

Committee	PLANNING COMMITTEE C	
Report Title	105 Sydenham Road SE26 5UA	
Ward	Sydenham	
Contributors	Luke Mannix	
Class	PART 1	04 February 2016

<u>Reg. Nos.</u>	DC/15/92676
<u>Application dated</u>	17.06.15
<u>Applicant</u>	Rightplan Ltd (on behalf of Mr Ado)
<u>Proposal</u>	The change of use of the ground floor unit at 105 Sydenham Road SE26 from a cheque centre (Use Class A2) to mixed educational uses, including after school club (Use Class D1)
<u>Applicant's Plan Nos.</u>	1000/001; 1000/002; 1000/110; 1000/111; Planning, Design and Access Statement (received 15th of July); Marketing Information (received 7 th September 2015).
<u>Background Papers</u>	(1) LE/180/105/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	Sydenham District Town Centre Primary Shopping Frontage Sydenham Thorpes Conservation Area
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application site relates to the ground floor unit within a three-storey, mid-terrace building located on the northern side of Sydenham Road. The ground floor premises is currently vacant but was last used as a cheque exchange centre (Use Class A2). The upper floors are used as separate residential accommodation (Use Class C3).
- 1.2 The site's frontage consists of a standard shop front design with large amounts of glazing. A single plastic sign is located in the fascia, with smaller signage projecting from the consul bracket advertising for the adjoining businesses. To the side of the shop front, a timber door provides entrance for the upper floor flats with a fanlight window above.
- 1.3 Internally, the premises consists of a customer waiting area and counter to the front with employee office area to the rear, together with a kitchenette and toilet. The yard to the rear has access to the adopted alley which is accessed from Queensthorpe Road and Mayow Road.

- 1.4 The neighbouring properties match the site with commercial units on the ground floor and residential use above. The surrounding shop premises include hot food take-aways (Use Class A5), betting shops (Use Class A2), clothing retailers, bargain stores, cake store, party store and a Co-operative grocer opposite (Use Class A1).
- 1.5 The site is located designated within the Sydenham district town centre, as well as being designated within primary shopping frontage pursuant to the Core Strategy Policies Map 2011. As of 2013, the Sydenham district town centre had a vacancy rate of 7.2% and the proportion of A1 units within the primary shopping frontage was 56.1%.
- 1.6 The site is also located in the Sydenham Thorpes Conservation Area which is also covered by an Article 4 Direction.
- 1.7 Sydenham Road is a classified 'C' road with the area to the front of the site with restrictive double yellow lines, however, there are small areas of limited hours parking further along Sydenham Road. Unrestricted parking is located along nearby residential streets nearby, as well as a free car park accessed from Girton Road.
- 1.8 The PTAL rating for the site is 5, based on a scale of 0-6b with 6b being the highest. Sydenham Road has bus routes servicing Penge, Croydon centre, Catford, Forest Hill and Crystal Palace along the road. Sydenham Station is located 400m to the west. Therefore the access to public transport is considered to be very good.

2.0 Planning History

- 2.1 DC/08/68416 – Planning permission was refused but allowed at appeal (APP/C5690/A/09/2102736/NWF) for the change of use of the ground floor shop at 105 Sydenham Road SE26 to a restaurant/take-way service (Use Class A3 /A5), together with the installation of extract ducting to the rear.
- 2.2 DC/11/77822 – Planning permission was granted for the change of use of 105 Sydenham Road SE26 from retail (Use Class A1) to a Cheque Centre (Use Class A2) (Professional & Financial Services).

3.0 Current Planning Applications

- 3.1 The current proposal seeks planning permission for the change of use of the ground floor unit at 105 Sydenham Road from a cheque centre (Use Class A2) to mixed educational uses, including after school club (Use Class D1).
- 3.2 The proposed plans show no external alterations to the external shop front. Cycle parking spaces are shown in the rear yard.
- 3.3 The business would be open from 09:00 to 20:00 Monday to Friday and 09:00 to 18:00 Saturday and Sunday. It is proposed to employ three staff on a permanent basis.

4.0 Consultation

4.1 A site notice was displayed and letters were sent to residents and business in the surrounding area. A press notice was placed in the News Shopper on 22nd July 2015.

4.2 Ward Councillors, the Amenity Society Panel and the Sydenham Society were notified. In addition, the relevant internal Council departments were notified.

