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| Committee | PLANNING COMMITTEE C | |
| Report Title | 5-9 DEPTFORD HIGH STREET, SE8 4AD | |
| Ward | New Cross | |
| Contributors | Jan Mondrzejewski | |
| Class | PART 1 | 2 JULY 2015 |

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| <u>Reg. Nos.</u> | DC/15/91674 & DC/15/91681 |
| <u>Applications dated</u> | 02.04.15 [revised on 18.05.15 and 29.05.15] |
| <u>Applicant</u> | DC/15/91674: HGP Architects DC/15/91681: Pegasus Group obo Asda Stores Ltd. |
| <u>Proposal</u> | DC/15/91674 The installation of a new shop front and an automated teller machine in the front elevation at 5-9 Deptford High Street SE8, together with the installation of air conditioning/refrigeration plant, fire exit' gates and access gate to the rear. DC/15/91681 The display of one externally illuminated fascia sign displaying the Asda logo, one externally illuminated projecting sign; 1 internally LED illuminated ATM sign and one externally applied vinyl sign (transparent with white lettering) at 5-9 Deptford High Street SE8. |
| <u>Applicant's Plan Nos.</u> | DC/15/91674 14.157.A (00) 04 Revision A, 14.157.A (00) 05 Revision C, A (00) 07 Rev C, A (90) 00_01 Rev F, Site Location Plan, Environmental Noise Survey Report and Noise Impact Assessment for Fixed Plant Revision B dated 18.05.2015 & External Lighting Revision dated 29.05.2015. DC/15/91681 14.157.A(00)00_03 Existing Elevation, 22564v01 Comprising Proposed Shopfront Elevation, Proposed Ground Floor Plan, Details of Proposed Signs, Location Plan |
| <u>Background Papers</u> | (1) Case File DE/156/1/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (Nov. 2014) (4) The London Plan (March 2015) |
| <u>Designation</u> | Existing Use |

OBSERVATIONS

1.0 Property/Site Description

- 1.1 The application site is located at Nos 5-9 Deptford High Street and comprises a two storey shop unit with B1 offices above, constructed in the early 1960s. This originally formed part of a redevelopment of the sites of No 505 New Cross Road and Nos 1-9 Deptford High Street. No 505 New Cross Road and Nos 5-9 Deptford High Street still retain their original 1960s first floor street elevations, comprising steel framed curtain walling, with a horizontal band of glazing over a horizontal band of solid panels (which in the case of 5-9 have been painted white). The adjoining corner unit at 1-3 Deptford High Street would originally have had the same first floor elevation but this was replaced with London stock brickwork with timber framed sash windows in the mid 1990s. This make-over, partly funded by Deptford City Challenge, was intended to bring the upper floor of the building into use as residential accommodation.
- 1.2 The application premises is the largest of the three units having a large single storey extension which on its north side, adjoins the rear garden of a terrace of Victorian two storey terraced houses at Nos 82-88 Speedwell Street. At the western end of this unit is a service yard, accessed from Speedwell Street. This is separated from the gable end of Theatre place, a three storey Victorian factory building which has been recently converted to flats, by a pedestrian access. This pedestrian access extends to the south of the single storey rear extension to 5-9 Deptford High Street and serves the ground floor commercial accommodation at Nos 491-505 New Cross Road.
- 1.3 The first use of the unit at No 5-9 Deptford High Street was as a Co-op supermarket. This was followed in the early 1980s by use as an indoor market which featured a café. This was followed in 2000 by use as a store for the Peacock chain. This use ceased a few years ago, since which time the premises have operated as a 99p store. The established use of the premises is therefore an A1 retail unit.
- 1.4 The property is located within the Deptford High Street Conservation Area and forms part of a Primary Shopping Frontage within the Deptford District Centre. The site is close to 13 Deptford High Street which is a locally listed building of early to mid 19th Century date and lies with an archaeological priority area.

2.0 Planning History

- 2.1 The process of developing the site of Nos 505–511 New Cross Road, 1-9 Deptford High Street and 78-80 Speedwell Street dates back to 1949, with planning permission for the current scheme comprising shops on the ground floor and offices and showrooms on the first floor, being granted in February 1957.
- 2.2 Planning permission for a shopfront was granted in October 1958.
- 2.3 In December 1999 planning permission was granted (DC/99/45733) for the installation of a new shopfront and air conditioning units at 5-9 Deptford High Street. Details of air conditioning and white perforated roller shutters in compliance with conditions (2) and (3) of this permission were approved in October 2002.

