

Committee	PLANNING COMMITTEE (C)	
Report Title	HARE AND BILLET PUBLIC HOUSE, 1A ELIOT COTTAGES, BLACKHEATH SE3 0QJ	
Ward	Blackheath	
Contributors	Gemma Barnes	
Class	PART 1	Date: 16 AUGUST 2012

<u>Reg. No.</u>	DC/12/79769 as revised
<u>Application dated</u>	22.03.2012 and revised 15.05.2012, 22.05.2012, 28.05.2012 & 26.07.2012.
<u>Applicant</u>	Sampson Associates on behalf of Greene King Pub Company
<u>Proposal</u>	Alterations to the side elevation including the installation of new double doors and two new windows to replace existing window and door, together with internal upgrading of the existing extract ducting at the rear of the property and partial demolition and rebuild of the yard wall.
<u>Applicant's Plan Nos.</u>	2445.7807.01.01,2445.7807.02.00, 2445.7807.04.00, 2445.7807.06.00, Site Plan, Black and White Photos x 3 A3 sheets, AAC Euro vent Technical Information sheet, Design and Access Statement and Heritage Statement received 23 rd May 2012; Applicants Emails received 15 th and 22 nd May 2012; Drawing Nos. 2445.7807.05.01, 2445.7807.03.04 & 2445.7807.06.00 received 28 th May 2012; McCulloughs Ltd Letter and Technical Information received 28 th May 2012 and drawing no.2445.7807.03.04 received 26 th July 2012.
<u>Background Papers</u>	(1) Case File LE/684/B/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents – specifically Core Strategy (4) The London Plan (2011) (5) National Planning Policy Framework (2012)
<u>Designation</u>	PTAL 4, Area of Special Character, Area of Archaeological Priority, Blackheath Conservation Area.
<u>Screening</u>	No screening opinion required given nature of the proposal.

1.0 Property/Site Description

This application relates to the Hare and Billet Public House which is located on the corner of Hare and Billet Road and Eliot Place (Eliot Cottages) directly opposite the pond on Blackheath. The main building of the pub is a brick built three storey end of terrace property, attached to the rear is a two storey brick built addition which became part of the pub in 1995. The main building has a pitched roof set behind a high parapet, there are uniform window openings at first and second floor level (infilled on the west elevation) and a traditional public house façade on the ground floor. The first and second floors are set back from the ground floor on the north elevation which allows for a small terrace at first floor level.

- 1.1 The Hare and Billet public house is a key building in this group of properties and a notable landmark. The prominent chimneystacks and the stuccoed surrounds to the blank windows on its western façade are visible for some distance and form an important part of the Blackheath skyline.
- 1.2 The pub is accessed on the north elevation. There is a closed yard in the southern section of the site which is used as a bin store area.
- 1.3 Adjoining the pub to the east is a terrace of 4 storey (3 storey plus roofspace) period properties comprising commercial uses on the ground floor with residential above. Adjoining the pub to the south is a terrace of 4 storey (including basement) residential dwellings. The properties fronting Hare and Billet Road, Eliot Place and Grottes Cottages form an island, the properties are generous in scale but occupy small footprints giving rise to a compact form of development whereby occupiers overlook each other at close proximity, particularly at the rear of the pub.
- 1.4 No.1 Eliot Cottages shares a party wall with the rear section of the pub. No.9 Hare and Billet Road abuts main pub building. No.9 is in commercial use at ground floor and residential use on the upper floors, the kitchen to the residential unit is located in the rear projection so overlooks the existing first floor toilets in the pub and the existing extract ducting in close proximity. It is important to note that the occupier of no.9 has a bathroom window close to the shared boundary and a roof terrace abutting the shared boundary. No.2 Grottes Place has clear views of and is located fairly close to, the existing extract duct given the close proximity of the bedroom window to the pub boundary.
- 1.5 In a wider context the site lies just outside Blackheath Village centre in a predominantly residential area although there are 3 commercial units to the east of the pub.

2.0 Planning History

1955: Erection of single storey lavatory extension. Granted.

1955: Alteration, including the formation of new vehicular access to the garage and store. Granted.

1986: Alterations and erection of single storey extension within the existing yard area and an enclosed corridor and stairs at first floor level. Granted.

1990: The construction of a brick wall, gates and canopy to provide a bin enclosure. Granted.

1992: The construction of a brick wall, gates and canopy to provide a bin enclosure. Granted.

1995: The erection of a parapet wall at first floor level on the roof of the pub to screen existing cooling plant. Granted.

1994: The installation of external extract ductwork above part of the roof at second floor level increase in height of the existing parapet wall to partly obscure the ductwork. Granted.

1996: The display of 2 externally-illuminated fascia signs plaque and 2 blackboards together with the erection of a lantern on the front elevation. Granted.

