

Committee	PLANNING COMMITTEE (C)	
Report Title	18A Holbeach Road SE6	
Ward	Rushey Green	
Contributors	S Isaacson	
Class	PART 1	Date: 29 AUGUST 2013

Reg. Nos. DC/12/81136

Application dated 10.8.12, completed 23.4.13

Applicant Nathan Building Consultants on behalf of Mr Moorthy

Proposal The redevelopment of the existing building and its replacement with a new single-storey building with a pitched roof, comprising a large hall, kitchen, store and toilets, for use as a (Use Class D1) Cultural Centre at 18A Holbeach Road SE6.

Applicant's Plan Nos. MP/2010/565/LP REV B, Site location plan, Design & Access Statement, BREEAM New Construction Pre-Assessment Report by Abitar dated April 2013.

Background Papers

- (1) Case File LE/849/18A/TP
- (2) Adopted Unitary Development Plan (July 2004)
- (3) Local Development Framework Documents
- (4) The London Plan
- (5) National Planning Policy Framework (NPPF)

Designation Catford Town Centre - Existing Use

## **1.0 Property/Site Description**

1.1 The application site is No. 18a Holbeach Road, which is a single-storey workshop building measuring 11.4 metres deep by 6.35 metres wide, with a rear yard approximately 16m in depth. The existing building is slightly wider than the rear yard. The site has been vacant for some years, but was used previously as a workshop and truck repair yard and for parking of commercial vehicles. The site fronts Morena Street, although the site has a Holbeach Road address. Access to part of the formerly-larger rear yard area was originally from Brookdale Road, between No. 60 Brookdale Road and Lewisham Baptist Church. The application building is commercial in appearance, containing a large roller shutter door in the front elevation. The surrounding area is predominantly residential in character, albeit close to the commercial centre of Catford. The entrance into the two-storey Council car park lies just to the south in Holbeach Road, within 40 metres of the application site.

1.2 The site is not within a conservation area, nor is it in the vicinity of any listed buildings, however it is located within the Core Area of Catford.

## **2.0 Planning History**

2.1 **DC/09/72963:** The change of use, alteration and conversion of the existing workshop at 18A Holbeach Road, to provide a single storey one bedroom dwelling house. Refused in December 2009, by reason of loss of employment land, and dismissed on Appeal in September 2010.

2.2 **DC/10/75776:** On 14 January 2011, planning permission was refused for the redevelopment of the existing building to include removal of the existing pitched roof, build up of the elevations and new flat roof and construction of a single storey extension to rear of 18A Holbeach Road, together with the change of use to (Use Class D1) Cultural Centre. The reasons for refusal related to loss of employment use, lack of any contributions to offset the impact of the development and potential noise and disturbance for neighbouring residential occupiers.

2.3 **DC/12/79744:** In June 2012, a further application was refused, again for the redevelopment of the existing building to include removal of the existing pitched roof, build up of the elevations and new flat roof and construction of a single storey extension to the rear. The reasons for refusal were:-

- (1) The proposal would result in the loss of an employment site which is contrary to Objective 4: Economic Activity & Local Businesses in the Council's adopted Local Development Framework - Core Strategy (June 2011).
- (2) The physical bulk and scale of the new building would also have a significant and detrimental impact on the amenities of adjoining residential occupiers, partly due to the small size of existing rear gardens of houses in Holbeach Road and Morena Street. As such, the proposal would have an unacceptable adverse impact upon neighbouring amenity contrary to Policy HSG 4 Residential Amenity and HSG 8 Backland and Infill Development in the adopted Unitary Development Plan (July 2004) and Objective 10: Protect & enhance Lewisham's character and Policy 15: High quality design for Lewisham in the Local Development Framework - Core Strategy (June 2011).
- (3) The applicant has failed to provide any contributions to offset the impact of the development in accordance with Objective 1: Physical and Socio-Economic Benefits and Policy 21: Planning Obligations of the Local Development Framework - Core Strategy (June 2011)
- (4) The proposed D1 use would lead to an intensification of use on the site which would give rise to significant noise and disturbance for neighbouring residential occupiers. As such the proposal would have an unacceptable adverse impact upon neighbouring amenity contrary to Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development, HSG 4 Residential Amenity & HSG 8 Backland and Infill Development in the adopted Unitary Development Plan (July 2004)

