

## PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 14 MARCH 2013 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)  
Pauline Beck  
Liam Curran  
Alexander Feakes  
Peggy Fitzsimmons  
Helen Gibson  
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, 5 March 2013**

**For further information please contact:  
Shelley McPhee Committee Co-ordinator  
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Committee	PLANNING COMMITTEE (C)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 14 MARCH 2013

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 :-

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) 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 no 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 14 MARCH 2013

### MINUTES

To approve the minutes of the meeting of Planning Committee (C) held on the 31 January 2013.

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Committee	PLANNING COMMITTEE (C)	
Report Title	86 MINARD ROAD SE6 1NL	
Ward	Catford	
Contributors	Malachy McGovern / Steve Isaacson	
Class	PART 1	Date: 14 MARCH 2013

<u>Reg. No.</u>	DC/12/81509
<u>Application dated</u>	08.07.2012, completed 18.12.2012 and revised 07.02.2013 & 3.02.2013
<u>Applicant</u>	Mrs H Russell-Canty
<u>Proposal</u>	The construction of a single storey building in the rear garden for use as a cattery.
<u>Applicant's Plan No.</u>	1201/01, 1201/02, Block Plan, Site Location Plan, Supporting Letter dated 9.11.2012, email dated 3/2/2013
<u>Background Papers</u>	(1) LE/667/86/TP (2) National Planning Policy Framework (NPPF) (3) The London Plan (July 2011) (4) Local Development Framework Documents (5) Adopted Unitary Development Plan (July 2004)
<u>Designation</u>	Adopted UDP - Existing Use
<u>Screening</u>	N/A

## **1.0 Property/Site Description**

- 1.1 The subject site comprises a two-storey, mid-terrace dwelling house located on the western side of Minard Road. The property benefits from a small front garden and vehicle crossover, however the front garden does not have a hardstanding. The rear garden is approximately 17 metres deep and 6 metres wide. The neighbouring properties all have similar gardens.
- 1.2 The property is not located within a Conservation Area and is not a listed building. The site is relatively poorly served by public transport and has a low PTAL of 2.

## **2.0 Planning History**

- 2.1 There is no relevant planning history for the site. However, given the specialist nature of the proposed use it is useful to describe the planning history of another cattery nearby.
- 2.2 On 13 March 2002, temporary planning permission was granted for a cattery with 11 pods was granted at 21 Merchiston Road SE6 (ref. DC/02/50916), requiring the use of the cattery to cease on 30 June 2004.

- 2.3 Permanent consent for the same use was granted 29 June 2004 under reference DC/03/54322. The delegated report states that:

“The temporary period planning permisison was imposed to assess the impact of the use on neighboiuring residential occupiers. It appears from consultation with environmental health that two compliants have been received from a single neighbouring resident about smells and noise. After investigation by the EN Licencing and Enforcement Officer these compliants were found to be unsubstantiated. One letter has been received after consultation on the current application stating that thet have no objection to the proposal.”

### **3.0 Current Planning Application**

- 3.1 The current application proposes the construction of a single-storey building in the rear garden of the property, to be used as a cattery. The building would be brick-built, with a timber-clad exterior and would have a pitched slate roof, rising to a maximum height of 2.95 metres. The building would be approximately 6 metres wide and 5.5 metres deep.
- 3.2 The proposed outbuilding would provide 11 separate pods for up to 22 cats and would have a separate water and electrical supply. The cattery would be a small-scale commercial enterprise and would operate all year round. The main house and garden would remain in domestic use and would not be used by the cats.

#### Operation / Staffing

- 3.3 It is proposed that customer could come to the cattery between the hours of 09:00 to 18:00 Monday to Fridays, 08:30 to 13:00 Saturdays, and closed on Sundays and Bank Holidays. The applicant has stated that she would run and manage the premises. There would be no additional staff employed and as such no further requirement for staff parking.
- 3.4 The applicant has stated that the cats would be dropped off and picked up at the beginning and end of their stay. The applicant estimates between two and five drop offs or pick ups per week. This would amount to an average pick up and drop off rate of one per day. Of these visitors, some would arrive by car and some by public transport or foot.
- 3.5 The applicant states that the maximum number of cats that could be accommodated at any one time is 22, but she estimates that between 6 and 15 would stay weekly. Cats can be boarded for a little as four days or up to four weeks, with two weeks being an average stay.
- 3.6 The applicant states that there is provision for one parking space in the front garden and states that the limited additional vehicle comings and goings would not cause any significant increase in parking pressure.

### **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 in the surrounding area and the relevant ward Councillors.

Written Responses received from Local Residents and Organisations

- 4.3 16 neighbouring occupiers were notified, and five letters of objection were received, raising the following issues:-
- Noise nuisance from cats – particularly during mating, fighting or distressed periods. Also noise created from use of garden and customers coming and going.
  - Smell from cats and from cat litter
  - Parking pressure - this is already difficult for residents and the proposed cattery will only make matters worse.
  - Visual impact of outbuilding – the structure would be an eyesore and would cause light loss.
  - Disease and pests – particular concern for well-being of young children.
  - Property value & Impact on the character of the area.
  - Concerns about well-being of cats - can often get distressed in such an environment

(Letters are available to Members)

- 4.4 The Catford Ward Councillors were also consulted. No replies were received.

- 4.5 Council Highways and Environmental Health Departments - No response received

**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.
- 5.6 Ministerial Statement: Planning for Growth (23 March 2011) states:-

"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."

## The London Plan (July 2011)

- 5.7 The London Plan policies relevant to this application are
- Policy 4.1 Developing London's Economy
  - Policy 6.13 Parking
  - Policy 7.1 Building London's neighbourhoods and communities
  - Policy 7.4 Local Character
  - Policy 7.6 Architecture
  - Policy 7.15 Reducing noise and enhancing soundscapes

## Local Development Framework - Core Strategy (June 2011)

- 5.8 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 Objective 4 Economic Activity and Local Businesses
- Core Strategy Objective 10 Protect and Enhance Lewisham's Character
- Core Strategy Policy 14 Sustainable Movement and Transport
- Core Strategy Policy 15 High Quality Design for Lewisham

## Unitary Development Plan (July 2004)

5.9 Relevant saved policies of the Lewisham URB 3 Urban Design 2004 relevant to this application are:-

HSG 4 Residential Amenity  
URB 3 Urban Design  
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:-

- a) principle of development;
- b) character and appearance of the area;
- c) highways & parking;
- d) public safety, noise & impact on neighbouring amenity;
- e) refuse & general housekeeping.

### Principle of Development

6.2 The proposed outbuilding would be rectangular, measuring 5.5 metres deep by 6 metres wide and would be 2.95 metres at ridge height, with eaves as 2.2 metres in height. Whilst this would be marginally higher than neighbouring flat roofed outbuildings, it is not considered that the proposed building would be unduly overbearing or out of character with the area.

6.3 The application property is currently in use as a single family dwelling house which would benefit from permitted development allowances. However, the proposed outbuilding would be used for commercial purposes and as such would not fall within a use ancillary or 'incidental to the enjoyment of the dwelling house'. Nonetheless, an outbuilding of similar size could be constructed under permitted development allowances, albeit with a lower maximum height of 2.5 metres.

6.4 The proposed use of the outbuilding as a cattery would introduce a commercial element to the site which is in a predominantly residential area. The business would support the applicant's income and would be a start-up enterprise which is generally supported by the Government's NPPF (para 19). There would be no additional staff and the main house and garden would remain in residential use only.

6.5 Saved UDP Policy HSG4 Residential Amenity states that the Council will seek to improve and safeguard the character and amenities of residential areas throughout the borough by resisting the siting of incompatible development in or close to residential areas. It is considered however that non-residential uses in residential areas may be acceptable provided such development can be achieved without any detrimental impact on neighbouring amenity.

- 6.6 As stated in the planning history, a similar cattery is currently in operation at another site in Catford, at 21 Merchiston Road SE6. The report author visited the site and consulted the cattery proprietor in consideration of the current application. Another cattery operates in the south of the Borough, at 5 Blacklands Road. Both operate in similar residential areas without causing any undue disturbance to neighbouring residents. Thus, in principle, the operation of a small cattery in a residential area is considered appropriate, subject to the scale of the use.

#### Character and Appearance of the Area

- 6.7 The proposed outbuilding would be of solid construction, with a pitched slate roof rising to a ridge height of 2.95 metres. The building would have a centrally-positioned doorway and two wire-mesh openings on the front elevation measuring approx 1 m wide by 50cm high.
- 6.8 The submitted drawings indicate that the outbuilding would be clad with shiplap boarding, which is considered acceptable given the character of the area. The front and flank elevations would each have two 23cm vents.
- 6.9 It is considered that the proposed outbuilding would sit comfortably at the bottom of the garden and, whilst higher than some neighbouring outbuildings, would not be overly dominant or obtrusive. The proposed materials are considered acceptable and can be secured by condition.

