

Committee	PLANNING COMMITTEE A	
Report Title	LORD PALMERSTON, 81 CHILDERS STREET, LONDON, SE8 5JR	
Ward	EVELYN	
Contributors	Alfie Williams	
Class	PART 1	1 NOVEMBER 2018

Reg. Nos. DC/18/107475

Application dated 05.06.18

Applicant Mr Farkash

Proposal The construction of a mansard roof extension and a four-storey rear extension, the retention of the existing public house and the creation of six two-bedroom self-contained dwellings with associated cycle parking, refuse storage and outdoor amenity space at Lord Palmerston 81 Childers Street SE8.

Applicants Plan No.s 3187/L/01; 3187/L/02; 3187/P/01A; 3187/P/02A; 3187/P/03A; 3187/P/04A; 3187/P/05A; 3187/P/41B; 3187/P/42B; 3187/P/43B; 3187/P/44B; 3187/P/45B; 3187/P/201; 3187/P/202; Construction Method Statement & Logistics Plan (MCL); Design & Access Statement (Proun, June 2018); External Materials Schedule (Proun, June 2018); Living Roof Details (Proun, June 2018); Public House Management Strategy (Proun, June 2018); Sustainability Statement (Proun, June 2017); Noise Exposure Assessment (Clement Acoustics, April 2018); Ecological Scoping Survey (Prime Environment, October 2016); Bat pre-dawn Survey (Prime Environment, October 2016); Transport Statement (GTA Civils, July 2016); Flood Risk Assessment (GTA Civils, July 2016); Commercial Kitchen Ventilation Strategy (Integration, May 2018);

Background Papers

- (1) Case File DE/134/B
- (2) Core Strategy (June 2011)
- (3) Development Management Local Plan (November 2014)
- (4) The London Plan (March 2016)
- (5) The NPPF (2018)

Designation Area of Archaeological Priority
Flood Risk Zone 2/3

1.0 **Summary**

This report sets out officer's recommendation in regard to the above proposal. The report has been brought before members for a decision as:

- Permission is recommended to be approved and:
 - there are three or more valid planning objections
 - there is one or more objection from a recognised residents' association or community/amenity group within their area

2.0 **Property/Site Description**

- 2.1 The proposal site is located on the southern side of Childers Street with its secondary elevation fronting Arklow Road to the east. The site comprises a three storey, largely unaltered Victorian brick-built public house known as the Lord Palmerston, which has been extended to the rear. Attached to the building to the west is a former industrial building known as SR House. The rear of the site faces a railway viaduct, which is listed from Abinger Grove to Rolt Street and runs from Greenwich to London Bridge. Separating the site from the railway viaduct is a vehicle access road owned by Network Rail.
- 2.2 The site is located within an Area of Archaeological Priority as well as Flood Zones 2 & 3 and has a PTAL rating of 1b. The site is not located within a Conservation Area and nor is it a listed building, although it has been identified as a non-designated heritage asset.
- 2.3 The site, together with the adjoining SR House site, is designated by the Site Allocations Local Plan (2013) as the Childers Street Mixed Use Employment Location (Site ref SA8). SR House is under redevelopment to provide a part five, part six storey building behind a retained façade with 83 residential units above 1,243sqm of commercial floor space.

3.0 **Planning History**

- 3.1 In March 2017 planning permission (ref. DC/16/097914) was refused for "*partial demolition of Lord Palmerston Public House, 81 Childers Street SE8 and the construction of two additional storeys and five storey rear extension to provide 12 one bedroom self-contained flats, together with the retention of existing public house and fascia, formation of communal roof terrace and the provision of bin and cycle stores*". Planning permission was refused for the following reasons:
- 3.2 The proposed five-storey rear extension and the two storey roof extension to the existing building, by virtue of its scale, height and detailed design, including materials would unduly dominate the host property, harmfully detracting from the original character and historic value of the non-designated heritage asset, resulting in an intrusive appearance in the streetscene. The submission fails to propose sufficient measures to safeguard the amenities of residential occupiers of

the converted building from the general activity, noise and disturbance that would be generated by the ground floor public house use and associated outdoor space. In turn, the incompatibility of the commercial and residential uses may serve to compromise the viability and operation of a future public house on the premises.

