



Planning Committee A

BLACKHEATH TEA HUT, JUNCTION OF GOFFERS ROAD AND SHOOTERS HILL, LONDON, SE3 0UA

Date: 20 October 2022

Key decision: No.

Class: Part 1

Ward(s) affected: Blackheath

Contributors: Alfie Williams

Outline and recommendations

This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision due to the submission of six individual objections from local residents.

Application details

Application reference number(s): DC/20/119712

Application Date: 21 December 2020

Applicant: Mr Furze

Proposal: The construction of a replacement single storey cafe building (Tea Hut) and associated works at the junction of Shooters Hill Road and Goffers Road (Blackheath Tea Hut Site), SE3.

Background Papers: (1) Submission Drawings
(2) Submission technical reports and supporting documents
(3) Internal consultee responses
(4) External consultee responses

Designation: Air Quality Management Area
Area of Archaeological Priority
Blackheath Conservation Area
Blackheath Site of Importance for Nature Conservation (SINC)
Maritime Greenwich World Heritage Site Buffer Zone
Metropolitan Open Land (MOL)
PTAL 1b

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

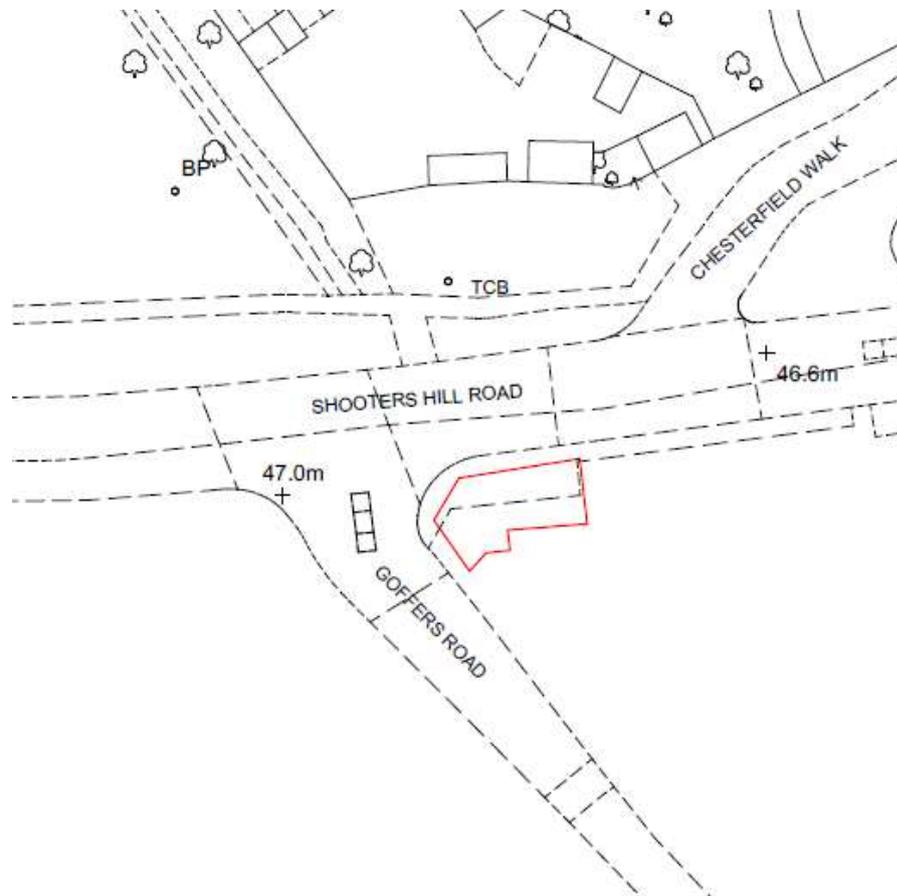
- 1 The application site is an area of land located on the eastern side of the junction of Goffers Road and Shooters Hill (A2). The site hosts the Blackheath Tea Hut, which is a single storey building providing take away hot and cold food and beverages. A business has operated from the site since the 1920s with the previous structure constructed in the 1970s. The previous hut was destroyed in a road traffic accident in January 2020 and the business has since operated from a temporary structure.