3.0 Current Planning Applications

The Proposals

3.1 Planning permission is sought for external alterations to elevations of the building by way of:

- Removal of the existing fire exit door and surrounding glazed sections in the west elevation of the rear section of the pub and insertion of replacement double width door (the existing opening is large enough to accommodate the new door without alteration). The new doors will be of traditional style and material with glazed panels on the upper section and fixed panels on the lower section. The glazed sections will be sealed double glazed units for soundproofing;
- Demolition of part of the rear yard wall and rebuild of the pier to reduce the length of the wall by 0.6m;
- Alteration to the existing steps to provide access to the new doors (fire escape access only);
- Removal of the existing ground floor door and window in the west elevation of the rear pub building and insertion of replacement timber framed sash windows. The windows will be double glazed units for soundproofing with an obscure self adhesive film over the inner skin. Infill up to the cills where the door has been removed will be undertaken in bricks to match the existing building;
- Application of obscure adhesive film to the inside face of the existing sash windows at first floor level in the west elevation of the rear section of the pub;
- Repair and maintenance of the existing windows in the north elevation of the rear pub building (currently serving toilets). The windows will be fixed shut and obscured with an internal film to prevent opening or views out of the proposed relocated kitchen;
- Re-hanging the existing fire escape door in the south elevation of the main pub building so that it opens outwards in direction of escape;
- Replacement of existing fanlights in the ground floor windows in the north and west elevations of the main building;

- 3.2 The above alterations are required as a result of the catering kitchen and customer toilets being moved from the ground floor to the first floor to provide further trading space (for dining) at ground floor level. A new disabled toilet will also be provided at ground floor level.
- 3.3 It is also proposed to upgrade the existing extract duct by way of enhanced vapour control and soundproofing. Additional trunking will be provided internally linking into the existing external duct. No alterations to the external ducting are required. Details of this have been submitted although it should be noted that planning permission is not in fact required for these internal alterations. Notwithstanding that planning permission is not required the details submitted have been discussed with the Council's Environmental Health Officer and are considered to be fit for purpose and therefore acceptable.
- 3.4 The external alterations subject of this application are required to facilitate the extension of trade area for dining within the pub. Internal rearrangement of the building to increase the size of the dining area, relocate the toilets and kitchen is proposed. Extension of dining facilities for the pub and the internal works required to facilitate this increase in dining does not require planning permission. The size of the building will remain the same, the primary use of the building as a drinking establishment will remain the same. Ancillary uses such as dining do not require planning permission neither does the intensification of ancillary uses provided the primary function of the building as a drinking establishment is retained. It would be unreasonable and inappropriate to consider the merits and impact of additional trade/dining facilities as part of this application as planning permission is only required for the external alterations.
- 3.5 The applicant is required to obtain permission from the Licensing Department of Lewisham Council for the increase in dining facilities by way of a variation to the Premises License. This is a separate matter to be controlled under relevant Licensing legislation and cannot form part of the consideration of this planning application.
- 3.6 A variation to the Premises License was granted by Lewisham Council on 11th July 2012.

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.

A site notice was displayed and letters were sent to adjoining residents and the relevant ward Councillors. The Council's Conservation Officer and Environmental Health were also consulted.

The application was advertised in the press on 9th May 2012.

At the time of writing the following responses had been received.

Written Responses received from Local Residents and Organisations

4.2 At the time of writing 15 letters of objection had been received from the Occupiers of 1, 1a, 3, 4, 5 Eliot Cottages, 7, 13, 14, 15 Eliot Place, 1, 2, 5, 6, 7 Grotes Place, 9 Hare and Billet Road (x 4 letters). The following objections were raised:-

- The proposed changes are required for the increase in trade at the pub, this is harmful to neighbours and the area;
- Residents are already disturbed by the operation of the pub, this will get worse with more customers;
- Any alterations to the side elevation of the pub will affect residents in Eliot Cottages;
- The existing side access door is only used as a fire escape, this does help to reduce impact on residents in Eliot Cottages but what about the proposed access doors;
- New windows in the side elevation would increase noise into Eliot Place;
- There are concerns about introducing customers to the rear section of the pub where the party wall is shared with Eliot Cottages;
- There is already a problem with customers urinating outside the pub, this will be made worse if the toilets are moved upstairs;
- More customers will mean more noise and disturbance;
- Moving the kitchen upstairs will increase fire risk;
- There are already problems with customers standing on the pavement smoking and drinking which blocks the pavement, this will get worse;
- The additional windows will harm the conservation area;
- There are plans to use the Heath as a picnic area, this will cause nuisance in the public space;
- Use of the Heath for drinking will pose a threat to the wildlife on the Heath and in the pond;
- Moving the kitchen will cause odour pollution;
- The pub poses a threat to children that live in this area;
- The extension of opening hours in 2005 has led to more noise and disturbance;
- The pub already breaches its delivery times;
- The drawings submitted are incorrect particularly with respect to the arrangement with no.9 Hare and Billet Road;
- The Design and Access Statement and Heritage Statement incorrectly describes the neighbouring buildings;
- The proposal to 'black-out' the windows will harm the appearance of the building and conservation area;
- Insufficient public consultation was undertaken;