3.3 In September 2017, an appeal (ref. APP/C5690/W/17/3174029) against the decision was dismissed with the Inspector concluding that:

3.3.1 The proposal would not sustain or enhance the significance of the non-designated heritage asset and would be harmful to the character and appearance of the surrounding area. The Inspector considered that the combination of the five storey extension and additional stories would engulf the building and fundamentally alter the scale and proportions of the building. In addition, the five storey extension was not considered subservient to the host building given that they would be the same height. However, the Inspector acknowledged that there is potential to extend the building.

3.3.2 The Inspector also concluded that the information available did not adequately demonstrate that the public house use would not have an adverse impact on the living conditions of future occupiers with particular regard to noise and disturbance. In this regard, the Inspector was concerned with the 'agent of change' principle and both noise transmission and noise break-in.

3.3.3 The Inspector was not able to reach a firm conclusion on the effect of the proposal on the viability of the public house. This was in part due to lack of substantive evidence of its value to the local community and in part due to the lack of information on how the facility would be managed in order to minimise noise and disruption for future occupiers. This latter information is relevant to know whether the measures would unduly affect the viability of the public house.

3.4 In March 2018, pre-application advice was given regarding a proposal for the construction of a mansard roof extension and a four storey rear extension to facilitate the provision of six one-bed and two two-bed dwellings. The principle of the development was supported with concern raised regarding the provision of single person dwellings. Officers advised that the unit mix should be revised and also detailed design and noise management issues to be addressed.

4.0 Current Planning Applications

The Proposals

4.1 The proposal is for the construction of a four storey rear extension and mansard style roof extension to facilitate the provision of six two-bedroom three person flats. The existing public house would be retained in its present layout arranged over the ground and basements floors with the exterior refurbished. The refurbishment would include the painting of the stucco and restoration works to existing signage, windows and doors. Refuse and recycling from the public house would be stored within the basement level.

4.2 The mansard would measure 9.2m wide with a depth of 10.8m and height of 2.6m. The mansard would be clad in slate with six dormer windows installed in the

front and side elevations. The dormers would be clad in lead and would house timber sliding sash windows. The existing chimney would be repositioned above the level of the mansard. The upper section of the mansard would form a parapet to enclose a roof terrace. Two balconies would be provided by opening up blind windows on the side elevation.

4.3 The rear extension would measure 12.3m in height by 8.9m in depth by 6.7m wide and would have a flat roof. The extension would be constructed in brick with soldier courses above the ground floor and to the parapet, recessed panels at ground floor level and aluminium framed windows. The section closest to the host building would feature aluminium framed glazing with glazed balustrades to the balconies. At ground floor level, the extension would feature a glazed door in the side elevation serving as the residential entrance and a timber door to the residential bin store. The extension would have a living roof.

4.4 **Table 1: Residential accommodation**

Dwelling	Layout	GIA m²	Amenity Area m²	Floor
Unit 01	2b/3p	61.3	6.4m	1 st
Unit 02	2b/3p	74.8	6m	1 st
Unit 03	2b/3p	61.3	6.4m	2 nd
Unit 04	2b/3p	74.8	6m	2 nd
Unit 05	2b/3p	64.9	6.5m	3 rd
Unit 06	2b/3p	65.6	46.5m	3 rd & roof

4.5 The residential accommodation would be provided within the rear extension and the upper floors of the host building. Access to the flats would be gained from Arklow Road via an entrance in the side elevation of the extension with a lift and staircase to the upper floors. The ground floor of the extension would also accommodate a bin store and cycle store with 12 cycle spaces.

5.0 Consultation

5.1 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.

5.2 A site notice was displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors. The Environment Agency were also consulted in addition to the Council’s Highways, Ecology and Environmental Health Department.

Local comments

- 5.3 The council received representations from nine local residents and Deptford Folk all raising the four following points.

