

PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 6 JUNE 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)
Helen Gibson (Vice-Chair)
Pauline Beck
Liam Curran
Alexander Feakes
Peggy Fitzsimmons
Alan Hall
Stella Jeffrey
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, 28 May 2013**

**For further information please contact:
Shelley McPhee Committee Co-ordinator
5th Floor Laurence House
Catford Road SE6 4RU**

**Telephone No: 020 8314 8701
Email: planning@lewisham.gov.uk**



	Order Of Business		
Item No	Title of Report	Ward	Page No.
1.	Declarations of Interests		1 - 4
2.	Minutes		5 - 6
3.	133 Sydenham Road	Sydenham	7 - 18
4.	24 Randlesdown Road	Bellingham	19 - 30

Committee	PLANNING COMMITTEE (C)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 6 JUNE 2013

Declaration of interests

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

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

(6) Sensitive information

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

(7) Exempt categories

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

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

This page is intentionally left blank

Committee	PLANNING COMMITTEE (C)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 6 JUNE 2013

MINUTES

To approve the minutes of the meeting of Planning Committee (C) held on 25 April 2013.

This page is intentionally left blank

Committee	PLANNING COMMITTEE (C)	
Report Title	133 Sydenham Road	
Ward	Sydenham	
Contributors	Stephanie Gardiner	
Class	PART 1	Date: 6 June 2013

<u>Reg. Nos.</u>	(A) DC/12/81994
<u>Application dated</u>	22 November 2012, amended 30 March 2013
<u>Applicant</u>	Ms Sonia Simpson
<u>Proposal</u>	The change of use of 133 Sydenham Road SE26 from a launderette to a restaurant (Use Class A3), together with the installation of an extraction unit, duct and air vent on the rear elevation.
<u>Applicant's Plan Nos.</u>	Site Location Plan, Back Garden Plan –DR/2T (Received 26/11/12), Ventilation and Extraction Unit Statement, Photos (Received 14/1/13), Proposed Section of Ventilation, Proposed Front and Rear Elevation, Design and Access Statement (Received 10/2/13) and Proposed Floor Plan (Received 30/3/13).
<u>Background Papers</u>	(1) This is Background Papers List (2) Case File LE/180/133/TP (3) Adopted Unitary Development Plan (July 2004) (4) Local Development Framework Documents (5) The London Plan
<u>Designation</u>	Adopted UDP - Existing Use

1.0 Property/Site Description

- 1.1 No 133 is a mid-terrace single storey commercial property located on north side of Sydenham Road with the nearest cross streets being Mayow road and Berrymans Lane. The building comprises of a single storey commercial unit.
- 1.2 Sydenham road is characterised by a mixture of commercial ground floor uses and upper residential units, with the surrounding area off Sydenham Road being primarily residential.
- 1.3 The application property forms part of a commercial parade which consists of 5 units which include the following uses:
- No. 129 – A5
 - No. 131 – A1

- No. 133 – Vacant
- No. 135 – A3/A5
- No 137 – A5

There are also a mixture of A1 and A2 uses directly opposite and within the immediate vicinity.

- 1.4 The subject site is located within a major district centre boundary but is not considered to be a primary or secondary frontage and is identified as a possible development site.
- 1.5 The site is not within a Conservation Area, however it is within a zone of archaeological priority, but is not within the immediate vicinity of a listed building.
- 1.6 Sydenham Road is classified as a B Road and the site has a PTAL of 4.

2.0 Planning History

- 2.1 10 December 1982 – Permission granted for the change of use of 133 Sydenham Road as a Launderette.
- 2.2 15 September 2005 – Permission granted for the change of use of 133 Sydenham Road SE26, from a launderette to a hair and beauty retail shop, together with the installation of electric security grilles to the shopfront.
- 2.3 12 January 2011 – Permission refused for the construction of first, second and third floors at 133 Sydenham Road SE26, to provide 1 one bedroom and 2 two bedroom self-contained flats.