Figure 1. Site Location Plan

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Character of area

- 2 The application site is located on the north edge of Blackheath. The heath is designated as Metropolitan Open Land and is also a Metropolitan Site of Importance for Nature Conservation. Consequently built form is sparsely located with Holly Hedge House to the south-west and the residential roads further south on Goffers Road the only development within the heath.
- 3 To the south and west of the heath are areas of residential roads. To the south-east of the heath is Blackheath Village, which is designated as a district centre within the Core Strategy. Blackheath District Centre is located approximately 0.7km from the application site. To the north of the site is Greenwich Park.

Heritage/archaeology

- 4 The application site is located directly to the south of the Maritime Greenwich World Heritage Site, which lies on the north side of Shooters Hill Road. The site is therefore located within the WHS buffer zone. The WHS Management Plan discusses the Buffer Zone at section 2.2.2 and states:

“A Buffer Zone is an area surrounding a World Heritage Site which has complementary legal and/or customary restrictions placed on its use and development to give an added layer of protection to the Site. This should include the immediate setting of the Site, important views and other areas or attributes that are functionally important as a support to the Site and its protection.”

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- 5 The site is also located within the Blackheath Conservation but is not subject to an Article 4 Direction. The building is not listed and neither are there any nationally or locally listed buildings within the vicinity of the site.

Transport

- 6 The area has a PTAL of 1b, which indicates a very poor level of public transport accessibility. The nearest train station is Blackheath located 0.9km to the south-east. Deptford Bridge DLR station is located 1.5km to the west. Shooters Hill is a classified A Road (A2) and forms part of the Transport for London Road Network.

2 RELEVANT PLANNING HISTORY

- 7 A tea kiosk of sorts has been in situ at the site for approximately 100 years (there is photographic evidence dating from 1924). There is no planning history on Council records prior to December 1970 when a retrospective planning application was received to replace the tea kiosk, which had been demolished by a road traffic incident. Temporary planning permission was granted for a replacement single storey tea hut in May 1972, which expired in September 1976.
- 8 The tea hut continued to operate beyond the time limit granted. A planning application for the retention of the tea hut was submitted in December 1979. The planning application was refused in July 1980 due to concerns with the design and visual impact.
- 9 In September 1980 an Enforcement Notice was issued requiring the owner to take down, demolish or otherwise remove the tea hut. Evidence suggests that this notice was not complied with. A further planning application was submitted in January 1983 which was also refused. However, Council records indicate that no further enforcement action was taken. There is no planning history on Council records beyond 1983.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 10 The proposed development would see the construction of a single storey hut to be used as a hot food and beverage take-away. The tea hut would measure 10.2m wide x 4.1m deep x 3m high and would be clad in timber with service windows in the north (front) and eastern elevations. The north elevation would feature a timber canopy and there would be externally illuminated signage at roof level. The area to the side (west) of the hut would feature a small area of external customer seating and there would be safety bollards erected around the perimeter of the site.
- 11 Following discussions with Officers the application was revised to reposition the hut so that it would not encroach onto the grassed area of the heath. The revisions also secured the removal of the cesspit initially proposed.

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4 CONSULTATION

4.1 APPLICATION PUBLICITY

- 12 Site notices were displayed and a press notice was published on 22 December 2021 and again on 4 May 2022 as part of a second period of consultation required due to a revision to the siting of the Tea Hut.
- 13 Letters were sent to residents in the surrounding area as well as to the relevant ward Councillors and Blackheath Society on 17 December 2021 and again on 27 April 2022 as part of the second period of consultation.
- 14 Seven representations were received in response, comprising six objections and one comment in support.