A waste management plan for the pub.	Paras. 7.25 and 7.26
A marketing plan for the pub	Para 7.12
A guarantee that residents above will not be able to object to the use of the pub for its intended purpose as a pub	Paras. 7.6 - 7.12
The addition of street trees.	Para 7.38

- 5.4 The Council also received one letter of support commenting that the scheme was a vast improvement on the previous proposal.

Internal and statutory consultee comments

- 5.5 The Environment Agency raised no objection to the proposal and recommended a compliance condition relating to the recommendations of the Flood Risk Assessment (FRA).
- 5.6 The Council's Highways Officer raised concerns regarding a car free development at the site given the low PTAL rating and requested a parking survey and contribution to a CPZ and Car Club. In addition, the Highways Officer stated that a Delivery and Servicing Plan was required and stated that the Construction Management Plan should be expanded to exclude delivery vehicles arriving during school pick-up/drop-off hours and requested additional details regarding site access, loading and delivery routes. See paragraphs 7.27 and 7.28 for further discussion.
- 5.7 The Council's Ecology Officer raised no objection to the Ecological Appraisal or Bat Survey. However, it was noted that the consultant ecologist should have conducted a desk study and data search using the regional record centre, as this is best practice. In this case, the lack of a desk study and data search was not considered a reason to refuse the application.
- 5.8 The Council's Environmental Health Officer raised concerns with the kitchen extraction equipment proposed, as it does not include a system for the abatement of odour. A condition is proposed to require further details to be submitted. The Environmental Health Officer agreed with recommendations of the Noise Report and requested that the recommendations be secured by condition.

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.

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 (NPPF) 2018

6.3 The NPPF, originally published in 2012, was revised on 24th July 2018 and is a material consideration in the determination of planning and related applications.

6.4 It contains at paragraph 11, a 'presumption in favour of sustainable development'. Annex 1 of the revised NPPF provides guidance on its implementation. In summary, this states in paragraph 213, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the revised NPPF and in regard to existing local policies, that '...due weight should be given to them, 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)'.

6.5 Officers have reviewed the Core Strategy and Development Management Local Plan for consistency with the revised 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 213 of the revised NPPF.

National Planning Practice Guidance 'NPPG' (2014 onwards)

6.6 On 6th March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents, and is subject to continuous periodical updates in difference subject areas

The Development Plan

6.7 The London Plan, Lewisham's Core Strategy, together with the Site Allocations DPD, the Lewisham Town Centre Local Plan and the Development Management Local Plan and together constitute the borough's Development Plan.

London Plan (March 2016)

6.8 The London Plan was updated on the 14 March 2016 to incorporate Housing Standards and Parking Standards Minor Alterations to the London Plan (2015). The draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 and minor modifications before the EIP were published on 13 August. As such, this document now has some limited weight as a material consideration when determining planning applications. The relevant draft policies are

listed below and discussed within the report. These are limited to policies that are materially different to existing London Plan policies. The policies in the current adopted London Plan (2016) relevant to this application are:

- Policy 2.9 Inner London
- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.8 Housing choice
- Policy 5.3 Sustainable design and construction
- Policy 6.9 Cycling
- Policy 7.4 Local character
- Policy 7.6 Architecture

The relevant emerging policies of the draft London Plan are:

- T5 Cycle parking
- T6 Car parking
- D12 Agent of Change
- HC7 Protecting Public Houses

London Plan Supplementary Planning Guidance (SPG)

6.9 The London Plan SPG's relevant to this application are:

- Sustainable Design and Construction (April 2014)
- Housing (March 2016)

Core Strategy (June 2011)

6.10 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 1 Housing provision, mix and affordability
- Core Strategy Policy 8 Sustainable design and construction and energy efficiency
- Core Strategy Policy 10 Managing and reducing the risk of flooding
- Core Strategy Policy 13 Addressing Lewisham's waste management requirements
- Core Strategy Policy 14 Sustainable movement and transport
- Core Strategy Policy 15 High quality design for Lewisham
- Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Local Plan (November 2014)

6.11 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:

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 17	Restaurants and cafés (A3 uses) and drinking establishments
DM Policy 20	Public houses

