

Committee	PLANNING COMMITTEE (C)	
Report Title	154D NEW CROSS ROAD SE14 5BA	
Ward	Telegraph Hill	
Contributors	David Jeffery	
Class	PART 1	13 FEBRUARY 2014

<u>Reg. Nos.</u>	DC/13/85134
<u>Application dated</u>	03.10.2013
<u>Applicant</u>	Mr G Okoyeugha
<u>Proposal</u>	The change of use of 154D New Cross Road SE14, to a mini cab control centre.
<u>Applicant's Plan Nos.</u>	P-02, E-01, E-02, Site Location Plan, Supporting Statement and email from applicant received 27/01/14
<u>Background Papers</u>	(1) Case File DE/414/154D/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	PTAL 6a Major District Centre Hatcham Conservation Area Not a Listed Building B Road

1.0 Property/Site Description

- 1.1 The subject property consists of a ground floor retail unit located within New Cross Road District Town Centre near the junction with Besson Street.
- 1.2 The subject property is located in a parade of around 16 retail units stretching north west from Besson Street. The parade contains a mix of uses including four Class A1 retail units, three class A5 takeaways, one Class A3 restaurants, four class A2 financial and professional services, a dry cleaners and a nail bar (sui generis). Approximately 6 units are currently vacant.
- 1.3 The subject property occupies a ground floor retail premises previously used as an internet café. As is the case for other properties in this parade, the upper two floors above the property are in residential use.
- 1.4 New Cross Road is a TFL Red Route and as such, parking is restricted. There is however some unrestricted parking available on side roads in the area.

2.0 Planning History

- 2.1 There is no relevant planning history associated with this application.

3.0 Current Planning Applications

The Proposals

- 3.1 The proposal is for the change of use of a Class A1 retail unit at number 154 New Cross Road to a minicab control centre (sui generis).

Supporting Documents

- 3.2 A supporting statement has been included as part of the application stating that the office would be a GPS control cab office enabling the drivers to work from home. The statement also confirms that the office would operate 24hrs a day and that the business may use 20 drivers.
- 3.3 An email was also received (dated 27/01/2014) confirming that the premises would not be open to members of the public or drivers at any time and will be used only for the radio control of drivers working from their homes.

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 sixteen residents and business in the surrounding area and the relevant ward Councillors. TfL were also consulted.

Written Responses received from Local Residents and Organisations

- 4.3 Three letters have been received objecting to the proposals from 132, 154 and 116-118 New Cross Road on the following grounds.
- (1) There is already a minicab office in the immediate area (located at No.132)
 - (2) The use is likely to cause congestion through the parking of extra cars
 - (3) Likely generation of noise and disturbance from people congregating around the office
 - (4) 24 hour operation likely to give rise to disturbance to residential properties
- (Letters are available to members).

Transport for London

- 4.4 TfL have raised no objections provided that a condition is imposed requiring that no driver or customer waiting facilities are provided on the premises.

Highways and Transportation

No objections provided that a condition is added to any consent which states that the proposed office shall be used only for the control of cabs by radio and no driver or customer waiting facilities shall be provided on the premises.

Policy Context

Introduction

- 4.5 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)
- 4.6 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

- 4.7 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. 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)'...
- 4.8 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.

London Plan (July 2011)

- 4.9 The London Plan policies relevant to this application are:
- Policy 4.8 Supporting a successful and diverse retail sector
 - Policy 4.9 Small shops
 - Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.4 Enhancing London's transport connectivity

Policy 6.13 Parking

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Core Strategy

- 4.10 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 5 Areas of Stability and Managed Change

Core Strategy Policy 14 Sustainable movement and transport

Core Strategy Policy 15 High quality design for Lewisham

Unitary Development Plan (2004)

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

URB 3 Urban Design

URB 8 Shopfronts

URB 9 Signs and Hoardings

URB 10 Roller Grilles and Shutters

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

ENV.PRO 11 Noise Generating Development

HSG 4 Residential Amenity

STC 1 The Shopping Hierarchy

STC 6 Major and District Centres – Other Shopping Areas

STC 7 Local Shopping Centres

STC 10 Mini Cab or Taxi Offices

Residential Standards Supplementary Planning Document (August 2006)

- 4.12 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

Emerging Plans

- 4.13 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).

4.14 The following emerging plans are relevant to this application.

Development Management Plan

4.15 The Development Management Local Plan – Submission Version, is a material planning consideration and is growing in weight. 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.

4.16 The following policies are considered to be relevant to this application:

DM Policy 1 Presumption in favour of sustainable development

DM Policy 14 District centres shopping frontages

DM Policy 16 Local shopping parades and corner shops

DM Policy 19 Shopfronts, signs and hoardings

DM Policy 21 Mini cab or taxi offices

DM Policy 26 Noise and vibration

DM Policy 29 Car parking

DM Policy 30 Urban design and local character

- *General principles*
- *Detailed design issues*

5.0 Planning Considerations

The main issues to be considered in respect of this application include the acceptability of the change of use in relation to the District Centre, the impact of the use on the amenities of neighbouring occupiers, and highways matters.

Principle of the Use

5.1 Policy STC 6 (Major and District Centres - Other Shopping Areas) states that the Council will grant permission for a change of use from Class A1 retail provided (a) it does not harm the amenity of adjoining properties and (b) it does not harm the character, attractiveness, vitality and viability of the centre as a whole.

5.2 It is acknowledged that the proposed change of use would further intensify the number of 'non retail' uses in the District Centre. However, as the subject property is a small unit, its change of use would not significantly detract from the amount of frontage in class A1 retail use. Furthermore, there are two convenience stores and a variety of other class A1 retail units in the immediate area which will continue to support an adequate range of uses to meet the day to day needs of the local community.