#### Highways & Parking

- 6.10 The applicant submits that the maximum number of cats boarded at the cattery at any one time would be 22, however it is estimated that on average, between 6 and 15 cats would be boarded weekly. Cats can be boarded for as little as four days or up to four weeks, with two weeks being an average stay. She has also stated that only cats from the same family would be allowed to share one cage, which means that there are never more than 11 customers at the same time. The applicant has also explained that only neutered cats are accepted, hence eliminating any 'tension' between the sexes.
- 6.11 The cats would be picked up and dropped off between the hours of operation which are Monday to Friday 9am to 6pm and Saturday 8.30am to 1pm. The cattery would be closed for customers on Sundays and Bank Holidays. The nature of the business would mean that the animals may be kept at the site for periods of time which would not involve customers making daily visits. The applicant has estimated that between two and five drop offs and pick ups per week would be a typical frequency of visit. This would be an average of approximately 1 visitor per day. The applicant states that whilst many of the visitors will arrive by car, some will arrive by foot. A number of bus routes stop within a 5 minute walk on Brownhill Road

#### Public Safety, Noise and Impact on Neighbouring Residential Amenity

- 6.12 Unlike kennels, cat boarding establishments are not associated with high levels of noise and it is generally accepted that the level of noise generated is not at a level that would cause a nuisance. The applicant has stated that the cats will be permanently contained within the outbuilding for the length of their stay and as such will not have any contact with other cats. The animals will be kept in individual pods and only cats from the same family will share a pod. There will be no opportunity for the animals to mate or fight and as such, noise should be minimal.

- 6.13 Concerns have been raised by a number of residents about the issue of smells generated from keeping animals. Under the Animal Boarding Licence required for such a use, regular checks would be made to ensure that the business is operated in a manner meeting the regulations of such a Licence. It is therefore considered that any odours from the cattery would indicate poor housekeeping and could be dealt with under licence regulations.
- 6.14 With regard to use of the comings and goings of customers, it is considered that the Council's normal time restrictions should be applied by condition in order to minimise the impact on neighbouring properties. These are considered acceptable conditions in order to comply with Policy ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity.

#### Refuse & General Housekeeping

- 6.15 The waste generated by the cattery would consist largely of used paper litter which could be disposed of through a commercial refuse disposal service. Further details of the proposed arrangements can be required by a planning condition.
- 6.16 The applicant states that she would be in the cattery from 8.30am every morning to clean and feed the cats and this would take approximately 1 hour. At 5pm the cats would be fed a second time and would be groomed and petted, with this process taking approximately 45 minutes. All of this would take place within the cats locked unit and at no point would any cats be loose within the outbuilding or within the garden. This timetable would be repeated daily. This regime is considered acceptable.

#### **7.0 Local Finance Considerations**

- 7.1 The Mayor of London's CIL is not payable on this application.

#### **8.0 Conclusion**

- 8.1 This application has been considered in the light of policies set out in the development plan and other material considerations. On balance, the construction of an outbuilding for use as a cattery for up to 22 cats is considered to be acceptable on planning grounds and conditional permission is recommended.

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

- 9.1 The proposal satisfies the Council's land use and environmental criteria and is in accordance with Spatial Policy 5 Areas of Stability and Managed Change, Core Strategy Objective 4 Economic Activity and Local Businesses, Core Strategy Objective 10 Protect and Enhance Lewisham's Character & Policy 15: High Quality Design for Lewisham of the Lewisham Core Strategy (June 2011), and saved policies HSG 4 Residential Amenity, ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and URB 3 Urban Design of the Unitary Development Plan (2004), and policies Policy 4.1 Developing London's Economy, Policy 6.13 Parking, Policy 7.1 Building London's neighbourhoods and communities, Policy 7.4 Local Character, Policy 7.6 Architecture, and Policy 7.15 Reducing noise and enhancing soundscapes and the London Plan 2011.

- 9.2 It is considered that the proposed outbuilding is appropriate in terms of its form and would not result in material harm to the character and appearance of the surrounding area. The proposed use as a cattery for up to 22 cats can be successfully controlled by planning conditions and would not cause material harm to the amenities of neighbouring occupiers. The proposal is thereby in accordance with Spatial Policy 5 Areas of Stability and Managed Change, Core Strategy Objective 4 Economic Activity and Local Businesses, Core Strategy Objective 10 Protect and Enhance Lewisham's Character of the Lewisham Core Strategy (July 2011), saved policies HSG 4 Residential Amenity, ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development, URB3 Urban Design of the Lewisham UDP (2004), and policies Policy 4.1 Developing London's Economy, Policy 6.13 Parking, Policy 7.1 Building London's neighbourhoods and communities, Policy 7.4 Local Character, Policy 7.6 Architecture, and Policy 7.15 Reducing noise and enhancing soundscapes and the London Plan (July 2011).

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

- (1) The building shall be used as a cattery for boarding cats and for no other purpose, including the boarding of any other type of animal.
- (2) The maximum number of cats to be accommodated at any one time within the cattery hereby permitted shall not exceed 22.
- (3) The boarded cats must remain in their pods within the building for the duration of their stay and must not use the rear garden area for any activity at any time of day or night.
- (4) Details of the construction, including facing materials, of the proposed refuse storage chamber shall be submitted to and approved in writing by the local planning authority and the chamber shall be constructed in accordance with the approved details before any of the residential units hereby approved are occupied.

**Reasons**

- (1) To allow the local planning authority to properly assess the impact of other uses on the residential amenities of neighbouring in accordance with policies in the Local Development Framework - Core Strategy and saved Policy HSG 4 Residential Amenity 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 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).
- (3) 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).



- (4) In order that the local planning authority may be satisfied as to the appearance and function of the refuse chamber and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) and saved Policy URB 3 Urban Design and HSG4 Residential Amenity of the adopted Unitary Development Plan (July 2004).

Informative

**Positive and Proactive Statement** - The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.

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Committee	PLANNING COMMITTEE (C )	
Report Title	THE GREYHOUND PUBLIC HOUSE, 309-315 KIRKDALE, SE26 4QB	
Ward	Sydenham	
Contributors	Geoff Whittington	
Class	PART 1	Date: 14 MARCH 2013

Reg. Nos. DC/12/81431

Application dated 18 September 2012

Applicant Mr G Dowd Purelake New Homes Ltd

Proposal Rebuilding of the Greyhound Public House (including the retention of the original front elevation) at 309-315 Kirkdale SE26, to provide a two-storey public house/ restaurant (Use Class A3/A4 with basement, together with a conservatory and internal refuse store to the side and associated landscaping works.

Applicant's Plan Nos. 4329-PD-10D, 13A, 22E, 23H & 25, Building Survey - First Floor.dwg, Basement.dwg, Ground Floor.dwg, Elevations - Elevations 1-2.dwg, Elevations 3-4.dwg, & Sections - Sections 1-2.dwg, Sections 3-4.dwg, Addendum Transport Statement, Daylight & Sunlight report, Heritage Impact Assessment, Historic Building Report, Design & Access Statement, Planning Statement, Noise & Vibration Impact Assessment, and Letter dated 18/9/12.

Background Papers

- (1) Case File LE/240/315/TP
- (2) Lewisham Development Framework: Core Strategy (2011)
- (3) Adopted Unitary Development Plan (July 2004)
- (4) The London Plan (2011)

Designation Adopted UDP - Existing Use

## **1.0 Property/Site Description**

- 1.1 The application site is located on the north side of Kirkdale, to the east side of the roundabout junction with Spring Hill and Westwood Hill, locally known as 'Cobb's Corner'. The site area measures 3,134m<sup>2</sup>, and has a Public Transport Accessibility Level (PTAL) rating of 5.
- 1.2 Until 2011, the site comprised a group of buildings and structures constructed mainly in the 19th century, and had been vacant and boarded up since June 2007. With the exception of the Springhill building and the Greyhound, the complex of buildings were demolished to make way for the new residential and commercial development.