- 2.4 Consent was also granted in December 1999 (DC/99/45732) for the display of an internally illuminated shop fascia sign at 1-9 Deptford High Street, together with the erection of two internally illuminated double sided projecting box signs.

3.0 Current Applications

DC/15/91674

Planning permission for the installation of a new shop front and an automated teller machine in the front elevation at 5-9 Deptford High Street SE8, together with the installation of air conditioning/refrigeration plant, fire exit gates and access gate to the rear.

- 3.1 This application comprises a new shopfront and the installation of new plant and equipment to the rear of the building. As a result of consultation with residents and discussion officers the following aspects of the proposal have been revised:-

Proposed Shopfront

- a) The proposed shopfront has been restored to its originally designed height of 1957 which extends to the underside of the original shop fascia. The latter comprises a painted cement rendered panel on a wooden and galvanised steel mesh armature. This removes the much later box fascia located below the original which was a feature of the Peacock and 99p stores which formerly occupied the premises.
- b) In the scheme as originally submitted the vertical elements of the proposed shopfront were not symmetrical and did not relate to the first floor curtain wall. The shop windows have been redesigned to reflect the proportions of the first floor curtain walling of the original 1957 design and to form two symmetrical modules either side of an existing central structural column. One of these modules is entirely given over to window display space, while the other accommodates the entrance doors to the shop and the proposed ATM.
- c) Given the extra height of the shop unit, a transom has been introduced to accommodate non-see-through glazing to conceal the ceiling void of the proposed store which extends below the under side of the original fascia. The proposed ATM will be set within the same non-see-through glazing rather than a solid panel as originally proposed.
- d) A low stall riser in powder coated aluminium to match the proposed window frames and doors has been introduced.
- e) Security shutters and any associated housing to the new shopfront will be internal and do not require planning permission.

Works to the Rear of the premises:

- a) The proposed air conditioning units have been moved further to the south so as not to obstruct a window in the ground floor side elevation of Theatre Place. The height of the enclosing acoustic timber cladding to the units has also been reduced from 3 to 2 metres making the structure less visually obtrusive.

- b) Timber slats will be fitted to the existing galvanised paling fence at the rear of the proposed refrigeration condenser unit to act as both a visual screen and to improve sound attenuation.
- c) A revised acoustic report has been submitted to demonstrate that the new arrangements will still achieve a good level of sound attenuation for all residential properties surrounding the site.
- d) An external lighting report has been submitted to demonstrate that the proposed lighting to the rear yard, comprising 4 wall lights, will, when activated, not result in excessive spillage onto surrounding sites.
- e) A screened refuse bin store has been provided at the rear of the building which is as far as possible out of the line of sight of the first floor rear windows on the adjoining properties in Speedwell Street.
- f) The applicant has confirmed that it is proposed to place a small bakery oven in the premises. However, this will be a larger scale version of a domestic electric oven but with an air intake and outlet comprising louvered vents, each 200mm square and spaced several metres apart. Although mounted externally, these would normally be held to be de minimis in terms of impact on the appearance of the building. The air intake and outlet is required to avoid overloading the store's air conditioning system and not to expel smells and odours to the outside of the building.

3.2 It is not proposed that the rear access and service yard will be used as a general delivery access. This, as with most businesses in the Deptford High Street, will continue to take place from the High Street. To further protect the amenities of local residents from noise and disturbance associated with delivery and service vehicles, the applicant has suggested a delivery and servicing management plan. However, as the use of the premises for retail purposes is lawful and the application relates only to the installation of a new shopfront and external plant, a planning condition which sought to enforce such a plan would be unreasonable.

DC/15/91681

Express consent for the display of one externally illuminated fascia sign displaying the Asda logo, one externally illuminated projecting sign; 1 internally LED illuminated ATM sign and one externally applied vinyl sign (transparent with white lettering) at 5-9 Deptford High Street SE8.

3.3 This application has been amended following consultation with residents and officers to feature the following changes:-

- a) The signage above the entrance doors displaying the Asda logo (which was initially proposed as an internally illuminated box sign) will now be externally illuminated by a trough light mounted above the sign. This means that the depth of the sign can be considerably reduced. The sign will also not project below the fascia as originally proposed.
- b) A non-illuminated sign displaying shop opening hours has now been added to the fascia to the side of the Asda logo. On its own this sign would have the benefit of deemed consent.

