

Committee	PLANNING COMMITTEE C	
Report Title	OLD BANK BUILDING, SHARDELOES ROAD SE4 1EZ	
Ward	Brockley	
Contributors	Russell Penn	
Class	PART 1	24 MAY 2012

<u>Reg. Nos.</u>	DC/12/79206
<u>Application dated</u>	12/01/12
<u>Applicant</u>	Mrs L Stoute – Crime Reduction Initiatives.(CRI)
<u>Proposal</u>	The change of use of the Old Bank Building, Shardeloes Road, Brockley Cross SE4, to Use Class D1 (Non-residential institutions).
<u>Applicant's Plan Nos.</u>	Shardeloes Rd Grnd FI-proposed, Shardeloes Rd Grnd FI-existing, Location Plan, Supporting letter dated 9/1/12, Access Statement received 12/1/2012. Local Management Agreement for the Recovery Service received 29/2/2012. Drug and Alcohol Recovery Service – Consultation Report, Qualitative Responses from Online Survey, North Hub Consultation – Public Response received 13/4/2012.
<u>Background Papers</u>	(1) Case File DE/63/E/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Core Strategy or Adopted UDP - Existing Use

1.0 Property/Site Description

- 1.1 The site is located on the west side of Shardeloes Road within Brockley Cross Local Neighbourhood Centre. Immediately adjacent to the north of the site is a car repair business (sui generis) and a place of worship (Use Class D1). To the south is a large timber yard. Opposite the site are the rear yard areas of various retail shop units fronting onto Brockley Cross. Further to the south are a mixture of retail units and B1 office units. Further west is a day nursery and office premises located near to the railway line. The nearest facing residential properties are located on the south side of Brockley Cross. To the east and north are the rear curtilage areas of a number of other residential properties fronting Malpas Road and Millmark Grove respectively. To the rear of the site is the railway line.
- 1.2 The building on site is currently unoccupied and consists of a single storey 'L' shaped building set back from the footway by approximately 3m with a small tarmaced open front curtilage.

2.0 Planning History

2.1 In 1997 planning permission was granted for the change of use of the National Westminster Bank (Class A2) to offices (Class B1).

3.0 Current Planning Applications

3.1 The Proposals

3.2 Planning permission is sought for the change of use of the Old Bank Building, Shardeloes Road, Brockley Cross SE4, to Use Class D1 (Non-residential institutions).

3.3 The premises will be used by the Crime Reduction Initiative (CRI) Community Substance Misuse and Recovery Team primarily as a counselling centre with some clinical prescribing, a needle exchange programme, aftercare and life skills training. This will provide fully integrated services to support the rehabilitation and recovery of service users in the process of making lifestyle changes.

3.4 No extensions or external changes are proposed to the building. Internally the layout will be rearranged to provide group meeting spaces, one to one counselling spaces, waiting areas, toilet facilities and a staff office.

3.5 The service is intended to be open to clients between 10am to 6pm Monday to Saturday by appointment only with staff at the premises between 8am and 8pm.

3.6 Supporting Documents

- Access Statement
- Covering letter outlining the role of the Crime Reduction Initiative (CRI) as a charity and the suitability and operation of the site as an adult clinical, drug counselling and recovery service facility.
- Local Management Agreement for the Recovery Service to be provided by CRI at Old Bank Building, Shardeloes Road.
- Drug and Alcohol Recovery Service – Consultation Report.
- Qualitative Responses from Online Survey
- North Hub Consultation – Public Response

4.0 Consultation

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

4.2 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors. Following the submission of further supporting information a further site notice was displayed and letters resent

to residents and businesses in the surrounding area to advise them of the additional information.

Pre-submission consultation.

- 4.3 For clarification purposes, the Council is aware that a pre submission-consultation exercise has been carried out with local residents by the applicant, prior to the submission of the application. Details of this and the results have been supplied as part of the planning application in the following reports Drug and Alcohol Recovery Service Consultation Report, Qualitative Responses from Online Survey and North Hub Consultation Public Response.