2.4 No appeals have been submitted against these refusals of permission.

## Site at rear of 18A Holbeach Road, fronting Brookdale Road

- 2.5 In November 2009, planning permission was granted for the construction of a two-storey building on part of the land fronting Brookdale Road and rear of 18A Holbeach Road to provide 2 one-bedroom self-contained flats, together with the provision of refuse storage in the front garden (DC/09/72641). This land was formerly part of the site of 18A Holbeach Road. This scheme has now been constructed.

### **3.0 Current Planning Application**

#### The Proposal

- 3.1 The application is for the redevelopment of the existing building and its replacement with a new single-storey building with a low pitched roof for use as a (Use Class D1) Cultural Centre. The description of development has been amended slightly to accurately reflect the nature of the proposed development. The existing building is single skin brickwork and the proposal would involve the demolition of the existing ridged-roof structure and its replacement with the new single-storey building.
- 3.2 The new building would have two main elements, with the front section occupying a similar site to the existing building, but built to a narrower width of 5.65 metres, to allow the provision of the fire escape passageway running along the entire length of the southern side of the building, such that it would be set away from the common boundary with the residential dwellings at 18-28 Holbeach Road.
- 3.3 The narrower building would have a similar square appearance onto Morena Street to the existing, and be of similar height at 3.6 m. The front elevation would have a self-coloured render finish and have a narrower central door measuring 1.8 m wide and 3 m high, instead of the existing unsightly metal roller shutter door.
- 3.4 The eaves height of the proposed replacement building has been reduced to 2.63 metres along the rear garden boundaries of houses in Holbeach Road and Morena Street. As stated above, the fire escape passageway along the south side of the building would mean that the new building walls would be set away from this boundary by 1.5 metres.
- 3.5 The plans show the wider front part of the building would be split into three, with a central hallway leading into the main worship space, flanked by two rooms; an office on the south side of the building and a cloakroom on the north side. The office and cloakroom would each have a small window in the front elevation, facing onto Morena Street.
- 3.6 Behind this, the building would open out into a larger internal hall, occupying the full width of the building, with the 'Sanctum Sanctorium' located in the centre. A small kitchen, and WCs, including a disabled WC, would be provided in the rear part of the building.

- 3.7 The rear part of the building, containing the toilets and kitchen, would occupy the full width of the site (6 metres wide, by 3.9 metres deep), and would have a single escape door out into the fire escape passageway that would run along the south side of the building. A second escape door is provided into this passageway from the main hall.
- 3.8 It is proposed to change the use of the site from B1 to D1 - Non-Residential Institutions, with the proposed use being as a cultural centre for the Hindu community. Hours of use are stated as Monday to Sunday (including Bank Holidays) 08:00 to 22:00. The applicant has stated that they would employ six priests, two full-time administrators, two part-time administrators and two cooks in the temple, in order to achieve the smooth running of the temple to the satisfaction of their devotees. On special occasions and festival times, they would employ two or three additional priests and a person to assist the cook.

#### Supporting Documents

- 3.9 On the subject of the number of people visiting the premises, the submitted Design and Access Statement states:-

*"It is anticipated that a maximum of 15 people visiting the site during the hours between 9.30am to 2.00pm during week days & 20 on week ends and 25 between the hours of 6.00pm to 10.00pm daily except on Tuesdays & Fridays the number could increase to a maximum of 40 people. Most of the visitors are retired elderly using the public transport available locally. Those who use private vehicles would expect to park in the nearby multi storey car park and walk to the site. This is expected to reduce the anticipated noise generated by visitors to the site."*

