed on any permission stating details of sound proofing for the walls of the workshop and classroom shall be provided before community use can commence. This is considered reasonable to ensure neighbouring residential amenity is protected.
- 6.12 The proposal is considered to have a minimal highways impact. No highways issues have been identified.
- 6.13 The proposal has no negative impact upon the Hatcham Conservation Area. The existing shopfront is to be retained and painted. The structure of the shopfront will not be altered. The proposed signage is permitted under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

7.0 Conclusion

- 7.1 The proposed tattooing, piercing, shiatsu treatment and community art space use are considered appropriate for the premises and the locality. The uses will contribute to the vitality and viability of the district centre, and will provide a valuable community use.
- 7.2 The impact on neighbouring residential amenity can be controlled through the use of conditions relating to opening hours and sound insulation.

8.0 Summary of Reasons for Grant of Planning Permission

- 8.1 It is considered that the proposal satisfies the Council's Land Use and environmental criteria and is acceptable in principle, being in accordance with Policies URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas and ENV.PRO 11 Noise Generating Development in the adopted Unitary Development Plan (July 2004), and Spatial Policy 2 Regeneration and Growth Areas and Policy 5 Other employment locations in the adopted Core Strategy (June 2011).

9.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions:-

- (1) The premises shall not be open for customer business between the hours of 6 pm and 10 am on Mondays to Saturdays and not at all on Sundays and Public Holidays.
- (2) The use of the second floor workshop / classroom space shall not commence until full written details, including relevant drawings and specifications of:-
 - (a) The existing construction of the walls separating the second floor workshop / classroom space and the adjacent properties; and

- (b) The proposed works of soundproofing against airborne sound travelling from the workshop / classroom space

have been submitted to and approved in writing by the local planning authority. The soundproofing shall be retained permanently with the approved details.

Reasons

- (1) To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to comply with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development, HSG 4 Residential Amenity and STC 9 Restaurants, A3 Uses and Take Away Hot Food Shops in the adopted Unitary Development Plan (July 2004).
- (2) To safeguard the amenities of the adjoining premises and the area generally and to comply with Policies ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

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137 New Cross Road SE14



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Committee	PLANNING COMMITTEE (C)
Report Title	2 RADLET AVENUE SE26 4BZ
Ward	Forest Hill
Contributors	Tabitha Lythe

Class	PART 1	Date: 16 AUGUST 2012
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<u>Reg. Nos.</u>	DC/11/79054 as revised
<u>Application dated</u>	12.12.12 completed 12.01.2012 and revised 31.05.2012
<u>Applicant</u>	Mr J Taylor
<u>Proposal</u>	The formation of a basement to the side, to provide additional living accommodation.
<u>Applicant's Plan Nos.</u>	P1 Rev B; P2; P3; P4; P5 Rev B; P6; P7 Rev A, Design and Access Statement.
<u>Background Papers</u>	(1) Case File LE/454/2/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Core Strategy or Adopted UDP - Existing Use

1.0 Property/Site Description

- 1.1 2 Radlet Avenue is a two-storey, semi-detached house located on the north-west side of Radlet Avenue, directly opposite junction with Round Hill. Radlet Avenue is a short cul-de-sac accessed via Thorpewood Avenue. Round Hill is another cul-de-sac, with vehicle access via Radlet Avenue.
- 1.2 The property has a fairly medium-sized front garden area and a relatively small triangular shaped rear garden area, plus a triangular side garden, which constitutes the application site.
- 1.3 The road is characterised by similar style two-storey semi-detached residential properties.
- 1.4 2 Radlet Avenue is not listed and the site itself does not lie within a Conservation Area. That said, the boundary of the recently-extended Forest Hill Conservation Area now includes a number of properties in Thorpewood Avenue, including those immediately adjoining 2 Radlet Avenue, viz. 48, 48 and 50 Thorpewood Avenue. Thus, the side /rear boundary of the application site forms is the boundary of the Conservation Area.