- 1.3 The main public house building was substantially demolished in 2012 without the benefit of Conservation Area Consent, with only the front elevation remaining. Construction works for a new replacement building that incorporated the original front elevation commenced in April 2012 without the necessary planning permission in place. The works undertaken includes the formation of side and rear walls and internal floors, however these works have now ceased.
- 1.4 The site lies within the Cobb's Corner Conservation Area, which was designated in September 2007 and the former Greyhound Pub was locally listed as being of architectural or historic interest.
- 1.5 Adjacent to the Greyhound is the new development that was consented at the same time as the proposed partial demolition of the public house in 2010. The upper floor residential units have been in occupancy since late 2012, whilst the ground floor retail unit remains vacant.
- 1.6 To the south-east of the application site are a pair of retail premises at 321-323 Kirkdale, and a public house at 325 Kirkdale. These buildings are three stories in height, with commercial uses on the ground floor, with either residential or storage uses above.
- 1.7 To the north are residential properties in Peak Hill Gardens, which are a terrace of Victorian properties.
- 1.8 On the south side of Kirkdale is a row of elegant Victorian shops with three stories of residential above. To the west of these is a grand 18<sup>th</sup> century mansion called 'Old Cedars', 258 Kirkdale, which is a Grade 2 listed building.
- 1.9 Kirkdale, Sydenham Road and Westwood Hill are classified roads, linking to Forest Hill to the north-west and Crystal Palace to the west. The application lies on the north-east side of the roundabout junction at the intersection of Kirkdale by Westwood Hill to the west and Spring Hill to the north
- 1.10 The main access to Sydenham Railway Station is from Sydenham Station Approach, whose junction with Sydenham Road lies to the east of the railway bridge.

## **2.0 Planning History**

- 2.1 A public house has existed on this site since at least the 1720s. There have been various extensions and alterations over the years.
- 2.2 In February 1993, permission was granted for alterations to the car park layout at The Greyhound to provide 61 parking spaces together with landscaping, the erection of an automatic control barrier at the entrance onto Kirkdale and a 2 metre high fence facing Spring Hill.
- 2.3 In September 1997, temporary planning permission was granted for the use of part of the car park at The Fewterer and Firkin Public House (a short-lived renaming of The Greyhound by the then owners) for a car boot and arts and craft stalls market between the hours of 11am and 3pm on Sundays. This permission expired in September 1998 and has not been renewed.

- 2.4 On 5 September 2007, Lewisham Council designated a new Conservation Area around Cobb's Corner, which includes the application site. At the same time, the Greyhound Public House was added to the Council's list of buildings of local architectural or historic interest.
- 2.5 In 2008, applications were submitted to the Council for Conservation Area Consent for partial demolition of the existing Greyhound buildings and planning permission for a mixed use development of the site, comprising a retained public house, new public square, new retail / commercial units with residential above providing a total of 42 residential units (DC/08/70396 and DC/08/71394).
- 2.6 In 2010, permission was granted for:
- (A) The partial demolition of The Greyhound Public House, 309-315 Kirkdale SE26 and full restoration to create a self-contained, Use Class A3/A4 unit in the centre of a new public square, the construction of two new, part three/part four/part five-storey residential blocks, containing 40 residential units, with commercial uses (Class A1, A3 and A4) on the ground floor, restoration of the Spring Hill building, including removal of the existing pitched roof and the addition of a second storey, together with the provision of associated private amenity space, 11 parking spaces, motorcycle parking, storage for 56 cycles, refuse storage facilities and servicing, plus alterations to the existing access from Spring Hill and closure of the existing access from Kirkdale.
  - (B) Conservation Area Consent for the partial demolition of the Greyhound Public House.
- 2.7 During the period from January to the end of March 2012, the main Greyhound Public House building was substantially demolished, apart from the front elevation. Such unauthorised demolition of any building in a conservation area is a criminal act and the Council has therefore deemed it appropriate to pursue legal proceedings.
- 2.8 An application was submitted to the Council proposing the rebuilding of the Greyhound Public House, including the retention of the front elevation to provide a pub/restaurant (Use Class A3 / A4) in the basement and ground floor and change of use of the upper floors to accommodate 2 two bedroom maisonettes, together with enlargement of the basement, construction of a mezzanine floor in the roof space, conservatory to the side and alterations to the external elevations.
- 2.9 The application was subsequently withdrawn when officers raised objections to the principle of residential dwellings above the proposed public house, in particular the impact this may have upon the viability of any future pub operation.

### **3.0 Current Planning Application**

- 3.1 The current application proposes the rebuilding of the main Greyhound building, which includes the retention of works already undertaken to construct the basement, side and rear elevation walls.

- 3.2 The applicant seeks to reconstruct the building to the original proportions and detailing using salvaged materials, albeit with some amendments to the layout and the formation of an enlarged basement. A large part of the front elevation, with the exception of the central gable, is the only original element of the original building that currently remains, and it is proposed this be incorporated in the current scheme. Salvaged facing brick and traditional materials are proposed for the external envelope to give the appearance of a historic building.
- 3.3 The proposed use remains as a public house/ restaurant, with associated rooms at first floor, and a basement accommodating a kitchen, office and storage rooms.
- 3.4 A single-storey bay would be constructed to the western elevation of the Greyhound, providing additional indoor seating, whilst a separated element would be used for refuse purposes.
- 3.5 A new roof would be constructed, similar in appearance to the original building but of a slightly greater height. A conservation style rooflight would be positioned to the rear slope.
- 3.6 A restored glazed timber screen would be reinstated at ground floor to the east elevation of the building. A doorway would allow access to the outdoor area.
- 3.7 An internal delivery hatch would be provided within the new building, accessed from the rear.
- 3.8 Landscaping measures include concrete pavements comprising 'Textured Finish Silver Grey and a Black Finish.' Silver Birch trees would be planted to the front and side of the Greyhound, whilst outdoor seating would be provided.
- 3.9 No off-street parking forms part of this application, however 16 secure cycle spaces would be provided.

#### **4.0 Consultation**

##### Neighbours & Local Amenity Societies etc.

- 4.1 Letters of consultation were sent to 257 local residents on 15 October 2012, together with a notice displayed on site. Ward Councillors were also consulted.
- 4.2 Three letters were received from the occupiers of 87 Sydenham Road and 149 & 321 Kirkdale, objecting on the following grounds:
- 1) 'The conservatory will look awful and will no doubt harm the appearance of the conservation area.'
  - 2) 'A listed building cannot be modified in any way, the Council has a duty to protect the character of Cobbs corner. The adding of the conservatory is changing the structure once again.'
  - 3) 'It is proposed that the basement will be a restaurant – it will create noise, smell and overcrowding of cars.'



- 4.3 A further letter was received from the managing agent of the commercial unit to the rear of the Greyhound, who has objected on a number of grounds, including:

*Conservatory Extension: (West Elevation Bay)*

The proposed conservatory would eliminate further the frontage of the rear commercial unit onto Kirkdale, and could render the unit obsolete. The unit relies heavily on this frontage at the junction with Kirkdale and Spring Hill as it is the only area where passing trade can see the premises.

*Materials:*

The new brickwork to the side elevations are not in keeping with the original building.

*Bin Store:*

Refuse collections would take place in the same location as the public accesses. There will be foul smells directly opposite the main entrance to the convenience store along with litter.

*S106:*

States that any part of the current proposal that varies from anything other than reinstating the original planning consent would be a breach of the original S106 agreement.

(Letters are available to Members)

Highways and Transportation

- 4.4 Unobjectionable in principle.

Environmental Health

- 4.5 No objections raised.

Conservation Officer

- 4.6 The officer has no objections to the proposed works, subject to the inclusion of appropriate planning conditions. This follows a number of meetings and dialogue with the applicants in which the officer participated.

**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 The Planning (Listed Buildings and Conservation Areas) Act 1990 places the duty on Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.
- 5.3 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.
- 5.4 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)

- 5.5 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.
- 5.6 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.
- 5.7 NPPF gives a presumption in favour of sustainable development. The conservation of heritage assets is one of the 12 core principles of the NPPF, which planning decisions should be based upon and is considered sustainable development:  

'conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.'
- 5.8 The NPPF also identifies three dimensions to sustainable development, of which two, social and economic, are relevant;  

'a social role – supporting strong, vibrant and healthy communities...by creating a high quality built environment';

'an environmental role – contributing to protecting and enhancing our natural, built and historic environment.'

- 5.8 Furthermore, the NPPF states that;  
“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be”.
- 5.9 When considering the quality of new buildings, their design must, “respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.”
- 5.10 Although the NPPF instructs local planning authorities against imposing specific styles or tastes by unsubstantiated requirements, it clearly states that it is, “proper to seek to promote or reinforce local distinctiveness.”

Ministerial Statement: Planning for Growth (23 March 2011)

- 5.11 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.