4.3 The responses received are summarised below.

a) Written Responses received from Local Residents and Businesses

4.4 Two letters providing comments on the application were received from nearby residents. The matters raised are as follows:-

- There are inaccuracies within the submitted details, such as; the omission of on-site trees, gates for vehicle parking, incorrect site plan, shared ownership of the rear yard for access and the site is within a Conservation Area;
- The cycle parking should be reorganised to ensure trees are not impacted and the car parking space is not lost;
- The use of the rear yard may lead to noise and nuisance for upper floor flats given the circular stairs leading to the residential units; and,
- It is requested that permission is only granted with conditions that restrict the use to the numbers of children to 14 at any one time, limit the hours of operation to those stated and exclude the rear yard from any use as a children's play area.

b) Written Responses received from Councillors and Societies

4.5 Objections were received from Councillor Best, Councillor Onikosi and the Sydenham Society raising the following concerns:-

- As a result of the proposed change of use, the shop would not be able to be let as an A1 unit. Therefore the proposal results in the loss of an A1 unit in an area of need for these types of business;
- The space appears insufficient for the proposed use; and,
- Several fast food take-away shops are located nearby, making the site unsuitable.

c) Amenity Society Panel

4.6 The panel objected as the retail use should be retained within the district shopping centre.

d) Conservation Officer

4.7 No objections.

e) *Highways Officer*

4.8 No objections.

Other Consultation Matters

4.9 The original description of development was given as follows:

The proposed change of use of the ground floor from A1 to an after-school club (D1) at 105 Sydenham Road, SE26.

4.10 This was noted as incorrect as the correct current use class is A2. Furthermore, more information was provided in relation to the proposed use of the site.

4.11 Taking this into account, the description was changed to:-

The proposed change of use of the ground floor unit at 105 Sydenham Road SE26 from a cheque centre (Use Class A2) to mixed educational uses (Use Class D1)

4.12 Neighbours, Ward Councillors and the Sydenham Society were re-notified on 30th November 2015 with the change in description and given 21 days to comment. Two letters were received from the same respondents outlining similar concerns as noted above.

4.13 Following this re-notification, the applicant requested the description be changed to include an after school club specifically. Therefore the description was changed to what is currently outlined. It is considered that the latest change in description would not significantly disadvantage neighbours and concerned parties and therefore re-notification was not considered necessary.

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 4.8 Supporting a successful and diverse retail sector and related facilities and services
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.1 Lifetime neighbourhoods

Core Strategy

- 5.7 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 3 District Hubs
Core Strategy Policy 6 Retail hierarchy and location of retail development
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment
Core Strategy Policy 19 Provision and maintenance of community and recreational facilities

Development Management Local Plan

5.8 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:

5.9 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 26	Noise and vibration
DM Policy 29	Car parking
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
DM Policy 42	Nurseries and childcare

6.0 Planning Considerations

6.1 The main issues to be considered in respect of this application are:

- a) Principle of Development;
- b) Impact on the Conservation Area;
- c) Highways and Traffic Issues;
- d) Impact on Adjoining Properties; and,
- e) Other Matters.

Principle of Development

6.2 The NPPF states that Local Plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally. To support this approach, all policies in the DMLP should be read in the context of DM Policy 1 Presumption in favour of sustainable development.

6.3 DM Policy 1 outlines that where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the

Council will grant permission unless material considerations indicate otherwise, taking into account whether:-

(a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or,

(b) specific policies in that Framework indicate that development should be restricted.