- c) The proposed projecting sign, originally intended to be internally illuminated, has now been altered to an externally illuminated one with much narrower section.
- d) Initial proposals to place vinyl overlays depicting produce on the windows of the store have now been removed from the proposal. Only one such overlay is now proposed to the left of the new entrance to the store. This will be transparent with white lettering and display the opening hours of the store. This means that the new shopfront will allow the interior of the store to be seen from the street.
- e) The only remaining internally illuminated sign is the comparatively small one associated with the proposed ATM

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed and letters were sent to residents in the surrounding area, the relevant ward Councillors and the Deptford High Street Association.

Written Responses received from Local Residents and Organisations

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- 4.3 Eight replies from the occupiers of Flats 1, 7 & 13 Theatre Place, 489A New Cross Road, 448 New Cross Road, 12 Flamingo Court, Hamilton Street, 4 Tavern Apartments, 105 Tanner's Hill and 82 & 84 Speedwell Street, plus the occupier of Shop Unit at No 1-3 Deptford High Street who sent in a response to the planning application under the reference for the advertisement application. The respondents have objected to the proposal on the following grounds:-
 - 1) The quality of design does not reach an appropriate standard for such a large shopfront within a Conservation Area.
 - 2) As the applicant has removed the existing shopfront, the Council should insist on the provision of one of similar quality.
 - 3) The proposed shopfront is to be flat across its whole extent - an inset door would be more appropriate to the scale of the High Street and would present a more interesting facade.
 - 4) The aluminium framing is too thick and impacts negatively on the visual appearance of the shopfront. Since it only needs to be single glazed a frameless proposal should be considered.
 - 5) The occupier of 1-3 Deptford High Street (which was built at the same time as the application premises) was advised by planning officers that aluminium was an unsuitable material for a shopfront in a Conservation Area and would not be granted planning permission. If an aluminium shopfront is unacceptable for a small independent operator it should also be unacceptable for a large company, occupying a very similar building.

- 6) The vertical framing which carries down through the stallriser is inappropriate.
- 7) No treatment for the first floor windows is proposed - the proposal needs to encompass the whole facade.
- 8) The glazing grid to the shopfront is wholly inappropriate.
- 9) No details of the signage are given, so it is unclear whether the sign is to be internally lit.
- 10) Backlit signage is not acceptable in the Conservation Area.
- 11) This is a large shopfront (which has already previously been blighted by ugly signage) and getting a good standard of design on this property will be very helpful in setting the standard for other units.
- 12) There are currently no external lights in the yard and the introduction of either movement activated or permanent electric lighting would give rise to light pollution to occupiers in Speedwell Street and the ground floor flat of theatre place.
- 13) The proposed siting of 10 A/C units as originally proposed ignores the presence of an existing living room window in the gable wall of Theatre Place which is within 1m of, and directly opposite, the site of the proposed units.
- 14) The proposed acoustic enclosure will adversely affect the amenity of the ground floor flat at Theatre Place reducing daylighting, the perceived sky component and creating a greater sense of enclosure and loss of outlook.
- 15) The acoustic enclosure features an open side and top (through which the units will be seen as well as heard) from the nearby residential accommodation
- 16) The acoustic report recognises the very low levels of ambient noise in the area particularly at night but fails to stipulate at what time of night most of the nearby condensers are switched off. However, the hours of trading in the licence application suggest the proposed store will be open until midnight.
- 17) In the summer, it is typical for windows of nearby properties which have no A/C units to be left open for ventilation. So, unless the proposed A/C system is shut down early in the evening, the additional noise would adversely effect nearby residential properties.
- 18) The proposed units and enclosure should be relocated closer to the proposed refrigeration condenser so that loss of daylight to the ground floor flat at Theatre Place can be mitigated (sketch provided to show the suggested location).
- 19) It would also be necessary to apply acoustically absorbent panels to the external wall opposite the A/C units to mitigate the effect of sound which could otherwise be reflected.
- 20) Residents have concerns about noise emission as well as smells and odours from the proposed bakery extract (not shown on the submitted plans).
- 21) Residents note that the extracts from the switch room and plant room are not shown on the submitted plans and could be a source of noise nuisance.