London Plan (July 2011)

- 5.12 The London Plan policies relevant to this application are;  
Policy 5.12 Flood risk management; 5.13 Sustainable drainage; 6.13 Parking; 7.4 Local character; 7.5 Public realm; 7.6 Architecture & 7.8 Heritage assets and archaeology.

Core Strategy

- 5.13 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; Policy 8: Sustainable design and construction and energy efficiency; Policy 10: Managing and reducing the risk of flooding; Policy 15: High quality design for Lewisham; Sustainable movement and transport & Policy 16: Conservation areas, heritage assets and the historic environment.

Unitary Development Plan (2004)

- 5.14 The saved policies of the UDP relevant to this application are;  
URB 3: Urban Design; URB 12: Landscape and Development; URB 13: Trees; URB 14: Street Furniture and Paving; URB 16: New Development, Changes of Use and Alterations to Buildings in Conservation Areas; URB 20: Locally Listed Buildings; ENV.PRO 9: Potentially Polluting Uses; ENV.PRO 11: Noise Generating Development; HSG 4: Residential Amenity and LCE 2: Existing Leisure and Community Facilities.

## **6.0 Planning Considerations**

- 6.1 The main issues to consider include whether the proposed building would preserve and enhance the character of the Cobb's Corner Conservation Area, the nature of the proposed use and the resulting impact upon neighbouring occupiers, landscaping, parking, service & deliveries and S106 matters.

### Design and Appearance

- 6.2 The site is prominently positioned on a busy road junction and as such, it is important that any building upon the plot must make a positive contribution to the local streetscape, whilst respecting the character of the Cobbs Corner Conservation Area.
- 6.3 The former Greyhound building was identified as a key focal point and local landmark within the streetscene, to the extent that it was locally listed in 2007. The redevelopment scheme for the site granted consent in 2010 depended upon the continued presence of the historic building upon the site, and its restoration including the re-use of the salvaged tiles from the former drinking room.
- 6.4 Unfortunately, between January and the end of March 2012, the Greyhound building was substantially demolished without the benefit of Conservation Area Consent in 2012, with only the front elevation remaining. As explained earlier in this report, the Council are currently pursuing legal proceedings on this matter.
- 6.5 Saved Policy URB 20 states that "the Council will seek to ensure and encourage the preservation and enhancement of Locally Listed Buildings of townscape merit and will use its powers where possible to protect their character and setting."
- 6.6 The reason for this policy is that "there are a number of buildings and groups of buildings of historic or architectural interest, which contribute significantly to the townscape but are not on the statutory list. The Council has control over the demolition of those which are in conservation areas, but elsewhere its powers are more limited. The Council will resist the demolition of Locally Listed Buildings, but should it prove necessary, a high standard of design, complementing the surrounding area and which outweighs their architectural and historic value, will be required in any replacement building. The Council will endeavour to protect the character and setting of Locally Listed Buildings by as far as possible treating them as if they were [statutorily] listed".
- 6.7 In cases where demolition is necessary, the replacement building should be of such a quality that it is of similar if not higher quality than the locally listed building.
- 6.8 The proposed building will be a near replica of the original Greyhound Pub, with only minor changes to the external appearance. Several discussions have been held between the applicant, officers and the Sydenham Society to ensure the new building implements and replicates important characteristics of the former Greyhound.

### Works Undertaken

- 6.9 The applicants started to reconstruct the side and rear elevations to the footprint approved in the 2010 scheme, together with the formation of internal floors. A roof is yet to be constructed. These construction works consisted of a steel frame construction with breeze blocks for the walls, although salvaged bricks (not from the former Greyhound) have been used as external facing material.
- 6.10 The new side elevation walls have been constructed up to eaves level, using a brick colour that fails to sufficiently match the front elevation brick. Officers have reiterated the need to ensure the use of matching facing brickwork, which has been acknowledged by the applicant. Their attempt to jet-wash the side wall to lighten the colour of the brick has to date not been entirely successful, however the applicant has advised they will persevere and are confident a consistent appearance can be achieved.
- 6.11 A mezzanine floor has been constructed, however, it has been positioned at a level where it can be externally viewed through the front and side first floor window openings. This is wholly unacceptable, and would serve to compromise the reconstructed building should it be retained. The applicant has advised the floor will be removed, and has depicted the correct floor levels on the plans submitted, however it is considered appropriate that a condition be included to ensure the floor is repositioned prior to first occupation of the building.
- 6.12 In December 2012, Building Control officers observed cracks that had appeared to the front elevation gables and leaning, therefore the applicants were advised to install temporary supports immediately to safeguard the structure. These works were subsequently implemented by the applicant.

### Proposed Works

#### **Roof:**

- 6.13 In terms of height, whilst the new roof would be slightly higher than prior to the demolition works, it would not serve to compromise the overall character of the building, neither would it harm the visual amenities of neighbouring residential occupiers.
- 6.14 The proposed roof coverage would be salvaged slate tiles, however Welsh slate will also be used. A condition requesting the formal submission of a sample of the original slate and proposed Welsh slate is suggested to ensure their compatibility.
- 6.15 A 'Rooflight Company Conservation Rooflight' is proposed to the rear facing slope. This would be a metal framed opening, to which the Conservation officer raises no objections as it is generally considered to be a suitable match in terms of detailing to a traditional Victorian cast-iron rooflight.

#### **West Elevation Bay:**

- 6.16 The proposed single-storey bay to the western elevation would measure 2.5 metres deep and 6.65m wide. The majority of the space would provide additional seating for the ground floor use, whilst a door would provide access to the external area.

- 6.17 Objections have been received toward the bay element, including its appearance and resulting impact upon the new retail unit.
- 6.18 Officers consider the appearance to be acceptable, appropriately proportioned and set-back from the frontage. The previous scheme did not include a side element, but instead an ill conceived patio style door. The proposed bay is considered to be a better solution, and would relate well with the building.
- 6.19 In regard to whether it would impact upon the new retail shop, the height of the single-storey bay would be approximately 4 metres, in line with the first floor window cill of the new residential development at the rear, but crucially, would only project 2.5 metres from the west elevation of the Greyhound. The fascia level, where it is assumed the retail signage would be positioned, would be partially obscured by the bay from some vantage points directly opposite the application site, however when approaching from the west, ie Westwood Hill and Kirkdale, the retail unit and signage would be clearly visible. Officers therefore do not agree the bay would impact significantly upon the retail unit, or serve to compromise it's future viability.
- 6.20 It is also noted that the consented scheme proposed a denser area of trees, which would likely have obscured the retail shop from a section of Kirkdale when fully matured. The current proposal therefore represents an improvement upon the visibility of the shop from the public realm.
- 6.21 It is suggested a condition be included that requests the submission of 1:20 plans of the bay and joinery details.

**Windows:**

- 6.22 The timber framed 'shop screen' that originally formed part of the former building will be salvaged, and partly reconstructed and reinstated to the east elevation. The appearance would replicate the original building, however it is considered appropriate that further joinery details be formally submitted to ensure the works are executed to a high standard.
- 6.23 The applicant has advised 'a number of sash windows have suffered from rot and are unsuitable for preservation, and so will need to be replaced with new conservation standard timber sash windows. Where possible, the original sash windows will be overhauled'.
- 6.24 Officers consider it appropriate to include a condition for a schedule to be provided detailing which doors and windows are to be replaced and retained.

**Basement:**

- 6.25 The basement would measure a floor area of 78sq.m, significantly larger than the 35sq.m basement shown on the plans consented in 2010. The need for an enlarged space is to enable the accommodation of a kitchen, office, storage rooms, toilets and staff changing room, thereby allowing for better use of the ground and first floors. This aspect would not affect the appearance of the building.

- 6.26 The main flue rising from the basement kitchen would be concealed within a new chimney stack to the rear facing roof slope, which is clearly a better solution than a typical exposed galvanised steel type. Operational details of the flue will be requested by condition.

#### **Rear Elevation:**

- 6.27 A competition was held by Purelake and the Sydenham Society in 2012 regarding a design for the rear elevation of the building. The winning design shows a greyhound and backdrop created by the use of ceramic coloured tiles. This aspect is considered acceptable, providing visual interest to the pedestrian area behind the building.
- 6.28 A doorway is proposed to the rear elevation, providing access for staff members and deliveries. No objections are raised toward this aspect.