- The application should have been accompanied by a noise survey to show the impact of the use on neighbours;
- The plans submitted show an existing kitchen on the first floor, this is not correct;
- The proposal is not sustainable and will harm the heritage asset and neighbours;
- The only benefit of this proposal is an economic benefit for the pub;
- Has an Environmental Assessment been carried out, this is important given the location of the pub near the Heath;
- A larger/more powerful extract flue would harm neighbouring properties;
- The proposal is contrary to Policies URB1, URB2, URB4, URB16, PRO2, PRO11 and the NPPF and should therefore be refused.

(Letters are available to Members)

4.3 Given the number of objections received a Local Meeting was held on 10th July 2012. The notes from the meeting are attached as Appendix A to this report. As a result of the meeting additional representations were received from the Occupier of 14 Eliot Place. The following points were raised:-

- Greene King need to explain how the proposal conforms to their published Corporate Social Responsibility Goals on reducing health and safety risks;
- Greene King should be able to provide information on how additional custom will lead to an increase in outside smoking;
- Greene King refused to address legitimate concerns about the above issues at the Local Meeting.

Written Responses received from Statutory Agencies

Environmental Protection

4.4 **Initial Comment:** The scheme for the new kitchen extract includes, attenuator and odour control units to be housed within loft space but these are connected into the existing ducting at roof level. The existing ducting follows a bit of a convoluted route and when viewing the photos the discharge is directed onto the roof, which doesn't adequately distribute the odour so I wouldn't normally consider this as being appropriate. In saying this however, the system is existing and they don't appear to be applying for a change in the ducting. In the light of the above it is therefore important to ensure that they are using an appropriate odour control system. With the ozone odour control system proposed, this system should run in conjunction with high efficiency particulate removal, such as an electrostatic precipitator. Please could you check whether they plan to include this. Also they will need to consider the volume flow rates as to how many Ozone units they'll need, which can be coupled together. Could you get confirmation of how many they're using and a statement of how this satisfies the rate of use expected.

4.4.1 **Final Comments:** The details are fine and on that basis I'd have no objections to approving these plans with the additional data supplied via the e-mail.

Conservation Officer

- 4.5 **Initial Comments:** This is a prominent local landmark building which is noted in the Blackheath Conservation Area Appraisal . It sits on the edge of Blackheath and has three visible elevations.
- 4.5.1 I have no objection to replacing the modern door and small window in the coach house to the rear with two sash windows and the principle of this is considered an improvement. However, they should reflect the proportion of the existing windows, which are similar throughout. I am slightly more concerned with the internal blanking out of the upper three windows as with a little careful internal rearrangement I think this could be saved with obscured glass. Blanking out windows can look tatty over time.
- 4.5.2 Additionally, I am concerned about the replacement of the fire exit doors with plain glazed doors. I do not consider this to be sympathetic and although re-ordering of this small part of the elevation is not opposed, the style of the new doors do not complement the existing building as the current doors do. These doors are also very visible and so their impact on the significance of the host building is great. I am also unconvinced by the rebuilding of the gate pier to accommodate the fire exit. I would like further justification that this is necessary and also this would need to be conditioned (pointing and reuse of brick and coping) if approved.
- 4.5.3 I don't consider the alteration to the ventilation duct (which appears to be just a small external vent?) to have a harmful impact on the character of the conservation area as it is not visible.
- 4.5.4 I have no comment to make on the internal alterations as this is not a listed or locally listed building.
- 4.5.5 **Final Comments:** The revised plans are acceptable subject to the recommended conditions.

5.0 Policy Context

Introduction

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

policies in the London Plan (July 2011). The National Planning Policy Framework does not change the legal status of the development plan.

National Planning Policy Framework (NPPF)

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

Ministerial Statement: Planning for Growth (23 March 2011)

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

5.7 Other National Guidance

The other relevant national guidance is:

By Design: Urban Design in the Planning System - Towards Better Practice (CABE/DETR 2000)

5.8 London Plan (July 2011)

The London Plan policies relevant to this application are:

- Policy 4.1 Developing London's economy
- Policy 7.1 Building London's neighbourhoods and communities
- Policy 7.2 An inclusive environment
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology
- Policy 7.15 Reducing noise and enhancing soundscapes

5.9 Core Strategy

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

Spatial Policy 1 Lewisham spatial strategy

Spatial Policy 3 District hubs

Spatial Policy 5 Areas of stability and managed change

Core Strategy Policy 15 High quality design for Lewisham

Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

5.10 Unitary Development Plan (2004)

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

STR URB 1 The Built Environment

URB 3 Urban Design

URB 6 Alterations and Extensions

URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas

ENV.PRO 9 Potentially Polluting Uses

ENV.PRO 11 Noise Generating Development

HSG 4 Residential Amenity.