- 22) The repositioning of the plant along with the addition of acoustic panels closer to the rear of the buildings of New Cross Road (which are predominantly commercial) would reduce the potential for nuisance to residential occupiers.
- 23) The noise coming from the current construction works is unacceptable, and while they are not using machinery until 8am, the workforce are shouting, loading/unloading and reversing large vehicles from 6am including Saturdays.
- 24) The location of refuse bins close to the yard gates and residential properties is unacceptable, being unsightly and a potential source of noise nuisance.
- 25) The opening and closing of the yard gates would also lead to additional noise nuisance and is already being generated by the building work underway at the premises. This is currently restricted to between 6am and 7pm but there is concern that this could potentially be increased once the store is opened.
- 26) Noise from the proposed condenser unit is also a concern despite the recent addition of an acoustic screen.

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4.4 Two replies from the occupiers of 12 Flamingo Court, Hamilton Street and 4 Tavern Apartments, 105 Tanner's Hill. The respondents have objected to the proposal on the following grounds;-

- 1) The use of internally illuminated box signs is not acceptable in the Conservation area.
- 2) The application proposes externally-applied vinyl signs on the front of the store. Considering the size of the shop window and the fact that it dominates the street at this location, the occupant should be encouraged to provide an active frontage that improves the high street, rather than static signage which will contribute nothing to the streetscape.
- 3) The proposed signage should not be larger or project further than the previously approved signage.

(Letters available to Members).

The Amenities Society Panel

4.5 The Panel notes the incomplete set of drawings. The Panel strongly objects to the loss of the entrance recess and the flattening of the shopfront. The Panel queries the material for the proposed shopfront which looks like white plastic. The Panel also objects to the change of pattern and subdivision of the shop windows, the loss of the picture windows and the loss of the stall riser. The Panel suggests that the opportunity should be taken to remove the shutter in front of the side entrance door. The Panel objects to the internal illumination of the signage.

Highways

- 4.6 No objection in principle to servicing being primarily carried out from Deptford High Street, given that the rear yard and access road leading to it are not suitable for large rigid or articulated delivery and service vehicles. A Delivery and Servicing Plan should also be required by condition. If this is not possible it should be provided as a unilateral undertaking. Employee cycle parking should also be provided.
- 4.7 Refuse bins must not be stored in the area shown on the submitted plans and shall not be left on the public highway. Trolleys must also be kept inside the store and not left on the public highway.

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 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

- 5.3 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 in paragraph 211, that 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 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.

Other National Guidance

- 5.5 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

London Plan (March 2015)

- 5.6 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 2.15 Town centres

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 4.1 Developing London's economy

Policy 4.7 Retail and town centre development

Policy 4.8 Supporting a successful and diverse retail sector and related facilities and services

Policy 4.11 Encouraging a connected economy

Policy 4.12 Improving opportunities for all

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.9 Overheating and cooling

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater Infrastructure

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.4 Enhancing London's transport connectivity

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Policy 7.13 Safety, security and resilience to emergency

Policy 7.14 Improving air quality

Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

London Plan Supplementary Planning Guidance (SPG)

5.7 The London Plan SPGs relevant to this application are:

Sustainable Design and Construction (2006)

Planning for Equality and Diversity in London (2007)

London Plan Best Practice Guidance

5.8 The London Plan Best Practice Guidance relevant to this application are:

Control of dust and emissions from construction and demolition (2006)

Health Issues in Planning (2007)

Managing the Night Time Economy (2007)

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 Site Allocations, the Lewisham Town Centre Local Plan, the Development Management Local Plan and the London 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 6 Retail hierarchy and location of retail development

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 9 Improving local air quality

Core Strategy Policy 10 Managing and reducing the risk of flooding

Core Strategy Policy 13 Addressing Lewisham's waste management requirements

Core Strategy Policy 14 Sustainable movement and transport

Core Strategy Policy 15 High quality design for Lewisham

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

Development Management Local Plan

5.10 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

5.11 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

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| DM Policy 13 | Location of main town centre uses |
| DM Policy 14 | District centres shopping frontages |
| DM Policy 19 | Shopfronts, signs and hoardings |
| DM Policy 22 | Sustainable design and construction |
| DM Policy 23 | Air quality |
| DM Policy 26 | Noise and vibration |
| DM Policy 27 | Lighting |
| DM Policy 29 | Car parking |
| DM Policy 30 | Urban design and local character |
| DM Policy 31 | Alterations/extensions to existing buildings |
| DM Policy 36 | New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens |

Shopfront Design Guide Supplementary Planning Document (March 2006)

- 5.12 This document seeks to promote good design in order to enhance the character and appearance of the borough as a whole. The guide advises on the use of sensitive design and careful attention to detail and that whilst shopfront design encompasses a wide variety of styles and details there are certain basic rules that apply everywhere.