#### **Drinking Corridor:**

- 6.29 The 'drinking corridor' was an elegant feature of the former Greyhound, characterised by tiled hand painted panels, and it was stipulated in the 2010 consent that details of a scheme for the reuse of the salvaged tiles should be formally submitted to the Council.
- 6.30 It was originally proposed that the salvaged tiles would form internal walls on either side of the front entrance, however this was considered inappropriate by officers as this would have allowed for only a small number of tiles to be reused. As an alternative, the applicants have proposed the tiles be sited to the interior of the western bay, thereby displaying their historic nature and attraction in one concentrated area. This is similar to the scheme approved in 2010.
- 6.31 The tiles would be attached to aluminium panels, and embedded within the plastered walls to give the appearance of traditionally tiled walls, whilst ensuring they remain as a permanent feature.
- 6.32 The applicant has advised seven of the panels are to be restored, whilst one is to be manufactured by the same company that made the original tiles 140 years ago. Officers are satisfied with the proposed siting of the tiled panels, and that they would contribute significantly to the internal character of the building.

#### **Proposed Use**

- 6.33 In 2010, the officer's report stated 'the existing Greyhound pub has been an important community use for over 200 years, and the semi-public space in front of it contributes to the streetscape. It presents a welcoming public face, close to the station. The Greyhound (until its closure two years ago) has provided a vibrant use over extended hours, creating activity into the later evening around the station, which greatly assists the vitality of this part of the town centre, perceptions of public safety, etc. The Council considers it important that any new development should include a similarly vibrant use that positively contributes to the vitality and viability of the town centre. Retail uses that cease to operate at 5 or 6 pm would not be ideal in this respect.'

- 6.34 The Council retain these considerations, and continue to support a public house use, despite the applicant advising that marketing procedures undertaken to date have proved unsuccessful.
- 6.35 The current proposal seeks to maintain the provision of a public house/ restaurant use, with associated function rooms at first floor, and an enlarged basement to provide kitchen and storage facilities.
- 6.36 There is an existing pub (The Railway) located 50 metres to the east of the application site, whilst further along Sydenham Road, The Two Half's public house has been closed in excess of a year.
- 6.37 Considering the former use of the site and the location within a busy, vibrant area, officers therefore raise no objections to the proposed use of the building, and subject to appropriate conditions, do not consider a public house/ restaurant would result in an unacceptable impact upon the amenities of neighbouring occupiers.
- 6.38 The provision of first floor rooms would potentially meet with Council policy in respect of community facilities for local meetings and functions.

#### Landscaping

- 6.39 Due to the detached nature of the building, the external areas to the immediate north and east would be used as pedestrian pathways around the site, whilst providing access to the new retail unit.
- 6.40 The area to the front of the building would be used predominantly as outdoor seating in conjunction with the proposed public house. Fewer trees are now proposed than the consented scheme, comprising six Silver Birchs. No objections are raised toward the reduction, particularly as it would allow for additional seating.
- 6.41 Victorian style lamp-posts painted black would be erected to the front, together with timber planters.
- 6.42 Concrete pavements would be laid around the building, comprising a mix of 'Bradstone Panache Silver Grey and Black Finish'.
- 6.43 Officers accept the proposed landscaping works, and are satisfied it would impact positively upon the character of the streetscene, however considering no drainage/ rain-water measures have been included, details will be required by condition.

#### Parking/ Deliveries

- 6.44 Off-street parking does not form part of this application, however secure parking for 16 bicycles would be provided directly to the east of the building.
- 6.45 Condition (27) of the 2010 consent requested the submission of details relating to servicing and delivery for the commercial units. This was subsequently submitted to the Council and approved in September 2012, but did not make reference to the Greyhound element.



- 6.46 Considering the formal discharge relates to the previous consent, a similar condition will be attached should permission be granted for the current application.
- 6.47 Should the ground floor operate as a public house/ restaurant, the Council would consider the only viable location for servicing and deliveries to be the new loading bay proposed outside 319 Kirkdale as part of the Sydenham Road regeneration works.
- 6.48 In respect of deliveries, an internal barrel hatch would be provided, accessed from the rear of the building. This was originally shown to be outside the building, however the Sydenham Society raised concerns toward the impact it would have upon accessibility for passing pedestrians.

#### Refuse

- 6.49 A refuse store would be provided within a secure internal space adjacent to the proposed bay, capable of accommodating a 1100ltr bin. Subject to appropriate refuse management, officers raise no objection to the siting of this aspect.

#### S106

- 6.50 The managing agent of the commercial units to the rear has raised concerns that the grant of any new permission would render the applicant in breach of the original planning approval.
- 6.51 Officers consider that in this case, Schedules listed in the S106 Agreement dated 24 May 2010 that are relevant to the greyhound building can be suitably addressed by way of planning conditions, including; restoration and refurbishment works of the 'drinking corridor tiles', stone pliths and the rear elevation tiled wall: Local labour: and the provision of a commercial travel plan.

### **7.0 Consultations**

- 7.1 With regard to procedural matters, neighbour notifications have been carried out in accordance with the Council's usual procedure. Officers are satisfied that all statutory Council procedures have been followed and all neighbour concerns have been addressed.

### **8.0 Conclusion**

- 8.1 Whilst the proposed rebuilding of the Greyhound cannot be expected to reproduce the historic character of its predecessor, the reconstruction of the building to the original details as proposed would reinstate a significant local landmark feature and reference point to the area.
- 8.2 Officers consider that the proposed works addressed in this report are acceptable, and if executed satisfactorily, will contribute to a new Greyhound building befitting of this prominent location, whilst preserving and enhancing the Cobbs Corner Conservation Area. Officers are also satisfied with the proposed future use of the building.
- 8.3 For these reasons, it is therefore recommended permission be approved, subject to appropriate conditions.

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

9.1 On balance, it is considered that the proposal satisfies the Council's Land Use and environmental criteria, and is in accordance with Spatial Policy 1: Lewisham spatial strategy; Policy 8: Sustainable design and construction and energy efficiency; Policy 10: Managing and reducing the risk of flooding; Policy 15: High quality design for Lewisham; Sustainable movement and transport & Policy 16: Conservation areas, heritage assets and the historic environment of the Council's adopted Core Strategy (June 2011), and saved policies URB 3: Urban Design; URB 12: Landscape and Development; URB 13: Trees; URB 14: Street Furniture and Paving; URB 16: New Development, Changes of Use and Alterations to Buildings in Conservation Areas; URB 20: Locally Listed Buildings; ENV.PRO 9: Potentially Polluting Uses; ENV.PRO 11: Noise Generating Development; HSG 4: Residential Amenity and LCE 2: Existing Leisure and Community Facilities in the adopted Unitary Development Plan (July 2004).

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 Policy 15 High quality design for Lewisham Policy 16: Conservation areas, heritage assets and the historic environment of the Council's adopted Core Strategy (June 2011), and saved policies URB 3 Urban Design, URB 12: Landscape and Development, URB 16: New Development, Changes of Use and Alterations to Buildings in Conservation Areas and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

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

### 1) **Full Planning Permission Time Limit**

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

#### Reason

As required by Section 91 of the Town and Country Planning Act 1990.

### 2) **Develop in Accordance with Approved Plans**

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 and listed on the Decision Notice.

#### Reason

To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

3) **BREEAM for Non Residential Buildings**

- (i) The building hereby approved shall achieve a minimum BREEAM Rating of 'Excellent'
- (ii) No development shall commence until a Design Stage Certificate for the building (prepared by a Building Research Establishment qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (i).
- (iii) Within 3 months of occupation of the building, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with part (i) for that specific building.

**Reason**

To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2011) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

4) **Architectural Details**

- (i) Notwithstanding the details hereby approved, no development shall commence until:
  - detailed plans at a scale of 1:20 showing elevation and section drawings and 1:5 plans of all new external joinery details including windows, doors, screens and balcony railings;
  - details of elevations and sections of a scale no less than 1:20 of the proposed bay to the west elevation;
  - A Schedule of all salvaged external windows and doors from the former Greyhound building shall be submitted indicating which doors and windows will be re-used or replaced.
  - drawings of a scale no less than 1:5 of the eaves detail;have been submitted to and approved in writing by the local planning authority.
- (ii) The development shall be carried out in accordance with the approved details.

**Reason**

In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy 15 High quality design for Lewisham and Policy 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

5) **Surface Water**

- (i) No development shall commence on site until a scheme for surface water management, including specifications of the surface treatments and sustainable urban drainage solutions, has been submitted to and approved in writing by the local planning authority
- (ii) The development shall be carried out in accordance with the approved scheme and thereafter the approved scheme is to be retained in accordance with the details approved therein.

**Reason**

To prevent the increased risk of flooding and to improve water quality in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage in the London Plan (July 2011) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10: Managing and reducing the risk of flooding (2011).

6) **Materials/Design Quality**

No development shall commence on site until roof tile samples to be used on the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason**

To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policy 15 High quality design for Lewisham and Policy 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

7) **Refuse Storage**

The refuse facility hereby approved shall be provided in full prior to first occupation of the development and shall thereafter be permanently retained and maintained.