6.0 Planning Considerations

As this application relates only to external alterations to the elevations, the main issues to be considered are:

- (a) Principle of Development
- (b) Design including impact on the Conservation Area
- (c) Impact on Adjoining Properties
- (d) Sustainability

6.1 Principle of Development

This application seeks consent for external alterations to the building. The external alterations are sought in order to facilitate the internal alterations required to increase the trade area on the ground floor. It is intended to use the additional trade area for dining purposes. This would create an additional 30 covers. As discussed in section 3 of this report planning permission is not required for the internal alterations, relocation of kitchen and toilets or increase in dining facilities. No change of use is required in planning terms as the primary use of the premises as a drinking establishment will be retained. Consequently as the application only relates to external alterations there is no objection in principle.

6.2 Design

- 6.2.1 National and local planning policies place considerable emphasis on the importance of achieving high quality design that complements existing development, established townscape and character. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. All new developments should contribute towards improved safety and security and new buildings must be fully accessible. New development must conserve the significance of heritage assets and their setting. When critiquing design local planning authorities must take a proportionate approach to the type of development proposed and its context.
- 6.2.2 It is not proposed to extend the existing building by way of footprint or height. As originally submitted the proposal was not considered to be acceptable in terms of the detailed design of the replacement windows and doors and the proposed method for obscuring the upper floor windows. Following advice given by the Council's Conservation Officer the applicant has submitted revised plans. The revised submission has been discussed with the Council's Conservation Officer, who is now satisfied with the proposal.
- 6.2.3 Removal of the existing fire exit door and surrounding glazed sections in the west elevation of the rear section of the pub and insertion of replacement double width door is considered to be acceptable. The doors are required for emergency access and to provide additional light into the proposed dining area. The design of the doors has been altered to ensure a more traditional appearance. The glazed windows panes in the upper sections of the doors will match the proportions and style of the traditional sashes within the building. The timber framed doors will have fixed panels on the bottom and the doors will be painted in a colour to be agreed by the local planning authority. A condition is recommended requiring 1:5 elevations and sections of all replacement windows and doors to enable the local planning authority to control the detailed design.
- 6.2.4 It is proposed to extend the width of the steps that currently provide access to the above opening. This will be undertaken in materials to match the existing steps which is acceptable.
- 6.2.5 There is an existing brick wall along the western edge of the site separating the rear yard from the pavement of Eliot Cottages. This wall provides a screen to the refuse storage area making a positive contribution to the streetscene. It is proposed to remove the existing brick pier and demolish part of the wall to reduce its length by 0.6m. This is required to open up the area in front of the fire exit doors in case they are required for an emergency and also to allow additional light into this part of the building and views out of this part of the building. The brick pier will be re-erected from the original bricks, coping and capping stones and therefore it is not considered that the alterations to the wall would adversely affect the character or appearance of the building or visual amenity of the street scene.
- 6.2.6 Removal of the existing ground floor door and window in the west elevation of the rear pub building is welcome from a design perspective as the modern door and window do not match the traditional style, proportions and detailed design of other fenestration within the building. The replacement sash windows will match the proportions, style and material of the sash windows above with matching cills.

- 6.2.7 The void below the window will be infilled with bricks to match the existing building. The replacement windows will enhance the appearance of this section of the building which will improve the heritage asset.
- 6.2.8 It is proposed to apply an obscure adhesive film to the inside face of the ground and first floor windows in the west elevation of the rear pub building and the first floor windows in the north elevation. This is required for privacy reasons. This method of obscuring the glass is considered by Conservation Officers to be the most appropriate solution as it will not harm the character and appearance of the building.
- 6.2.9 Repair and maintenance of the existing windows in the north elevation (currently serving toilets) would be a welcome improvement. The windows are currently in a poor state of repair and whilst they are not visible from any public viewpoint, good maintenance of buildings, particularly heritage assets is always welcome. The obscure adhesive film is an appropriate way of protecting the privacy of the neighbouring occupier (no.9 Hare and Billet Road).
- 6.2.10 The re-hanging of the fire escape door in the south elevation of the main building will have no design impact.
- 6.2.11 It is proposed to replace the existing fanlights in the ground floor windows in the north and west elevations. The replacements will match the existing in terms of size, position and design. This is acceptable.
- 6.2.12 It is also proposed to upgrade the existing extract duct by way of enhanced vapour control and soundproofing. Additional trunking will be provided internally, linking into the existing external duct. No alterations to the external ducting are required and therefore there would be no visual impact on the character or appearance of the building.
- 6.2.13 Overall it is considered that the proposed external alterations to the building are acceptable in design terms as they would not adversely affect the character or appearance of the building and would not harm the Blackheath Conservation Area. Consequently the proposal complies with adopted design policies.