3.0 Current Planning Applications

3.1 The Proposals

- 3.2 The proposal is for a change of use of 133 Sydenham Road SE26 from a launderette (Sui Generis) to a restaurant (Use Class A3), together with the installation of an extraction unit, duct and air vent on the rear elevation.
- 3.3 The premises would operate between 12:00 – 22:00 Monday to Friday, 12:00 – 00:00 Saturdays and 13:00 – 21:00 Sundays and Bank Holidays.
- 3.4 The use would have three full time employees.
- 3.5 No signage or shop front details have been proposed.
- 3.6 The proposal has been revised since submission, the internal layout has been amended to show the proposed seating area.

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

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

Written Responses received from Local Residents and Organisations

- 4.3 Four letters of objection were received from residents of 135 & 137 Sydenham Road, the freehold owner of 139 - 151 Sydenham Road and The Sydenham Society. The following valid objections were raised:

- Too many catering businesses, a variety of shops are needed.
- Premises seems too small to operate as a viable restaurant business, this would likely evolve into a takeaway type operation.
- Already a concentration of takeaway uses.
- The extraction unit, duct and air vent will impact neighbours to north and east, who are affected by the existing cluster of such equipment.

Concerns were also raised about the impact on adjoining businesses. However, increased competition is not considered to be a valid planning consideration.

Due to the concerns raised within the objections an informal meeting was held on site between the applicant, Sydenham Society and Cllr Best.

Written Responses received from Statutory Agencies

Highways and Transportation

- 4.4 No comments received.

Environmental Health

- 4.5 The officer has stated that the applicant needs to consider having a fan inside. The position of the shop away from residential dwellings means that the extracting unit at first floor on the flat roof should be adequate, providing that carbon filter and noise reducing measures are incorporated and details shown as part of the ventilation condition.

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 makers can give full weight to policies adopted since 2004 even if there is limited conflict with the NPPF. Following this period weight should be given to existing policies according to their consistency with the NPPF.
- 5.5 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, 214 and 215 of the NPPF.

Ministerial Statement: Planning for Growth (23 March 2011)

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

London Plan (July 2011)

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

Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.2 An inclusive environment
Policy 7.4 Local character

Core Strategy

- 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:

Objective 4: Economic Activity and Local Businesses
Objective 10: Protect and Enhance Lewisham's Character
Spatial Policy 3 District Hubs

Core Strategy Policy 6 Retail hierarchy and locations of retail development
Core Strategy Policy 7 Climate change and adapting to the effects
Core Strategy Policy 15 High quality design for Lewisham

Unitary Development Plan (2004)

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

URB 3 Urban Design
URB 6 Alterations and Extensions
URB 8 Shopfronts
ENV.PRO 9 Potentially Polluting Uses
ENV.PRO 11 Noise Generating Development
HSG 4 Residential Amenity
STC 1 The Shopping Hierarchy
STC 6 Major and District Centres – Other Shopping Areas
STC 9 Restaurants A3 Uses and Take Away Hot Food Shops

Emerging Plans

5.10 According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

5.11 The following emerging plans are relevant to this application.

Development Management Plan

5.12 The Development Management Local Plan – Further Options Report, is a material planning consideration but is at an early stage of preparation. Public consultation took place during December and January 2013. Therefore, in accordance with the NPPF, the weight decision makers should accord the Further Options Report should reflect the advice in the NPPF paragraph 216.

5.13 The following policies are considered to be relevant to this application:

16. Restaurants and cafes

6.0 Planning Considerations

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

- a) Principle of Development
- b) Design
- d) Highways and Traffic Issues

g) Impact on Adjoining Properties

Principle of Development

- 6.2 The premises currently appears vacant, the applicant states that the existing Launderette Use (Sui Generis) has not operated since December 2011. The application seeks consent to change this use to a restaurant (Use Class A3). The premises are located within a Major and District Centre. Saved policy STC 6 states that applications which involve the loss of an A1 unit will be acceptable provided that the proposed development would not harm neighbouring amenity, harm the character, attractiveness, vitality and viability of the centre as a whole. These issues are discussed below.