**Reason**

In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Saved Policies URB 3 Urban Design and HSG4 Residential Amenity in the Unitary Development Plan (July 2004) and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

8) **Cycle Parking Provision**

All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

### Reason

In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

### 9) **Hard Landscaping Details**

All hard landscaping works which form part of the plans hereby approved shall be completed prior to first occupation of the development.

### Reason

In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2011), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policies URB 3 Urban Design and URB 12 Landscape and Development of the Unitary Development Plan (July 2004).

### 10) **Soft Landscaping**

All planting or seeding shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

### Reason

In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policies URB 3 Urban Design, URB 12 Landscape and Development and URB 13 Trees in the Unitary Development Plan (July 2004).

### 11) **Ventilation Equipment**

- (i) Detailed plans and a specification of the appearance of and the equipment comprising a ventilation system which shall include measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencer(s) and anti-vibration mountings where necessary) shall be submitted to and approved in writing by the local planning authority.
- (ii) The ventilation system shall be installed in accordance with the approved plans and specification before use of the development hereby permitted first commences and shall thereafter be permanently maintained in accordance with the approved specification.

### Reason

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 Unitary Development Plan (July 2004).

### 12) **External Lighting**

- (i) Prior to occupation of the development a scheme for the proposed external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.
- (ii) Any such external lighting as approved under part (i) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.
- (iii) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

### Reason

In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with Saved Policies ENV.PRO 12 Light Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

### 13) **Delivery and Servicing Plan**

- (i) The development shall not be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.
- (ii) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.
- (iii) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

### Reason

In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

### 14) **Reveals**

All new window and door openings shall be provided with reveals, lintel detailing, arches and cills to match those originally provided on the former Greyhound building.

Reason

To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policy 15 High quality design for Lewisham and Policy 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

15) **Plumbing or Pipes**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, other than rainwater pipes, shall be fixed on the external faces of the building.

Reason

It is considered that such plumbing or pipes would seriously detract from the appearance of the building and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

16) **Delivery Hours (once operational)**

No deliveries shall be taken at or despatched from the site other than between the hours of 7 am and 8 pm on Mondays to Fridays, 8 am and 1 pm on Saturdays, or at any time on Sundays or Public Holidays.

Reason

In order to safeguard the amenities of adjoining residents 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 (July 2004).

17) **Amplified Music/Sound**

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

Reason

To safeguard the amenities of the adjoining premises and the area generally and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

18) **Restrict Use Class**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the premises shall be used for A3 Restaurant/ A4 Drinking Establishment Use and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any

provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order)

Reason

To ensure that any other use of the building would be suitable and to protect the amenities of the occupiers of neighbouring 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).

19) **Restricting A3 Use to Prevent Take Away Use**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), and the provisions of the Town and Country Planning (Use Classes) Order 1987, (or any Order revoking and re-enacting that Order), the premises shall not be used for any purpose other than the sale of food or drink for consumption on the premises and no take-away or home delivery service shall be provided.

Reason

To ensure that the use does not result in parking and congestion in surrounding streets, to safeguard the amenities of adjacent premises and to comply with Saved 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 Unitary Development Plan (July 2004).

20) **Hours of Operation**

The premises shall not be open for customer business between the hours of 12 midnight and 8 am on any day of the week.

Reason

To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to comply with 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).

21) No further development shall commence until the applicant has produced a sample brick panel of the salvaged brick used to the side wall showing a 'cleaned' brick with mortar and pointing.

Reason

In order that the local planning authority may be satisfied that the side elevation brickwork is of a colour and appearance similar to the existing front elevation, and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).



- 22) Notwithstanding the details hereby approved, no further development shall commence until plans of a scale no less than 1:10 of the projecting sign to the rear of the building have been submitted to and approved in writing by the local planning authority.

Reason

In order that the local planning authority may be satisfied to the appearance of the proposal and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

- 23) The building hereby approved shall not be occupied until the existing mezzanine floor has been removed in its entirety.

Reason

To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policy 15 High quality design for Lewisham and Policy 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

- 24) **Rear Tiled Wall**

The tiled rear elevation of the Greyhound building, as shown on Plan no. 4329-PD-23G, shall be completed in full prior to first occupation of the building hereby granted permission.

Reason

To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policy 15 High quality design for Lewisham and Policy 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

- 25) **Drinking Corridor**

The reinstatement of the 'Drinking Corridor' tiles to the western bay shall be completed in full prior to first occupation of the building hereby granted permission. All tiled panels shall be embedded into the plastered walls of the bay, as agreed by planning officers and the applicant.

Reason

In order to ensure the display of the salvaged tiles in the new building, and to comply with Policy 15 High quality design for Lewisham and Policy 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

26) **Stone Plinths**

Details of the restoration and reinstatement of the stone greyhound plinths shall be submitted to and approved in writing by the local planning authority prior to first occupation of the building hereby granted permission.

**Reason**

To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policy 15 High quality design for Lewisham and Policy 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

27) **Commercial Travel Plan**

- (i) No part of the development hereby approved shall be occupied until such time as a user's Travel Plan, in accordance with Transport for London's document 'Travel Planning for New Development in London' has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.
- (ii) The Travel Plan shall specify initiatives to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives. The Travel Plan must include all uses of the building.
- (iii) Within the timeframe specified by (i) and (ii), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (i) and (ii).

**Reason**

In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

28) **Local Labour**

- (i) Prior to first occupation of the development hereby granted permission, a local labour strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall include (but is not limited to):
  - a) Routes to employment, including direct access to employment opportunities at the development and addressing wider barriers to employment.
  - b) The scope and quantum of jobs to be created and the skill requirements in relation to those jobs.
  - c) Recommended training routes to secure jobs.
  - d) Proposals to encourage diversity in the workforce.

- e) Measures to encourage local businesses to apply for work in relation to the development.
  - f) Training opportunities and employment advice or programmes and employment and training brokerage arrangements.
  - g) Provision of opportunities for modern apprenticeships.
  - h) Provision of opportunities for school leavers, older people and those who have been out of work for a long period.
  - i) Provision of childcare and employee assistance to improve working environments.
  - j) Interview arrangements for jobs.
  - k) Arrangements for working with schools and colleges.
  - l) Targets for monitoring the effectiveness of the strategy.
- (ii) The strategy approved under part (i) shall be implemented in its entirety and distributed to all agents and employers engaged to undertake the future use of the development.
- (iii) Within three months of development commencing and quarterly thereafter until the development is complete, evidence shall be submitted to demonstrate compliance with the strategy and monitoring information submitted to the local planning authority in writing, giving the social and demographic information of all contractors, sub-contractors, agents and employers engaged to undertake the future use of the development.