2.0 Planning History

- 2.1 2002: planning permission was refused for the construction of a two storey extension and a garage to the side of 2 Radlet Avenue SE26, together with the installation of rooflights in the front and rear roofslopes in connection with conversion of the roof space, to provide additional living space. The application was refused for the following reasons:
- (1) The proposed two-storey side extension with a single-storey side garage is out of scale, does not respect form and shape of the original house and would be a bulky extension detrimental to the scale and character of the original building resulting in overdevelopment of the plot.
 - (2) The proposed single-storey side garage extension would be unrelated to the symmetry of the existing building.
- 2.2 2004: planning permission was refused for the construction of a two storey extension and a garage to the side of 2 Radlet Avenue SE26, together with the installation of rooflights in the front and rear roofslopes in connection with conversion of the roof space, to provide additional living space. The application was refused for the following reasons:
- (1) The proposed two-storey side extension with a single-storey side garage is out of scale, does not respect form and shape of the original house and would be a bulky extension detrimental to the scale and character of the original building resulting in overdevelopment of the plot.
 - (2) The proposed single-storey side garage extension would be unrelated to the symmetry of the existing building.
- 2.3 2007: planning permission was granted the construction of a two storey side and a single storey rear extension at 2 Radlet Avenue SE26, together with the installation of rooflights in the front, side and rear roof slopes in connection with the conversion of the roof space, to provide additional living accommodation.
- 2.4 2007 planning permission was granted for the construction of a basement to the front and side at 2 Radlet Avenue SE26 to create additional living accommodation.
- 2.5 2011: planning permission was refused for the construction of a two-storey, four-bedroom semi-detached dwelling house on land at the side of 2 Radlet Avenue SE26 for the following reason:
- (1) The proposed four-bedroom house would constitute an over-intensive form of development that does not reflect the established characteristics of the immediate area. The development would be visually obtrusive and harmful to the visual amenity, character and appearance of the area, resulting in over-development of the plot and having a negative and dominating impact on the adjoining Forest Hill Conservation Area.
 - (2) The proposed dwelling would be unacceptably cramped, leading to loss of amenity for future occupiers and neighbouring properties. Future occupiers would not benefit from adequate levels of privacy or good external amenity space.

In addition, the proposal would create loss of amenity to neighbouring residents at 46-50 Thorpewood Avenue by reason of overbearing impact, loss of outlook, overlooking, loss of privacy, increased activity, noise and disturbance.

- (3) The Applicant has failed to demonstrate how the proposal would respond to the 'lean, clean, green' principles contained within the London Plan. Insufficient information has been submitted in respect of efficient use of water, energy or resources and it has not been indicated that the proposal could meet Code for Sustainable Homes Standards Level 4. Consequently the application fails to address significant policy changes in respect of sustainability and climate change and the proposal is therefore.

3.0 Current Planning Applications

3.1 The Proposals

3.2 Planning permission is sought for the excavation of a basement under the side garden adjacent to the side elevation of the house. The area excavated would be 6.5m wide at the widest point and would run the length of the house plus 4m forward from the front elevation (12.3m long) and 3.15m deep. The garden would be reinstated on top of the excavated basement. The room would be used as a games room and social space in connection with the family home.

3.3 Amendments: Internal wall removed. Details of landscaping added to plans.

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 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors.

4.3 Following the consultation period a local meeting was held on the 14th May 2012 as the Forest Hill Society and Sydenham Society both raised objections to the proposal alongside local residents.

Written Responses received from Local Residents and Organisations

5.0 7 letters of objection received from 1 Radlet Avenue, 38, 40, 46, 48 and 50 Thorpewood Avenue and 17 Round Hill. The letters were submitted in response to the consultation. The following objections were received:

- Overdevelopment of the site as it would create a four-storey house.
- There is no precedent for building a cellar alongside a house.
- Elevation and plan drawings submitted are substantially incorrect as property is a three-storey house and not two-storey as shown as loft extension is missing.

- Excavation would undermine garden fence and shed at 48 Thorpewood Avenue.
- No geotechnical category and calculation of the destabilising actions or their effects and of proposed stabilising actions or their effects and of proposed stabilising actions and resistances by a geotechnically qualified engineer. Works could cause possible unbalancing of the property and or the ground of surrounding properties.
- Proposal could not be built as shown as it would not comply with fire regulations.
- Concerns about large amounts of soil that would need to be removed and impacts for soil in area.
- Concerns about how large amounts of soil would be removed from the area.
- Disturbance during works. There has already been improvements to this home causing disturbance to neighbours and this would bring further disruption.