6.0 Planning Considerations

- 6.1 The use of the premises as a retail unit is clearly long established and no planning permission is required for this. The main planning considerations are therefore whether the proposed replacement shopfront and associated illuminated advertising would preserve or enhance the character and appearance of the Deptford High Street Conservation Area and whether the proposed external plant and equipment to be located at the rear of the property would have any detrimental impact on the amenities of adjoining residential occupiers.

Impact on the character and appearance of the Deptford High Street Conservation Area.

- 6.2 The application was submitted without the benefit of pre-application advice. At the time of the case offices first site inspection on 7th May 2015 the previous shopfront had been entirely removed. However, images of the original shopfront are available on Google Street view and show the appearance of the unit in 2013. These suggest that the previous shopfront was the aluminium one approved for Peacocks in 1999 and more recently modified to for the 99p store.
- 6.3 Although this shopfront featured an inset doorway located towards the centre of the unit, this appears to have been a practical requirement to avoid a step. This is not required in the case of the proposed shopfront as it is located further to the south where pavement level and internal floor level more closely correspond. This allows full accessible access to be provided without the need for an inset. Although the proposed scheme could incorporate a recessed entrance, which would have to be secured for security reasons by shutters at night, they have opted for flush fitting automatic doors. Provided full wheelchair

accessible access is provided, officers do not consider that a convincing case could be made for the inclusion of a recessed entrance on purely aesthetic or Conservation grounds and that taken in its totality, the proposed shopfront and associated advertising, as revised, constitute an enhancement to the appearance and character of the Deptford High Street Conservation area.

- 6.4 With regard to the objection to the principle of aluminium as a material for a shopfront in the Conservation Area, account has to be taken of the period of construction of the building and the style used. In the case of No 5-9, the unit still retains the look of a modern movement inspired building of the 1950s/60s. During this period narrow sectioned steel was used to frame shop windows and in this case is even used for the first floor curtain wall elevation of the building fronting Deptford High Street. However, the adjoining building at Nos 1-3, although originally of the same design and period of construction as Nos 5-9, was subject to a Victorian make-over in the 1990s which removed many of the characteristically modern features of the building. A modern shopfront would therefore be at variance with the current style of this building. There is therefore no question of the Planning Service treating large retailers any differently from small retailers and the reason why timber as opposed to aluminium might be preferred in the case of Nos 1-3 is due entirely to the fact that the architectural context of the two shopfronts is totally different. It should also be noted that aluminium was the specified material for the shopfront previously granted planning permission at the premises in 1999 and although normally thicker in section than steel it is generally a more appropriate substitute for this material than timber or PVCu.
- 6.5 Similarly, officers do not consider that a wholly glazed shopfront without any vertical framing, as suggested by some of the objectors, would necessarily be more in keeping with the character of the building or the Deptford High Street Conservation Area. The shopfront as redesigned, following discussions with planning and conservation officers, now ties in with the first floor elevation of the building and is restored to its original height. Images of the previous shopfront show it to be exceptionally squat with a modern fascia set below the original cement rendered one. It is noted that the revised design now sits more comfortably with Nos 1-3 Deptford high Street where height of the shopfront and fascia remain as originally designed.
- 6.6 It will be noted that the proposed fascia signage is now externally illuminated and less bulky than the internally illuminated box signage originally proposed. The same applies to the proposed projecting sign. The provision of external overlays depicting produce has also been removed from the proposal. Only one such overlay is now proposed to the left of the new entrance to the store. This will be transparent with white lettering and display the opening hours of the store. The proposed shopfront will therefore allow the interior of the store to be seen from the street. These alterations were specifically requested by objectors, were fully supported by officers and have been accepted by the applicant.

Impact on adjoining residential properties

- 6.7 Although the 1999 permission for a new shopfront also included air conditioning units which were placed on the roof of the building, these do not appear to have given rise to complaints in respect of noise. The reasons for these now being placed at ground level is that;

- a) the equipment and any acoustic housing would be more visually prominent if placed on the roof of the building.
- b) The rear elevation of the building and the gable end of Theatre Place is better able to contain sound than a much more open roof top location.
- c) Health and safety requirements make the maintenance of units at ground level far easier.