Design

- 6.3 No changes would be made to the existing shop front, however changes would likely be made to the existing signage. As no signage information has been provided, an informative should be included on the decision were the application considered acceptable, informing the applicant that planning permission may be required for these details. A ventilation system would be installed to the roof of the shop, however the applicant states that this would project 60cm about roof level. Ducting equipment is evident on a number of other units with close proximity and officers consider that the visual impact of proposed ducting would be minimal and would not harm the character of the property, parade or wider streetscene.

Impact on Adjoining Properties and neighbouring amenity.

- 6.4 The proposal would be located within a single storey commercial parade, with the closest residential occupiers located to the east of the site approximately 11m away. Directly behind the site is a large open area that is currently used for parking by a local van hire company. The commercial parade fronts a busy B road. Due to passing traffic and commercial nature of the surrounding locality the site already experiences a low background ambient noise level. The parade itself consists of a number of A3 and A5 Take Away uses within close proximity. Concerns have been raised by local residents about the proposed use operating as a A5 Takeaway and impact on neighbouring amenity. Due to these concerns an informal meeting was held on site between officers, the applicant and Sydenham Society. The applicant clarified that the proposal is not for take away use but solely for a restaurant. Due to the concerns raised by residents and the number of A5 uses within close proximity, a condition restricting the property from operating a take away facility has been included in the recommendation. The Applicant has provided some information in respect of the ventilation equipment and includes a rear facing galvanised steel extract duct. The Environmental Health officer has not objected but has confirmed that further ventilation details are required via a condition. A condition is therefore recommended requiring the necessary technical details to be submitted and approved.
- 6.5 The applicant states the existing use has not been in operation since December 2011 and that the landlords have found leasing the property difficult. No supporting evidence has been provided to support this, however officers consider that the proposed A3 Use would likely result in passing trade, which would not harm the vitality or viability of the parade or area overall.

- 6.6 The applicant has requested that the hours of operation be between 12:00-22:00pm Monday to Friday, 12:00 to Midnight on Saturdays and 13:00-21:00pm on Sundays. Given the location property, which is on a busy B Road and also within a Major and District centre, these hours are considered acceptable and would unlikely result in a detrimental impact on neighbouring amenity in relation to noise and general disturbance.
- 6.7 Subject to the conditions listed in Section 9 of this report that will control the opening hours, the use and ventilation details to be submitted and approved by the Council, it is considered that the proposal will have an acceptable impact on residential amenity in accordance with policies HSG 4 and STC 9 of the UDP.

Highways and Traffic Issues

- 6.8 The premises have a PTAL level of 4. A number of bus routes pass directly in front of the site and there is ample off-street parking within a number of roads within close proximity. The highways officer has not raised any objections to the proposal. Officers therefore consider that the proposal would not result in significant parking problems or traffic generation within the area.

Other Matters

- 6.9 There is a small courtyard to the rear of the site where refuse and recycling will be kept until collection day.

7.0 Conclusion

- 7.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 7.2 On balance, Officers consider that the proposed restaurant (Use Class A3) would be acceptable in this location and there would be no detrimental impact on neighbouring amenity the scheme is therefore considered acceptable.

8.0 Summary of Reasons for Grant of Planning Permission

- 8.1 On balance, it is considered that the proposal satisfies the Council's Land Use and environmental criteria and is acceptable in principle, being in accordance with Objective 4 Economic Activity and Local Businesses, Spatial Policy 3 District Hubs, Policy 6 Retail Hierarchy and location of retail development and Policy 15 High quality design for Lewisham in the adopted Core Strategy (June 2011), and saved policies URB 3 Urban Design, URB 6 Alterations and Extensions, ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development, HSG 4 Residential Amenity, STC 1 The Shopping Hierarchy, STC 6 Major and District Centres – Other Shopping Areas and STC 9 Restaurants A3 Uses and Take Away Hot Food Shops in the adopted Unitary Development Plan (July 2004).
- 8.2 It is considered that the proposal is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the surrounding area, or the amenities of neighbouring occupiers. The proposal is thereby in accordance with Objective 4 Economic Activity and Local Businesses, Spatial Policy 3 District Hubs, Policy 6 Retail Hierarchy and locations of retail development and Policy 15 High quality design for Lewisham in the adopted Core

Strategy (June 2011), and saved policies URB 3 Urban Design, URB 6 Alterations and Extensions, ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development , HSG 4 Residential Amenity, STC 1 The Shopping Hierarchy, STC 6 Major and District Centres – Other Shopping Areas and STC 9 Restaurants A3 Uses and Take Away Hot Food Shops in the adopted Unitary Development Plan (July 2004).