- 6.4 The site is designated as being within the Sydenham district town centre. The Council, recognising it has an important role to play in encouraging retailing and town centre development, has developed policies to protect and enhance these areas through appropriate development.
- 6.5 The Core Strategy, in line with the NPPF and London Plan policies, has set out the retail hierarchy within the Borough within Policy 6. The policy states that the Council will designate primary and secondary frontages within the Major and District town centres to ensure essential services are maintained and contribute to their vitality and viability; secondary frontages will help provide for the uses appropriate to the night time economy.
- 6.6 In line with this, the Council has designated a primary shopping frontage along Sydenham Road, which runs from the junction with Mayow Road in the east to the junction of Silverdale Road in the west. The subject site is situated within the primary shopping frontage, four properties in from the junction with Mayow Road.
- 6.7 Core Strategy Policy 6 goes on to state that the Council will protect local shopping facilities from change of use or redevelopment where there is an economic demand for such services.
- 6.8 DM Policy 14 has been created to protect A1 shops within primary frontages of district town centres. However, it is noted that the policy only relates to units in A1 Use Class and therefore does not apply to the subject site, being A2 Use Class. Furthermore, there are no policies which otherwise relate or restrict the proposed change of use.
- 6.9 There are no specific policies within the NPPF which protect A2 Use Classes within district town centres.
- 6.10 On the other hand, the Core Strategy aims to improve community well-being. Relating to this, paragraph 7.176 states that the Council wishes to ensure a thriving environment in which people can live, work and learn. Sustainable communities can only exist where a network of appropriately located facilities is provided within a local area. Education and health facilities are considered two essential basic services and are supplemented through other community, leisure, arts, cultural, entertainment and emergency services, and sports and recreational facilities.
- 6.11 Core Strategy Policy 19 states that the Council will work with its partners to ensure a range of health, education, policing, community, leisure, arts, cultural, entertainment, sports and recreational facilities and services are provided, protected and enhanced across the borough. Part 2.c goes on to state that the preferred location for new uses will be in areas that are easily accessible and

located within close proximity of public transport, other community facilities and services and town and local centres.

- 6.12 DM Policy 42 states that the Council will require applicants for day nurseries and facilities for the care, recreation and education of children to consider:
- the acceptability of the loss of the existing use;
 - traffic volumes and the effect on congestion;
 - accessibility by walking, cycling and public transport;
 - access, egress, cross-site movement and parking / drop off areas, including for disabled users;
 - the impact on local residential amenity, including noise; and,
 - the need for suitable space for outside play areas.
- 6.13 The proposed use would operate normal working hours with children occupying the site in 1.5 hour periods. Given the high turnover of people using the site, which would include parents who may shop in the area while children are in the building, the proposed use is not considered to adversely impact on the viability and vitality of the shopping parade.
- 6.14 It is noted that the site is currently vacant and has been for over a year. Marketing evidence has been submitted to outline the active marketing of the site. Taking this into account, the active use of the site as proposed would be a beneficial impact when compared to the currently vacant site.
- 6.15 The proposal intends to provide mixed educational support uses, including an after school club, exam centre and support for excluded school pupils with ages ranging from 6-16.
- 6.16 Taking into account the need for educational care facilities in the Borough, the proposal is considered to beneficially add to the provision of community and educational facilities. Furthermore, as outlined above, the loss of the existing use would be acceptable.
- 6.17 The proposed location, being within the Sydenham district town centre with a good access to public transport and other services, is also considered to be in a preferred location. Furthermore, it is considered that the site would be accessible to disabled users.
- 6.18 It should also be noted that there are no significant concerns relating to impact on residential amenity, including noise, traffic volumes and congestion.
- 6.19 It is noted that the outside amenity would not be used for playspace. However, given the age of the children and the periods of care would only be 1.5 hours, it is not considered to require outside playspace.
- 6.20 The objection from the Sydenham Society with regard to the location of nearby fast food take-away restaurants is noted. However, it should be noted that the Council's DM Policy 18 relates to, and restricts, proposals for hot food take-away

uses and not educational facilities nearby these premises. Taking this into account, it is considered that this policy does not apply to the proposal and therefore would not be sufficient to warrant a refusal.

6.21 Overall, when considering the presumption in favour of sustainable development, the proposed development is considered to provide beneficial impacts to the vitality of the area through the use of a currently empty site for a compatible use. Furthermore, given the need for such uses in the Borough and the sustainable location, it is considered to provide much needed educational facilities. Finally, the adverse impacts in terms of transport and neighbouring amenities would not outweigh the beneficial impacts of the proposed development. Therefore, the principle of the development is considered to be acceptable.

6.22 An assessment of the remaining impacts are considered below.

Impact on the Conservation Area

6.23 The Council's LDF recognises the importance of preserving the special character of the Borough Conservation Areas. The site is located within the Sydenham Thorpe Conservation Area and therefore the proposal should protect and enhance this special character.

6.24 The proposed development does not involve the alteration of the existing shop front or any other external alterations visible from the public realm. The plans show cycle parking to the rear, however as noted below, details are not clear and therefore a condition for cycle parking would be required.

6.25 For that reason it is considered that no adverse impact on the streetscene would occur as a result of the proposed development.