4.1.1 Comments in objection

Comment	Para where addressed
Harm to the World Heritage Site	50-56
Harm to the Blackheath Conservation Area	50-55
Poor standard of design	50-54
Obstruction to traffic from car parking	63
Loss of amenity	67
Harm to the SINC and erosion of grassland	76-77
Littering	78

- 15 The objections also raised the concerns with the provision of a cesspit. However, this aspect of the development has now been removed from the scheme.
- 16 The Blackheath Society stated that further details of the design, impact on highway safety and management of waste and litter are required and expressed a preference for the application be deferred or a temporary permission issued to allow an alternative site to come forward. The Council is required to consider the merits of the application submitted so it is no possible to consider the relative merits of potential alternative sites for a development of this type and defer the decision indefinitely. However, it is possible for the Council to recommend that a temporary permission be granted. On this matter, Officers have not identified any potential for long-term harm and the use has been established for decades, so a temporary permission is not recommended.

4.1.2 Comments in support

- 17 The comment in support did not include details outlining the reasons for their support.

4.2 INTERNAL CONSULTATION

- 18 The following internal consultees were notified on 17 December 2021 and again on 27 April 2022.

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- 19 Conservation: raised no objection following confirmation that the building would not encroach onto the heath.
- 20 Highways: raised no objections.
- 21 Parks Team: raised objections to the development due to the initial proposal to locate the tea hut on the grassed area of the heath and the proposed inclusion of a cesspit. These elements have subsequently been removed from the scheme following the submission of revisions.

4.3 EXTERNAL CONSULTATION

- 22 The following External Consultees were notified on notified on 17 December 2021 and again on 27 April 2022.
- 23 Maritime Greenwich World Heritage Site Co-ordinator: raised no objection but did express a preference for a traditional design utilising neutral colours. The Co-ordinator also indicated a preference for an alternative site located on the opposite side of the A2 (Shooters Hill). The potential for an alternative site is not a material consideration for this application.
- 24 Royal Borough of Greenwich: raised no objections.
- 25 TfL: raised no objections on transport or highway safety grounds and supported the use of bollards to prevent parking on the forecourt and to help delineate the footway.

5 POLICY CONTEXT

5.1 LEGISLATION

- 26 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).
- 27 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

5.2 MATERIAL CONSIDERATIONS

- 28 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.
- 29 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.
- 30 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their

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planning judgement to attribute their own weight, subject to aforementioned directions and the test of reasonableness.

5.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

5.4 DEVELOPMENT PLAN

31 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

32 Lewisham SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

33 London Plan SPG:

- Planning for Equality and Diversity in London (October 2007)
- London World Heritage Sites (2012)
- All London Green Grid (March 2012)
- Character and Context (June 2014)

6 PLANNING CONSIDERATIONS

34 The main issues are:

- Principle of Development
- Urban Design & Heritage Impact
- Impact on Adjoining Properties
- Transport
- Natural Environment

6.1 PRINCIPLE OF DEVELOPMENT

General policy

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

36 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.

Policy

37 LPP G3 states that Metropolitan Open Land (MOL) is afforded the same status and level of protection as the Green Belt and is clear that MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt.

38 Paragraph 149 of the NPPF is clear that local planning authorities should regard the construction of new buildings within the Green Belt as inappropriate other than in the following circumstances:

- (a) buildings for agriculture and forestry;
- (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- (e) limited infilling in villages;
- (f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or

- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Discussion

39 The application site is located on MOL. LPP G3 is clear that MOL benefits from the same policy protection as the Green Belt. Para 149 sets out the circumstances in which new buildings can be supported in the Green Belt, and in this case MOL. Para 149(d) allows the construction of a replacement building where the new building would be in the same use and is not materially larger than the existing. The proposed replacement building is

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considered to meet both criteria on the basis that it would be a single storey built on a similar footprint to the previous structures and no change of use is proposed. It is noted that the pre-existing structures no longer exist and the site is cleared. It is relevant that the demolition of the pre-existing structures was the result of a vehicle colliding with the main structure and therefore not a voluntary act on the part of the applicant. Therefore, Officers are satisfied that the principle of a replacement building of the size proposed would be compliant with LPP G3.