9.0 **RECOMMENDATION**

GRANT PERMISSION subject to the following conditions:-

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

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

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

Site Location Plan, Back Garden Plan –DR/2T (Received 26/11/12), Ventilation and Extraction Unit Statement, Photos (Received 14/1/13), Proposed Section of Ventilation, Proposed Front and Rear Elevation, Design and Access Statement (Received 10/2/13) and Proposed Floor Plan (Received 30/3/13).

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)

- (a) 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.

- (b) 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).

- (4) The premises shall only be open for customer business between the hours of 12:00pm - 22:00pm Monday to Friday, 12:00pm -12 Midnight on Saturdays and 13:00pm - 21:00pm on Sundays and Bank Holidays.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods 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).

- (5) 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).

INFORMATIVES

- (A) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- (B) You are advised that this permission relates only to the proposed change of use and that any alterations to, or the provision of a new shop front or new advertisements relating to the proposed use, would require separate permission.

This page is intentionally left blank

133 Sydenham Road SE26



This page is intentionally left blank

Committee	PLANNING COMMITTEE (C)	
Report Title	24 Randlesdown Road, SE6 3BT	
Ward	Bellingham	
Contributors	Geoff Whittington	
Class	PART 1	6 June 2013

<u>Reg. Nos.</u>	DC/12/81403
<u>Application dated</u>	12 September 2012, amended 26 March 2013
<u>Applicant</u>	Mr P Plitnik
<u>Proposal</u>	The change of use of the ground floor at 24 Randlesdown Road SE6 to (Use Class A3) Restaurant and Café's, together with the installation of an extract flue system to the rear elevation.
<u>Applicant's Plan Nos.</u>	1263 01 (amended 26 March 2013), OS Map, Design and Access Statement (amended 5 February 2012).
<u>Background Papers</u>	(1) Case File LE/225/24/TP (2) National Planning Policy Framework (NPPF) (3) Adopted Unitary Development Plan (July 2004) (4) Local Development Framework Documents (5) The London Plan (2011)
<u>Designation</u>	Adopted UDP - Existing Use

1.0 Property/Site Description

- 1.1 The subject building is a two-storey property with commercial use on the ground floor and residential above. The property is located within a shopping parade on the western side of Randlesdown Road that comprises a range of commercial activity.
- 1.2 A survey undertaken by officers in late 2012 showed that 50% of the 24 commercial units were in A1 use, whilst A3 Cafes/ restaurants accounted for 16%.
- 1.3 To the rear of the property is a 15 metre deep yard for the commercial unit.
- 1.4 Short term parking is available along Randlesdown Road.
- 1.5 The property is not within a conservation area, nor within the vicinity of any listed buildings.

2.0 Planning History

2.1 In 2008, permission was granted for the installation of uPVC double glazed replacement windows and doors in the front and rear elevations of the first floor flat at 24 Randlesdown Road.

3.0 Current Planning Applications

3.1 It is proposed that the existing ground floor retail unit be changed to (A3) café/restaurant use, specialising in Mediterranean foods. Seating would be provided for up to 20 customers.

3.2 The use would operate Mondays to Saturdays between 7am - 5pm, employing 3 full-time members of staff.

3.3 A ventilation flue is proposed to be erected on the rear elevation of the building.

4.0 Consultation

4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

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

Written Responses received from Local Residents and Organisations

4.3 43 letters were sent to local residents and commercial properties and subsequently, 3 objections were received from Cllr Ami Ibitson, Cllr Jacq Paschoud and Bellingham Community Project Ltd, raising the following issues:-

