



## Planning Committee A

**Report title:**

**LAND AT CHURCH GROVE, LONDON, SE13 7UU**

**Date:** 16 March 2023

**Key decision:** No.

**Class:** Part 1

**Ward(s) affected:** St Marys

**Contributors:** Steph Taylor

### **Outline and recommendations**

*This report sets out the Officer's recommendation of approval for the below proposal subject to the conditions and informatives.*

*This report has been brought before Committee for a decision due to the submission of three letters of objection from the neighbouring residents.*

## Application details

<b>Application reference number:</b>	DC/22/127012
<b>Application Date:</b>	30 May 2022
<b>Applicant:</b>	RUSS (Rural Urban Synthesis Society)
<b>Proposal:</b>	A planning application submitted under Section 73A of the Town and Country Planning Act 1990 for the retention of a community hub building, comprising of a mixed use of a shared office space (Class E(g)(i)) and multi-use community space (Class F2(b)).
<b>Background Papers:</b>	(1) Submission Drawings (2) Submission technical reports and supporting documents (3) Internal consultee responses
<b>Designation:</b>	PTAL 5 Flood Risk Zone 3 St Mary's Conservation Area (adjoining) Area of Archaeological Priority Local Open Space Deficiency Major District Centre Not a Listed Building
<b>Screening:</b>	Not applicable.

## 1 SITE AND CONTEXT

### *Site description and current use*

- 1 The site is a 0.33 hectare site located on land at Church Grove, a residential cul-de-sac off Ladywell Road within the Lewisham Central Ward and Lewisham Town Centre Boundary. It is an irregular shaped parcel bound by the River Ravensbourne to the north-west with rail and industrial uses (Lewisham Council Depot) beyond. Two storey existing residential developments are located along Wearside Road to the east and Church Grove and St Mary's Conservation Area are located to the south. The site is identified within Flood Zone 3.
- 2 The site is generally flat. The site is owned by London Borough of Lewisham and RUSS holds a Development Agreement over the site, which is linked to a 250 year lease agreement. Construction is currently underway on the site for the wider RUSS development approved under DC/17/104264, and as amended by DC/20/119250 for the construction of a part three/part four storey building.
- 3 Church Grove consists of two storey Victorian terraced residential houses.

### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>



**Figure 1 – Site Location Plan**

### ***Heritage/archaeology***

- 4 The site does not lie within a protected viewing corridor and does not contain any statutory listed buildings on or within close proximity to the site. It is not located within a conservation area, however it is directly adjoining St Mary’s Conservation area. The site is within an archaeological priority area.

### ***Surrounding area***

- 5 Ladywell Fields is a twenty-two (22) hectare recreation ground located south-west of the development site, being the largest existing area of open space within one (1) mile of the subject site. Hilly Fields Park, Lewisham Park, Brockley Cemetery and Ladywell Cemetery are also located within close proximity to the site.

### ***Local Environment***

- 6 The site is split between Flood Risk Zone 3 and 2, and therefore has a high risk of flooding. It is also within an air quality management area.

### ***Transport***

- 7 The site and surrounding area has a Public Transport Accessibility Level (PTAL) rating of 5, where 0 is worst and 6b is best. It is less than 5 minutes walk to Ladywell Station and is serviced by a number of frequent bus services along Ladywell Road. It is therefore considered to be well connected to surrounding public transport routes

## **2 RELEVANT PLANNING HISTORY**

- 8 The site was previous occupied by the Watergate School, which has been demolished and relocated to Bellingham in 2003. Subsequent to that a number of applications were

### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

considered, the most recent of which dealt with proposals for a community led self-build scheme on the site.

