

Committee	PLANNING COMMITTEE C	
Report Title	172 MANOR LANE, LONDON, SE12 8LP	
Ward	LEE GREEN	
Contributors	JORDAN McCANN	
Class	PART 1	03 NOVEMBER 2016

Reg. Nos. DC/16/098001

Application dated 18.08.16

Applicant Miss Deborah Stephens

Proposal The change of use of 172 Manor Lane SE13, into a Tattoo studio.

Applicant's Plan Nos. Site Location Plan, Existing Ground Floor Plan, Planning Statement, Economic Statement, Existing Front Elevation, Proposed Advertising received 18 August 2016

Background Papers (1) Case File LE/393/172/TP
(2) Local Development Framework Documents
(3) The London Plan

Designation Lee Manor Conservation Area

Screening N/A

1.0 Property/Site Description

- 1.1 The application relates to the ground floor of a two-storey terrace property on Manor Lane. Located within a local shopping parade of nine units, the unit previously was in use by the neighbouring 'Complementary Health Centre' (174 Manor Lane) as a double unit, however is currently vacant.
- 1.2 The shopping parade includes two cafés, two takeaway food outlets, a drycleaner, a newsagent, a corner shop and the health centre. The lawful use of the ground unit is Class D1 (Non-Residential Institutions). The first floor of the property in use for residential accommodation (172A Manor Lane).
- 1.3 The building is constructed of London Stock brick and has a traditional shopfront at ground floor level, with a door to the above flat located adjacent to number 170 Manor Lane.
- 1.4 The site is located within the Lee Manor Conservation Area and is subject to an Article 4 direction; it is not within the vicinity of any listed buildings.
- 1.5 The site has a PTAL of 3 and is located approximately 500m walking distance from Hither Green Station to the West and Lee Rail Station to the East. Manor Lane is an unclassified Road.

2.0 Planning History

- 2.1 **DC/99/44774:** The change of use of the ground floor at 172 Manor Lane SE12 to osteopathy consulting rooms in connection with the adjoining practice at 174 – granted 10.09.1999.
- 2.2 **DC/16/98198:** The display of one non-illuminated fascia sign on the front elevation at 172 Manor Lane SE23. This advertisement application has been submitted in association with the application currently being considered and has not yet been determined.

3.0 Current Planning Applications

- 3.1 Planning permission is sought for the change of use of the ground floor level of 172 Manor Lane from Class D1 to a Tattoo Studio (Sui Generis).
- 3.2 No external building works are proposed, other than new signage, which is being considered under a separate Advertisement application. There are no amendments to the internal layout, which would remain as existing.
- 3.3 The proposed opening hours of the studio are 10.00 to 19.00, Monday to Sunday (including public holidays). It is also proposed that the unit would sell associated products such as artwork and clothing, but the primary and main use would be as a tattoo studio.
- 3.4 Given the nature of the proposed use of the premises and waste it would create a special treatment license would be required from the Council, and a waste license from the Environment Agency. The waste collection would be arranged with the Council once the license is obtained. The licensing of the unit is not a material planning consideration, although waste collection is considered within the report.

4.0 Consultation

- 4.1 Pre-application advice was provided through the Duty Planner Service in which officers advised of the application documentation requirements.
- 4.2 The Council's consultation met the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement. All properties adjoining the site and those within the shopping parade were sent a consultation letter. Lee Green Councillors, the Lee Manor society and the Council's Conservation Officer were also consulted on the application. In addition a site and public notice were displayed and a notice was issued in the local press.
- 4.3 Seven objections and one comment were received from local residents raising the following concerns:
- The service is not required by local residents and a local business should cater for local demand;
 - There are other tattoo studios within close proximity of the application site;
 - The studio is not in keeping with the character of the shopping parade;
 - The use would pose potential health risks;
 - The proposed opening hours and required equipment would generate noise;

- If music were to be played it would disrupt the peaceful nature of the area;
- The parlour is not in keeping with the current offerings on Manor Parade;
- The use would contribute to issues relating to traffic and parking demand within the surrounding area;
- The use would negatively impact upon the neighbouring Complimentary Health Centre and other surrounding businesses;
- The use is not compatible with those primary schools within close proximity;
- The proposal is contrary to planning policy;
- Detrimental to the amenity of the area.

4.4 A number of objections received raised issue with the incompatibility of a tattoo studio in such close proximity to a high volume young schoolchildren passing on foot and risks of exposure to hazardous waste (blood and needles) and inappropriate images. In addition, concern was raised over the potential nuisance caused from such a use and that the use did not support the local community aspirations of a safe & comfortable living environment. These objections relate to assumptions regarding the character of patrons of the proposed use and therefore do not form material planning considerations.

4.5 One letter of support was received stating that the proposed use would not be detrimental to adjacent business

4.6 Representations are available to members on request.

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.

5.3 National Planning Policy Framework

5.4 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)'.

5.5 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.