- 1) High number of fast food outlets in the parade. I have seen no evidence to persuade me that this application will not add to this concern.
- 2) There are already a number of food retailers of varying kinds on this parade (Morley's Fried Chicken, Fish and Chip/Kebab shop, Café, Chinese and Indian restaurant/takeaway) and there is no need for another, of any kind particularly. There is also the large Turkish Food Centre in Bromley Road, which I believe also has a restaurant facility. (there are also several kebab/hot food outlets on the same stretch of Bromley Road).
- 3) The applicant has now stated that rather than the 'speciality pies' specifically mentioned several times in his previous design and access statement, he now wishes to run a Mediterranean restaurant. This seems rather a significant change in intention. Again, there is not enough information to be able to make an informed judgement on what is likely to be sold. We are concerned that once permission for change of use has been granted, by the time it becomes apparent what will actually be sold on the premises, it will be too late for further objections. It is difficult to see how this would not end up becoming yet another takeaway of some kind eventually and we feel preventative action is needed at this stage.

- 4) The overriding concern in the local community has been against another retailer selling unhealthy food opposite the healthy living centre, as this defeats the object, especially in a locality with significant health inequality. The new design and access statement makes assurances that no 'unhealthy' foods will be sold and then goes on to mention 'sweets'. Most 'sweets' would not be considered 'healthy' and the term 'savoury cakes' is also open to interpretation/confusion.
- 5) There is a certain amount of history of complaints from neighbours in Broadmead (which backs onto the service road behind the shops) regarding noise, parking issues and disturbance from the retail units, particularly when premises open very early in the morning. Another food outlet/restaurant would further damage the amenity of those neighbours. It may also cause further exacerbation of parking disputes in the Broadmead/ Knapmill Road area and in the vicinity of Bellingham rail station, where parking is already a concern for residents.

(Letters are available to Members)

Highways and Transportation

- 4.4 No objections received.

Environmental Services

- 4.5 Environmental Services raise no objections, subject to suitable conditions.

5.0 Policy Context

Introduction

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:
- (a) the provisions of the development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.
- 5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.3 The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The National Planning Policy Framework does not change the legal status of the development plan.

National Planning Policy Framework (NPPF)

- 5.4 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF.
- 5.5 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.
- 5.6 As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 5.7 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 and 215 of the NPPF.

London Plan (July 2011)

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

Policy 1.1 Delivering the strategic vision and objectives for London
Policy 2.9 Inner London
Policy 3.2 Improving health and addressing health inequalities
Policy 4.9 Small shops
Policy 4.10 New and emerging economic sectors
Policy 4.11 Encouraging a connected economy
Policy 4.12 Improving opportunities for all
Policy 6.3 Assessing effects of development on transport capacity
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.11 Smoothing traffic flow and tackling congestion
Policy 6.12 Road network capacity
Policy 6.13 Parking
Policy 7.2 An inclusive environment

Core Strategy (June 2011)

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

Spatial Policy 3 District Hubs;
Policy 6 Retail hierarchy and location of retail development;
Policy 14 Sustainable movement and transport.

Unitary Development Plan (July 2004)

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

ENV.PRO 11 Noise Generating Development
STC 8 Local Shopping Parades and Corner Shops
STC 9 Restaurants A3 Uses and Take Away Hot Food Shops

Emerging Plans

5.11 According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

5.12 The following emerging plans are relevant to this application.

Development Management Plan

5.13 The Development Management Local Plan – Further Options Report, is a material planning consideration but is at an early stage of preparation. Public consultation took place in January 2013. In accordance with the NPPF therefore, the weight decision makers should accord the Further Options Report should reflect the advice in the NPPF paragraph 216.

5.14 The following policy options are considered to be relevant to this application:

15. Local shopping parades and corner shops
16. Restaurants and cafes (A3 uses) and drinking establishments (A4 uses)
17. Hot food take-away
25. Noise and vibration
28. Car parking

6.0 Planning Considerations

6.1 The main issues to be considered in respect of this application include the principle of changing the use of the existing premises, the impact of the proposed use upon the character of the shopping parade and the amenities of neighbouring occupiers, obesity concerns, noise, highways and refuse matters.