### Reason

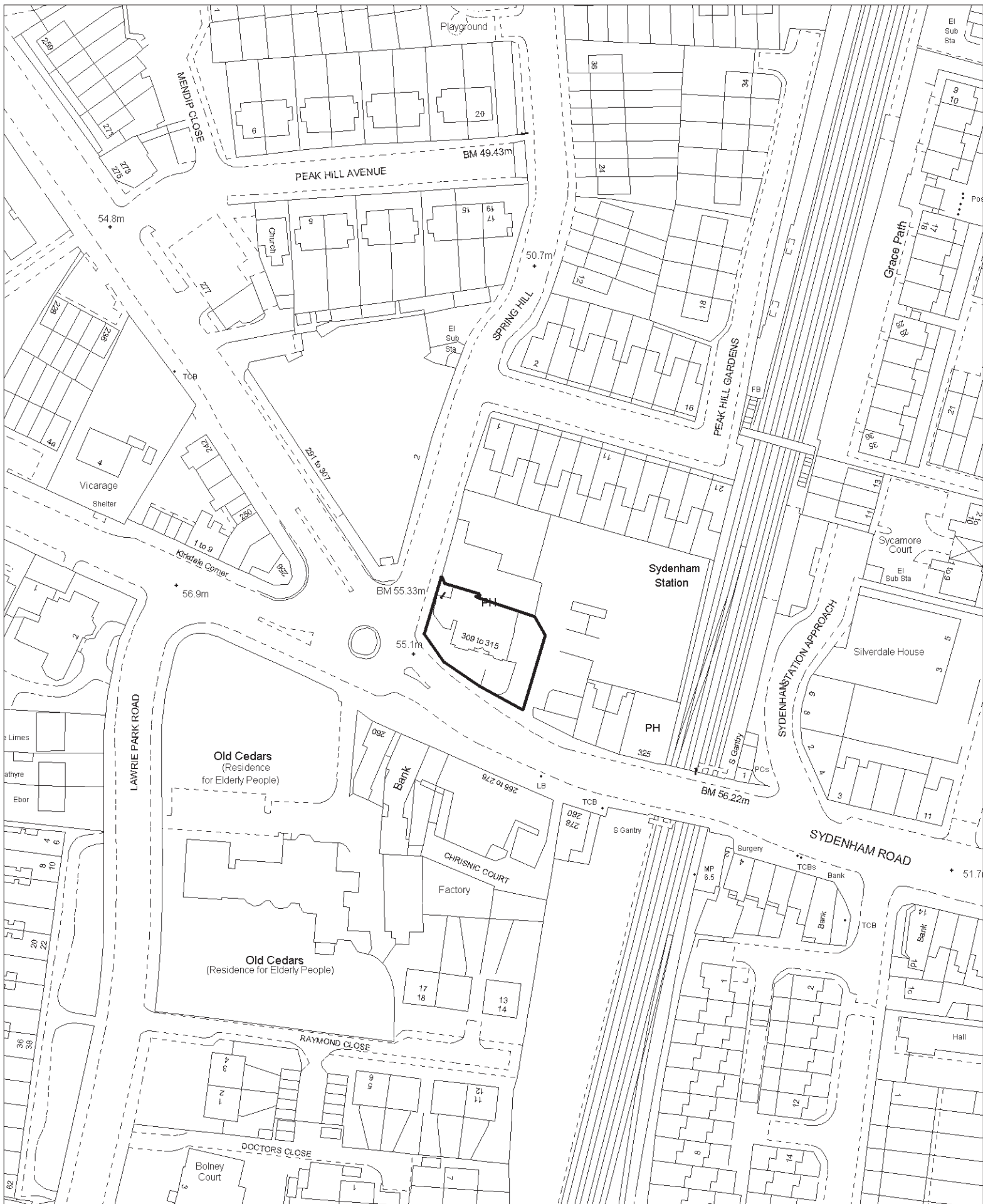
In order that the local planning authority may be satisfied that the development makes appropriate provision for local labour and delivers jobs to support sustainable development in accordance with the National Planning Policy Framework (2012) and to comply with Core Strategy Policy 21 Planning Obligations in the Core Strategy (2011).

### **Informative:**

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

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# The Greyhound Public House, 309-315 Kirkdale, SE26 4QB



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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: 14 March 2013

<u>Reg. Nos.</u>	DC/12/82040
<u>Application dated</u>	26.11.2012 revised 19.02.13
<u>Applicant</u>	Mr G Morgan on behalf of Greene King Pub Company
<u>Proposal</u>	Retrospective consent sought for the display of various illuminated and non-illuminated advertisement signs including fascia signs and projecting signs at the Hare and Billet public house, Eliot Cottages, SE3.
<u>Applicant's Plan Nos.</u>	Un-numbered Site Location Plan received 30 November 2012 and Sheet 1, 2, 3, 4, 5, 6 and 7 received 19.02.13
<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) (6) Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
<u>Designation</u>	PTAL 4, Area of Special Character, Area of Archaeological Priority, Blackheath Conservation Area, Locally Listed Building.
<u>Screening</u>	N/A

## 1.0 Property/Site Description

- 1.1 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.
- 1.2 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.

- 1.3 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.
- 1.4 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.
- 1.5 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.
- 1.6 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**

- 2.1 1955: Erection of single storey lavatory extension. Granted.
- 2.2 1955: Alteration, including the formation of new vehicular access to the garage and store. Granted.
- 2.3 1986: Alterations and erection of single storey extension within the existing yard area and an enclosed corridor and stairs at first floor level. Granted.
- 2.4 1990: The construction of a brick wall, gates and canopy to provide a bin enclosure. Granted.
- 2.5 1992: The construction of a brick wall, gates and canopy to provide a bin enclosure. Granted.
- 2.6 1995: The erection of a parapet wall at first floor level on the roof of the pub to screen existing cooling plant. Granted.
- 2.7 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.
- 2.8 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.



- 2.9 **DC/12/79769:** Alterations to the side elevation including the installation of new double doors and two new windows to replace existing window and door at the Hare and Billet PH, Eliot Cottages, Hare and Billet Road, SE13 together with internal upgrading of the existing extract ducting at the rear of the property and partial demolition and rebuild of the yard wall. Approved.
- 2.10 **DC/12/81437:** Details of New Windows and Doors, and Sample Brick Panel submitted in compliance with Conditions (2) and (4) of the planning permission DC/12/79769 dated 24 August 2012, for alterations to the side elevation including the installation of new double doors and two new windows to replace existing window and door at the Hare and Billet PH, Eliot Cottages, Hare and Billet Road, SE13 together with internal upgrading of the existing extract ducting at the rear of the property and partial demolition and rebuild of the yard wall. Approved.

### **3.0 Current Planning Applications**

#### The Proposals

- 3.1 Retrospective advertisement consent is sought for the display of the following advertisements:-

#### Front (north) façade

- Handwritten sign to be installed on the existing fascia band at the top of the building. This will comprise the stonework being painted cream with black individual letters (270mm high);
- Replacement hanging sign at first floor level. The metal sign would measure 1200mm x 900mm x 5mm (thick). The sign would comprise cream background with black image and lettering. The sign would be illuminated by replacement trough lights fitted to the existing gibbet;
- Handwritten sign to be installed on the existing fascia band at ground floor level of the building. This will comprise black individual letters (282mm high) being painted directly onto the existing dark coloured fascia;
- Fibreglass 'chalkboard' sign to be installed at ground floor level. The sign would measure 100mm x 380mm x 50mm (thick). The sign would be used as a black board.

#### Side (west) façade

- Painting existing fascia band at the top of the building cream colour;
- Handwritten sign to be installed within the centre blank window at second floor level. The sign will comprise the brickwork being painted grey with light coloured lettering;
- Handwritten sign to be installed on the existing fascia band at ground floor level of the building. This will comprise black individual letters (282mm high) being painted directly onto the existing dark coloured fascia;
- Fibreglass 'chalkboard' sign to be installed at ground floor level. The sign would measure 100mm x 380mm x 50mm (thick). The sign would be used as a black board.

- 3.2 At the time of submitting this application the new advertisements had not been erected. During the lifetime of this application the proposal has been amended in terms of detailed design of the advertisements and the new signage has subsequently been installed.
- 3.3 The most significant change to the plans submitted was the change in detailed design of the painted advertisement in the centre blank window on the west elevation. The sign would read "*Fine Ales & Cider*" instead of "*Circa 18<sup>th</sup> Century*". Other amendments comprise removal of the proposed lettering on the upper floor fascia on the west elevation and a change in colour pallet for the signage from yellow/gold to black/grey.
- 3.4 The advertisements subject of this application largely replace existing advertisements on the property. Existing illumination mechanisms were utilised for the fascia signs and hanging sign albeit with replacement light bulbs. Existing cowl lights, lanterns and menu case have been retained.
- 3.5 Seven small up-lighters (flood lights) are shown on the plans (identified as item 3) and have been installed. These are not intended to provide light to advertisements but serve to illuminate the front and side facades of the building. Consequently they do not need advertisement consent. Given the size of the light fittings they do not amount to development requiring planning permission.

#### **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 A site notice was displayed and letters were sent to local residents and the relevant ward Councillors on 5<sup>th</sup> December 2012.
- 4.3 The application was advertised in the local press on 12<sup>th</sup> December 2012.

#### **Written Responses received from Local Residents and Organisations**

- 4.4 At the time of writing 3 letters of objection had been received from occupiers of 1 Eliot Cottages and 14 and 15 Eliot Place. The following issues were raised:-
- The lighting and signage will have a detrimental visual effect on the conservation area;
  - The signage above ground floor level is unsympathetic, the design and wording of the signage is detrimental to the appearance of the building;
  - The lighting will create additional unnecessary light pollution;
  - The proposal will change significantly the appearance of this landmark building;
  - A condition should be attached requiring lighting to be switched off at 8:00pm;
  - Additional lighting will encourage people to stand outside and smoke;
  - Work has already started.

4.5 **Amenities Societies Panel:** No objection. Although item 7 could be better expressed with the actual building dates.

4.6 **Blackheath Society (initial comments):** We have no objection in principle to the application to improve the Hare and Billet signage. However, we have great difficulty evaluating the lighting element of the proposal, and would ask for further consultation about/consideration given to this sensitive aspect of the plans, which, we believe, have not so far been the subject of any consultation with local residents. On this basis, we object to the application as it stands

4.7 **Blackheath Society (final comments):** In view of your clarification of the lighting proposals unchanged we agree to withdraw our objection.