Forest Hill Society

5.1 This is an unusual application for a basement extension to the side of the house only. This is in addition to a large roof extension on 2 Radlet Avenue which is not shown in the plans, despite being almost completed.

- We believe that the nature of this extension is unsuitable for the location and should be regarded as over-development. There are concerns about limited daylight to the basement. Our final concern is the proximity of the excavation to neighbouring properties.
- Bearing in mind these concerns we support neighbours of this property in opposing this application and hope that the council will reject this application.

Sydenham Society

5.2 The Sydenham Society strongly objects to the proposals for a basement level extension at the above property for which planning permission is being sought, for the following reasons:

- The proposals constitute massive over-development. The roof has already been converted in an unneighbourly and invasive fashion, completely out of keeping with the existing modestly sized 1950s dwelling house. The Society considers that the omission of these changes from the deposited drawings indicates a measure of dishonesty on the part of the applicant. He is trying to imply that the basement extension is the only addition to the original floor plan area. It is not. The roof extension must be taken into account as well.

- The Society considers that a basement level extension almost without any access to natural daylighting is wrong in principle, because its occupancy will depend on the consumption of electrical power to provide artificial lighting. The Climate Change Act of 2008 imposes on UK governance the requirement for a reduction in UK carbon emissions by 90% by the year 2050. This intention would be thwarted by the creation of energy-dependent living space, such as the basement as proposed.
- The basement floor plan is indicated on the deposited drawings as being contiguous with the site boundary. It seems to the Society that this scheme could not legally be implemented in the absence of party wall agreements with adjoining property owners. To the best of our knowledge and belief, no approaches have been made by the applicant to neighbours in the matter of putting the necessary agreements in place.

5.3 We hope that the proposals as deposited will be refused planning permission for the reasons we have stated above.

6.0 Policy Context

Introduction

6.1 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. 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). The National Planning Policy Framework does not change the legal status of the development plan.

National Planning Policy Framework (NPPF)

6.2 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. In summary, this states, that for a period of 12 months from publication of the NPPF decision takers can give full weight to policies adopted since 2004 even if there is limited conflict with the NPPF. Following this period weight should be given to existing policies according to their consistency with the NPPF.

6.3 Officers have reviewed the Core Strategy and saved UDP policies 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, 214 and 215 of the NPPF.

Other National Guidance

6.4 The other relevant national guidance is:

By Design: Urban Design in the Planning System - Towards Better Practice (CABE/DETR 2000)

London Plan (July 2011)

6.5 The London Plan policies relevant to this application are:

Policy 5.3 Sustainable design and construction

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.21 Trees and woodlands

Core Strategy

6.6 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 1 Lewisham spatial strategy

Core Strategy Policy 7 Climate change and adapting to the effects

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 15 High quality design for Lewisham

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

Unitary Development Plan (2004)

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

URB 3 Urban Design

URB 6 Alterations and Extensions

URB 8 Shopfronts

URB 12 Landscape and Development

URB 13 Trees

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

HSG 4 Residential Amenity

HSG 7 Gardens

HSG 12 Residential Extensions

Residential Standards Supplementary Planning Document (August 2006)

6.8 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities

and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

7.0 Planning Considerations

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

- (a) Principle of Development
- (b) Design
- (c) Highways and Traffic Issues
- (d) Impact on Adjoining Properties
- (e) Sustainability and Energy
- (f) Ecology and Landscaping

Principle of Development

7.2 The excavation of further habitable accommodation in connection with the main living space has been approved at other sites in the locality however these have all been under the existing main house. This proposal would seek the excavation under the garden to the side of the main house to provide further habitable accommodation. While there are no similar schemes in this area apart from that which was granted planning permission in 2007 at this property, albeit smaller in size, others have been approved in other London Boroughs. The proposal would not seek to change the use of the site and the applicant is proposing to reinstate the garden on top of the excavated basement with one glazed lightwell to provide light to the basement. Therefore the principle of excavation under the garden would be considered to be acceptable as it would not change the use of the site and would still leave the same amount of garden space.

7.3 During the local meeting concerns were raised about existing applications being allowed to be built on top of the basement and possible future extensions above the basement. Residents were informed that there were no current permissions in place for extensions above the basement and a planning application would be required for a two-storey extension above the basement therefore they would have the chance to comment on any future applications.