7.0 Impact on Adjoining Properties

- 7.1 Policy HSG 4 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance. Policies ENV.PRO 9 and ENV.PRO 11 of the UDP seek to ensure that residential occupiers are afforded an adequate level of protection from commercial uses in respect of noise and odour pollution.
- 7.2 A number of objections have been received in respect of this application as set out in section 4 of this report. Many of the objections relate to problems experienced as a result of the use of this premises as a pub and impact of increasing the trade area/dining facilities at the pub. As discussed in earlier sections of this report planning permission is not required for the increase in trade area/dining facilities. The primary use of the building as a whole, in planning terms is a drinking establishment (Use Class A5). Planning legislation allows for ancillary uses to take place without the need for additional planning consent to be obtained.

- 7.3 This would cover use of parts of the building for consumption of food provided the main use is still as a pub. In planning terms the lawful use of this building in its entirety is a pub which means the entire floor area of the building can be used for this purpose and other ancillary uses.
- 7.4 It is therefore only appropriate to assess as part of this application those elements which require planning permission. Assessment of the impact of the development and how it conforms to adopted planning policies in this case is restricted to the external alterations only. Whilst objections have been submitted regarding the use of the building and the impact of intensification of this use they cannot be considered as relevant to the assessment of this application. Furthermore it would not be appropriate for the Planning Authority to insist that a noise assessment in respect of use of the pub be submitted as part of this application as only the external alterations form part of the assessment.
- 7.5 Many of the issues raised are relevant to the licensing application that has been submitted. Planning Officers explained this at the Local Meeting that was held on 10th July 2012.
- 7.6 This application does not propose any extension to the existing building and therefore there will be no impact on neighbours by way of overshadowing, loss of light or overbearing impact.
- 7.7 Concerns have been raised that the proposed replacement sash windows in the ground floor west elevation (close to the boundary with No.1 Eliot Cottages) will give rise to an unacceptable increase in noise and disturbance. These windows are proposed to provide an additional source of light into the ground floor trade/dining area. The applicant has confirmed that the windows will be fixed shut.
- 7.8 There is an existing door and window in this location which serves a kitchen. This door is often open for deliveries being taken into the kitchen. There is already a high level of activity within this part of the building as this is where the commercial kitchen is located. It is not considered that the replacement windows will give rise to a significant increase in noise and disturbance so as to warrant refusal of this application. Indeed it is considered that it would be unreasonable for the Planning Authority to refuse planning permission for the replacement windows on the grounds of harm to neighbouring amenity by way of noise. However, as the applicant has stated that the windows will be fixed shut a condition is recommended to control this.
- 7.9 The proposal to install double width doors in the west elevation of the building could give rise to an increase in noise and disturbance for residents in Eliot Cottages/Eliot Place if it were intended to use these doors as a secondary customer access into the pub. At the present time the only access is via the main entrance onto Hare and Billet Road. This is considered to be appropriate given that the building fronts onto Hare and Billet Road and Eliot Cottages/Eliot Place is a residential street. Officers would be concerned about introducing a new customer access at the western side of the pub as this would create a new relationship to residential neighbours, it could encourage customers to congregate outside of the building at this point and to use the refuse storage area for congregating, smoking and/or drinking.

- 7.10 In response to the concerns raised by neighbours and planning officers, the applicant has confirmed that the proposed doors are only required as an emergency access. The doors will be alarmed and only used in the event of an emergency. This is considered to be acceptable. A condition is recommended to ensure that the doors are only used for emergency purposes and not as a customer access/egress point and that the adjacent yard/refuse storage area is not used as any form of external seating area or by staff or customers standing, drinking or smoking.
- 7.11 The replacement windows and doors in the west elevation will not provide views into neighbouring properties and will not therefore give rise to a loss of privacy.
- 7.12 Concerns have been raised in respect of the first floor windows in the north elevation of the rear section of the building. These windows currently serve a toilet and bathroom. The windows are located in close proximity to the terrace and kitchen of No.9 Hare and Billet Road. The applicant has confirmed that these windows will be repaired and fixed shut so that staff in the kitchen cannot open them. In addition an obscure adhesive film will be attached to the inside. This will ensure that there is no harm to the neighbouring property by way of overlooking or loss of privacy.
- 7.13 Overall it is not considered that the changes to fenestration will give rise to unacceptable harm to neighbouring occupiers. It has been suggested by concerned neighbours that the fenestration alterations will give rise to unacceptable noise and disturbance. This objection has been duly considered but Officers do not believe that refusal of planning permission for this reason could be justified or upheld on appeal.
- 7.14 It is proposed to enhance the existing ventilation equipment to accommodate the increase in cooking. The improvements are internal only and therefore planning permission is not required. However, the applicant has submitted details of the ventilation equipment. The details have been discussed with the Councils Environmental Health Officer who has confirmed that the equipment is fit for purpose. If at a future date residents do experience odour or noise pollution it is open to residents to contact Lewisham's Pollution Control Team for further investigation/action.
- 7.15 The proposed external alterations are not considered to harm neighbouring amenity. The proposal therefore complies with Policy HSG4 of the UDP.