#### *Residential Scheme Planning Permission*

- 9 Planning permission was granted on 14 December 2018, (under reference DC/17/104264 for “the construction of a part three/part four storey building incorporating balconies and a roof garden on vacant land at Church Grove SE13 comprising thirty three (33) self-build dwellings (13 x 1 bed flats, 10 x 2 bed flats, 2 x 3 bed flats, 5 x 3 bed houses, 3 x 4 bed houses), together with community facilities, shared landscaping space, car parking, secure cycle and refuse storage, alterations to the access and other associated works”.
- 10 A number of planning conditions have been discharged against the extant planning permission (Refs: DC/19/112829 and DC/19/112091).
- 11 A S73 application (under reference DC/20/119250) to make amendments to increase the number of dwellings, the maximum height of the building, simplify the building form, replace the external and structural combustible materials and associated amendments to landscaping was granted in February 2021.

#### *Temporary Planning Permission: “Community Hub”*

- 12 On 11 June 2018 planning permission was granted for “the erection of a temporary single storey building for the purpose of a shared office space and multi-use community space on land at Church Grove” (Ref: DC/18/105951). This temporary structure was constructed in 2019 and was required to be removed from the site by June 2022.
- 13 Following grant of planning permission for the main residential development in December 2018, non-material amendment applications were approved (Refs: DC/18/110037 and DC/19/111594) to amend the operational hours, building materials, siting and omission of the living roof from the temporary community hub.
- 14 A discharge of conditions application was granted under DC/19/110475 in April 2019 in regard to Conditions 1, 3, 10, 13 and 15.
- 15 A non-material amendment application (ref. DC/22/126692) to alter the description of the development to ‘*the erection of a single storey building for the purpose of a shared office space and multi-use community space on land at Church Grove SE13 7UU*’ was granted in May 2022.

## **3 CURRENT PLANNING APPLICATION**

### **3.1 THE PROPOSAL**

- 16 This application is submitted under Section 73A of the Town and Country Planning Act 1990 (as amended), to allow for the retention of a community hub building, comprising of a mixed use, being a shared office space (Class E(g)(i) and multi-use community space (Class F2(b)). The building provides a mixed use of community space for events such as member meetings, school of community housing, ad hoc talks and workshops, language classes etc and office space as a remote or co-working office for 10-30 people. Use of the space is made via prior booking only through an online platform. The term

#### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

“community hub” is given by the applicant and Officers use that throughout the report, but the use class or classes in which this falls is discussed in sub-section 6.1.2.

17 It should be noted that the application was originally submitted as a Section 73 Minor Material Amendment Application and consulted upon this basis. However, given the temporary period condition associated with the extant planning permission had expired, the activity no longer had planning permission and the Council has the power to determine it under a s73A retrospective consent application.

18 In proposing that the community hub is retained for continued use on the site, a number of conditions are proposed to be attached to the new planning permission.

19 A number of planning conditions have been discharged in regard to the previous temporary planning permission. Where appropriate, these conditions would be transferred and updated as part of the current application to reflect those approved and revised details.

## **4 CONSULTATION**

### **4.1 PRE-APPLICATION ENGAGEMENT**

20 A formal pre-application meeting was held to discuss the retention of the temporary community hub building as a permanent community hub building (ref. PRE/22/125106). A formal response was sent to the applicant on the 9<sup>th</sup> February 2022.

21 It was considered that the retention of the community hub could be acceptable in principle given that there are no land use designations at the site. This was subject to a number of further information requests:

- History of the events held at the hub including the number of people and mode of transport to be provided with a planning application to make the hub permanent.
- Acceptability of a permanent building would also be contingent on a robust Operations Management Plan
- A transport assessment was recommended to be submitted which should estimate trips generate by the proposed use cumulatively with the implemented Minor Materials Application planning permission.

### **4.2 APPLICATION PUBLICITY**

22 Site notices were displayed on the 17<sup>th</sup> August 2022 and a press notice was published on the 17<sup>th</sup> August 2022.

23 167 letters were sent to residents and businesses in the surrounding area on the 25<sup>th</sup> July 2022 and the relevant ward Councillors on the 25<sup>th</sup> July 2022.

24 19 representations were received, comprising of 3 objections and 16 comments in support.