6.8 In the application as originally submitted, the proposed A/C units were placed behind an acoustic screen against the boundary fence of the service yard which adjoins the pedestrian footpath between the boundary fence of the application site and the gable end of Theatre Place. However, the gable end in question has a single window belonging to a ground floor flat which would look directly onto the 3m high acoustic enclosure to the A/C units. The applicant was advised that this was unacceptable and the scheme was revised to relocate the units to the south and reduce the height of the enclosure from 3m to 2m (the same height as the existing galvanised steel paling fence surrounding the yard).

6.9 In terms of noise impact, this is likely to be reduced to the greatest number of nearby residential properties by locating the A/C units between the front and rear elevation of the gable end of Theatre Place. Moving the units to the south end of the site, on the basis that this would be closer to the rear of properties in New Cross Road which are predominantly commercial, as suggested by some objectors, ignores the fact that the upper parts of these properties are intensively occupied by residential accommodation. In the case of this accommodation, rear facing rooms will generally be a lot quieter than those facing New Cross Road (A2). While much of this accommodation comprises HMOs, residents are of course entitled to the same degree of protection from noise nuisance as residents in Theatre Place or Speedwell Street. Locating the units further towards the south end of the site than currently proposed would also expose more residents of the flats in Theatre Place to the possibility of increased levels of noise, although not necessarily outside the guidelines recommended in the latest relevant British Standard. The applicant's acoustic consultant has provided the following synopsis of his report with respect to the noise impact of the new position of the A/C units:-

'The latest British Standard, BS4142:2014, came into force on 31st October 2014 when the original 1997 standard was withdrawn. The latest standard describes methods for rating and assessing sound of an industrial and/or commercial nature which includes sound from fixed installations which comprise mechanical and electrical plant and equipment. We have adopted the methodology in this standard for rating the cumulative noise effect of plant proposed for this site, including the 11no condensing units.

We have carried out 13hour continuous noise monitoring in the service yard at a position available to us which we consider representative of the existing pre-development noise climate at the nearest residential properties. As stated in the standard, we have adopted the typical background noise level for the late evening, night and early morning.

Based on the plant selections given to us by the mechanical consultants, we have undertaken a noise impact assessment to determine the cumulative noise for the day and night operating periods taking into account that some plant items do not run at night and others are 24/7 operation.

The standard requires us to consider acoustic features which can increase the significance of impact. For this site, the standard confirms that it is appropriate to establish a rating penalty for sound based on a subjective assessment as the new sources cannot be measured because they are only proposed at this time. As the specific designed plant does not feature characteristics that are either tonal or impulsive, a penalty of 3dB can be applied and we have done so within our calculations. This means the cumulative rating level of the plant, including the penalty, is controlled to not exceed the pre development typical background noise level during the operating periods of the plant items. In effect the plant noise is designed to be 3dB below the background level.

BS4142:2014 states "where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on context".

Considering context, in the close surrounding area to the store there are various plant in operation from adjacent commercial and retail premises that are controlling the noise climate of the area.

We are satisfied we have provided a robust assessment in line with the latest British Standard and the inclusion of mitigation measures to various plant items, including the condensers, ensures the aims of the Standard have been achieved.

Finally, considerable discussions have taken place regarding the location of the condensing units and the finalised location in the service yard is considered the best option as it enables effective screening, to be incorporated within the scheme to shield the units from the nearest residential windows. The re-location of the units onto the store facade facing the properties backing onto New Cross Road is not suitable as these units would still require screening but there is not sufficient space to provide a 1.5m gap, as required by the manufacturers, between the front of the units and the rear of the screen to enable the units to operate effectively with sufficient space for airflow.'

