

## London Borough of Lewisham

*Minutes of the Local Meeting held at the Ewart Road Clubhouse Hall, 44 Wastdale Road, SE23 1HN on 30<sup>th</sup> April 2018 at 19:30.*

PRESENT: Councillor Morrison – Chair, Samuel James - Planning Officer, Geoff Whittington – Planning Officer, Sarah Carpenter – Agent for the application, Robin Dunne – Representative of Domino's.

7 Local residents attended the meeting and signed the attendance register.

Meeting Commenced at 19:31.

Councillor Morrison (CM) welcomed residents, explained the objective and reason for the meeting and introduced the applicants and planning officers.

Domino's Agent (DOM) outlined the application, referring to the displayed drawings, for the installation of a new shopfront, construction of a single storey rear extension, and the installation of extraction equipment to the rear elevation. They claimed that the proposal represents an improvement on the existing shopfront, and extraction equipment.

Questions from local residents followed:

Local resident (LR) asked for clarification on the existing Use Class of the property, stated as A3 on the Change of Use Permission from 1994, and questioned why there was no need for planning permission to change the use to A5 takeaway.

Samuel James (SJ) responded that the established use of the property is as a hot food takeaway, which under the current use order is A5. In 2005 the new use classes order came into force, and Use Class A5 (hot food takeaway) was created. Therefore, after the 2005 Amendment Order, the permitted A3 use at 56 Honor Oak Park became reclassified to A5 because that reflected its true use, hence there is no need for planning permission for Domino's to operate out of the unit.

They then asked why the previous similar application, also by Domino's, at 76-78 Honor Oak Park, was able to be refused.

SJ responded that the lawful use of that property was A3 (Restaurant and Cafés), so planning permission was required for Domino's to operate out of the unit, as an A5 (takeaway) retailer. When the change of use was assessed against the relevant Policies, it was found to be unacceptable so was refused.

Another LR asked how Domino's would control the movement of bikes and stop drivers using the surrounding residential streets as 'rat-runs', and whether electric bikes had been considered for use, to mitigate against the noise impacts.

DOM stated that there would be a delivery plan with riders to ensure any impacts are mitigated against. He also claimed that some stores are using only electric bikes, and that this option could be further explored.

Another LR sought further clarification on the existing use class classification, and whether any legal advice had been sought on this position. SJ replied that the Council's legal officer had been consulted, and had confirmed this was the position. The LR asked if this legal advice could be made available to them, and SJ said he would see if this could be arranged.

Another LR claimed that the proposal would result in additional noise and disturbance in what is a fairly nice and quiet area. They stated that there are already 3 or 4 pizza shops in the local area, and questioned why this meeting was being held, if the Planning Department were in support of the application.

Geoff Whittington (GW) replied that the meeting needed to be held due to the Council's Statement of Community Involvement.

Another LR claimed the proposed extraction equipment would have an impact on the amenity of near neighbours due to fumes. They also claimed that they used to live near the Dominos on Old Kent Road, and that the delivery drivers there caused traffic and parking issues, and had incredibly late opening hours.

DOM replied that the extraction equipment is being upgraded, so compared to the existing the impact in terms of noise and smells would be an improvement.

Another LR stated that there would be more cooking at the proposed Domino's than the existing unit, as well as a greater number of vehicle movements, and could not understand why there is not the need for a change of use class before Domino's can operate out of the unit. They were of the impression that the application had already been decided.

GW explained that the final decision would be made by Councillors at a committee meeting.

An LR stated there are wider issues, regarding competition with other local businesses and the impact on existing established shops. They asked what the need for another Domino's was, and whether Domino's took any consideration towards childhood obesity. They also asked why the proposal needed to be on a high-street rather than in a less sensitive, e.g. an industrial, site.

DOM replied that there was an identified demand in the area for more Domino's, and there was no active strategy to locate a significant distance away from schools. They stated that there was a need to be in an accessible location rather than being tucked away, as a significant portion of custom is 'walk-ins' off the street, and the brand needs to maintain a high street presence.

An LR asked about the proposed opening hours. DOM replied that operations would be until 11pm. SJ stated that the unit is restricted to an 11pm opening time by the 1994 Change of Use permission.

An LR raised concern over the smells created. SJ noted that the Council's Environmental Health officer had assessed the details submitted for the extraction equipment and have raised no objection.

Another LR stated that Domino's would not serve their community, rather they deliver to a wide area, whilst the community the unit is based in must suffer the consequences. They also claimed that the Council have poor procedures, which are biased towards the applicant.