25 One comment in support was received from the Ladywell Society.

#### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

#### 4.2.1 *Summary of themes of individual objections*

<b>Comment</b>	<b>Para where addressed</b>
Disagree that application is considered a Minor Material Amendment application	Para 43 43
Concern regarding hours of operation	Para 89
Concern regarding vehicles accessing the site	Paras 56, 94-98
Concern regarding the community hub usage data	Para 55
Concern regarding original final use of space where the temporary community hub is located	Para 54
Concern regarding the change of use into a permanent facility	Para 53
Concern regarding volume of usage	Paras 56
Concern regarding noise pollution	Para 89-89
Concern regarding trip generation	Paras 94-98

26 A number of other comments were also raised as follows:

- Comments regarding how RUSS operates the site in regard to income generation, such as concerns regarding its hire rates and offering as a co-working space.
- Concern regarding how further planning permissions will be sought to convert the community hub into further residential units.
- Comments regarding health and safety of the build in regard to national standards.

#### 4.2.2 **Comments in support**

27 16 comments were received in support of the scheme:

- Supportive of it being an affordable place for people to gather
- Its value as an essential community asset
- Construction of the building to a high standard
- Low embodied energy of the building
- Provision of the space as a permanent building is welcome addition given the local area has almost no community spaces
- Sense community that the community hub has provided
- Sustainable space that has been well designed
- Support in regard to the space providing an affordable co-working provision

28 The Ladywell Society also provided comments in support of the scheme. The Society commented that the permeance of the space would be welcomed given the Ladywell area currently suffers from a lack of choice of spaces for co-working and local groups.

### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

## 4.3 INTERNAL CONSULTATION

29 The following internal consultees were notified on 25<sup>th</sup> July 2022:

- Housing: no objection
- Highways: no comments provided

## 4.4 EXTERNAL CONSULTATION

30 The following internal consultees were notified on 25<sup>th</sup> July 2022:

- Environment Agency: no objection
- Thames Water: no objection
- Met Police: no comments provided
- Environmental Protection: no comments provided
- London Fire Brigade: no comments provided

# 5 POLICY CONTEXT

## 5.1 LEGISLATION

31 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).

32 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

33 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.

34 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.

35 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 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)

### Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

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

## 5.4 DEVELOPMENT PLAN

36 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

37 Lewisham SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

38 London Plan SPG/SPD:

- Character and Context (June 2014)

## 6 PLANNING CONSIDERATIONS

39 The main issues are:

- Principle of Development;
- Urban Design and Impact on Heritage Assets;
- Impact on Adjoining Properties;
- Highways and Transport
- Sustainability

### 6.1 PRINCIPLE OF DEVELOPMENT

#### *General policy*

40 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.

41 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.

#### 6.1.1 Section 73A

##### *Policy*

### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

42 Section 73A of the Town and Country Planning Act 1990 provides for retrospective planning applications to be made in respect of development which has been carried out without permission, and for applications for planning permission to authorise development which has been carried out without complying with some planning condition to which it was subject.

43 If granted, this decision would be an entirely new planning permission for the development described, subject to conditions.

*Discussion*

44 The development seeks retrospective consent under s.73A, due to it no longer complying with Condition 1 of its extant planning permission, DC/18/105951. In particular, the current community hub building was not removed prior to the expiration of four years starting from the permission date, this date being 7<sup>th</sup> June 2022.

45 In dealing with a s.73A application, the local planning authority must have regard to the provisions of the development plan, so far as material, and to any other material considerations. The local planning authority is also bound to consider the planning merits of permitting the development to continue.

45..1 **Provision of a Community Hub**

*Policy*

46 Policy S1 Developing London's Social Infrastructure states that boroughs should ensure the social infrastructure needs of London's diverse communities are met. New facilities should be easily accessible by public transport, cycling and walking and should be encouraged in high streets and town centres.

47 Core Strategy Policy 19 discusses the provision and maintenance of community and recreational facilities. It is stated that the Council will work with partners to ensure community facilities and services are provided, protected and enhanced across the borough.