- 3.10 The applicant has confirmed that they employ *"six priests, two full time administrators, two part time administrators and two cooks in our temple for us to have a smooth running of the temple to the satisfaction of our devotees. On special occasions and festival times we employ two or three additional priests and a person to assist the cook."*

- 3.11 The applicant has submitted a Petition in Support, signed by 33 residents of Blythe Hill, Bradgate Road, Brookdale Road, Holbeach Road, Rushey Green, Silvermere Road and Wildfell Road, which states as follows:-

*"London Cultural Centre (Vel Murugan Aalayam) was established in 1998. It has served the community by conducting poojas, Bajans and Indian Music Learning centre on Fridays for the past 12 years from this current temporary location - Lochaber Hall in Manor Lane Terrace, SE13 5QL. Now it has become necessary to establish our Indian Cultural Centre in a permanent location. This would facilitate us to provide improved services during the day and evenings.*

*A permanent location would enable us to serve the community better. Since establishment and (we) started to offer services, around 50 members have contributed their wisdom and time with us (and) want to take this good service forward.*

*Cultural Centre would be a great opportunity for many of the multicultural community to explore Hindu beliefs, tradition and culture, which we believe could contribute to a cohesive society. To achieve this, our enthusiastic youngsters and elders support us in raising values of Hindu culture to capitalise with Western beliefs and lifestyle, which we hope could build a bridge between different communities and will serve as a place of spiritual and cultural development for generations to come.*

*Great Britain is well-known for its multicultural society, leadership and tolerance. The Hindu way of delivering harmony, tradition and peace would be an added benefit for future generations to sustain and enhance the community."*

The applicant has also submitted a letter (dated 14 July 2011), confirming that the London Cultural Centre (Sri Vel Muruhan Aalayam) agree *"to undertake to pay a sum of money to be confirmed by the Lewisham Borough Council to offset the loss of employment for space to provide basic training and support for 1 - 2 people that would seem reasonable and proportionate."*

- 3.12 The applicant has also submitted a BREEAM Report regarding sustainable design, prepared by Abitar.

#### **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. Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors.

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

- 4.2 Five letters of objection have been received, from the occupiers of 66 Brookdale Road, 12,18 & 24 Morena Street and 59 Wildfell Road, raising the following issues:-

- Increased congestion and traffic in the vicinity because of the volume of people attending the temple. This will have an impact on parking, which is already very busy at weekends in Morena Street and the surrounding areas.
- The application says many users will be elderly and will attend by public transport; however, the opening times are quite late and therefore public transport use is unlikely. Furthermore, there is no evidence submitted in the application that users will only be elderly.
- Concerns over cooking smells emanating from the premises if meals are cooked.
- This is a residential area and excess noise could be a serious issue.
- The proposed extension to the building could cause loss of light to neighbouring properties.
- Noise and disruption during building works.
- Concerns about storage of refuse.

(Letters are available to Members)

## Environmental Health

- 4.3 No objection. The building is separated from other residential buildings and on this basis the structure should be satisfactory on noise grounds. However, it would be prudent to include a suitable condition regarding noise attenuation measures. Also, in relation to the kitchen, the letter states that they would employ two cooks. Therefore it would be prudent to include a condition ventilation systems.

## Highways and Transportation

- 4.4 The site is well located in terms of access to public transport facilities, it has a Public Transport Accessibility Level (PTAL) of 5 which is considered to be a very good level of public transport accessibility (on a scale of 1 – 6, where 1 is low and 6 is high).
- 4.5 The proposed change of use to a place of worship, would result in an increased frequency of arrivals and departures from the site when compared to the previous use, but given the PTAL of the site, it is considered a sustainable location for the proposed use.
- 4.6 The proposal would result in an increase in demand for parking adjacent to the site, when compared to the existing use. But, the controlled parking zone and parking controls will minimise the impact of parking during the operational hours of the parking restrictions. However, the proposal will have an impact on on-street parking capacity in those streets surrounding the site at times outside the operational times of the CPZ when parking is unrestricted (Monday - Friday 9AM - 7PM).
- 4.7 As the proposal does have the potential to increase car trips and associated parking demand in the streets surrounding the site, a planning condition securing a Travel Plan is required to encourage sustainable modes of travel to the site. The Travel Plan should provide details of measures to encourage sustainable modes of travel, and measures to minimise the impact of the proposed use. The Travel Plan should be reviewed periodically to identify and address any transport issues that arise.
- 4.8 If the application is granted permission, the applicant should also provide details of cycle & refuse storage.