5.6 Other National Guidance

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

5.8 London Plan (2015 as amended)

5.9 On 14 March 2016 the London Plan 2015 (consolidated with further alterations since 2011) was adopted. The policies relevant to this application are:

Policy 7.1 Building London's neighbourhoods and communities
Policy 7.4 Local Character

5.10 Core Strategy

5.11 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 5	Areas of Stability and Managed Change
Core Strategy Policy 6	Retail hierarchy and location of retail development
Core Strategy Policy 15	High quality design for Lewisham
Core Strategy Policy 19	Provision and maintenance of community and recreational facilities
Core Strategy Policy 20	Delivering educational achievements, healthcare provision and promoting healthy lifestyles
Core Strategy Policy 15	High quality design for Lewisham

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

5.12 Development Management Local Plan

5.13 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:

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

DM Policy 31	Alterations/extensions to existing buildings
DM Policy 1	Presumption in favour of sustainable development
DM Policy 19	Shopfronts, signs and hoardings
DM Policy 26	Noise and vibrations
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 41	Innovative community facility provision
DM Policy 43	Art, culture and entertainment facilities

6.0 Planning Considerations

6.1 The relevant planning considerations are the principle of development, the loss of Class D1 floorspace and the impact of the proposal on the amenities of neighbouring occupiers and on car parking.

6.2 Principle of development

6.3 The proposal is located within a local shopping parade on Manor Lane. The Development Plan does not include any policies protecting Class D1 floorspace within a local shopping parade. DM Policy 16, Local shopping parades and corner shops, seeks primarily to retained A1 uses and limit conversion of commercial units to residential. The policy justification also states that the main function of local shopping parades is providing for the daily needs of local residents.

6.4 The policy supporting text also states that the Council will seek to maintain a balance of uses within a parade. The parade currently offers a variety of uses for the local community, therefore consideration must be given to the proposed use and how this supports the function of the parade. It is noted that there are no similar uses within the immediate area, although there are in the wider area. Like the existing D1 Health Centre the proposed use would provide an alternative service to the local area. In principle the council does not object to the use, as it seeks to provide a varied offer of services to the community. However, consideration must be given to the impacts of the use on the amenity of adjoining and surrounding properties to ensure that it would not be adversely affected.

6.5 The existing D1 use of the unit, although lost within the application site will continue to operate within the adjacent unit, number 174, supporting a variety of use within the local parade.

- 6.6 The development proposes no physical changes, other than for new signage, with the existing shop frontage to be retained. The unit will primarily function as a tattoo studio, but will sell products ancillary to the main use. The proposed use is considered to be of a similar nature to the previous use. The planning statement states that the studio would employ several tattoo artists and therefore will offer services to the community and provide employment space.
- 6.7 It is therefore considered that subject to an acceptable impact on the amenity of local residents that the development is acceptable in principle.
- 6.8 Impact on the amenities of neighbouring occupiers
- 6.9 Providing good quality of amenities for future and existing residents is listed as a core planning principle of the NPPF. The proposed use will operate daily between the hours of 10:00 – 19:00 including Sundays and Bank Holidays. These hours are not considered to be unreasonable given the unit is within a shopping parade, and with other units operating similar hours it is considered that the proposed use will have limited impact on the amenity of surrounding residential properties.
- 6.10 The proposal will require the use of noise generating equipment, however the nature of the equipment is not industrial and its use will be contained within the property. The equipment is considered to generate noise similar to that of a dentist and not be at a level that would be detrimental to the amenity of residents. Therefore considering the scale of the use and proposed hours, no objection is raised upon this basis.
- 6.11 The applicant has stated that music will be played within the premises, however this may only be for background music. To protect the levels of noise on the property a condition will be imposed restricting the use of amplified music within the premises.
- 6.12 Overall given consideration to the proposed operation, opening hours and activity within the unit, officers considered that the proposal will not have a detrimental impact upon the amenities of neighbouring occupiers.
- 6.13 Impact on car parking and waste collection
- 6.14 Objections received raise concern that the use would attract patrons beyond that of the local area and as such have a detrimental impact on traffic levels and car parking within the area. Officers consider that the number of car trips generated by the use are likely to be less than that generated by the health centre, given this would also attract patrons beyond the immediate vicinity and offers sessions with a number of people in attendance at once.
- 6.15 It is considered by Officers that all commercial uses within the parade will attract a certain level of custom from the immediate area and as such great varying levels of traffic and parking demand. However it is noted that the site is situated within 500m of two national rail stations and less than 50m to the nearest bus stop. Although there may be an element of parking demand, given that the premises will have limited customers at one time the demand on car parking and traffic generation is not considered to be at levels that would have a detrimental impact upon traffic or car parking demand within the surrounding area.

6.16 Officers acknowledge that the site will generate waste which requires a specific license and collection arrangements. However as the unit is within a shopping parade which will already have commercial waste collection it is considered that site and adjoining highway are able to manage the new arrangements sought be the use.

7.0 Community Infrastructure Levy

7.1 The above development is not CIL liable.

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 In this matter there is no impact on equality.

9.0 Conclusion

9.1 The application has been assessed against those policies set out in the development plan and it is considered that the proposed change of use would be acceptable in its setting and would not impact upon the amenity of neighbouring occupiers.

9.2 Officers consider the proposed development would meet the needs of current and future populations, be easily accessible and located within close proximity of public transport, would not have a detrimental impact on neighbouring occupiers and as such is in accordance with planning policy.

10.0 RECOMMENDATION

11.0 RECOMMENDATION: GRANT PERMISSION 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:

Site Location Plan, Existing Ground Floor Plan, Planning Statement, Economic Statement,

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. The premises shall only be open for customer business between the hours of 10 am - 7pm (Monday to Sunday and Bank Holidays).

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 and DM Policy 17 Restaurants and cafes (A3 uses), and drinking establishments (A4 uses) of the Development Management Local Plan (November 2014).

4. 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 and layout and space standards of the Development Management Local Plan (November 2014).

Informatives

- A. 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 and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant.
- B. The applicant is advised that this planning permission does not provide consent for any alterations to the shopfront, including advertisement consents, which are associated with the change of use.