

Committee	PLANNING COMMITTEE (C)	
Report Title	137 NEW CROSS ROAD SE14 5DJ	
Ward	New Cross	
Contributors	David Knight	
Class	PART 1	Date: 16 AUGUST 2012

<u>Reg. No</u>	DC/12/80173
<u>Application dated</u>	01.05.2012 and completed 29.05.2012
<u>Applicant</u>	Hindwoods on behalf of Mr E Blanc
<u>Proposal</u>	The change of use to tattooing, body piercing, shiatsu treatment, retail and community arts project (Sui Generis), including the use the rear garden and part of the second floor as a community arts workshop space for young people.
<u>Applicant's Plan Nos.</u>	Ground, First & Second Floor Planned Changes, Photographs, Site Location Plan, Design, Access and Heritage Statement and email dated 26/06/2012
<u>Background Papers</u>	(1) Case File DE/414/137/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents
<u>Designation</u>	None
<u>Screening</u>	N/A

## **1.0 Property/Site Description**

- 1.1 The application premises is a 3 storey mid terrace property located on the east side of New Cross Road, within the New Cross / New Cross Gate District Centre, the Hatcham Conservation Area, and the New Cross Gate Regeneration and Growth Area.
- 1.2 The premises include ground floor premises projecting at the front from a three storey building behind. The property is currently partially used. The ground floor of the property was last used as an advice and information centre for local job seekers, with the upper floors used as associated offices.
- 1.3 There is a garden to the rear of the property, which is currently unused.
- 1.4 Neighbouring properties include a range of A1 and A2 uses with C3 on upper floors.
- 1.5 The property is located on the A2 New Cross Road, a major route into central London. The property has a PTAL score of 6a, equating to excellent levels of public transport access. There is no on street parking on New Cross Road, however side streets have unrestricted parking.

- 1.6 The property is located in Flood Risk Zone 2.
- 1.7 The property was previously used as a job seekers' advice centre for the New Deal for Communities programme. This use has now ceased, and ownership of the property is in the process of passing to the charitable organisation New Cross Gate Trust, which is a legacy organisation from the New Deal for Communities programme.

## **2.0 Planning History**

### **2.1 23/11/2011 - DC/11/78455**

Permission granted for the change of use of the front part of the ground floor to Use Class A2 and Use Classes A2 and B1 for the remainder of the building.

### **2.2 01/03/2004 - DC/04/55959 & DC/04/55959A**

Permission granted to change use from ground floor A1 and upper floors residential to an advice / information centre on the ground floor towards the front of the premises with offices at the back of the ground floor and on the upper floors.

### **2.3 19/07/1994**

Permission refused to change use from A1 to amusement centre (suis generis).

## **3.0 Current Planning Applications**

### **3.1 The Proposals**

3.2 The application proposes a change of use of the property to a tattoo, piercing and shiatsu massage studio, with retail and community art space. This range of uses does not fit into any use class, and therefore is categorised as sui generis.

3.3 The ground floor front area is to be used as retail space. The remainder of the building comprises of lockable rooms accessed from a staircase located behind the retail area. Customers for the tattooing, piercing and shiatsu rooms on the ground, first and second floors will gain access through the retail space. There is a lockable door between the proposed retail space and access staircase.

3.4 It is also proposed to use part of the building for community art projects for local young people. The front room on the second floor is to be used as a teaching area and artwork planning area. The rear garden is to be used as a space where the young people can create art works. The applicant has verbally stated that a maximum of approximately 8 young people will participate in the project at any one time. The project is to be aimed at the 11-18 age group.

3.5 The applicant intends to fund the community art project through profits derived from the tattoo and piercing business.

## **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 the residents of adjacent properties, and to the relevant ward Councillors. The letters and notice were re-issued to include a more accurate description of the proposed development.

4.3 5 letters of objection were received from 3 concerned parties (two of the concerned parties wrote two letters each). One letter of support has been received from the New Cross Gate Trust.

#### 4.4 Written Responses received from Local Residents and Organisations

4.5 The letters of objection covered the following topics:

- loss of affordable office space;
- loss of community space
- the availability of other local retail units that could be used for tattoo use;
- concerns regarding the mix of tattooing and young people;
- concerns regarding waste disposal;
- the existing provision of tattoo parlours;
- child protection, fire, and health and safety issues.

4.6 The letter of support from the New Cross Gate Trust stated that the Trust have marketed the property for the last 9 months, however have only received interest from a 'cash converter' business and from a developer wishing to turn the property into bedsits. The rent gained from the current proposed tattoo parlour use would be used to fund the charitable activities of the Trust. The Trust state that they have undertaken detailed discussions with the applicant regarding the appearance of the building, the proposed use, and safeguarding issues, and are satisfied with the proposed tenant's responses.

## 5.0 Policy Context

### 5.1 Introduction

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.

#### 5.4 National Planning Policy Framework

5.4.1 The NPPF was published on 27th 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.

5.4.2 At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. In summary, this states, that for a period of 12 months from publication of the NPPF decision makers can give full weight to policies adopted since 2004 even if there is limited conflict with the NPPF. Following this period weight should be given to existing policies according to their consistency with the NPPF.

5.5 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, 214 and 215 of the NPPF.