Written Responses received from Local Residents and Organisations

- 4.4 One letter of support and eight letters of objection have been received stating many of the same points. These have been summarised as follows:

- The fear of increased crime, anti social behaviour and disorder associated with the use is highlighted in varying degrees of severity in a number of letters.
- The use will cause an increase in beer cans, bottles, uneaten food and needles.
- The use will cause an increase in parking.
- Such a use is not appropriate in the immediate area.
- Concern that the management guarantees for the running of the centre will not be adhered to.
- Users of the centre will not be from Brockley.
- The presence of a treatment centre is contrary to the Core Strategy vision for Brockley.
- Adjoining uses are incompatible with a treatment centre.
- The location is unsuitable due to being on a dangerous junction; it has poor pedestrian access and will add to the unsafe feeling on Shardeloes Road.
- A strict management plan is needed to control the functioning of the centre.
- One objection received includes details of a petition signed by 103 signatures between October 31 2011 and November 23 2011 in response to the pre-consultation exercise carried out by the applicant prior to the submission of the current planning application. The petition states "We the undersigned, call on Lewisham Council to withdraw their proposal to open a Drug & Alcohol Treatment Service Centre in Brockley Cross – the Old Bank on Shardeloes Road"

- In support the need for such centres is acknowledged and it is highlighted that the tight management of the site is reassuring in that any client anti social behaviour will not be tolerated.

(Letters are available to Members)

Written Responses received from Statutory Agencies

Highways and Transportation

- 4.5 The proposal is unobjectionable in principle subject to details of refuse/recycling storage and collection points and dry and secure cycle storage points.

5.0 Policy Context

Introduction

- 5.1 In considering and determining applications for planning permission the local planning authority must "have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations" (Section 70 (2) of the Town and Country Planning Act 1990). Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. This approach is reflected in PPS 1, where, at paragraph 8 (and again at paragraphs 28 and 31), it is confirmed that, where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011).

National Planning Policy Framework (NPPF)

- 5.2 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states that (paragraph 211), policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. In summary, this states, that for a period of 12 months from publication of the NPPF decision takers can give full weight to policies adopted since 2004 even if there is limited conflict with the NPPF. Following this period weight should be given to existing policies according to their consistency with the NPPF.
- 5.3 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, 214 and 215 of the NPPF.

Ministerial Statement: Planning for Growth (23 March 2011)

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

London Plan (July 2011)

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

Policy 2.6 Outer London: vision and strategy
Policy 3.1 Ensuring equal life chances for all
Policy 3.2 Improving health and addressing health inequalities
Policy 3.16 Protection and enhancement of social infrastructure
Policy 3.17 Health and social care facilities
Policy 4.7 Retail and town centre development
Policy 5.3 Sustainable design and construction
Policy 5.4 Retrofitting
Policy 5.7 Renewable energy
Policy 6.1 Strategic approach
Policy 6.3 Assessing effects of development on transport capacity
Policy 6.13 Parking
Policy 7.1 Building London's neighbourhoods and communities
Policy 7.2 An inclusive environment

Core Strategy

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

Core Strategy Objective 11: Community well-being

Spatial Policy 4: Local hubs

Core Strategy Policy 6: Retail hierarchy and locations of retail development

Core Strategy Policy 15 High quality design for Lewisham

Core Strategy Policy 19: Provision and maintenance of community and recreational facilities

Core Strategy Policy 20: Delivering educational achievements, healthcare provision and promoting healthy lifestyles

Unitary Development Plan (2004)

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

URB 3 Urban Design

HSG 4 Residential Amenity

6.0 Planning Considerations

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

- a) Principle of Development
- b) Vitality and Viability of the Local centre
- c) Design
- d) Highways and Traffic Issues
- e) Impact on Adjoining Properties

