

Committee	PLANNING COMMITTEE C	
Report Title	56 Honor Oak Park, SE23 London,	
Ward	Crofton Park	
Contributors	Samuel James	
Class	PART 1	2 August 2018

Reg. Nos. DC/17/104077

Application dated 13<sup>th</sup> October 2017

Applicant Mr Gill

Proposal The installation of a new shopfront and a single storey extension to the rear of 56 Honor Oak Park, SE23, together with the blocking up of a ground floor window and the installation of replacement HVAC equipment, including fresh air intake, extraction ducts and A/C compressors.

Applicant's Plan Nos. Specification & Defra Report dated (Purified Air - 29 Sept 2017); B9776-AEW-PJ001397-XX-SP-0001 (AEW - 4 Oct 17); B9776-AEW-PJ001397-XX-SP-0002 (AEW 27 Sept 17); B9776-AEW-PJ001397-XX-DR-0005 Rev.A Received 16 Oct 2017;  
17/0647/R1 (Cole Jarman - 2 Nov 2017) Received 15 Nov 2017;  
19803-134\_02\_P; 19803-134\_S Rev.0 Received 20 Nov 2017  
B9776-AEW-PJ001397-XX-DR-0018 Rev.B Received 11 Dec 2017;  
B9776-AEW-PJ001397-00-DR-0014 Rev.C;  
B9776-AEW-PJ001397-00-SP-0015 Rev.C;  
B9776-AEW-PJ001397-00-SP-0016 Rev.C;  
B9776-AEW-PJ001397-ZZ-SP-0010 Rev.C;  
B9776-AEW-PJ001397-ZZ-SP-0011 Rev.C;  
B9776-AEW-PJ001397-ZZ-SP-0012 Rev.C;  
B9776-AEW-PJ001397-ZZ-SP-0013 Rev.C Received 7 Feb 2018;  
B9776-AEW-PJ001397-XX-DR-0006 Rev.E;  
B9776-AEW-PJ001397-XX-DR-0017 Rev.E Received 30 May 2018;

Background Papers (1) Case File LE/340/56/TP  
(2) Development Management Local Plan (adopted November 2014) and Core Strategy (adopted June 2011)

Designation PTAL 5

Not located in a conservation area.  
No Article 4(2) Direction

Screening

N/A

## **1.0 Property/Site Description**

- 1.1 The application relates to the ground floor commercial unit, of a three storey, mid-terraced property located on the north side of Honor Oak Park. The commercial unit is currently in use as a fish and chip takeaway, with a small amount of seating provision. Residential accommodation is located above, but is not self-contained from the commercial unit.
- 1.2 Honor Oak Park comprises a range of commercial units within the parades on either side of the street, between Lessing Street and Grierson Road. There are a number of shops, restaurants, café's and takeaways of a range of use classes.
- 1.3 The property does not lie within a conservation area, and the building is not listed, or in the vicinity of any listed buildings.
- 1.4 The area is relatively well served by public transport, having a PTAL rating of 4, with bus routes operating locally on Honor Oak Park and Stondon Park to the east, whilst Honor Oak train station lies a short walking distance away. Short term parking is available on Honor Oak Park, as well as existing loading bays.

## **2.0 Planning History**

- 2.1 **DC/94/037629:** The change of use of the ground floor of 56 Honor Oak Park SE23 from retail shop (Class A1) to takeaway hot food shop (Class A3) together with the installation of an extract duct on the rear elevation. **Granted 17 August 1994.** Hours of opening were restricted to between 8am and 11pm (Monday-Saturday) and no opening at all on Sundays and Bank Holidays (Condition no.1)
- 2.2 **DC/97/041482:** The installation of a new shop front at 56 Honor Oak Park, SE23. **Granted 06 May 1997.**
- 2.3 **DC/14/086396:** Alterations of the existing shop front to incorporate a separate entrance door to the upper floors at 56 Honor Oak Park, SE23. **Granted 11 June 2014.** This permission was not implemented.
- 2.4 **DC/17/104342:** The display of an externally illuminated fascia sign and projecting sign at 56 Honor Oak Park, SE23. Decision pending, recommended approval.