6.26 It is considered that, due to the changing nature of the business, a change to the advertisement on the front facade would be required. It is understood that this would be dealt with under advertisement consent in a future application.

6.27 Overall there are no concerns with the proposed change of use in relation to the impact on the Conservation Area.

Highways and Traffic Issues

6.28 The unit, which is currently vacant, operated as a cheque centre servicing visiting members of the public. Furthermore, given the location within primary shopping frontage, there are already large levels of transport movements in the locality.

6.29 The site is also noted as having very good access to public transport, being located along Sydenham Road with numerous bus routes as well as Sydenham Station relatively close.

6.30 The proposal intends to operate the site as mixed educational uses with an after school club. It is outlined that the premises would be utilised by 6-16 year old children with opening hours from 9:00 to 20:00 Monday to Friday and 9:00 to 18:00 Saturday and Sunday. The maximum number of children at any one time would be 14 with children staggered to 1.5-2 hour periods. Three full time staff members would be employed.

- 6.31 Taking into account the number of children using the premises and the number of staff, the proposed development is not expected to generate large amounts of movement. Furthermore, taking into account the existing levels of transport movement within the area from the previous and nearby uses, the use is not considered to have a noticeable impact on the highway network.
- 6.32 The proposed development would be car free. Given the very good access to public transport, this is considered to be acceptable. However, taking into account the nature of the development, it is recognised that some users would travel by car and those users could be dropped off by parents. As the area to the front of the site has restrictive parking, this could lead to vehicles stopping to drop off children and adversely impacting on vehicle movement if not controlled.
- 6.33 In order to manage the dropping off of children, as well as promoting sustainable modes of transport such as cycling and public transport for children, parents and staff, a travel plan should be implemented. This travel plan should be in accordance with Transport for London's document 'Travel Planning for New Development in London'.
- 6.34 No travel plan was submitted in support of the application. However, in line with the guidance of the NPPF and NPPG, it is considered that a condition could reasonably be added requiring a travel plan to be submitted prior to occupation. The Travel Plan shall specify initiatives to be implemented 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. Evidence should also be provided between 3 and 6 months from first occupation to assess whether objectives are being met.
- 6.35 Considering the condition would overcome any adverse impact in terms of generation of private vehicle transport, the impact on the highway network is considered acceptable.
- 6.36 The Council, in line with the NPPF, seeks to promote sustainable modes of transport over private vehicle use. For that reason, the Council requires new development to provide cycle parking spaces in line with the London Plan.
- 6.37 Table 6.3 of the Parking Addendum to Chapter 6 in the London Plan outlines the minimum cycle parking spaces for new development. Given the scheme relates to educational uses for children aged 6-16, it is considered that the parking standards for D1 nurseries/schools is most appropriate. As such the proposal should provide 1 space per 8 staff plus 1 space per 8 students for long stay cycle parking and 1 space per 100 students for short stay cycle parking. This amounts to 3 spaces plus one short stay space, taking into account the number of staff and students at any one time.
- 6.38 The proposed development includes cycle parking to the rear yard accommodating two parking spaces as detailed on the application form, however it is noted that the plans show space for four parking spaces. It is also noted that cycle stands are located to the front of Co-operative Grocers opposite the site. Whilst this would be suitable for short stay parking, it is considered to be too distant and unsafe (being a classified main road) to suitably promote long term cycle parking for staff and children.

- 6.39 The comments regarding the shared access of the rear yard are also noted. Given that there may be issues relating to the use of this part of the site, it is considered that, notwithstanding the plans shown, a condition should be placed requiring details of the proposed cycle parking which is practical, safe, convenient and dry. This is considered to be appropriate to make the development acceptable and would ensure that any issues of access and rights over the rear yard could be resolved.