48 DML Policy 41 discusses the provision of innovative community facilities, whereby the Council will encourage, where appropriate, the use of innovative solutions to the provision of community meeting space. Such facilities lie at the heart of neighbourhoods and are important in promoting good social cohesion and opportunities to meet, socialise, learn and development interests and skills.

*Discussion*

49 Providing community space is important to the Borough and wider London as it addresses the needs of current and future populations arising from increased development. The existing community hub will be co-located and will provide a space for multi-use facilities such as leisure, arts, culture, entertainment, sports and recreation.

50 The original plan for this site envisaged a permanent community hub within the main building, however that plan changed after the original permission was granted. Under DC/20/119250, the permanent community hub was removed from the main RUSS residential building on the site to facilitate the provision of more affordable homes, and an improved building form. As such, the applicant has always intended for the provision of a community hub to be located on the site.

**Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

- 51 Given the building in question was only ever intended for temporary use, it is necessary to clarify what the space where the temporary building is located was originally meant to be used for once the temporary building was to be dismantled. DC/17/104264 illustrated that part of the space was originally intended to be a playground. DC/20/119250 amended this, stating the amount of communal outdoor space had decreased as a result of the location of the temporary community hub. The location of the playground was then adjusted to the northern elevation closer to the Ravensbourne River. The Planning Officer at the time also noted that the site is located adjacent to Ladywell Fields which has extensive play and informal recreation opportunities. Therefore, Officers are comfortable that the associated changes to the communal open space and play area that result from allowing the community hub to continue to remain in perpetuity were addressed under DC/20/119250.
- 52 The applicant has provided a history of events held at the hub, as well as an Operations Management Plan Framework. The history of events data states that between September 2019-May 2022, 635 people attended approximately 70 events or community meetings at the community hub. Officers note that there have been no complaints made to the Council during the operation of these meetings or events. It is clear that the use of the hub has been popular during the period of September 2019-May 2022, with the evidence provided by the applicant clearly showing it is a regularly used space, albeit during COVID-19 lockdown phases where the use of all spaces like this one was restricted.
- 53 It was also suggested during the pre-application meeting in early 2022 that an Operations Management Plan (“OMP”) was provided; a framework OMP was provided in support of their application. This framework provides an agreed guidance on how the RUSS Community Hub will continue to be managed including how users book, how payments are made, conditions of hire, strict control of vehicles and the promotion of sustainable travel modes. RUSS has reiterated within their submitted information and the framework OMP that all users of the site must abide by their Standard Conditions of Hire for all bookings. On review of this OMP, and given no complaints have been received prior to the submission of this planning application, Officers are comfortable with the level of detail in the framework that provides clarity on how the community hub would continue to operate in perpetuity. . The framework OMP states what mechanisms are in place in regard to the management of the community facility, in particular how the facility is run, and the conditions users are to abide by.
- 54 In order to ensure the impact on the amenity of future and existing neighbours is minimised, Officers recommend the inclusion of a condition requiring a detailed OMP to be submitted to Council within six months of the planning permission approval date.

### **6.1.2 Type of Use Class**

#### *Policy*

- 55 London Plan Policy E8 discusses sector growth opportunities and clusters. In particular, the evolution of London’s diverse sectors should be supported, ensuring the availability of suitable workspaces including flexible workspace such as co-working space.
- 56 DML Policy 41 discusses the provision of innovative community facilities, whereby the Council will encourage, where appropriate, the use of innovative solutions to the provision of community meeting space. Such facilities lie at the heart of neighbourhoods and are important in promoting good social cohesion and opportunities to meet, socialise, learn and development interests and skills.

### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

## *Discussion*

- 57 Officers note that the applicant's states the community hub is used as a flexible multi-use space that can accommodate up to 50 people for events such as meetings, talks and small conferences. It is also noted that the community hub offers co-working spaces during business hours of the working week. Officers understand that a number of people work from the community hub 2-3 days of the week, with the potential to accommodate up to five people.
- 58 The original planning permission allowed the temporary community hub to operate for the purposes of a shared office and multi-use community hub, which is still in line with how the community hub currently operates. Therefore, Officers consider the continued use of the site to be a mixed use class of F2(b) and E(g)(i).
- 59 Some objections discussed concerns surrounding the permanence of the temporary community hub building and concern that the offering of the community hub for hire as a co-working space limits and prevents other users from booking the building during the day. Objectors were also concerned that if the community hub building becomes permanent, that this may extend its use into other uses outside of community facility purposes.
- 60 As mentioned above, the original planning permission for the community hub was for the purposes of a shared office and multi-use community hub, therefore it has always been the intention for the building to be used with an office capacity as well. This is consistent with the original plan, which was for the community hub, when it was a permanent feature within one of the main buildings on the site, to be a large gathering space, as well as a shared workspace. Officers also see the merit in the provision of a co-working space in this part of Ladywell, given there is a lack of this kind of facility in the local area.
- 61 Officers consider the continued use of the site as a mixed-use activity, being Class F2(b) (halls or meeting places for the principal use of the local community), and Class E(g)(i) (offices to carry out any operational or administrative functions), to be acceptable. As a mixed-use, there would be no permitted development rights to change the use without further planning permission.
- 62 **Principle of development conclusions**
- 63 The development is considered to fall within the scope allowed by s.73A, being that the development no longer complies with the time limiting condition as included within the extant planning permission. The retention of the building and its continued operation as a community hub would allow members of the community to continue to have this type of facility, as originally envisaged within the 2018 permission. This is considered to be a planning merit of the application, carrying weight within the overall planning balance.

## **6.2 URBAN DESIGN AND IMPACT ON HERITAGE ASSET**

### General Policy

- 64 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.

### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

- 65 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.
- 66 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.
- 67 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.

### *Policy*

- 68 London Plan Policy D3 states that development proposals should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character. It should also be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.
- 69 London Plan Policy HC1 states that proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.
- 70 Core Strategy Policy 15 High quality design for Lewisham repeats the necessity to achieve high quality design but also confirms a requirement for new developments to minimise crime and the fear of crime.
- 71 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.
- 72 DMLP 30 states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. The London Plan, Lewisham Core Strategy and Lewisham DMLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design. DM Policy 33 seek to protect and enhance the Borough's character and street frontages through appropriate and high-quality design.
- 73 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 and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.

### *Discussion*

#### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

- 74 Under the original planning permission DC/18/105951, it was conditioned that the development 'shall be constructed in those materials as submitted namely: patterned timber cladding, raised timber panelling, lime render on straw/cob, timber slats, timber windows and timber bi-fold doors'. These materials were considered acceptable by the Officer at the time to result in a high quality appearance. Additionally, no concerns were expressed at the time in regard to the size of the building.
- 75 DC/18/105951 also required a temporary boundary treatment to frame the accessway in order to prevent conflict between people accessing the community hub and the construction works for the main residential scheme. This included the installation of an additional line of hoarding/boundary treatment to be installed along the boundary with No. 11 Church Grove as at the time, the currently boundary condition was not secure. This hoarding/boundary treatment was to be constructed of either a solid wall of brick or timber where located directly on the boundary with No. 11 Church Grove, and a separate temporary hoarding parallel to the aforementioned boundary treatment, comprising of painted community art where it addresses the site internally. No concerns were discussed at the time of this approval.
- 76 The temporary painted community art hoarding is to be removed once construction of the main residential scheme is complete. The boundary treatment has been seen by the Senior Planning Officer, who has confirmed its finish in timber along the majority of this boundary, changing to a high-quality brick finish near the front garden of the No. 11 Church Grove site. As such, Officers continue to find the design and finish of this boundary treatment to be appropriate.
- 77 The building and hoarding has been subsequently built in the aforementioned materials. Officers have no concerns with the quality of the building in regard to urban design..