Design

7.4 The majority of the work would be underground and would therefore not be visible. The glazed lightwell and landscaping would be and given the current tired look of the site the landscaping of the garden would be an improvement. As the reinstatement of the garden and proposed landscaping are vital parts of the finished look of the scheme a condition could be added to ensure the landscaping works are carried out prior to the occupation of the basement.

Highways and Traffic Issues

7.5 Concerns have been raised about lorries having to come to remove the soil from the site. While there would be some disturbance during the removal this would be limited to during the excavation period and would not be a permanent problem.

Impact on Adjoining Properties

- 7.6 As the works would all be below ground level there would be no impact on sunlight/daylight, outlook or privacy to neighbouring properties.
- 7.7 Concerns have been raised about potential movement of neighbours gardens and property including fences and sheds due to the excavation and the already varying ground levels. A condition requiring details of the excavation process including details of supporting neighbouring fences, sheds and gardens within 5m of the excavations would overcome this.
- 7.8 Disturbance to neighbouring properties during the works has also been raised as a concern. While this is not a planning consideration the Council has powers under Environmental Health regulations to serve notices if works are found to breach acceptable levels of disturbance.

Sustainability and Energy

- 7.9 During the local meeting the lack of natural lighting and ventilation was raised as a concern as this would encourage the use of more energy to light and ventilate the basement. The Council does not have specific policies relating to electrical lighting and natural ventilation therefore there is no requirement for the proposal to meet particular levels. While sustainability and reduction in energy are important, as the proposal is an extension to an existing house it would be onerous of the Council to require the applicant to meet more than building regulations for this.

Ecology and Landscaping

- 7.10 The removal of soil for the excavation of basements raises concerns about surface water run off as the water has less places to drain to. As there would be significant excavation of the site a condition requiring details of surface water run off is proposed to ensure that the works sufficiently incorporate this as part of the development on grounds of sustainability and to ensure there would not be an impact on neighbours properties.

8.0 Conclusion

- 8.1 The excavation of the basement to the side of the main house under the existing garden is an unusual proposal however the proposal would not have an impact on the property or the amenities of neighbouring residents.
- 8.2 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.
- 8.3 On balance, Officers consider that the formation of a basement under the garden is therefore considered acceptable.

9.0 Summary of Reasons for Grant of Planning Permission

- 9.1 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.

- 9.2 The proposal is thereby in accordance with Policies URB 6 Alterations and Extensions and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004) and Core Strategy Policy 8 Sustainable design and construction and energy efficiency; Core Strategy Policy 15 High quality design for Lewisham and Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment in the adopted Core Strategy (June 2011).

9.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions

- (1) Details of means of drainage and surface water run off shall be submitted to and approved in writing by the local planning authority before the start of any demolition, building or excavation takes place. The works shall be carried out in accordance with the approved details.
- (2) Details of method of excavation including details of how neighbouring gardens and structures within 5metres of the excavation would be supported shall be submitted to and approved in writing by the local planning authority before the start of any demolition, building or excavation takes place. The works shall be carried out in accordance with the approved details.
- (3) The landscaping indicated in approved Drawing Numbers: P1 Rev B; P5 Rev B and P7 Rev A shall be carried out in complete accordance with these drawings prior to the occupation of the basement.

Reasons

- (1) To ensure that the suitable, sustainable means of drainage are incorporated into the scheme.
- (2) To ensure that suitable mechanisms are put are incorporated into the scheme during excavation to minimise disruption to neighbouring properties.
- (3) To ensure an acceptable visual appearance is achieved.

Appendix A – Local Meeting Notes

Minutes of Local Meeting 14th May 2012 19:00 – 20:00

Site: 2 Radlet Avenue, SE23

Application no: DC/11/79054

Attendees:

1. Cllr Alex Feakes – Chair - CAF
2. Tabitha Lythe – Case Officer - TL
3. James Taylor – Applicant - JT
4. Mike Abrahams – Forest Hill Society 27 Grassmount - MA
5. Annabel Maclaren – Sydenham Society - AM
6. Roy MacDonald – Sydenham Society 38 Thorpewood Avenue - RM
7. Miss Redenham – Resident 50 Thorpewood Avenue - MR
8. Steve Grindlay – Resident 48 Thorpewood Avenue - SG
9. Mr Harvey – Resident 46 Thorpewood Avenue - MH
10. Mrs Harvey – Resident 46 Thorpewood Avenue - MSH
11. Simon Brown – Resident 40 Thorpewood Avenue – SB

Apologies: Mrs Grindlay – 48 Thorpewood Avenue.