## **5.0 Policy Context**

5.1 Circular 03/2007: Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

### National Planning Policy Framework (NPPF)

5.2 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 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.

5.3 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.

### London Plan (July 2011)

5.4 There are no London Plan policies relevant to advertisement applications.

### Core Strategy

5.5 There are no policies relevant to advertisement applications.

### Unitary Development Plan (2004)

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

URB 9 Signs and Hoardings

## **6.0 Planning Considerations**

- 6.1 The considerations when determining an advertisement application are the impact that the proposal would have on public safety and the impact on the amenities of the area.
- 6.2 The recently published NPPF sets out national policy for all advertisements and replaced PPG19. The NPPF states *“poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”*.
- 6.3 In relation to public safety, local planning authorities must consider the effect upon the safe use and operation of any form of traffic or transport, including the safety of pedestrians. This would be in matters such as drivers behaviour and any confusion with any traffic signs or signals. The local planning authority should consider whether the advertisement by virtue of its siting or the advertisement itself is likely to be so confusing or distracting that it creates a hazard to or endangers people in the vicinity.
- 6.4 The only projecting sign is at first floor level consequently this would not harm pedestrian safety. As only static, low level illumination is proposed for the hanging and fascia signs it is not considered that the advertisements would distract drivers. Consequently the advertisements would not have any impact on public safety.
- 6.5 In considering impact on amenity local planning authorities must consider the visual impact of the advertisements on the immediate surrounding area including cumulative impact.
- 6.6 This site is located within a conservation area and the building is locally listed. Therefore any signage must respect the historic significance of the building.
- 6.7 There were previously a number of advertisements on the property, many of which have been replaced by the signage subject of this application. Renewal of signage is welcome as the previous signage was rather tired in its appearance. The opportunity has been taken to rationalise advertisements and clutter on the external façades of the building. The new ‘chalkboards’ at ground floor level are smaller than the previous chalkboards and the upper floor fascia board has been repainted which is a welcome improvement as this was previously in a poor state of repair. The replacement fascia signs at ground floor level are appropriate in their design. The second floor fascia sign and handwritten sign to be installed within the blank window on the west façade are new additions to the building. However, given their design and material it is not considered that they would detract from the appearance of the building.
- 6.8 Overall the amount and type of advertisements are considered to be appropriate for the purpose. The detailed design and colour pallet is acceptable. The advertisements do not compromise the character and appearance of the building or the visual amenity of the area.

- 6.9 The proposal has been discussed with the Councils Conservation Officer. It is considered that there is no adverse impact on the building as a heritage asset or to the character and appearance of the Blackheath Conservation Area as result of the replacement signage.
- 6.10 The advertisements are illuminated by cowl lights and lanterns which have been present on the building for a number of years and were used to illuminate previous signage.
- 6.11 Third party representations received have been duly considered. As discussed in paragraph 3.5 of this report the uplighters that have recently been installed on the building do not require planning permission or advertisement consent and have not therefore been considered as part of this application.
- 6.12 It is beyond the scope of this application to consider the impact of patrons smoking outside of the building.

## **7.0 Conclusion**

For the reasons set out in this report it is not considered that the advertisements cause harm to public safety or visual amenity. As such the proposal complies with the National Planning Policy Framework 2012, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and Policy URB 9 - Signs and Hoardings of the Unitary Development Plan (July 2004).

## **8.0 Summary of Reasons for Grant of Advertisement Consent**

The advertisements do not cause harm to public safety or visual amenity. As such the proposal complies with the National Planning Policy Framework 2012, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and Policy URB 9 - Signs and Hoardings of the Unitary Development Plan (July 2004).

## **9.0 RECOMMENDATION**

**GRANT CONSENT** subject to the following conditions:-

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:-
  - i) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military).
  - ii) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air.
  - iii) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required under these regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

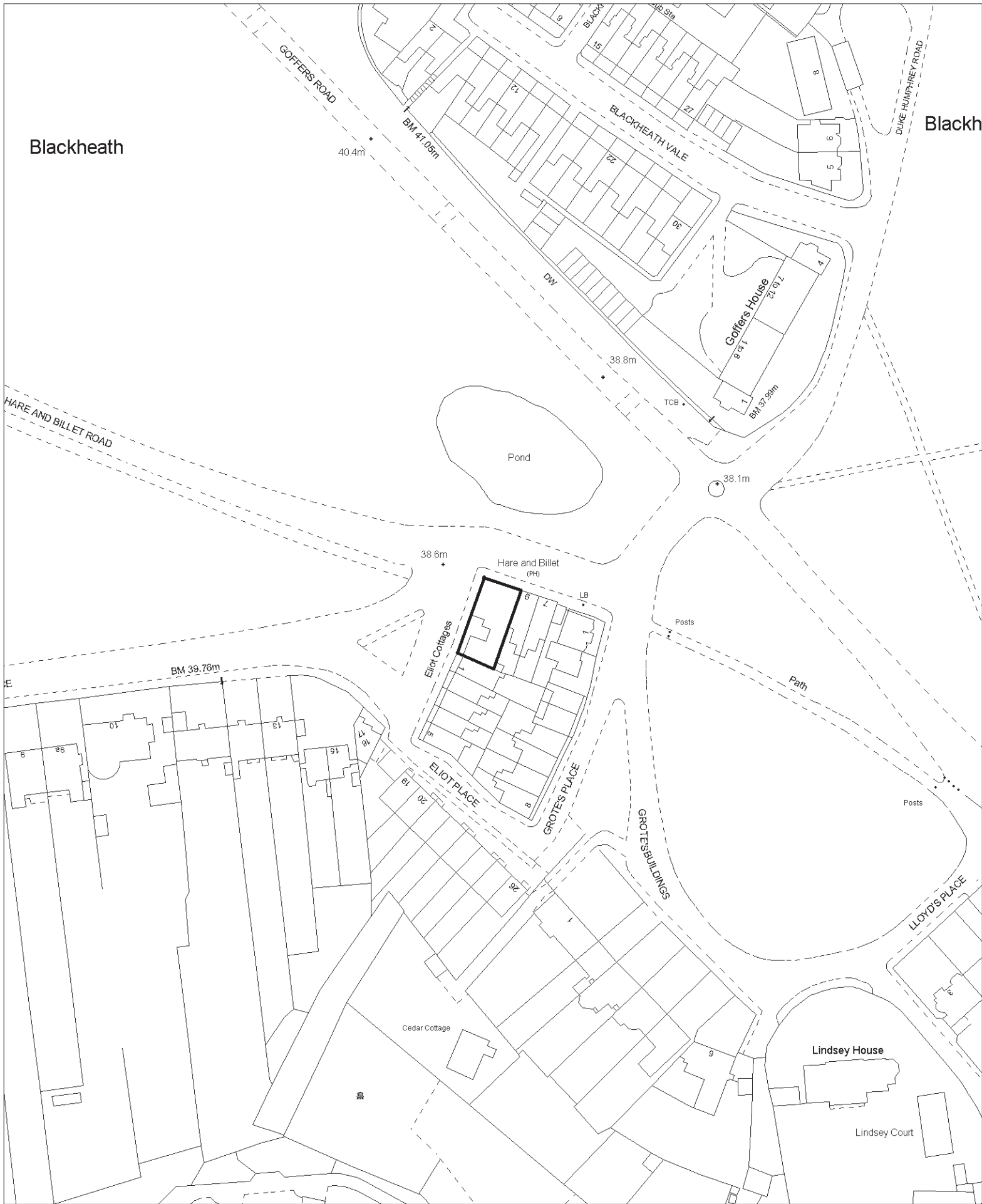
**Reason**

In accordance with Regulation 14 of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007.

**INFORMATIVES**

- (1) The Council engages with all applicants in a positive and proactive way through specific pre-application enquires and the detailed advice available on the Councils website. In this particular instance no pre-application advice was sought. However, the application was amended during the lifetime of the assessment.
- (2) The applicant is advised that this advertisement consent does not cover the installation of floodlights on the north and west elevations of the building. The floodlights do not serve to illuminate advertisements and cannot therefore be granted advertisement consent. It is not considered that the light fittings amount to development requiring planning permission. However, lighting levels should be kept to a minimum in order to prevent unacceptable light pollution for neighbouring residential occupiers and you should ensure compliance with 'Brightness of Illuminated Advertisements' – Technical Report Number 5 produced by The Institute of Lighting Engineers.

# 1A Eliot Cottages, Hare & Billet Road, SE3 0QJ



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