## **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.

A local finance consideration means -

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

5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development 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). The NPPF does not change the legal status of the development plan.

#### National Planning Policy Framework

5.3 The NPPF was published on 27<sup>th</sup> 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. As the NPPF is now more than 12 months old, paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

5.4 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, and 215 of the NPPF.

#### Ministerial Statement: Planning for Growth (23 March 2011)

5.5 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.

#### Other National Guidance

5.6 The other relevant national guidance is:

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

Planning and Access for Disabled People: A Good Practice Guide (ODPM, March 2003)

Safer Places: The Planning System and Crime Prevention (ODPM, April 2004)

## London Plan (July 2011)

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

Policy 2.15 Town centres  
Policy 3.1 Ensuring equal life chances for all  
Policy 3.9 Mixed and balanced communities  
Policy 3.16 Protection and enhancement of social infrastructure  
Policy 3.17 Health and social care facilities  
Policy 4.12 Improving opportunities for all  
Policy 5.3 Sustainable design and construction  
Policy 5.21 Contaminated land  
Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 6.13 Parking  
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 7.15 Reducing noise and enhancing soundscapes  
Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy  
Policy 8.4 Monitoring and review for London

## London Plan Supplementary Planning Guidance (SPG)

5.8 The London Plan SPG's relevant to this application are:-

Accessible London: Achieving an Inclusive Environment (2004)  
Sustainable Design and Construction (2006)  
Planning for Equality and Diversity in London (2007)  
Shaping Neighbourhoods: Play and Informal Recreation (2012)

## Core Strategy

5.9 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 2 Regeneration and Growth Areas  
Spatial Policy 3 District Hubs  
Core Strategy Policy 5 Other employment locations  
Core Strategy Policy 7 Climate change and adapting to the effects  
Core Strategy Policy 8 Sustainable design and construction and energy efficiency  
Core Strategy Policy 14 Sustainable movement and transport  
Core Strategy Policy 15 High quality design for Lewisham  
Core Strategy Policy 19 Provision and maintenance of community and recreational facilities

#### Unitary Development Plan (2004)

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

STR URB 1 The Built Environment  
STR URB 4 Regeneration Areas  
STR ENV PRO 3 Energy and Natural Resource Conservation  
URB 3 Urban Design  
URB 9 Signs and Hoardings  
URB 10 Roller Grilles and Shutters  
ENV.PRO 9 Potentially Polluting Uses  
ENV.PRO 11 Noise Generating Development  
ENV.PRO 12 Light Generating Development  
HSG 4 Residential Amenity  
HSG 8 Backland and In-fill Development  
TRN 27 Dual Use of Private Car Parks  
STC 11 Town Centre Regeneration  
LCE 1 Location of New and Improved Leisure, Community and Education Facilities  
LCE 2 Existing Leisure and Community Facilities

#### Planning Obligations Supplementary Planning Document (January 2011)

5.11 This document sets out guidance and standards relating to the provision of affordable housing within the Borough and provides detailed guidance on the likely type and quantum of financial obligations necessary to mitigate the impacts of different types of development.

#### Emerging Plans

5.12 According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

5.13 The following emerging plans are relevant to this application.

#### Development Management Plan

5.14 The Development Management Local Plan – Proposed Submission Version, is a material planning consideration and is growing in weight. Public consultation on the Proposed Submission Version began on 16 August 2013 and runs for eight weeks ending on Friday 4 October. Therefore, in accordance with the NPPF, the weight decision makers should accord the Proposed Submission Version should reflect the advice in the NPPF paragraph 216.