## **3.0 Current Planning Applications**

### The Proposal

- 3.1 The installation of a new shopfront and a single storey extension to the rear of 56 Honor Oak Park, SE23, together with the blocking up of a ground floor window and the installation of replacement HVAC equipment, including fresh air intake, extraction ducts and A/C compressors to the rear.
- 3.2 Shopfront alterations

The alterations to the shop front consist largely of renovation, with changes only to the colouring and design of the signage, which has been applied for under a separate application. The size and positioning of the windows, door and stall risers would remain as existing. The materials would be dark grey aluminium.

### 3.3 Rear extension/alterations

The single storey extension would house a new cold room for the proposed takeaway restaurant. It would be the full width of the original rear outrigger, 4m, for a depth of 4m from the rear wall of the outrigger. It would be flat roofed, with a height of 3.3m, with 1 cold room and 1 A/C compressor located towards the rear of the extension's roof.

The extension would be finished in rendered blockwork.

The A/C compressor would have a width of 1.8m, a height of 1.6m and a depth of 1.1m. The Cold room Compressor would have a width of 1.6m, a height of 0.85m, and a depth of 1.1m. The rear of both would be located 2.4m from the rear elevation of the outrigger, and therefore the rear facing first floor window.

### 3.4 Extraction equipment

The proposed extraction duct at the rear would exit the shop at ground floor level, through an existing window which would be blocked up as a part of the proposal. The duct would have a diameter of 0.5m, and would 'hang' 0.13m from the rear elevation. It would rise up for 3.5m, directly blocking a first floor window, where it would then bend to avoid the second floor window and rise up to 1.5m above the eaves line of the property. The duct would follow a largely identical path to an existing extract duct at the property.

## 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 A site notice was displayed outside the property and letters were sent to 7 adjoining residents as the ward Councillors for Crofton Park.

38 Neighbouring residents have raised objection to the proposal. Table 1 (below) summarises the concerns that have been raised, and gives a response to these concerns.

<b>Table 1: Summary of objectors concerns</b>	
<b>Concerns Raised</b>	<b>LPA Response</b>
Clarification of existing Use Class – Is a change of use required?	No change of use is required for a different hot food takeaway operator (in this case, Domino's) to operate out of the unit.

Noise and disturbance caused.	The proposed extraction equipment details have been considered against Policy DM26 and reviewed by the Council's Environmental health officer, who has raised no objections. The impact in terms of noise and disturbance would therefore be acceptable.
Ventilation system issues	The proposed extraction equipment details have been considered against Policy DM26 and reviewed by the Council's Environmental health officer, who has raised no objections.
Shop front poor quality design, not in keeping.	External illumination proposed, shopfront alterations considered to be an improvement on existing.
Loss of backyard of premises constitutes loss of amenity space.	Rear is a commercial yard and not useful amenity area, so it is not protected in the same way as a residential garden would be.
Extension would block view from garden.	Impact is assessed below, specifically in regard to Policy DM31.
Loss of existing seating area in restaurant would reduce footfall to parade.	No Change of use is proposed, so control cannot be applied over internal seating area.
Clarification over hours of operation requested	Opening hours restricted to between 8am to 11pm, and not at all on Sundays & Bank Holidays.
Contrary to DM18, as within 400m of a school.	No change of use proposed, so DM18 cannot be considered.
Over saturation of Pizza takeaways in surrounding area, harms vibrancy of parade.	No change of use proposed so DM18 cannot be considered.
Movement of, and parking of delivery bikes and associated issues (both existing problems, and perceived future issues).	Cannot be considered as no change of use is proposed.
Use of surrounding residential streets as a 'rat run'.	Cannot be considered as no change of use is proposed.