Sustainability and Energy

Achieving more sustainable patterns of development and environmentally sustainable buildings is a key objective of national, regional and local planning policy. Given the nature and scale of development proposed it is not considered reasonable or necessary to require the development to incorporate renewable energy facilities and there is limited scope to address other London Plan policy requirements in this respect.

7.16 Other Issues

It has been suggested that an Environmental Statement should be submitted as part of this application to assess the impact of the development on the adjacent Heath and pond. This is not considered to be a valid requirement for this application which only seeks consent for elevational changes to the building.

8.0 Conclusion

8.1 This application has been considered in the light of the NPPF, policies set out in the development plan and other material considerations including third party representations.

8.2 Subject to conditions to control the detailed design of the replacement fenestration and construction of the wall and to restrict the use of the access doors on the west elevation it is not considered that the proposal would cause unacceptable harm to the character and appearance of the building or the surrounding conservation area. Furthermore there would be no significant harm to neighbouring residents. Consequently approval is recommended.

9.0 Summary of Reasons for Grant of Planning Permission

9.1 The decision to grant planning permission has been taken, having regard to the particular circumstances of the application against relevant planning policy set out in the National Planning Policy Framework (2012), the London Plan (July 2011), Lewisham's Core Strategy (June 2011) and the 'saved' policies in Lewisham's adopted Unitary Development Plan (July 2004) and all other material considerations including the conditions to be imposed on the permission and comments received in response to third party consultation. The Local Planning Authority considers that:

9.2 It is considered that the proposal is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the surrounding area, or the amenities of neighbouring occupiers. The proposal is thereby in accordance with Policies 7.1 Building London's neighbourhoods and communities, 7.2 An inclusive environment, 7.3 Designing out crime, 7.4 Local character, 7.5 Public realm, Policy 7.8 Heritage assets and archaeology and 7.15 Reducing noise and enhancing soundscapes of the London Plan (2011), Spatial Policy 1 Lewisham spatial strategy, Spatial Policy 3 District hubs, Spatial Policy 5 Areas of stability and managed change, Core Strategy Policy 15 High quality design for Lewisham and Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (2011); Policies STR URB 1 The Built Environment, URB 3 Urban Design, URB 6 Alterations and Extensions, URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas, ENV.PRO 9 Potentially Polluting Uses , and HSG 4 Residential Amenity of the UDP (2004).

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

Standard Condition 1

Three year time limit.

Standard Reason

As required by Section 73 of the Town and Country Planning Act 1990.

Standard Condition 2

Unless minor variations are otherwise approved in writing by the local planning authority, the development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved.

Standard 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.

Additional Conditions

- (1) All new external finishes including works of making good, shall be carried out in materials to match the existing building and as shown on the plans hereby approved

Reason:

To ensure that the proposed development is in keeping with the existing building and does not prejudice the appearance of the locality 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).

- (2) Prior to commencement of development full details including 1:5 elevations and sections of all of the proposed new windows and doors (including details of frames, panels, glazing bars, parting beads, cill and minimum 90mm reveals) shall be submitted and approved in writing by the local planning authority. The works shall be undertaken in accordance with the approved details

Reason:

To ensure that the proposed development is in keeping with the existing building and does not prejudice the appearance of the locality 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).

- (3) The proposed rebuilding of the boundary wall and piers shall be carried out in the original bricks, coping and capping stones salvaged from the partial demolition hereby approved. The rebuilt pier shall match exactly the original design as shown on the plans hereby approved.

Reason:

To ensure that the proposed development is in keeping with the existing wall and does not prejudice the appearance of the locality 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).

- (4) No development shall commence on site until sample panels of facing brickwork showing the proposed colour, texture, facebond and pointing have been provided on site and approved in writing by the local planning authority.