Principle of Development

6.2 Policy STC8 Local Shopping Parades and Corner Shops of the UDP states that the Council will grant planning permission involving the loss of a Class A1 shop from a Local Shopping Parade, provided the new use would contribute towards preserving or enhancing the local character, vitality and viability of the parade. The policy goes on to state that the following factors will be taken into account:

- (a) the availability of alternative shopping facilities within a comfortable walking distance (approximately 400 metres);
- (b) the number and type of units within the parade, the vacancy rate and the length of time a unit has been vacant;
- (c) any harm to the amenity of adjoining properties.

6.3 The unit is not located within a protected shopping parade and its loss as a class A1 retail unit would be considered acceptable provided the new use contributes positively to the parade.

6.4 Despite marketing procedures being undertaken, the unit has been vacant for two years. Of the 24 units in the parade, 12 are in retail use, therefore as retail would remain the dominant use in Randlesdown Road, officers consider the principle of a change of use from A1 to be acceptable, whilst the subsequent loss would not significantly harm the retail character of the area.

Proposed Use

6.5 The proposed use is for a restaurant / cafe that specialises in freshly baked Mediterranean foods including savoury cakes, sweets, dips and stuffed vine leaves. There had been some initial confusion about the nature of foods to be sold on the premises as this was not explained in the original Design and Access Statement, whilst an amended version advised that 'specialist pies' would be sold, which raised further local concerns.

6.6 The applicant later advised that the agent was incorrect to state 'specialist pies', and that he would be selling a range of Mediterranean foods. He confirmed that for some years he has produced such foods for functions on a small scale from his home, but now wished to expand into making and selling goods from a restaurant premises.

6.7 That said, the nature of food to be sold is not a material planning consideration. Should the applicant serve a different range of foods other than that listed as part of the application, no further permission would be required. The main officer focus in respect of this application is upon the actual use and subsequent impact.

6.8 Obesity and healthy eating concerns have been raised by local ward Councillors in respect of the proposed use. Bellingham has been identified as being an area of having high levels of poor health by Well London, which is a programme that works with local communities to transform their health. Phase 1 of Well London projects operated in 20 separate areas, including South Bellingham, working with between 1500 and 2000 people.

6.9 As a consequence, local ward Councilors and members of the community wish to promote healthy eating in Bellingham, and so consider that any planning applications for changes of use to cafes, restaurants or takeaways should be resisted where there are sufficient existing eateries nearby, or schools within close proximity.

- 6.10 Local authorities are required by the NPPF to promote the healthy communities. Policy option 17 of the emerging Development Management Local Plan (DMLP) document acknowledges the problems takeaway shops can cause in terms of obesity and unhealthy eating. It states that the Council will not grant permission for new hot food takeaways (A5) that fall within 400 metres of the boundary of a primary or secondary school. The number of takeaways in Local Parades of 20 or more units should not exceed two hot food takeaway shops.
- 6.11 The site is just under 400 metres away from the Athelney Primary School, and there are 5 hot food take away uses in the parade. As such, a hot food take away would be contrary to policy option 17 in the emerging DMLP.
- 6.12 However, the current proposal is for an A3 café – restaurant. Whilst officers acknowledge the concerns raised toward obesity in Bellingham in this particular case, when considering Restaurant/ Café use, emerging Policy 16, which is specific to A3 use, does not restrict to the same extent that Policy 17 does with A5 uses.
- 6.13 Policy option 16 in the DMLP deals with cafes and restaurants, and states that the Council will consider proposals for restaurants and cafes provided it does not affect the vitality of the shopping area, there is no harm to the living conditions of nearby residents, and does not result in parking and traffic generation that would endanger other road users or pedestrians. This is in a similar vein to saved Policy STC 9 Restaurants A3 Uses and Take Away Hot Food Shops of the Unitary Development Plan.
- 6.14 In light of the emerging policy, it would be difficult to refuse permission for a restaurant/ cafe use on grounds of obesity and healthy eating concerns. Whilst the applicant has confirmed sweet and savoury foods would be sold, which is not conducive to a healthy diet, this would be of a specialist nature unlikely to attract the custom of school children. As stated earlier, the type of foods that would be sold is not a material planning consideration. The use of the application premises for Use Class A3 purposes is therefore considered acceptable.
- 6.15 The Design and Access Statement says ‘it is not the owner’s intention to operate a takeaway business’, however what was meant is the use would not be in the form of an A5 Hot Food Take Away shop. It is likely there would be some takeaway custom, which officers consider to be ancillary and acceptable under the circumstances. Officers have therefore not included a condition that restricts such activity. However, should Members decide a condition would be appropriate, this is a matter that can be discussed during the committee meeting.