6.1.1 Principle of development conclusions

40 The proposal would not conflict with the policy protections afforded to MOL and therefore the principle of development is supported.

6.2 URBAN DESIGN & HERITAGE IMPACT

General Policy

41 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Policy

42 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.

43 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

44 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset's conservation, when considering the impact of a proposed development on the significance of a designated heritage asset. Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.

45 LPP HC1 is clear that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

46 LPP HC2 states that development proposals in World Heritage Sites and their settings, including any buffer zones, should conserve, promote and enhance their Outstanding Universal Value, including the authenticity, integrity and significance of their attributes, and support their management and protection.

47 CSP 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy. The policy does onto state that the World Heritage Site buffer zone for the Maritime Greenwich World Heritage Site is identified on the Proposals Map and that The Council will ensure that its Outstanding Universal Value, integrity and authenticity will be protected and enhanced and will ensure the implementation of the World Heritage Site Master Plan.

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- 48 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments, Registered Parks and Gardens and other designated heritage assets so that their value and significance as designated heritage assets is maintained and enhanced.
- 49 The Blackheath Conservation Area Character appraisal is also relevant to this development.

Discussion

- 50 The presence of a tea hut in this location has been established for approximately 100 years. Furthermore, the location within a corner adjacent to the boundary with two roads helps minimise the impact to the openness of the heath and is therefore the optimal location for a building on the heath. Over time the customers of the tea hut have caused erosion to the grassland in this corner location.
- 51 The grassland and open character of the heath make a strong contribution to the character and appearance of the Blackheath Conservation Area and the setting of the Maritime Greenwich World Heritage Site (WHS). It is therefore vital to preserve this character and to minimise built form on the heath by respecting the existing footprint. Following revisions, the replacement hut would now be located on the area of eroded land with no further encroachment onto the grassed area of the heath. Officers are satisfied that this would achieve the requirement to prevent further loss of grassland while also minimising the visual impact to the open character of the heath.
- 52 The footprint is broadly equivalent to the previous structures, as shown in figure 2 below, and is therefore acceptable. The hut would remain single storey and at 3m in height would be typical for external structures of the type. Therefore, the bulk and massing are assessed to be appropriate and would ensure that the visual impact would be minimised.

Figure 2. Google Street View image of the tea hut from June 2019



- 53 The hut would have a simple box form clad in timber. This is a suitable design response for a small building within a park/common setting. A condition is recommended securing details of the materials, detailing and finishes to ensure that a high quality standard of

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design is provided. An informative will also be attached advising that the externally illuminated signage would require advertisement consent.

54 Overall, the form, materiality and massing of the hut would not cause any harm to the character or appearance of the Blackheath Conservation Area or the setting of the Maritime Greenwich WHS.

6.2.1 Urban design and heritage impact conclusion

55 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would preserve the character or appearance of the Blackheath Conservation Area.

56 Officers are also satisfied that the development would not harm the setting of any of the elements identified as part of the WHS's outstanding universal value, and would result in minimal change to the character of the WHS buffer zone. This assessment is supported by the Maritime Greenwich World Heritage Site Co-ordinator.

6.3 TRANSPORT IMPACT

General policy

57 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para 104. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.

Policy

58 Para 111 of the NPPF states that "Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

59 LPP T4 states that development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity and should not increase road danger.