5.15 The following policies are considered to be relevant to this application:-

- DM Policy 1. Presumption in favour of sustainable development
- DM Policy 11. Other Employment Locations - Sites in Town Centres, Local Hubs, and other clusters of commercial and/or retail uses
- DM Policy 13. Location of main town centre uses
- DM Policy 22. Sustainable design and construction
- DM Policy 26. Noise and vibration
- DM Policy 27. Lighting
- DM Policy 28. Contaminated land
- DM Policy 29. Car parking
- DM Policy 30. Urban design and local character
- DM Policy 31. Alterations and extensions to existing buildings including residential extensions
- DM Policy 33. Development of Infill Sites, Backland Sites, Back Gardens and Amenity Areas
- DM Policy 41. Innovative community facility provision
- DM Policy 42. Nurseries and childcare
- DM Policy 44. Places of worship

## **6.0 Planning Considerations**

### Principle of Development

- 6.1 The Council's emerging Development Management Local Plan sets out the current policies of the adopted Core Strategy. Policy 19: Provision and Maintenance of Community and Recreational Facilities of the Core Strategy requires the Council to ensure that the needs of current and future populations of the borough are sufficiently provided and that new uses are located within close proximity of public transport and services in town and local centres. Policy 44: Place of Worship of the Development Management Local Plan details of this by emphasising that proposals in town and local centres will only be considered if they are accessible, including parking provision, and do not have a detrimental impact on employment opportunities or local amenity.
- 6.2 The main planning considerations include the principle of community use and loss of an employment site, urban design issues, including the size / appearance of the new building, including its appearance when viewed from the front from Morena Street and from adjoining residential properties in Morena Street and Holbeach Road, the impact on the amenities of neighbouring occupiers, possible noise and disturbance, highways and traffic Issues, and sustainability.
- 6.3 The organisation has existing temporary premises in the Borough, situated in Lochaber Hall in Lochaber Road, at the corner of Manor Lane Terrace and Manor Lane. They have been searching for alternative premises for a number of years, with no success, and regard the premises in Holbeach Road as being suitable for their needs. They are willing to invest in redevelopment to achieve a permanent base for their Cultural Centre.

- 6.4 Emerging DM Policy 44 is consistent with the NPPF (paragraph 70) which requires planning authorities to plan positively for the provision and use of community facilities including places of worship. The emerging policy also delivers the London Plan Policies 3.1 (Ensuring equal life chances for all) and 3.16 (Protection and enhancement of social infrastructure) which require local authorities to consider where provision should be made, particularly in relation to growing populations.
- 6.5 The Council believes that the most appropriate location for places of worship is in the network of major and district town centres as is defined in Core Strategy Policy 6. Such locations are the most sustainable in terms of transport accessibility and offer existing public parking arrangements. Residential amenity and employment locations will also be protected by utilising town centre sites.
- 6.6 It is important that proposals for faith premises are located in highly accessible areas to ensure that they allow access not only by car, but also by cycling, walking and public transport. Evidence of existing premises demonstrates that even in accessible locations, faith premises generate significant car travel and associated parking requirements.
- 6.7 In conclusion, the principle of community use of this site is considered satisfactory under the terms of the NPPF and the Council's Development Management Local Plan Policy 44: Places of Worship, as these support the provision of additional church facilities on sites within sustainable town centre locations.