Reason: To ensure that the proposed development is in keeping with the existing wall and does not prejudice the appearance of the locality 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) The 3no. first floor windows in the west elevation of the building (serving the toilets) shall be obscured by way of a obscure self adhesive film over the inner film of the glass as shown on the plans hereby approved. The film shall be retained and maintained to a good standard in perpetuity.

Reason: In the interest of protecting privacy in a form which will not adversely affect the appearance of the building and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) Policies URB 3 Urban Design and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

- (6) The 2no. first floor windows in the north elevation of the building (serving the kitchen) shall be fixed shut and obscured by way of a obscure self adhesive film over the inner film of the glass as shown on the plans hereby approved. The film shall be retained and maintained to a good standard in perpetuity.

Reason: In the interest of protecting privacy in a form which will not adversely affect the appearance of the building and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) Policies URB 3 Urban Design and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

- (7) The 2no. ground floor windows in the west elevation of the building (serving the trade/dining area) shall be fixed shut and obscured by way of a obscure self adhesive film over the inner film of the glass as shown on the plans hereby approved. The film shall be retained and maintained to a good standard in perpetuity.

Reason: In the interest of protecting privacy in a form which will not adversely affect the appearance of the building and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) Policies URB 3 Urban Design and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

- (8) The double width doors in the western elevation hereby approved shall be used as a fire exit only. The doors shall remain closed at all times and shall not be used by customers or staff for access/egress, save for emergency purposes. The adjacent external yard shall only be used a refuse storage area and shall not be used at any time as an external seating area or by staff or customers for the purposes of congregating, sitting out, smoking, drinking or other such activities.

Reason: In the interests of protecting the amenity of neighbouring residential occupiers in accordance with Policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

Appendix A – Local Meeting Notes

On 10th July a local meeting was held to discuss application DC/12/79769.

Proposed Development: The installation of extract ducting attached to the existing ducting on roof to the rear of Hare & Billet PH, Eliot Cottages, Hare and Billet Road SE13 and alterations to the side elevation including the installation of a new double doors and two new windows to replace existing window and door.

At the time of the meeting 15 letters of objection had been received from Occupiers of 6, 7, 13, 14, 15 Eliot Place, 1, 2, 5, 6, 7 Grotes Place, 1, 1a, 3, 4, 5 Eliot Cottages and 9 Hare and Billet Road.

The meeting was attended by

- Cllr Bonavia (Chair)
- Planning Officer – Gemma Barnes (GB)
- Catherine Banfield, Sampson Associates (CB)
- Joe Sampson, Sampson Associates (JS)
- Andy Cutts, Greene King (AC)
- Charade Adams, Greene King (CA)
- Kaye Heath, Greene King (KH)
- 7 local residents (R)

7:30pm Cllr Bonavia opened the meeting by doing introductions and explaining the purpose of the local meeting. He stated that he would be sitting on the licensing committee so would not express a view on this proposal. His role at the meeting was to act as Chair only.

R – The licensing department have crossed out some of the representations made by local residents.

GB – explained that licensing and planning are two separate functions within the council so only planning questions could be answered at the meeting. However, all letters received in the planning department would be taken into account. None of the comments received would be deleted/crossed out but only relevant planning considerations could be considered when the application is determined. A site inspection had already been undertaken from 2 neighbouring properties, photographs taken at the visit have been discussed with the applicant to fully assess the impact on neighbours.

Cllr B – pointed out that residents must raise licensing issues at the licensing committee meeting scheduled for 11th July 2012.

KH – explained the company's reasoning behind submitting the application. It was stated that the increased dining facilities are intended to increase custom but also to enable more people to sit inside the pub rather than standing outside.

R – stated that more customers would lead to more smokers outside the pub. He asked for confirmation of the percentage of customers that would be likely to smoke outside.

KH – stated that she would have no way of estimating how many customers smoke. More customers would probably mean more smokers but this is impossible to quantify.

R – asked that further thought be given to this and that Greene King come back on this issue.

R – read out one of the KPIs for Greene King concerning safety (taken from the company website). He asked how the current proposal would respond to this. **It was agreed that KH would respond to this after the meeting via email exchange.**

KH – confirmed that the proposal would result in 30 additional covers but it was important to note that the function room will be removed.

R – stated that the function room is not in use so should not be counted at the moment.

CB – the brief for the architects was to make the pub more food based. At the present time the majority of customers use the pub for drinking only. Greene King would like a more food orientated business with a 50/50 split of eating and drinking.

Cllr B – asked what measures have been taken to address odour from cooking.

GB – pointed out that ventilation from the kitchen is a planning consideration as this application proposed improvements to the existing equipment. GB will work with Environmental health officers to ensure that the equipment is fit for purpose. Planning Officers do not recommend approval of applications for ventilation equipment until they have been advised by EHO that the details are acceptable.