60 LPP T5 requires the provision of cycle parking in accordance with the Table 10.2 and Figure 10.3 of the London Plan.

61 The Core Strategy, at CSP 14, reflects the national and regional guidance

Discussion

62 The previous tea hut was destroyed in a road traffic incident. In order to protect the proposed hut the applicant has set the hut back slightly further from the road and is proposing bollards to protect the hut, as well as staff and customers, from vehicles. Neither the Council's Highways Officer nor TfL consider these measures to be necessary

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as the replacement hut is not assessed to be harmful to highway safety. However, the tea hut was previously destroyed by a vehicle and therefore some protection for staff and customers of the tea hut is considered prudent. Furthermore, TfL consider that the bollards would be beneficial to prevent car parking on the heath and to help delineate the site from the pedestrian footway. In order to provide the bollards a Section 278 highways agreement would be required with TfL in their role as highway authority for this section of road. A condition will be imposed requiring that the applicant enter into the S278 agreement prior to the commencement of development.

63 The replacement tea hut would be broadly equivalent to the size of the previous tea hut so would not result in the intensification of the use of the site. As such, the development would not generate any significant increase to the established levels of associated parking or traffic. The tea hut is able to continue operating utilising the existing delivery and servicing arrangement without the benefit of planning permission. Therefore, addition details for servicing are not required.

64 One long-stay and one short-stay cycle parking space would be required in order to comply with LPP T5. Officers are satisfied that the cycle parking requirement should not be applied in this case given that this is a replacement building and no change of use would occur. Additionally, the site is sensitive in heritage terms so further built form and clutter in the form of cycle stores and racks would not be justified.

6.3.1 Transport impact conclusion

65 The proposed development is considered acceptable in transport terms.

6.4 LIVING CONDITIONS OF NEIGHBOURS

General Policy

66 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users.

Discussion

67 The application site is located a significant distance from residential development so any additional impacts to amenity would be negligible.

6.4.1 Impact on neighbours conclusion

68 The proposed development would not introduce any adverse impacts to neighbours.

6.5 NATURAL ENVIRONMENT

General Policy

69 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.

70 The NPPF at para 185 states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the sensitivity of the site or wider area to impacts that could arise from the development

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Policy

- 71 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard to the purpose of conserving biodiversity.
- 72 NPPF para 170 states decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. NPPF para 180 sets out principles which LPAs should apply when determining applications in respect of biodiversity.
- 73 LPP G6 expects Sites of Importance for Nature Conservation (SINCs) to be protected. Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain.
- 74 CSP 12 seeks to preserve or enhance local biodiversity.
- 75 DMP 24 require all new development to take full account of biodiversity in development design, ensuring the delivery of benefits and minimising of potential impacts on biodiversity.

Discussion

- 76 The application site is located within the Blackheath Metropolitan Site of Importance for Nature Conservation (SINCs). The grassland on the heath makes a significant contribution to the special ecology of the heath. The long established use of the tea hut has eroded the grass in this corner of the heath as show in Figure 2 below.

Figure 2. Ariel view of the Blackheath Tea Hut site



- 77 This erosion of grass is regrettable but has been established over time and any harm has been limited by the modest size of the site. However, further erosion at these margins by encroachment onto the grassed areas would not be justified. The application has been revised to ensure that the tea hut would be constructed in the area that has already suffered erosion. Therefore, Officers are satisfied that the revision to the siting of the tea hut would prevent any further harm to the SINC.

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78 The objections note that the tea hut has historically contributed to littering on the heath, which is potentially harmful to biodiversity. The proposed drawings show bin storage within the hut but is it not clear whether this would be for the waste generated by staff or customers. For that reason a condition is recommended securing waste management details for the development.