Principle of Development

- 6.2 London Plan Policy 3.1 Ensuring equal life chances for all, states that the Mayor is committed to ensuring equal life chances for all Londoners to enable them to realise their potential and aspirations and to make a full contribution to the economic success of the city. Policy 3.2 Improving health and addressing health inequalities also states that the Mayor will work in partnership with the NHS in London boroughs and the voluntary and community sector as appropriate to reduce health inequalities and improve the health of all Londoners.
- 6.3 Core Strategy Objective 11: Community well-being states that the Council with its partners will provide and support measures and initiatives that promote social inclusion and strengthen the quality of life and well-being for new and existing residents of the borough by addressing deprivation and health inequalities and providing high quality health and education facilities that are accessible and suitable to all of Lewisham's residents to foster independent community living.
- 6.4 Core Strategy Policy 19: Provision and maintenance of community and recreational facilities states that the Council will work with its partners to ensure a range of health, education, policing, community, leisure, arts, cultural, entertainment, sports and recreational facilities and services are provided, protected and enhanced across the borough.
- 6.5 Core Strategy Policy 20: Delivering educational achievements, healthcare provision and promoting healthy lifestyles states that the Council will improve health and promote healthy lifestyles across the borough by exploring new ways to improve opportunities for healthy and active lifestyles and reducing health inequalities across the borough.
- 6.6 Retained Policy LCE 1 Location of New and Improved Leisure, Community and Education Facilities of the adopted UDP states that facilities serving local neighbourhoods or special needs groups should be located preferably in a District Centre, but a Local Centre may be acceptable.
- 6.7 Therefore the principle of the change of use of the building is considered acceptable at this location in Brockley Cross given its status as a Neighbourhood local centre. However this is subject to the scheme's compliance with all other relevant development plan documents and policies most notably in terms of its

impact on the vitality and viability of the local centre and amenity to neighbouring property as discussed below.

Vitality and Viability

- 6.8 Core Strategy Policy 6: Retail hierarchy and location of retail development states that in the Neighbourhood local centres, change of use and contraction of the shopping facilities will be considered if evidence is established that there is no economic prospect of such uses continuing. In this case the current use of the building is vacant and although located in the local centre its position is relatively isolated in respect of other 'A' category Use Classes in the centre. Consequently it does not benefit from a high degree of footfall or potential passing trade.
- 6.9 Therefore given the vacancy of the unit and it not having a prominent centre location and given the thrust of policy to allow greater flexibility for such peripheral locations, the proposed change of use of this unit is considered acceptable in this particular instance without harming the vitality and viability of the centre. However, given the scope of the D1 use class that covers a multitude of uses, restriction to the proposed use applied for is considered to be necessary to allow the Council to control the use on site.

Design

- 6.10 There are no external alterations proposed to facilitate the change of use, only the refurbishment and internal layout alterations. Any other such external alterations that may be required will be subject to obtaining further planning permission as appropriate to assess the impact in visual terms of the character or appearance of the building.

Highways and Traffic Issues

- 6.11 In terms of highway implications, the site is well located within 150m distance of Brockley railway station and within close proximity of a number of bus routes. Within the submitted Access Statement, the applicant has stated that they do not anticipate clients to drive to the premises and that staff will also use public transport systems. The Councils Highway officer has not raised any objection to the proposal regarding these issues and therefore it is not anticipated that there will be any negative effects in terms of any extra traffic generation or servicing requirements over and above those associated with a similar use in a Local neighbourhood centre location.
- 6.12 Any necessary deliveries which would be minimal given the use, will be carried out from Shardeloes Road during permitted hours. Details of refuse arrangements have not been given. A refuse management plan can ensure that this is carried out appropriately which can be secured by condition. Similarly no details have been supplied regarding any provision for cycle parking for staff and visitors. This can also be secured by a suitable planning condition.

Impact on Adjoining Properties

- 6.13 HSG 4 Residential Amenity states that the Council will seek to improve and safeguard the character and amenities of residential areas throughout the Borough. Policy STC7 states that a change of use in local centres will take account of any harm to the amenity of adjoining properties, including that created

by noise and disturbance, smell, litter and incompatible opening hours. In its justification it is pointed out that allowing non-retail uses can help prevent vacancies and the detrimental effect that this can have on the appearance, function and economic health of a centre.