#### Loss of Employment Land

- 6.8 The Council's employment policies are set out in the Core Strategy policies, including Objective 4: Economic Activity & Local Businesses. The main principle is that the Council will seek to protect existing sites and buildings in employment uses which it considers to be particularly suitable for those purposes.
- 6.9 However employment land can be lost in circumstances where there is a demonstrable need, which is considered to apply in this case, and where the land can quickly be brought back into beneficial use. Thus the proposal is considered to be in accordance with DM Policy 44 3(a).
- 6.10 The applicant has submitted marketing information from a local estate agents. Their letter, dated August 2012, states that that have marketed the property for the past 18 months, but regret to advise that they have not had any interest in the property. They further confirm that due to the current climate, *"most of the business is suffering and there is not much interest for commercial property like the one that you own."*
- 6.11 Scale of Replacement Building and Urban Design Issues
- 6.12 The new building would have three main elements, with the front section occupying a similar site to the existing building, but built to a narrower width of 5.65 metres, to allow the provision of the fire escape passageway running along the southern side of the building, such that the building itself would be set away from the common boundary with the residential dwellings at 18-28 Holbeach Road.

- 6.13 The wider front section of the building would be 10.7 metres deep, i.e. occupying the same depth as the existing building. The central part of the building would be narrower, measuring 5.65 metres wide, to allow the fire escape route along its southern edge. The design of the roof of the building has been amended by giving a double pitch to the roof slope, in order to reduce the height of the building at the side boundaries. As annotated on the submitted drawings (Drawing. No. MP/2010/565 Revision B), the height of the surrounding walls / fences surrounding the site varies from 2.16 m to 2.4 m in height, whilst the height at eaves level of the new building will be 2.63 m.
- 6.14 The double angle of the roof pitch has therefore been an effective mechanism in reducing the overall perceived height of the building along the boundaries. Although the ridge stays at the same height, the reduction at eaves level is considered significant in relation to the impact on surrounding residential properties.
- 6.15 The rearmost part of the building would be single-storey with a flat roof, and this part of the building would contain a small kitchen and toilets, including a disabled toilet. The height of this part of the building would be 2.6 metres.
- 6.16 In terms of the street scene, the proposed front elevation is an improvement on that existing, as the unsightly metal roller shutter would be removed and be replaced by a new rendered building with a more elegant front door. It is considered that the proposed front elevation would improve the appearance of the building in the street scene in Morena Street / Holbeach Road.
- 6.17 The proposed building is considered to be of a sufficient design quality that the visual amenities of the area will not be harmed, in accordance with requirements 3(d) of DM Policy 44.

#### Highways and Traffic Issues

- 6.18 The site is located within easy walking distance of good public transport connections, with several bus routes running along the South Circular Road (A.205) and Rushey Green (A.21) close by. Catford is an important transport interchange, with two railway stations at Catford and Catford Bridge, linking into London Victoria, London Bridge / Waterloo / Charing Cross, plus Blackfriars / St Pancras International and through to Luton and Bedford.
- 6.19 The Catford multi-storey car park is located in Holbeach Road, only some 40 metres distant and just around the corner from the application site.
- 6.20 It is acknowledged that local residents are concerned about an increase in parking from the proposed use. However, national and local planning policies seek to reduce car usage particularly in town centre locations which benefit from good levels of public transport facilities. In addition, the site is located within the Catford Controlled Parking Zone (CPZ), such that the level on non-residential parking is controlled in all surrounding streets. Consequently, it is considered that a refusal based on the grounds of increased parking could not be justified in this instance.
- 6.21 In the above circumstances, it is considered that there is adequate space for worshippers to park within the adjoining Council car park and the Highway Officer has raised no objection to the proposal.

- 6.22 As the proposal does have the potential to increase car trips and associated parking demand in the streets surrounding the site, a planning condition securing a Travel Plan is required to encourage sustainable modes of travel to the site. The Travel Plan should provide details of measures to encourage sustainable modes of travel, and measures to minimise the impact of the proposed use. The Travel Plan should be reviewed periodically to identify and address any transport issues that arise.
- 6.23 The Council would normally require that secure and covered cycle parking facilities are provided. The applicant has confirmed that 4 cycle spaces would be provided, but these are not specifically marked on the submitted plans. However, there is adequate space within the site to accommodate such facilities and this could be controlled by condition. Thus, it is considered that that proposal complies with requirements 2(a) and (b) in the Council's .