6.5.1 Natural Environment conclusion

79 The proposed conditions are considered to prevent any harmful impacts to the natural environment.

7 LOCAL FINANCE CONSIDERATIONS

80 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

- a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

81 The weight to be attached to a local finance consideration remains a matter for the decision maker.

82 The CIL is therefore a material consideration.

83 £0 Lewisham CIL and £0 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

8 EQUALITIES CONSIDERATIONS

84 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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

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

86 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

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- 87 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 88 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- The essential guide to the public sector equality duty
 - Meeting the equality duty in policy and decision-making
 - Engagement and the equality duty
 - Equality objectives and the equality duty
 - Equality information and the equality duty
- 89 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 90 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

9 HUMAN RIGHTS IMPLICATIONS

- 91 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. “Convention” here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:
- Article 8: Respect for your private and family life, home and correspondence
 - Protocol 1, Article 1: Right to peaceful enjoyment of your property
- 92 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

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- 93 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 94 This application has the legitimate aim of providing a new building with a commercial use. The rights potentially engaged by this application, including Article 8 and Protocol 1, Article 1 considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

- 95 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 96 The principle of development within MOL is supported as the scheme would see the construction of a replacement building broadly equivalent to the previous structures in terms of footprint, scale and massing with no change of use proposed. The proportionate scale and massing together with the siting and appropriate design approach would prevent any harm to the character and appearance of the Blackheath Conservation Area and the outstanding universal value of the Maritime Greenwich World Heritage Site.
- 97 No adverse impacts have been identified to the surrounding transport network, living conditions of the surrounding residential properties or the natural environment. Therefore, the application is recommended for approval subject to conditions.

11 RECOMMENDATION

- 98 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informatives:

11.1 CONDITIONS

Conditions

1. **Time Limit**

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

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

2. 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 received 21 December 2021;

19-21-BHTH Rev S1 09 received 27 April 2022;

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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. **Materials & Detailed Design**

(a) Prior to the commencement of the relevant part of the development a detailed schedule and specification including manufacturer's literature or detailed drawings, in respect of the following:

- i) external cladding (including colour and sheen);
- ii) roofing materials and roof junctions (sections at scale 1:10);
- iii) windows and external doors;
- iv) canopy

has been submitted to and approved in writing by the local planning authority

- (b) The works shall then be carried in full accordance with the approved details prior to the first occupation of the residential development, and retained thereafter.

Reason: In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policies 15 High quality design for Lewisham of the Core Strategy (June 2011) and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens, Development Management Local Plan (November 2014).

4. **Waste Management**

(a) Prior to the first occupation of the development, a waste management plan for the development (including the location of bins for staff and customers and details of collection) shall be submitted to and approved in writing by the local planning authority.

(b) The waste management plan approved under part (a) shall be provided in full prior to 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 biodiversity and the amenities the area in general, in compliance with Policy G6 Biodiversity and access to nature of the London Plan (March 2021) and Policy 13 Addressing Lewisham waste management requirements of the Core Strategy (2011).

5. **Highways Agreement**

(a) No development above ground (excluding demolition) shall commence on site until details of the highway works to secure the provision of the fixed posts shown on drawing 19-21-BHTH Rev S1 09 have been submitted to and approved in writing by

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the local planning authority, in consultation with the relevant highway authority. The details must include the following information:

- i) a signed s278 agreement with the relevant highway authority confirming that the works can be undertaken on the public highway in accordance with the details submitted to the local planning authority for approval.
- ii) drawings and specifications for the fixed posts

(b) The building shall not be occupied until the highways works referred to in paragraph (a) of this condition have been implemented in accordance with the details approved under paragraph (a).

Reason: In the interests of highway and pedestrian safety and to comply with paragraph 111 of the NPPF (2021) and Policy T4 Assessing and mitigating transport impacts of the London Plan (March 2021).

11.2 INFORMATIVES

- 1) **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.
- 2) The applicant is advised that the externally illuminated signage at roof level would require an application for advertisement consent.
- 3) The applicant is advised that the construction phase of development should be serviced via Goffers Road (avoiding the road demarked as a "red route") in order to prevent obstruction to the A2 (Shooters Hill).

12 BACKGROUND PAPERS

1. Submission drawings
2. Submission technical reports
3. Internal consultee responses
4. Statutory consultee responses

13 REPORT AUTHOR AND CONTACT

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