JS – advised that it is intended to improve the existing equipment (internal alterations only) to deal with smell and noise from cooking.

GB – stated that neighbours concerns about smell and noise from the ventilation equipment would be properly considered as part of the application.

CB – pointed out that the Hare and Billet is an existing business that must be developed.

R – asked if the kitchen is moved upstairs what will happen to the existing broken windows in the north elevation

CB – advised that the windows will be repaired and will remain in place but inside a stud partition will be erected so that the windows cannot be accessed or opened. This will also add a further sound barrier.

R – asked if it was intended for Greene King to merge with Mitchells and Butler and if so could the pub become a 'Harvester' pub. This would raise serious concerns if it happened.

KH – It is not intended to operate as a 'Harvester'.

R – stated that Greene King have shown little regard for neighbours over the years

R – stated that people living in the area have to walk on the road when passing the pub as the pavement is blocked by customers drinking and smoking. This is intimidating and dangerous. This situation will be made worse when there are more customers.

R – will customers use the new doors proposed in the side elevation?

CB – stated that the additional doors are for fire escape purposes only.

R – stated that this would be worse as more people would be forced to use the main entrance.

Cllr B – asked if the plans would improve safety.

R – asked what measures can be taken to improve safety outside the pub.

Cllr B – asked Gemma what the Council could do to improve safety outside the pub.

GB – stated that she could only respond from a planning perspective.

R – asked if an alternative smoking area could be provided.

KH – advised that previously a smoking area had been designated but this had caused problems as it meant smokers were closer to residents.

R - asked if any noise surveys had been undertaken in respect of the party wall to the south of the pub to ascertain the impact on adjacent occupiers from people using the southern end of the pub.

CB – confirmed that no surveys had been undertaken but advised that all new windows would be double glazed and fixed shut. The fire escape door would be soundproofed. If noise was not currently being experienced from use of the kitchen in this location (which can be very noisy) it is unlikely that dining would create more of a noise nuisance.

R – read out government guidance on relevant planning considerations which includes noise and disturbance.

GB – stated that noise is a relevant planning consideration but planners can only determine those matters that form part of the application. In this case planning permission is not required for the change of use of the premises. The lawful planning use of the entire planning unit (ie: whole site) is as a pub. As the primary use is a pub other ancillary uses are allowed without the need for planning permission to be obtained. Ancillary uses can include dining, residential accommodation, B&B facilities but the primary function of the building is as a drinking establishment. Increasing the kitchen and dining facilities within the existing building footprint as part of the function of the pub does not need planning permission. Consequently officers must only consider what has been applied for by the applicant which in this case is alterations to windows and doors and enhancement of the ventilation equipment.

It is unreasonable for the Council to consider matters associated with the more intense use of the pub when planning permission is not required for this intensified use. The Council cannot reasonably refuse planning permission for changes to the fenestration on the ground of increased noise or disturbance.

Planning guidance must be considered in the right context. Some matters are not relevant to all applications. When dealing with windows planners must consider the visual impact of the change and amenity impact in terms of overlooking and loss of privacy. It would be a tenuous link to try and suggest that replacing a window with a door would cause harm by way of increase in noise.

R – stated that he did not fully understand or agree with the above point as some connection should be made between the fact that the kitchen could not go ahead without the changes to windows and doors. He asked whether the application should be considered in its entirety rather than just the windows.

GB – reiterated her previous advice and confirmed that the application in its entirety is for physical alterations to the building not a change or intensification of use.

R - asked if fixed window is capable of being opened.

CB – confirmed that the fixed windows wouldn't have opening mechanisms. Some of the windows would also have a film on them to screen views out/in.

Cllr B – asked if there were any measures the pub could take to deal with the concerns raised throughout the meeting.

KH – stated that she would be happy to meet with local residents outside of this meeting to discuss their concerns and possible solutions.

JS – showed the proposed furniture layout plans so residents could see the position of seats etc...

R - asked GB at what point is a use considered to have changed for the purposes of planning.

GB – explained using the example of a café (A3) use. She explained that a ground floor café could operate from the front section of the premises for a number of years leaving the rear section unused. They could then expand to operate from the entire ground floor and this wouldn't need planning permission as the use of the planning unit would still be a café. But if the operation of the business changed to a hot food take away or drinking establishment that would need planning permission. The test is type of use changing or expanding beyond the existing building not an intensification of the same use within the existing building.

Cllr B - asked GB to set out next steps with the application process.

GB – advised that planners had not reached a conclusion on the application yet as this meeting is an important part of that. Further discussions are to be had with EHO. If officers are minded to recommend approval of the application this would be put before a planning committee where members would make the final decision. A committee date is not known at this stage but everyone who wrote in and/or attended the meeting would be notified so they could attend.

9:00pm – Cllr B closed the meeting.