- 4.3 The Council's Statement of Community Involvement (SCI) requires that a local meeting or drop-in session be offered to those who have made representations and the applicant at least two weeks prior to a decision being made on a planning application, in the following circumstances:

- where one or more objection(s) have been received from a residents' association, community/amenity group or ward Councillor; and/or
- where a petition is received containing more than 25 signatures; and/or
- where 10 or more individual written objections are received from different residents.

4.4 Subsequently a local meeting was held on 30<sup>th</sup> April 2018 at 7:30pm for one hour. The above concerns were raised again, with a large focus being around the classification of the existing use class, and the movement and parking of delivery vehicles.

4.5 It is noted that the current application only allows for assessment against design and amenity issues associated with the alterations to the shop front, the rear extension, the installation of plant equipment and the other external alterations to the rear. The relevant policies are outlined in the next section of this report.

## **5.0 Policy Context**

### **5.1 Introduction**

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.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), the Development Management Local Plan (adopted November 2014) and policies in the London Plan (2016). The NPPF does not change the legal status of the development plan.

### **5.2 National Planning Policy Framework**

The NPPF was published on 27<sup>th</sup> March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states that (paragraph 211), policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

5.3 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.

#### 5.4 Other National Guidance

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

#### 5.5 The London Plan 2015 (amended 2016)

On 10 March 2016, the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 7.4 Local character

Policy 7.6 Architecture

The new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018). However, given the very early stage in this process, this document has very limited weight as a material consideration when determining planning applications, does not warrant a departure from the existing policies of the development plan in this instance and is therefore not referred to further in this report.

#### 5.6 Core Strategy (2011)

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 15 High quality design for Lewisham

#### 5.7 Development Management Local Plan (2014)

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:

The following policies are considered relevant to this application:

DM Policy 19 Shopfront's, signs and hoardings

DM Policy 26 Noise & Vibration

DM Policy 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings

### **6.0 Planning Considerations**

6.1 The relevant planning considerations for the proposal are the impact on the character and appearance of the host building, together with any impacts upon the site and neighbouring properties' amenity.

#### Design

- 6.2 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 6.3 Paragraph 63 of the NPPF states that in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. In addition to this, paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 6.4 In relation to Lewisham, Core Strategy Policy 15 outlines how the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 6.5 DM Policy 19 requires all shopfronts to be designed to a high quality and reflect and improve the character and quality of their surroundings.
- 6.6 DM Policy 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.
- 6.7 DM Policy 31 requires development proposals for alterations to be of a high, site specific and sensitive design quality and to respect and/or compliment the form, setting period, architectural characteristics and detailing of the original building, including external features such as chimneys and porches. High quality matching or complimentary materials should be usedm appropriately and sensitively in relation to context.
- 6.8 Replacement shopfront

The proposed shopfront would have the same dimensions and proportions of glazing as the existing. It would retain the pilasters to both sides, and the stall risers from the ground. The new shopfront would be dark grey aluminium framed, with matching stall risers and doorframe.

The fascia, and projecting sign would be replaced with those showing Domino's branding, and separate advertisement consent is sought for this. The new signage would be externally illuminated.

The proposed shop front is considered to represent a minor improvement on the existing. Overall, the proposed shopfront is considered to be in line with Policies DM19, DM30 & DM31, and would not have a detrimental impact on the building, or the surrounding area.

- 6.9 Single Storey Rear extension and alterations

The proposed rear extension is subordinate to the main building, and would be finished in block and render, which is acceptable to the rear of a commercial setting.

The proposed extraction equipment on the roof would have an acceptable visual impact on the appearance of the property, considering the commercial nature and that it is contained to the rear.

The proposed extension would take up approximately 37.75% of the rear yard, so it would not be overly dominant. Notwithstanding, the yard serves a commercial property and it is not considered to be useful amenity space, so the 50% space guideline to be retained, as prescribed in DM31, does not in any case apply here.