#### Neighbouring Amenity

- 6.24 It is accepted that the proposed building is close to existing residential properties in Morena Street and Holbeach Road, by virtue of the short length of their gardens. Since the previous refusals of permission, the applicant has amended to scheme to reduce its bulk, particularly regarding the eaves height of the proposed building, as set out above.
- 6.25 The site is sandwiched between two rows of dwellings with short back gardens abutting the workshop unit and associated rear yard. However, it is not unusual to find small scale industrial uses located adjacent to residential dwellings. Where such uses have existed historically for a considerable period of time, a certain level of noise and disturbance is to be expected, particularly in areas of mixed use and character, in close proximity to town centres such as this.
- 6.26 Nonetheless, it is the role of the planning system to control land use so that competing uses may operate without causing unacceptable harm to one another and to resist the siting of new incompatible development in or close to residential areas. Although previously classed as a Class B2 noise-generating use, this has effectively been limited to a Class B1 Business Use only by legal agreement.
- 6.27 As this is a redevelopment proposal, the new building could be designed to a very high acoustic specification and conditions could be imposed if permission were to be granted to restrict noise levels. Overall, the Environmental Health Officer is satisfied that, with the imposition of suitable conditions, the proposed use of the building would be acceptable.
- 6.28 In the previous refused scheme, there was a concern that the only access to the proposed toilets was via the external fire escape passageway, and not directly from within the building. This was a potentially unsatisfactory arrangement that was felt could lead to additional disturbance to adjoining residents at 20-28 Morena Street.
- 6.29 This has been changed in the current proposal, and all toilets are located at the rear of the building, and accessed internally, rather than via the external fire escape alleyway.

## Sustainability

- 6.30 The BREEAM Report prepared by Abitar and submitted by the applicant concludes that an overall score of 71.49% is achievable, which is above the threshold for an 'Excellent' rating. All the minimum standards for that rating level are also targeted. The report sets out the targeted credits, outlines how it is proposed to achieve each credit and discusses issues that must be addressed in the design as the design progresses to ensure credits will be achieved in the formal assessment. This BREEAM Pre-Assessment Report is considered satisfactory and a suitable conditions is attached to the recommendation.

## **7.0 Equalities Implications**

- 7.1 The Council has considered the public sector equality duty under section 149 of the Equalities Act 2010 and in the exercise of its functions to have due regard to the need to eliminate discrimination, harassment and victimisation and any other conduct which is prohibited under this Act and to foster good relations between persons who share a relevant protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race religion or belief, sex and sexual orientation.
- 7.2 As with the case with the original separate duties, the new duty continues to be a "have regard duty" and the weight to attach to it is a matter of judgement bearing in mind relevance and proportionality. It is not an absolute requirement to eliminate discrimination, advance equality of opportunity, or foster good relations.
- 7.3 The current application would provide a permanent place to worship for the Hindu community, instead of their temporary base in Manor Lane Terrace. The applicant submits that the proposed Cultural Centre would be a great opportunity for many of the multi-cultural community to explore Hindu beliefs, tradition and culture. It is considered that the development has the potential to have a positive impact on equality within Lewisham.

## **8.0 Community Infrastructure Levy**

- 8.1 The above development is not CIL liable.

## **9.0 Conclusion**

- 9.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 9.2 On balance, officers consider that the proposed Cultural Centre would provide a valuable asset to the Borough's multi-cultural community, that the loss of employment considerations are of lesser weight than previously, and that the lowering of the eaves of the building has reduced the physical impact of the building on neighbouring residential occupiers. Other matters, such as noise control and the submission of a travel plan can be dealt with by the imposition of suitable conditions and the scheme is therefore recommended for permission.

## 10.0 RECOMMENDATION

GRANT PERMISSION, subject to the following conditions:-

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

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

- (2) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:-

MP/2010/565/LP REV B, Site location plan, Design & Access Statement, and BREEAM New Construction Pre-Assessment Report by Abitar dated April 2013.

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

- (3) No development shall commence on site until a scheme to minimise the threat of dust pollution during site clearance and construction works (including any works of demolition of the existing building) has been submitted to and approved in writing by the local planning authority.