#### Local Policy

#### 5.6 Core Strategy (June 2011)

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 2 Regeneration and Growth Areas: New Cross Gate

Core Strategy Policy 6 Retail Hierarchy and Location of Retail Development

Policy 5 Other employment locations

#### 5.7 Unitary Development Plan (2004)

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

HSG 4 Residential Amenity

ENV.PRO 11 Noise Generating Development

STC 6 Major and District Centres – Other Shopping Areas

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

## **6.0 Planning Considerations**

- 6.1 The main issue to consider is the suitability of the proposed tattoo, piercing, shiatsu, retail and community art space use in this location, including the impact on residential neighbours.
- 6.2 The premises have previously been used as a job seekers' advice centre and office space. The advice centre use has ceased due to the ending of the local New Deal programme. The Trust have marketed the property for 9 months, but have previously only received interest from a 'cash converter' business and from a developer wishing to turn the upper floors of the property into a large number of bedsits.
- 6.3 The use for tattooing, piercing, shiatsu, retail and community art space is considered to be compatible with the town centre location and consistent with policies in the UDP and Core Strategy. The premises will continue to provide employment opportunities, in line with Spatial Policy 2 Regeneration and Growth Areas: New Cross Gate and Policy 5 Other employment locations in the Core Strategy.
- 6.4 The proposed uses will contribute to the vitality and viability of the district centre by generating footfall in the locality and by creating an active retail frontage during daytime hours Monday-Saturday. The proposal is therefore considered to contribute to a vibrant network of local centres in line with Core Strategy Spatial Policy 2 Regeneration and Growth Areas and Core Strategy Policy 6 Retail hierarchy and location of retail development
- 6.5 The proposed community art space would continue to provide an element of community use, in line with Policy LCE 2 Existing Leisure and Community Facilities in the adopted UDP.
- 6.6 Therefore it is considered that the principle of the change of use is acceptable.
- 6.7 Objectors to the proposal have raised the issue of the safe disposal of clinical waste. The applicant has provided details of the disposal process. The waste will be stored in a secure room within the building. A private contractor will enter the premises and collect the waste on a regular basis. Therefore the waste will never be placed on the street. Therefore there are no concerns regarding waste.
- 6.8 Objectors to the proposal have also raised concerns over child protection and health and safety relating to the mixing of services that are only available to adults (tattooing and piercing) with services aimed at young people (the community art project). Child protection and health and safety is not within the remit of the planning service. However, it can be noted that access to different areas of the building will be controlled through lockable doors. Visitors to the community art spaces will not have to pass through the tattoo and piercing areas.
- 6.9 An objector has also raised the issue of the proximity of the Five Bells Public House, which is approximately 50m south along New Cross Road. The objector is concerned that a community facility for young people should be placed within this distance from a pub. The town centre location is considered appropriate for this community function and the location does not raise concerns relating to the proximity to the public house.

- 6.10 There is a potential concern over noise issues relating to the number of young people that could be working on art projects at any one time, either in the second floor teaching area or in the rear garden area.

The applicant has proposed opening hours of 10AM – 6PM Monday – Saturday. These limited opening hours are considered to reduce the potential conflict with the residential elements of neighbouring properties in line with Policy HSG 4 Residential Amenity in the UDP. The opening hours should be placed as a condition on any permission granted.

- 6.11 Further protection for the neighbouring adjoined second floor residential accommodation is considered appropriate in the form of a condition to be placed on any permission stating details of sound proofing for the walls of the workshop and classroom shall be provided before community use can commence. This is considered reasonable to ensure neighbouring residential amenity is protected.
- 6.12 The proposal is considered to have a minimal highways impact. No highways issues have been identified.
- 6.13 The proposal has no negative impact upon the Hatcham Conservation Area. The existing shopfront is to be retained and painted. The structure of the shopfront will not be altered. The proposed signage is permitted under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

## **7.0 Conclusion**

- 7.1 The proposed tattooing, piercing, shiatsu treatment and community art space use are considered appropriate for the premises and the locality. The uses will contribute to the vitality and viability of the district centre, and will provide a valuable community use.
- 7.2 The impact on neighbouring residential amenity can be controlled through the use of conditions relating to opening hours and sound insulation.

## **8.0 Summary of Reasons for Grant of Planning Permission**

- 8.1 It is considered that the proposal satisfies the Council's Land Use and environmental criteria and is acceptable in principle, being in accordance with Policies URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas and ENV.PRO 11 Noise Generating Development in the adopted Unitary Development Plan (July 2004), and Spatial Policy 2 Regeneration and Growth Areas and Policy 5 Other employment locations in the adopted Core Strategy (June 2011).

## **9.0 RECOMMENDATION GRANT PERMISSION** subject to the following conditions:-

- (1) The premises shall not be open for customer business between the hours of 6 pm and 10 am on Mondays to Saturdays and not at all on Sundays and Public Holidays.
- (2) The use of the second floor workshop / classroom space shall not commence until full written details, including relevant drawings and specifications of:-
  - (a) The existing construction of the walls separating the second floor workshop / classroom space and the adjacent properties; and

- (b) The proposed works of soundproofing against airborne sound travelling from the workshop / classroom space

have been submitted to and approved in writing by the local planning authority. The soundproofing shall be retained permanently with the approved details.

### Reasons

- (1) To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to comply with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development, HSG 4 Residential Amenity and STC 9 Restaurants, A3 Uses and Take Away Hot Food Shops in the adopted Unitary Development Plan (July 2004).
- (2) To safeguard the amenities of the 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).