#### 6.10 Installation of extraction equipment at the rear

The extraction duct would replace an existing duct, which is currently in a similar position. The new duct would be slightly wider than the existing, and therefore more prominent. However, extraction ducts are a common sight at the rear of this terrace due to its commercial nature, so the design and positioning is considered to be acceptable. Notwithstanding, the rear of the property is not visible from the public realm. The units to be mounted to the roof of the proposed extension would not appear out of character within the rear of a commercial parade, and their functional appearance is therefore acceptable.

#### Residential Amenity

- 6.11 Core Strategy Policy 15 states that new development should be designed in a way that is sensitive to the local context. More specific to this, DM Policy 31 seeks to ensure that residential alterations should result in no significant loss of privacy and amenity to adjoining houses and their back gardens. It must therefore be demonstrated that proposed alterations are neighbourly and that significant harm will not arise with respect to overbearing impact, overshadowing, and loss of light, loss of outlook or general noise and disturbance. Regard must also be given to any impacts on privacy.
- 6.12 The proposed shopfront replacement would, by its nature, have no material impact on the amenity of surrounding neighbours.
- 6.13 The proposed rear extension would be built along the shared boundary with No.58 Honor Oak Park for a depth of 4m, at a height of 3.8m (including 0.5m parapet) – with the additional 1.1m height of the roof mounted the A/C unit just inside the parapet wall. If No.58 had residential accommodation at ground floor level, then the proposal may have been regarded to have an unacceptable impact due to an increased sense of overbearingness and enclosure, to the occupants. However, as the ground floor and rear yard are in commercial use, the proposed extension would not be materially harmful.
- 6.14 The extension would be set away from the shared boundary with No.54 by approximately 1.3m, so even if the ground floor were in residential use, the impact would be sufficiently mitigated so as not to cause a materially harmful impact. It is noted that the ground floor is in commercial usage.
- 6.15 Policy DM 18 relates to the quality of equipment proposed, and the assessment of impact from that equipment where new Hot Food Takeaway uses (A5) are

proposed. As this application does not proposed a change of use, and A5 use is already occurring on the site, the more relevant policy is DM 26 Noise & Vibration. This requires:

“a Noise and Vibration Assessment for noise and/or vibration generating development or equipment and new noise sensitive development, where appropriate, to identify issues and attenuation measures, prepared by a qualified acoustician. Where development is permitted, conditions may be attached to the planning permission to ensure effective noise insulation or other mitigation measures are undertaken.”

- 6.16 The Council’s Environmental Health officers have reviewed the details of the proposed new equipment, and considered it to be of a satisfactory form. No material harm to amenity would therefore occur as a result on the new ventilation or extraction equipment proposed.
- 6.17 In light of the above discussion, the proposed development is considered to be acceptable with regards to impact upon site or neighbouring amenity, in line with Policies DM26 & DM31.

## **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 Mayor of London's CIL is therefore a material consideration, though is not payable in regard to this application due to the minimal level of increased floorspace proposed.

## **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. In this matter there is minimal/no impact on equality
- 8.4 Human rights implications
- 8.5 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term ‘engage’ simply means that human rights may be affected or relevant.
- 8.6 The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

## **9.0 Conclusion**

- 9.1 The application’s proposal have been considered against relevant planning policies set out in the Development Management Local Plan (2014), the Core Strategy (2011) London Plan (March 2016) and the National Planning Policy Framework (2012).
- 9.2 The proposed development is considered to be acceptable with regards to its design and and would not cause harm to the character and appearance of the host building, surrounding area or neighbouring amenity.

## **10.0 RECOMMENDATION: Grant Planning 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:

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B9776-AEW-PJ001397-XX-DR-0006 Rev.E; B9776-AEW-PJ001397-XX-DR-0017 Rev.E Received 30 May 2018;

**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. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed extension hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

**Reason:** In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions 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.