- 6.10 With regard to the proposed external lighting to the rear yard, these comprise 4 wall lights (the one closest to Speedwell Street to be fitted with a deflector). An External Lighting report has been submitted to demonstrate that the proposed lighting, will, when activated, not result in spillage onto surrounding sites.
- 6.11 In terms of the proposed bakery oven this is a comparatively small piece of equipment which could be installed without planning permission as it is located inside the building and the proposed external vents are regarded as de minimis in planning terms. As with noise nuisance, residents will still have the benefit of the protection afforded by environmental health legislation should there be problems of smells from the oven. Abatement of nuisance could require the cessation of the use of the equipment in question until the problem with odours has been resolved.
- 6.12 The application has provided a screened bin store in the rear yard of the property which is as far as possible out of the line of sight of nearby residential occupiers. Bins will be taken through the store to be collected from Deptford High Street. However, Members are advised that as this application does not require a change of use, the Council would only normally only have a limited ability to influence the servicing and delivery arrangements of a business

occupying a unit in established retail use. Although the applicant has therefore offered to provide a delivery and servicing plan to demonstrate that their operation would be no adverse impact on existing residential occupiers, this could not be required by a planning condition and nor its provisions be enforced. Any delivery and servicing management plan which might be prepared is therefore for information purposes only.

Regeneration Considerations

- 6.13 In terms of the regeneration benefits of the proposed development, the applicant states that the proposed store is one of a new range of small to medium size Asda Stores which can be introduced into existing town centres. With regard to employment, the applicant states that:-

The new store will employ 48 people in total, including the General Store Manager and seven Section Leaders. There will be a mix of Full Time and Part Time employees with the vast majority new to Asda, rather than transfers from existing stores. The new employees have mostly been recruited via initial contact through the Asda recruitment website and then interview, or through links which Asda has established with the Job Centre at Lewisham. The youngest new employee is 16 years old and the oldest is 55 years old, which the company state is an indication of the diversity of age, background and experience of the people who will be joining the new store. The applicant has provided a copy of Asda's Employment brochure, which highlights the benefits of employment with Asda, including training, diversity and possibilities of career progression has been provided by the applicant and identifies how Asda integrates with the local community.

7.0 Consultations

- 7.1 The objections to the development, including those citing instances of nuisance and expressing views on the design of the proposed shopfront have been addressed in the preceding section of this report.

8.0 Local Finance Considerations

- 8.1 The development will not be CIL liable if planning permission is granted as no new floorspace is created.

9.0 Conclusion

- 9.1 In terms of regeneration, securing the continued use for retail purposes of a vacant store of this size in a primary shopping frontage within a District Centre is clearly welcome. However, securing this reuse is dependent on the provision of a shopfront, signage and associated plant and equipment which both allows the retailer to make use of the premises while preserving or enhancing the character and appearance of the Conservation Area and not causing any harm to the amenities of nearby residential occupiers.
- 9.2 Officers consider that this proposal as revised fulfils all these objectives and, subject to appropriate planning conditions, the application for planning permission and express consent are recommended for approval.

10.0 RECOMMENDATION A: GRANT PERMISSION in respect of application DC/15/91674 Subject to the following conditions:-

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:

14.157.A (00) 04 Revision A, 14.157.A (00) 05 Revision C, A (00) 07 Rev C, A (90) 00_01 Rev F, Site Location Plan, Environmental Noise Survey Report and Noise Impact Assessment for Fixed Plant Revision B dated 18.05.2015 & External Lighting Revision dated 29.05.2015.

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. (a) The rating level of the noise emitted from fixed plant on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:2014.
- (b) Development shall not commence until details of a scheme complying with paragraph (a) of this condition have been submitted to and approved in writing by the local planning authority.
- (c) The development shall not be occupied until the scheme approved pursuant to paragraph (b) of this condition has been implemented in its entirety. Thereafter the scheme shall be maintained in perpetuity.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

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.

11.0 RECOMMENDATION B: GRANT CONSENT in respect of application DC/15/91681 Subject to the following conditions:-

Conditions

1. (a) This consent is granted for a fixed period expiring 5 years from the date of consent.
- (b) No advertisement is to be displayed without the permission of the owner of the

site or any other person with an interest in the site entitled to grant permission.

- (c) No advertisement shall be sited or displayed so as to:-
 - (i) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military).
 - (ii) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air.
 - (iii) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (d) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (e) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- (f) Where an advertisement is required under these regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In accordance with the Town and Country Planning (Control of Advertisement) (England) Regulations 2007.

- 2. The illuminated advertisements hereby granted consent shall not be displayed otherwise than in complete accordance with the approved plans, unless previously agreed in writing by the local planning authority.

Reason: To protect the visual amenities of the area and to comply with the terms of the application and DM Policy 19 Shopfronts signs and hoardings of the Development Management Local Plan (November 2014).