### **6.2.1 Urban Design and Impact on Heritage Assets Conclusion**

- 78 Officers consider that the building as-built and boundary treatment continues to be viewed as high quality structures.
- 79 Officers, having regard to the statutory duties in respect of Conservation Areas 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 St Marys Conservation Area.

## **6.3 IMPACT ON ADJOINING NEIGHBOURS**

### *General Policy*

- 80 NPPF para 127 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. At para 180 it 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 and living conditions.
- 81 This is reflected in relevant policies of the London Plan (LPP D3), the Core Strategy (CP15), the Local Plan (DMP32).

### *Discussion*

### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

- 82 An assessment into the building in regard to its temporary nature and impact on adjoining neighbours was carried out under DC/18/105951. At this time, it was found that the proposed building was appropriately distanced from the adjoining properties as it is approximately 9m from the south adjoining property (flank wall) and approximately 18m from the eastern adjoining property (residential window). The height of the building was also considered to be acceptable, keeping in with the surrounding context and was not considered to result in any adverse visual impact to surrounding occupiers.
- 83 In regard to windows, only one high-level non-opening window is located on the south side of the building. The only opening windows are located on the north and west facades of the as-built building in order to mitigate noise in regard to adjoining properties. The building was also constructed with natural fibre insulation for noise attenuation and absorption.
- 84 It was noted that some objections were in regard concerns regarding heightened noise pollution should the community hub continue to operate. Officers note that according to Council records, no complaints have been made in regard to excessive noise from the site.
- 85 Given the building was constructed with noise attenuation in mind, and that no complaints have been made in regard to noise prior to the submission of this application, Officers do not believe there would be any adverse impacts on neighbouring amenity from allowing the the community hub to continue to operate on the site. The building is sufficiently setback from the relevant boundaries, with no opening windows on these boundaries. As such for reasons, Officer consider the current operating hours to still be acceptable.

### **6.3.1 Impact on Adjoining Neighbours Conclusion**

- 86 Officers consider due to the siting of the building, and its construction, which took into consideration effects such as noise, would have no adverse impact in regard to its retention and continued operation.

## **6.4 HIGHWAYS AND TRAFFIC**

### *General Policy*

- 87 Policies T4, T5 and T6 of the London Plan address the mitigation of transport effects, cycling and parking. T4 seeks that proposals should reflect and be integrated with current and planned transport access. T5 and T6 seek to promote cycling and ensure carparking is restricted in line with levels of existing and future public transport accessibility and connectivity.
- 88 CS Policy 14 Sustainable movement and transport states that the access and safety of pedestrians and cyclists throughout the borough will be promoted. It also seeks a managed and restrained approach to the provision of car parking.
- 89 DM Policy 29 requires parking standards in accordance with CS Policy 14.

### *Discussion*

- 90 Officers have assessed the submitted transport information. The applicant has submitted an updated addendum Transport Statement and Travel Plan. This updated transport

### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

documentation has provided an analysis of the cumulative effect of the trip generation for both the Community Hub and residential scheme (once completed).

- 91 No changes have been proposed in regard to the access, parking, servicing and cycle parking associated with the site since it was approved under DC/18/105951. Additionally, Conditions 9a, 9b and 10 of DC/18/105951 in regard to the submission of the Travel Plan Coordinator, a travel survey and a travel plan/transport statement were submitted to the Council and subsequently approved and discharged under DC/19/110475 and DC/20/117170. The same accessible route from Church Grove to the community hub will be provided for once the residential scheme is complete.
- 92 As requested, the applicant has provided a cumulative trip assessment of both the community hub and RUSS residential scheme (once completed and occupied). The submitted information indicates that in the cumulative assessment there is a marginal increase in trips throughout the day and peaks, being 36 community hub trips on top of the 269 predicted trips from the residential units. It is also noted that there is predicted to be a maximum of two events per week which will generate additional trips. However, these are to be constrained by the maximum occupancy of 30 seated guests.
- 93 A modal split analysis has also been provided cumulatively of the residential scheme and community hub. A maximum of two car journeys could be generated by the community hub. As no parking is permitted for visitors at the community hub or adjacent streets due to a Controlled Parking Zone, these trips are considered to not have an unreasonable impact on the transport network.
- 94 Some objections were made in regard to concerns about parking on the site and how people will still be able to drive to and from the site to load/unload, or how taxis will be able to drop off and collect people using the facilities. It should be noted that general parking is not available or permitted on the site or adjacent roads due to the area being with a Controlled Parking Zone. Additionally, RUSS has maintained that any servicing and deliveries required for the community hub will be minimal and managed by RUSS volunteers. The framework OMP specifies that RUSS directs all users to use sustainable transport options, and that hirers with specific travel or accessible parking needs that do not align with the standard conditions of hire must make contact with RUSS ahead of any booking.