Ventilation

- 6.16 The proposed ventilation flue would be located to the rear of the property, and so would not be visible from Randlesdown Road. Its siting and appearance is considered to be acceptable.
- 6.17 Environmental Health have requested additional operational information relating to the flue be formally assessed prior to first use of the premises.

Highways Issues

- 6.18 Short term parking is available along this section of Randlesdown Road, together with cycle parking. The applicant considers that the majority of customers will live locally, and so are more likely to walk to the premises.
- 6.19 Highways officers have raised no objections to the proposal.
- 6.20 Refuse bins would be located within the rear yard of the property. A narrow highway lies to the rear of the Randlesdown properties, allow for refuse collection.

Impact on Neighbouring Properties

- 6.21 Due to the nature of the use, it is unlikely to result in significant harmful noise and disturbance levels to residents. Such A3 use forms part of many shopping parades and can contribute positively to its vitality and vibrancy.
- 6.22 A condition is suggested requiring details of sound proofing between the commercial unit and the residential unit above, which would ensure that any disturbance from the ground floor premises would be of an acceptable level.
- 6.23 The hours of opening are proposed to be 7am to 5pm Monday to Saturdays, and no opening on Sundays or Bank Holidays, which is in line with saved Policy STC 9 Restaurants, A3 Uses and Take Away Hot Food Shops of the UDP. Furthermore its location on a well used road means that the opening hours are appropriate. Evening operation would also be considered acceptable by officers, therefore it is suggested a condition be included that allows customer use up to 11pm.
- 6.24 Officers are satisfied the location of the proposed ventilation equipment to the rear wall of the property would have no significant impact upon the visual amenities of the nearest residential occupiers. No objections have been received toward this aspect.

7.0 Conclusion

- 7.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 7.2 On balance, officers consider that the change of use and associated ventilation would not have a detrimental impact on the character and appearance of the area or on the amenities of neighbouring properties and the scheme is therefore considered acceptable.

8.0 Summary of Reasons for Grant of Planning Permission

It is considered that the proposal is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the surrounding area, or the amenities of neighbouring occupiers. The proposal is thereby in accordance with Policies ENV.PRO 11 Noise Generating Development; STC 8 Local Shopping Parades and Corner Shops and STC 9 Restaurants A3 Uses and Take Away Hot Food Shops in the adopted Unitary Development Plan (July 2004) and Spatial Policy 3 District Hubs and Policy 14 Sustainable movement and transport in the adopted Core Strategy (July 2011) and emerging Policy option 16: Restaurants and cafes (A3 uses) and drinking establishments (A4 uses).

9.0 RECOMMENDATION

9.1 GRANT PERMISSION subject to the following conditions:-

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

Reason:

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

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

1263/01 (amended 26 March 2013).

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)(a) No development shall commence until full written details, including relevant drawings and specifications of the proposed works of sound insulation against airborne noise to meet D'nT,w + Ctr dB of not less than 55 for walls and/or ceilings where residential parties non domestic use shall be submitted to and approved in writing by the local planning authority.
- (b) The development shall only be occupied once the soundproofing works as agreed under part (a) have been implemented in accordance with the approved details.
- (c) The soundproofing shall be retained permanently in accordance with the approved details.

Reason:

In the interests of residential amenity 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).

- 4)(a) 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.
- (b) 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).

- 5) The premises shall only be open for customer business between the hours of 7.00am and 11.00pm on Mondays to Saturdays.