- 6.14 The nearest residential properties are located approximately 40 to 50m north, east and south of the site.
- 6.15 It is acknowledged that objection has been raised from local residents regarding potential noise, disturbance and anti social behaviour that may be associated with the proposed use of the centre. However, the applicant has submitted a Local Management Agreement for the Recovery Service as an additional document that is to be adhered to regarding the operational function of the centre. This document advocates a zero tolerance policy for anti social behaviour for any of its clients.
- 6.16 Therefore the level of activity that is to be generated from this proposal is considered to be modest, and in officers views it would not have a significant impact on the neighbouring residential properties given the tight management scheme that is to be operated on site. Furthermore, the stated hours of operation are considered acceptable in this location.
- 6.17 However, given the concern raised by occupiers of neighbouring property in the locality it is considered by Officers that a temporary permission should be issued to allow the use of the centre to be monitored to ensure compliance with the submitted Local Management Agreement on going.

7.0 Conclusion

- 7.1 This application has been considered in the light of policies set out in the development plan and other material considerations including policies in the Core Strategy.
- 7.2 On balance, Officers consider that the proposed use of the building is acceptable in this location and is not considered to have a detrimental impact on the neighbouring residential properties or the local centre as a whole.

8.0 Summary of Reasons for Grant of Planning Permission

- 8.1 The local planning authority has considered the particular circumstances of the application against relevant planning policy set out in the London Plan (July 2011), saved policies in the adopted Unitary Development Plan (July 2004) and the adopted Local Development Framework – Core Strategy (June 2011). The local planning authority has further had regard to Government Planning Policy Guidance and Statements, and all other material considerations. The local planning authority considers that:
- 8.2 The proposal satisfies the Council's Land Use and environmental criteria and is acceptable in principle, being in accordance with Objective 11, Spatial Policy 4 'Local hubs', Policy 6 'Retail hierarchy and location of retail development, Policy 20 'Delivering educational achievements, healthcare provision and promoting healthy lifestyles' of the Core Strategy (June 2011) and retained policies STC 7 Local Shopping Centres, LCE 1 Location of New and Improved Leisure,

Community and Education Facilities, HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

- 8.3 The proposal is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the surrounding area, or the amenities of neighbouring occupiers. The proposal is thereby in accordance with Objective 11, Spatial Policy 4 'Local hubs', Policy 6 'Retail hierarchy and location of retail development, Policy 20 'Delivering educational achievements, healthcare provision and promoting healthy lifestyles' of the Core Strategy (June 2011) and retained policies STC 7 Local Shopping Centres, LCE 1 Location of New and Improved Leisure, Community and Education Facilities, HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

9.0 **RECOMMENDATION**

GRANT PERMISSION subject to the following conditions:-

- (1) The use hereby permitted shall be discontinued and the land restored to its former condition on or before the 30 June 2015.
- (2) The premises shall be used for an adult clinical, drug counselling and recovery service and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).
- (3) The premises shall not be open for customer business on any Sunday or Bank Holiday, and after the hours of 18.00 and before 09.30 on any weekday or any Saturday.
- (4) Notwithstanding the information submitted, details of the design of refuse and recycling storage facilities and/or a refuse management plan for all general waste and for separate clinical waste disposal shall be submitted to the local planning authority and approved in writing. The works shall be carried out in accordance with the approved details and the provision for refuse and recycling storage and/or a refuse management plan shall be provided prior to the first occupation of the development permitted and retained permanently.
- (5) Details of the design and appearance of dry and secure cycle storage facilities shall be submitted to the local planning authority and approved in writing. Such provision shall be erected and available for cycle storage prior to the first occupation of the development permitted and retained permanently.

Reasons

- (1) In order that the local planning authority may assess the impact of the use at the end of the limited period hereby permitted, in the light of any complaints received and any other material considerations existing at the time.
- (2) To ensure that any other use of the building would be suitable in this predominantly residential area and to protect the amenities of the

occupiers of adjoining premises and the area generally and to comply with Policies, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

- (3) To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to comply with Policies ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).
- (4) In order that the local planning authority may be satisfied with the provisions for refuse and recyclables storage and collection in the scheme and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) and Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).
- (5) In order that the local planning authority may be satisfied with the provisions cycle storage in the scheme and to comply with Policy 14 Sustainable movement and transport of the adopted Core Strategy (June 2011).