#### **6.4.1 Highways and Transport Network Conclusion**

- 95 Officers consider due to the marginal increase in trips generated by the community hub, being 36, is not considered to create an unacceptable effect in regard to impacts on the highway and transport network on the local and wider network. It has been calculated that only two additional car movements have been predicted, with the remainder other forms of transport, namely public transport.

## **6.5 SUSTAINABLE DEVELOPMENT**

### *General Policy*

- 96 Para. 149 of the NPPF requires Local Planning Authorities to take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies and decisions should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts

### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

- 97 LPP SI2 stated that major development should achieve zero carbon and should minimise peak energy demand in accordance with the following energy hierarchy: Be lean: use less energy; Be clean: supply energy efficiently; and Be green: use renewable energy.
- 98 CS Objective 5 reflect the principles of the NPPF and sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DMP 22 support this.
- 99 CSP 8 also states that developments of greater than 1,000sqm should fully contribute to CO2 emission reductions in line with the regional and national requirements, and make a financial contribution to an offset fund if this cannot be adequately achieved on site.
- 100 DM Policy 24 requires all new development to take into account and minimise the impacts on biodiversity.

#### *Discussion*

- 101 The development falls below the threshold for a major development and as such, the requirements of LPP SI2 and CSP 8 are not applicable to this application. The retention of the structure and its continued use is consistent with paragraph 152 of the NPPF, which encourages the reuse of existing resources as part of the transition towards a low carbon future.
- 102 In regard to sustainable urban drainage systems, it is noted that the temporary planning permission included conditions in relation to foul drainage and general drainage systems. Details of these systems were provided for the discharge of these conditions under DC/19/110475 which officers found acceptable at the time, particularly the arrangement to drain to a sewer. As such, officers are comfortable that these arrangements are still suitable in regard to the continued operation of the community hub.

#### **Sustainable Infrastructure conclusion**

- 103 The proposal is acceptable in terms of sustainable development, particularly given the continued use of an existing building.

## **7 LOCAL FINANCE CONSIDERATIONS**

- 104 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).
- 105 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 106 The CIL is not liable and is therefore not a material consideration.

### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

## 8 EQUALITIES CONSIDERATIONS

- 107 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.
- 108 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.
- 109 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.
- 110 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>
- 111 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
- 112 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>

### Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

113 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

114 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

115 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.

116 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.

117 This application has the legitimate aim of turning the community hub into a permanent facility. The rights potentially engaged by this application, including Article 8 and Protocol 1 Article 1 are not considered to be unlawfully interfered with by this proposal.

## 10 CONCLUSION

118 This application has been considered in the light of the wording of S73A of the Town and Country Planning Act 1990 (as amended), policies set out in the development plan and other material considerations.

119 The proposed retention of the building and its continued use as a mixed-use community hub is considered to be acceptable. The facility has been running successfully for a number of years without harm to the living conditions or neighbours or to the local highway network; its retention would be a planning merit in terms of providing social infrastructure and workspace, and a sustainable alternative to demolition and re-provision elsewhere.