5.3 The parade of commercial units where the subject property is located currently suffers from high vacancy rates of around 30% with evidence of efforts to convert some units to residential use. It is therefore considered that bringing a currently vacant unit back into use would on balance be positive for the character, attractiveness, vitality and viability of the District Centre.

- 5.4 Saved Policy STC 10 (Mini Cab or Taxi Offices) and emerging DM Policy 21 state that the Council will only grant planning permission for mini cab offices in locations where they would not cause any adverse impacts on the surrounding area by virtue of traffic congestion, including parking, which would be of detriment to the safety of other vehicle users or pedestrians and would not have a detrimental effect on the amenities of adjoining property, especially residential occupiers, including that caused by noise disturbance.
- 5.5 Officers consider this site to be an appropriate location for a Mini Cab Control Centre given its location in a busy District Centre near to a range of different uses. Retention of a commercial use in this location is welcome provided it can operate without detriment to the amenity of neighbouring occupiers and highway safety.
- 5.6 Matters of highways impact and residential amenity are dealt with below and provided that the scheme is found to be acceptable in these respects, the principle of the use would be considered to be acceptable.

Highways and Traffic Issues

- 5.7 The applicant has provided a written statement dated 27/01/2014 stating that no waiting facilities would be provided and that the office would be a GPS control cab office enabling drivers to work from home. This would result in the premises only being used for the control of cabs by radio giving rise to no need for drivers to congregate in the area and await work. This would be a key factor in avoiding any congestion and increased parking pressure associated with the change of use. Such a condition has been used in three comparable applications where permission has been granted for a minicab office at 469 New Cross Road (12/79365), 15 Lee High Road (13/85490) and 191 Lewisham Way (13/84767).
- 5.8 Transport for London and the Council's Highways Department have been consulted. TFL have raised concerns over the potential for the proposal to impact on highway safety and parking if drivers are to congregate at the premises. They have therefore strongly supported the use of a condition which will prevent the use of the office by drivers and customers.
- 5.9 Furthermore, taking into consideration the potential for impacts on parking and the objections received on this basis, it is considered prudent to grant consent for a temporary period of one year to enable the planning authority to assess the impact of the use in respect of parking and traffic flow which would be taken into account if an application was made for the consent to be renewed.

Impact on Adjoining Properties

- 5.10 It is noted that objectors are concerned that the 24 hour use would result in a rise in noise and disturbance from people congregating outside the office, which would be harmful to the residential amenities of neighbours.
- 5.11 New Cross Road is a very busy transport artery and the parade of shops covered by this application already contains a range of uses which operate both during the daytime, evenings and into the night. If the premises is used as a control centre only and a condition is used to prevent customers and drivers waiting at the property, the use and its hours of operation are unlikely to result in any significant harm by way of noise disturbance to local residents. However, by making this consent temporary, if evidence of harm to the amenities of neighbours is received

then this may result in the refusal of any subsequent application to renew this permission in the future.

- 5.12 As there is residential accommodation located above the subject property it is recognised that through its 24hr operation, there may be some potential to cause disturbance to residential occupiers through operators taking calls during the night. In order to minimise potential for disturbance it is considered prudent to add a condition which will require adequate sound insulation to be provided between the control centre and residential accommodation above.

Other Issues

- 5.13 It is noted that no planning application has been made for any advertisement consent which may be associated with the change of use. The applicant is advised of the need to obtain this consent by way of an informative. However, if as suggested in the application, the external works involve only the repainting of an existing fascia without the use of illumination, this would not require consent.

6.0 Conclusion

- 6.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 6.2 On balance, Officers consider that the proposed minicab control centre will have no significant adverse impacts on the function of the district centre, highways and parking or the amenities of neighbouring properties and the proposal is therefore considered to be acceptable.

7.0 RECOMMENDATION: GRANT PERMISSION subject to the following conditions:-

- (1) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:
P-02, E-01, E-02, Site Location Plan, Supporting Statement and email dated 27th January 2014.

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

- (2) The proposed office shall be used only for the control of cabs by radio and no driver or customer waiting facilities shall be provided on or outside the premises and no drivers or customers shall be permitted to wait on or visit the premises.

Reason: To ensure that the proposed use does not give rise to traffic congestion, cause highway safety issues nor impact upon bus operations as a result of on-street parking of vehicles or picking up or dropping of passengers as a result of on-street parking of vehicles outside the premises, to ensure that the proposed use does not prejudice the amenities of neighbouring occupiers and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development, HSG 4 Residential Amenity and STC 10 Mini Cab or Taxi Offices in the Unitary Development Plan (July 2004).

- (3) The use hereby permitted shall be discontinued after a period of one year from the date of this permission.

Reason: In order to allow the local planning authority the opportunity to monitor the operation of and the impact of the use of the premises as a mini cab office on the amenities of neighbouring properties and to ensure the use is not detrimental to the safe and free flow of traffic on Lewisham Way and does not give rise to parking congestion in the vicinity of the premises.

- (4) (a) The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAm_{ax} (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to achieve levels not exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472.
- (b) Development shall not commence until details of a sound insulation scheme complying with paragraph (a) of this condition have been submitted to an approved in writing by the local planning authority.
- (c) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to comply with Saved Policy ENV.PRO 11 Noise Generating Development in the Unitary Development Plan (July 2004).

INFORMATIVES

- (1) 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, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.
- (2) The applicant is advised that this planning permission does not provide consent for any advertisements which are associated with the change of use. Although repainting an existing fascia would not require advertisement consent if a new fascia sign is to be added or illumination is used then advertisement consent will be required.
- (3) The details of the submitted drawing numbered P-01 showing a customer 'waiting area' are not approved as part of this application, as confirmed via an email from the applicant dated 27th Jan 2014 confirming that no customers or drivers will use the premises.