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- (4) (a) No development (including demolition of the existing building and structures) shall commence until each of the following have been complied with:-
  - (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
  - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination. encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.
  - (iii) The required remediation scheme implemented in full.
- (b) If during any works on the site, contamination is encountered which has not previously been identified ("the new contamination") the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take

place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.

- (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

This shall include verification of all measures, or treatments as required in (Section (a) i & ii) and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full.

The closure report shall include verification details of both the remediation and post-remediation sampling/works, carried out (including waste materials removed from the site); and before placement of any soil/materials is undertaken on site, all imported or reused soil material must conform to current soil quality requirements as agreed by the authority. Inherent to the above, is the provision of any required documentation, certification and monitoring, to facilitate condition requirements.

Reason: To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply with Saved Policy ENV.PRO 10 Contaminated Land in the Unitary Development Plan (July 2004).

- (5)
  - (a) The building hereby approved shall achieve a minimum BREEAM Rating of 'Excellent'.
  - (b) No development shall commence until a Design Stage Certificate for the building (prepared by a Building Research Establishment qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
  - (c) Within 3 months of occupation of the building, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with part (a) for the building.

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2011) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

- (6) No development shall commence on site until a detailed schedule and specification/samples of all external materials and finishes / windows and external doors / roof coverings to be used on the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

- (7) (a) No development shall commence on site until details of proposals for the storage of refuse and recycling facilities for the church hereby approved, have been submitted to and approved in writing by the local planning authority.
- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Saved Policies URB 3 Urban Design and HSG4 Residential Amenity in the Unitary Development Plan (July 2004) and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

- (8) (a) A minimum of 6 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.
- (b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

- (9) (a) Detailed plans and a specification of the appearance of and the equipment comprising a ventilation system which shall include measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencer(s) and anti-vibration mountings where necessary) shall be submitted to and approved in writing by the local planning authority.
- (b) The ventilation system shall be installed in accordance with the approved plans and specification before use of the development hereby permitted first commences and shall thereafter be permanently maintained in accordance with the approved specification.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- (10) (a) No part of the development hereby approved shall be occupied until such time as a user's Travel Plan, in accordance with Transport for London's document 'Travel Planning for New Development in London' has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.
- (b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives. The Travel Plan must include use of the buildings/site for community purposes.
- (c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).

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

- (11) No music, amplified sound system or other form of loud noise (such as singing or chanting) shall be used or generated which is audible outside the premises or within adjoining buildings.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

### **INFORMATIVES**

- (A) Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- (B) The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.
- (C) It is the responsibility of the owner to establish whether asbestos is present within their premises and they have a 'duty of care' to manage such asbestos. The applicant is advised to refer to the Health and Safety website for relevant information and advice.

- (D) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- (E) The land contamination condition requirements apply to both whole site and phased developments. Where development is phased, no unit within a phase shall be occupied until a), b) and c) of the condition have been satisfied for that phase.

Applicants are advised to read 'Contaminated Land Guide for Developers'(London Borough's Publication 2003), on the Lewisham web page, before complying with the above condition. All of the above must be conducted in accordance with DEFRA and the Environment Agency's (EA) - Model Procedures for the Management of Land Contamination.

Applicants should also be aware of their responsibilities under Part IIA of the Environmental Protection Act 1990 to ensure that human health, controlled waters and ecological systems are protected from significant harm arising from contaminated land. Guidance therefore relating to their activities on site, should be obtained primarily by reference to DEFRA and EA publications.

- (F) You are advised to contact the Council's Drainage Design team on 020 8314 2036 prior to the commencement of work.
- (G) In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.
- (H) The assessment of the light spill and lux level at the window of the nearest residential premises shall follow the guidance provided in The Institution of Lighting Engineers, Guidance Notes for the Reduction of Obtrusive Light.
- (I) Assessment of the sound insulation scheme should be carried out by a suitably qualified acoustic consultant.