Impact on Adjoining Properties

- 6.40 The subject site is located within primary shopping frontage of the Sydenham town centre. Therefore the adjoining properties consist of ground floor commercial units with residential units above.
- 6.41 To the rear are two storey terrace dwellings. However the rear of these buildings are considerably separated from the site by rear gardens and the small adopted alleyway.
- 6.42 The proposal would not alter the external appearance of the building. Therefore there would not be any adverse impacts on visual amenities or loss of sunlight/daylight or privacy.
- 6.43 The proposed development would be occupied by a maximum of 14 children at any one time. The hours of operation will be between 9:00 and 20:00 Monday to Friday and 9:00 to 18:00 Saturday and Sunday.
- 6.44 Given the number of children attending is considered to be acceptable for the size of use and the hours of operation is considered to be suitable taking into account its location, the proposed development is not considered to negatively impact on the area in terms of noise.
- 6.45 The concerns regarding the use of the rear yard and the existing external staircase providing access to the residential flats are noted. However, any use of the rear yard as a means of access is a private matter between the landowners and not a matter for planning. Whilst the cycle parking would be located to the rear, the Planning, Design and Access Statement outlines that the proposed use would not require the need for outside play areas. Furthermore officers consider that the use of the rear yard as outside play could be controlled by condition.
- 6.46 With respect to conditioning the number of children, it is considered that it would not be possible to enforce the condition as children would be staggered throughout the day with periods of overlap. Furthermore, it is not considered reasonable to restrict the growth of the business through such a restriction.
- 6.47 It is considered that the good management would be a more appropriate way of dealing with noise and disturbances. It should be noted that the operators are a recognised provider of after school care in the Borough with a premises in Rushey Green and a premises proposed in Deptford. Furthermore, the management of the premises as outlined in the Planning, Design and Access Statement is considered to set out an acceptable approach to the management of the use. Additionally, a condition restricting the use of music, amplified sound systems and other loud noise sources is also considered advisable given the surrounding residential properties.

- 6.48 Subject to the measures outlined above, the proposed development is not considered to significantly impact on adjoining properties through noise and disturbances.

Other Matters

- 6.49 The comments with regard to the inaccurate plans are noted. Following a site inspection, officers took account of the trees located in the rear yard as well as the gate in the rear fence.
- 6.50 Whilst these discrepancies were noted, the omission of these details were not considered to severely impact the outcome of the recommendation. The above matters were assessed in relation to the proposed plans and found to be acceptable.

7.0 Local Finance Considerations

- 7.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), 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).
- 7.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 7.3 The Council's CIL schedule outlines that proposed change of uses to D1 would fall under the CIL charge. Therefore it is considered that the proposal is CIL liable.
- 7.4 The development may be exempt from CIL payment, however this is for the applicant to investigate and notify the Council. An informative should be added to the planning permission notifying the applicant that an assumption of liability form must be submitted.

8.0 Equalities Considerations

- 8.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 8.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 8.4 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.
- 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 The subject site, whilst located within the primary shopping frontage of Sydenham town centre, was last in use as a cheque centre, being classed as an A2 Use Class. Therefore the Council’s policies on restricting the change of use from an A1 shopping premises do not apply. Considering the location is appropriate for a D1 use, the proposed development is considered acceptable in principle.
- 9.3 The proposed development would otherwise not have adverse impacts on the character of the Sydenham Thorpe Conservation Area, local highway network or adjoining properties.
- 9.4 Taking the above into account, the proposed development is considered acceptable.

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:

1000/001; 1000/002; 1000/110; 1000/111; Planning, Design and Access Statement (received 15th of July); Marketing Information (received 7th September 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) A minimum of 4 secure and dry cycle parking spaces shall be provided within the development.
- (b) Notwithstanding the approved plans, the premises shall not be occupied 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).

- (4) (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, outline measures to prevent unauthorised parking, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.
- (c) Within 6 months of occupation, 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).

- (5) The premises shall only be open for operation between the hours of 09:00 - 20:00 Monday to Friday and 09:00 - 18:00 Saturday and Sunday.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration of the Development Management Local Plan (November 2014)

- (6) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the premises shall be used for a mixed educational use incorporating an after school club and for no other purpose (including any other purpose in Class D of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: To allow the Council to assess any future use, including the impact on the residential amenities, highway and the special character of the Sydenham Thorpe Conservation Area.

- (7) The whole of the amenity space as shown on drawing no. 1000/002 hereby approved shall not be used as children's playspace.

Reason: To protect the amenity of adjoining properties and to comply with DM Policy 42 Nurseries and childcare of the Development Management Local Plan (November 2014).

- (8) The use shall be managed in accordance with the Design, Planning and Access Statement (received 15th of July) hereby approved.

Reason: To ensure that the premises is adequately managed to prevent noise and disturbances to nearby residents and to comply with DM Policy 42 Nurseries and childcare of the Development Management Local Plan (November 2014).

- (9) 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 Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration of the Development Management Local Plan (November 2014).

INFORMATIVES

- (1) **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.
- (2) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>