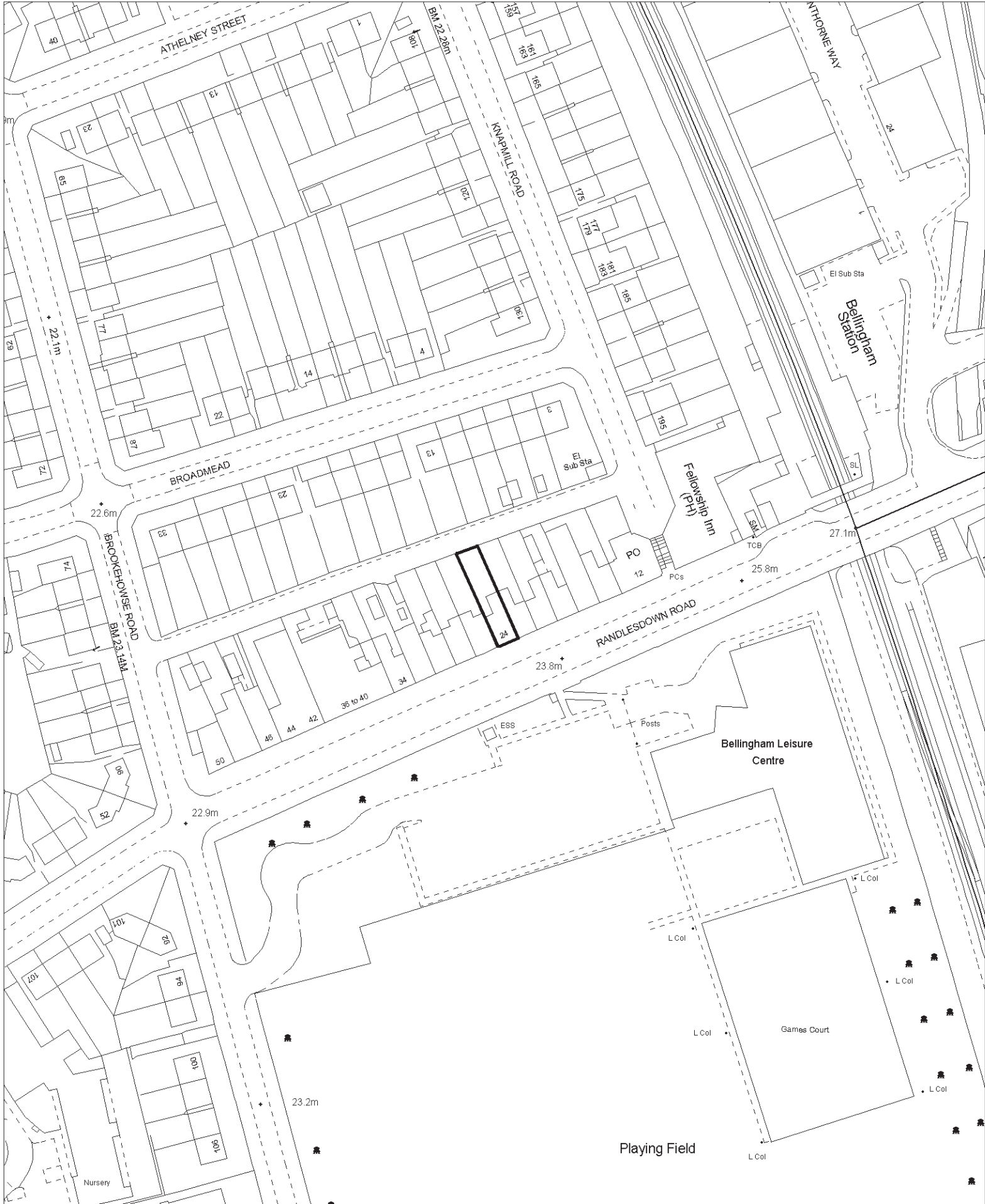
Reason:

In order to safeguard the amenities of adjoining occupants at unsociable periods 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).

INFORMATIVES

- A) **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 positive discussions took place which resulted in further information being submitted.
- B) You are advised that this permission relates only to the proposed change of use and that any alterations to, or the provision of a new shopfront or new advertisements relating to the proposed use, would require separate permission.

24 Randlesdown Road SE6



This page is intentionally left blank