Another LR asked whether the internally illuminated signage would be acceptable, and stated they had reviewed the shopfront guidance, which the proposal would be contrary to. SJ stated the guidance had been reviewed, and that the internal illumination of the signage could be reconsidered. DOM agreed that they would amend the proposal to use external lighting for the signage.

The same LR went on to state that there are no proposed pilasters, and that uPVC and aluminium should not be used in the shopfront. SJ clarified that the existing shopfront is poor quality, and that as the proposal is not in a conservation area, the applicant couldn't be required to introduce pilasters. Furthermore that the proposed aluminium shopfront is considered to be acceptable in this location.

CM then went on to summarise the debate that had just occurred, and asked residents for a final summary of main concerns.

Residents agreed that the main concerns were the issues caused by a large number of deliveries and drivers, and there are existing issues that would be exacerbated.

A LR asked DOM what the accident rate per 1000 deliveries for drivers was, but they did not know the answer.

A quick discussion regarding management of waste followed, along with some further deliberation of repeated points.

Meeting closed 8:32.

Appendix A: Note from the Council's legal officer RE: Use Class

*The application, in short, applies for the installation of a new shopfront and a single storey extension to the rear of 56 Honor Oak Park 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.*

*There has been a lot of resident interest and they question whether Dominoes in can fact operate out of these premises without change of use planning permission given that the extant 1994 permission was for A3 use (food and drink - though the permission specifies "takeaway hot food shop") but Dominoes would be operating a A5 use (hot food takeaway under the current Use Classes Order). Under the current Use Classes Order, it is not possible to change from A3 use to A5 use without the benefit of planning permission.*

*However, the residents' query misses the point for failing to understand the evolution of the use classes order. The salient time is 2005 for in 2005, The Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 (SI 2005/84) came into force (April 21 2005). This amendment order split A3 (food and drink) into 3 sub categories, creating a new A3 (restaurants and cafes), a new A4 (drinking establishments) and a new A5 (hot food takeaway).*

*Therefore, after the 2005 Amendment Order, the permitted A3 use at 56 Honor Oak Park became reclassified to A5 because that reflected its true use. Therefore, Dominoes do not require planning permission for change of use from A3 to A5 as post April 21 2005, the use became A5 use.*

## Appendix B: Letter from Dominoes, responding to some of the points raised



### Domino's Pizza UK & Ireland Limited

A subsidiary of Domino's Pizza Group plc

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### **Private and Confidential**

FAO: Sam James  
Planning Officer  
Planning Service  
London Borough of Lewisham  
3rd Floor Laurence House,  
1 Catford Road  
London  
SE6 4RU

19 June 2018

Dear Sirs,

**Reference: 56 Honor Oak Road, Honor Oak, London**  
**Application References: DC/17/104077 and DC/17/104342**

Further to the recent public meeting, held at The Ewart Road Hall on 30<sup>th</sup> April 2018, a number of comments were highlighted in relation to the proposed operations for this store.

Whilst it was agreed that these details could not form part of the current application for the shopfront, extension, HVAC equipment and advertisements (as the A5 Use has already been established) - (Reference - DC/94/037629) - it is important that we open in Honor Oak in cooperation with the local community.

We have set out some of the basic parameters for the proposed operation and would welcome any feedback from neighbours, once the store has started trading.

### **Hours of Operation**

- The proposed Opening Hours proposed are 11am to 11pm, in line with the original planning permission for the use as advised by the planning officer. (Reference - DC/94/037629)

### **Delivery Fleet**

- There will be a mixed delivery fleet for this store but the aim is to move towards "e-skutas" or electric bikes which would predominantly be used for delivery within the Honor Oak vicinity.



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- Clear instructions will be provided to future delivery drivers at Honor Oak and existing Dominos drivers delivering to the Honor Oak area that they must fully comply with all local highway restrictions/arrangements, in particularly Grierson Road.
- Each delivery driver is provided a manual that stipulates the expectations in terms of driver-behaviour.

#### **Servicing and Deliveries**

- The store will expect 3 deliveries a week which will take place between 06.00 and 07.00.

Furthermore, we have reviewed the design of the shopfront and would like to include externally illuminated signage, which will be forwarded to the officer under separate cover to include within the current application for the advertisements on the shopfront (DC/17/104342).

If there are any queries or comments after the store has started trading, please contact Robin Dunne in the first instance.

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Yours sincerely,

**Robin Dunne**  
**Acquisitions Surveyor**  
**Domino's Pizza UK & Ireland Limited.**