

Committee	PLANNING COMMITTEE B	
Report Title	Lewisham Medical Centre, 308 Lee High Road, London, SE13 5PJ	
Ward	Lee Green	
Contributors	Alfie Williams	
Class	PART 1	25 May 2017

Reg. Nos. (A) DC/16/099194

Application dated 18/11/2016 revised 29/03/2017

Applicant Lewisham Medical Centre

Proposal The Installation of two outdoor condenser units on the first floor flat roof of Lewisham Medical Centre, 308 Lee High Road, SE13.

Applicant's Plan Nos. PL-001; PL-100; Report 14479.PCR.01.Rev.A (KP Acoustics, November 2016); Fujitsu Air Conditioning Product Catalogue 2016/17 received 21st November 2016; PL-110 received 29th March 2017.

Background Papers

- (1) This is Background Papers List
- (2) Case File LE/451/308/TP
- (3) Local Development Framework Documents
- (4) The London Plan

Designation [N/A]

2.0 Property/Site Description

2.1 The application relates to a four storey mixed use building divided between a Medical Centre (use class D1) at ground floor and residential units (use class C3), known as the Zinc Building, on the floors above. The site is located on the southern side of Lee High Road (A20), on a corner plot at the junction with Bankwell Road. The division between commercial uses on the ground floor with residential units above is typical of this section of Lee High Road. Bankwell Road is residential in character.

2.2 The Medical Centre fronts Lee High Road and has a flat roof at first floor level to the rear. The flat roof is overlooked, from the north and east, by the residential units above. The building is adjoined to the rear by a commercial yard. Views of the rear of the building are possible from Hamlet Close. Officers note that a parapet wall obscures the flat roof.

2.3 The property is not located within a conservation area nor is it a listed building.

3.0 Planning History

3.1 **DC/03/55636** - The demolition of the existing building at 306-310a Lee High Road SE13 and the construction of a part three/part four storey building

comprising 2 retail units on the ground floor and 6 one bedroom and 5 two bedroom self-contained flats, together with the provision of a bicycle and bin store and loading bay. **Granted 17/05/05**

- 3.2 **DC/095/61022** - Deed of variation of the Section 106 Agreement to permit up to two commercial parking permits for the surgery premises in connection with the draft planning permission granted in principle on 16 February 2006 for the construction of a part three/part four storey building on the site of 306-310A Lee High Road SE13, comprising 2 retail units/doctors surgery (Use Classes A1/D1) on the ground floor, 6 one bedroom and 5 two bedroom, self-contained flats on the upper floors, together with the provision of a bicycle store, bin stores and loading bay. **Granted 12/11/07**

4.0 Current Planning Applications

The Proposals

- 4.1 The application is for the installation of two condenser units on the flat roof of the medical centre, to allow for mechanical ventilation within the medical centre. The two units are to be located along the western boundary of the building and will be installed within an acoustic enclosure. Originally, the units were to be located in the centre of the roof. However, the location was amended as a response to objections from the residents of the Zinc Building.

Supporting Documents

- 4.2 PL-001; PL-100; PL-110; Report 14479.PCR.01.Rev.A (KP Acoustics, November 2016) and Fujitsu Air Conditioning Product Catalogue 2016/17.

5.0 Consultation

- 5.1 This section outlines the consultation carried out by 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.
- 5.2 A site notice was displayed and letters were sent to residents and business in the surrounding area. The relevant ward councillors and the Council's Environmental Protection Officer were also consulted.
- 5.3 The consultation resulted in three letters of objection and a petition against the proposed development signed by eight residents of the Zinc Building.
- 5.4 The main concern raised by residents concerned the noise generated by the units. In particular, on the effect the daytime operating hours will have on residents who work nights or work from home.
- 5.5 The objections also included concerns regarding effects on visual amenity from the flats, the impartiality of the acoustic report, effects on the resale value of the flats and the greenhouse gas emissions associated with air conditioning units.
- 5.6 Reference was also made to the limitations imposed on leaseholders with regard to external installations, for example satellite dishes. Officers note that this is a

legal matter for leaseholders and the freeholder and is not a planning consideration.

6.0 Policy Context

Introduction

6.1 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)

6.2 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

6.3 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)'.

6.4 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

- 6.5 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 2016)

- 6.6 The policies relevant to this application are:

Policy 7.4 Local character

Policy 7.15 Reducing noise and enhancing soundscapes

Core Strategy

- 6.7 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:

Core Strategy Policy 12 Open space and environmental assets

Core Strategy Policy 15 High quality design for Lewisham

Development Management Local Plan

- 6.8 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:

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

6.10 DM Policy 1 Presumption in favour of sustainable development

6.11 DM Policy 26 Noise and vibration

DM Policy 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings

Residential Standards Supplementary Planning Document (Updated May 2012)

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

7.0 Planning Considerations

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

- a) Design
- b) Impact on Adjoining Properties

Design

7.2 The two condenser units would be located on the flat roof to the rear of the building and would be encased within an acoustic enclosure. The Zinc Building overlooks the flat roof and a works yard. It is noted that residents of the Zinc Building have raised concerns regarding the impact of the units on visual amenity from the flats. Officers also note that the flat roof can be seen from Hamlet Close.

7.3 Given that the acoustic enclosure would not be visible from a public highway officers recommend that a condition is imposed requiring the applicant to submit drawings of the acoustic enclosure to be approved by the council is appropriate. This is to ensure that the acoustic enclosure does not cause harm to the character of the surrounding area and is in accordance with DM policies 30 and 31.

Impact on Adjoining Properties

7.4 The main impact on the amenity of the neighbouring properties would be from the noise generated by the condenser units. An acoustic report was submitted with the application. The acoustic report states that the dB level at the nearest residential window, located 4m away, would be 26dB, subject to the mitigation measures highlighted within the report being adopted. The volume of 26dB is the equivalent noise level of a quiet rural area. As a comparison, British Standards identify conversation in a restaurant as having a noise level of 60dB and a birdcall 40dB.

7.5 The Council's Environmental Health Officer reviewed the acoustic report, along with the other documents submitted with the application, and concluded that the acoustic report made reasonable conclusions regarding noise levels. Officers note that having assessed all of the submitted information, the Environmental Health Officer did not raise concerns regarding gas emissions or the environmental performance of the units

7.6 The AC units would only operate during working hours and would therefore not operate at night. It is noted that concerns were raised regarding compatibility with the sleep patterns of night-time workers or those that work from home. However, as the units comply with council guidelines on noise, officers do not consider this to be a reason to refuse the application.

7.7 Therefore, officers are satisfied that subject to relevant conditions regarding the mitigation measures that the proposed condenser units would have an acceptable impact on the amenity of neighbouring properties in accordance with DM Policies 26 and 31.

8.0 Equalities Considerations

8.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics:

age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 8.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
 - (c) Foster good relations between people who share a protected characteristic and persons who do not share it.
- 8.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 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 Officers consider the proposal to be in line with the stated policies and is therefore considered acceptable.

10.0 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:

PL-001; PL-100; Report 14479.PCR.01.Rev.A (KP Acoustics, November 2016) & Fujitsu Air Conditioning Product Catalogue 2016/17 received 21st November 2016;
PL-110 received 29th March 2017.

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) No development shall commence on site until an elevation and section drawing at scale 1:50 showing the appearance and interior of the proposed acoustic enclosure, which surround the hereby approved condenser units, have been submitted to and approved in writing by the local planning authority, to show compliance with the recommendations of the acoustic report.

- (b) The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

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.