CAF opens meeting.

JT: Lived there for 10 years just extended upstairs so now have four bedrooms and would like more reception space which is why we want to do the basement.

CAF: How much space are you adding?

JT:

CAF: What is the building process?

JT: It will be all dug out then underpinning, concrete it over with a window at the front. There would be no overlooking.

RM: The drawing I saw didn't appear to meet building regulations can you explain this?

JT: I have checked this out with a building surveyor and the form of escape is out of the front door as it's only one room.

RM: Are you sure it's one room?

JT: Yes.

TL: I think there may be some confusion because the drawings initial submitted had internal walls that left a gap big enough for a door. These have since been revised to remove the internal wall as apparently this was on the plans by mistake.

CAF: What would happen if later on you put a wall in?

TL: I'm not sure as that is a Building Regulations matter.

CAF: Perhaps you could find out.

SG: Large drawings. The edge of the existing borders on garden fence? What if my garden fence falls over who's liable?

JT: I'd be liable. About 1ft away from boundary of Mr Grindlay's. I don't anticipate any issues.

RM: A party wall fence agreement is required.

JT: I will get one sorted.

MR: He's not lived there for 10 years like he said he has. He's miles away from the boundary.

MA: Daylight concerned as main family reception area. Daylight assessment and suitability of accommodation.

TL: No rules as it's existing.

CAF: What would you say is enough light?

MA: There's a window in the wall. Why isn't the basement under the house?

JT: Simply it's much cheaper to build to build under the garden rather than under the house.

MH: Noise and disruption during the works is a concern. We are concerned that it is one half of a semi-detached house and neighbours property may not be able to cope.

JT: Do it with digger metre by metre going to have wet wall system. Works would last about one month for an excavation.

MH: What would I see if I looked over your fence?

JT: Concrete.

MH: So you are losing garden?

JT: May also turf it but I'm not sure.

SG: So you may later build on it?

JT: Maybe. I haven't decided.

MH:

JT: I will use the Council Building Control.

RM: What are you doing?

JT: May do a bit of piling.

MR: There is a high water table in this area.

JT: I'm going to have a water pump.

CAF: How does the water pump work?

JT: Water triggers the pump and water will go straight out into the drain.

MA: There are environmental standards to consider. The pump will be pumping out water; the light lighting the basement; concreting over the garden particularly run-off water.

TL: Concreting it over is a concern. Building Control deal with building regulations issues.

CAF: Are you taking soil away?

JT: Yes I've got a company who will take it away.

MR: What about newts? There are newts in the area.

CAF: That is something that we should get checked out.

AM: Will the proposal have to intrude on neighbours property to encroach?

JT: No.

AM: Has he objected?

JT: He hasn't.

SG: Would you be building on top of the basement in the future?

JT: Yes possibly. I don't want to tie myself one way or the other as I'm not sure exactly what my future plans are.

MA: Would you be building the two-storey extension that you had planning permission for and would you be able to do the basement as well?

JT: Possibly as I have commenced the works so the planning permission remains but I'm not sure. I would be building the basement so that the extension could be built on top of it.

TL: I am not sure whether works were commenced in time or not for the two-storey side extension. I need to investigate and report back. The previous approval for the basement extension has lapsed though as this was investigated by Steve Isaacson the Head of Enforcement.

CAF: We need clarity about whether the two-storey side extension permission has lapsed or not.

CAF: Minutes to be agreed before being published.

Follow-up comments

Investigations carried out show that the planning permission ref: DC/07/64795 for a two-storey side extension has lapsed as works had not commenced on site. Therefore those who have raised concerns that the two-storey side extension could be built in the future should be reassured by this. If a two-storey side extension were to be built, under current permitted development regulations, planning permission would be required.

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2 Radlet Avenue SE26



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