## 11 RECOMMENDATION

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

### Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

## 11.1 CONDITIONS

### 1) APPROVED PLANS

The development shall be retained strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

EXISTING SITE LOCATION PLAN SBH-001 (REV P01); EXISTING SITE BLOCK PLAN SBH-002 (P01); PROPOSED SITE PLAN SBH-003 (REV P03); PROPOSED SITE BLOCK PLAN SBH-004 (REV P03); PROPOSED ELEVATIONS (NORTH & WEST) SBH-005 (REV P03); PROPOSED ELEVATIONS (SOUTH & EAST) SBH-006 (REV P03); SITE SECTION A-A SBH-007 (REV P03); SITE SECTION B-B SBH-008 (REV P03); GA PLAN SBH-009 (REV P03); ROOF PLAN SBH-010 (REV P04); HOARDING AND ENTRANCE DETAILS SBH-011 (REV P01); EXTERNAL LIGHTING PLAN SBH-012 (REV P02); ABORICULTURAL REPORT; DESIGN AND ACCESS STATEMENT; FLOOD RISK ASSESSMENT; HERITAGE IMPACT ASSESSMENT; OUTLINE CONSTRUCTION LOGISTICS PLAN; PARKING DEMAND ASSESSMENT; PERS AUDIT; PRELIMINARY ECOLOGICAL ASSESSMENT; REPTILE SURVEY; SECURITY IN DESIGN STATEMENT; TRAVEL PLAN; TRAVEL PLAN AND TRANSPORT STATEMENT (REV 2, JULY 2018). ADDENDUM TRAVEL STATEMENT & TRAVEL PLAN (REV 3, MAY 2022)

**Reason:** To ensure that the development is retained in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

### 2) RECYCLING AND REFUSE

The storage of refuse and recycling facilities as approved shall be retained and maintained for the life of the development approved herein.

**Reason:** In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011)

### 3) CYCLE PARKING

All cycle parking spaces shall be retained and maintained for the life of the development herein.

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

### 4) OPERATING HOURS

The premises shall only be open between the hours of:  
Monday – Friday: 8am – 9pm  
Saturday: 9am – 9pm  
Sunday: 10am – 5pm

#### Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

**Reason:** In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, DM Policy 32 Housing design, layout and space standards and the Development Management Local Plan (November 2014)

5) **DETAILED OPERATIONS MANAGEMENT PLAN**

- (a) Within six months of the date of this planning permission being issued, a detailed Operation Management Plan shall be submitted and approved in writing by the local planning authority.
- (b) The development hereby approved shall operate in accordance with the detailed Operation Management Plan approved under part (a) of this condition for the life of the development herein.

**Reason:** in order that the local planning authority may be satisfied the quality of the community hub provision hereby approved for permanent use is retained in accordance with London Plan (2021) Policy S1 and Core Strategy Policy 19 (2011).

6) **BOUNDARY TREATMENT**

The boundary treatments, being the timber and brick treatments along the boundary with No. 11 Church Grove shall be retained for the life of the development approved herein.

**Reason:** To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

7) **TRAVEL PLAN COORDINATOR**

The development shall operate in accordance the Travel Plan Coordinator as approved under DC/20/115287 for the life of the development approved herein.

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

8) **TRAVEL PLAN AND TRANSPORT STATEMENT**

The development shall operate in accordance with the Travel Plan and Transport Statement dated May 2022, associated with an approved version under DC/19/110475.

**Reason:** In order to ensure that satisfactory means of access is provided, to ensure that the development does not prejudice the free flow of traffic or

**Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

conditions of general safety along the highway and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

## 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.

## 12 BACKGROUND PAPERS

- (1) Submission Drawings
- (2) Submission technical reports and supporting documents
- (3) Internal consultee responses

## 13 REPORT AUTHOR AND CONTACT

Steph Taylor – [steph.taylor@lewisham.gov.uk](mailto:steph.taylor@lewisham.gov.uk) +44 208 3142 244 (ext. 42244)

### Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>