DM Policy 22	Sustainable design and construction
DM Policy 24	Biodiversity, living roofs and artificial playing pitches
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings
DM Policy 32	Housing design, layout and space standards
DM Policy 37	Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest

Site Allocations Local Plan (June 2013)

6.13 The relevant Site Allocations relating to this application are.

SA8 Childers Street MEL, New Cross, SE14

Residential Standards Supplementary Planning Document (2006, updated 2012)

6.14 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:

- Principle of Development – including impact on the public house
- Design
- Standard of Accommodation
- Transport Impact
- Impact on Adjoining Properties
- Sustainability and Energy
- Ecology and Landscaping

Principle of Development

7.2 The National Planning Policy Framework (NPPF) at Paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.

Mixed-use employment

7.3 The site falls within the 'Childers Street Mixed-use Employment Location' as defined by the Council's Adopted Site Allocation DPD 2013 (Site Ref. SA8) and Core Strategy 2011 (Policy 4). The site allocation extends to 0.61ha of land, most of which is occupied by the SR House that is currently being developed into a mixed-use development.

- 7.4 Site Allocation SA8 envisages mixed-use redevelopment incorporating at least 20% employment space (B1 Use Classes light industrial/offices) with housing (with an indicative capacity of 84 units including affordable). The intent of the area is to provide a mix of uses, including housing that will act as a catalyst for regeneration, enabling the provision of new employment floorspace and residential development within the area.
- 7.5 The site designation notwithstanding, the existing use of the public house is that of an A4 use, not a B1 use. The proposal does provide 20% of commercial A4 space through the retention, refurbishment and extension of the existing public house at the ground level. Core Strategy 1 enables discretion to be exercised in relation to the requirement for the applicant to provide master planning and the ability of the proposal to meet the required of 20% built floor space for employment purposes. In this case, given the comparatively small scale of the proposed development within the Childers Site Allocation Area and the existing A4 use on the site, that is proposed to be retained, officers are satisfied that a master planning application is not required.

Retention of the public house use

- 7.6 Core Strategy Policy 19 seeks to retain and improve existing community facilities and ensure that there is choice and no net loss of community facilities. DM Policy 20 Public houses seeks to protect public houses from a change of use unless it can be proven that the use is no longer financially viable. Emerging London Plan policy D12 Agent of Change seeks to ensure new noise-sensitive development takes responsibility for mitigating the impact from existing noise and other nuisance generating activities to ensure they remain viable. Emerging London Plan policy HC7 Protecting Public Houses seeks to protect public houses where, amongst other things, they have heritage, economic, social or cultural value to local communities. Development proposals that would compromise the operation or viability of the public house should be resisted. To overcome this, developers must put in place measures that would mitigate the impacts of noise and other nuisance for new residents.
- 7.7 The proposal includes the retention of the existing pub use at basement and ground floor levels, as well as extensions to the rear and at roof level to provide six self-contained residential units. The accommodation provided at this site had previously been used and occupied by persons associated with the pub use.
- 7.8 The introduction of private residents separate to the pub use creates the potential for conflict between the right of residents to the quiet enjoyment of their homes and the operation of the pub. This conflict and a lack of a noise assessment and management strategy was a major concern with the previous proposal and contributed to its refusal and the Inspector's decision to dismiss the appeal.
- 7.9 The 'Agent for Change' principle within the draft London Plan advises that the party responsible for any change in the noise environment is responsible for managing the impact of the change (as set out in the Mayor for London's emerging Culture and Night Time Economy SPG).
- 7.10 The applicant has submitted a Noise Exposure Assessment (NEA) and Management Strategy to address the previous concerns and comply with the 'Agent for Change' principle. The NEA makes the following recommendations:

The assessment recommends following the below steps when the pub is in operation:

- All glazed elements and doors should be of a good quality, with any damaged or faulty doors / windows replaced.
- Doors and windows should be kept closed where possible, particularly during evening and night-time hours.
- In order to ensure suitable noise emission levels are not exceeded, we would recommend any music or entertainment is limited to a background level.
- External seating areas should be controlled such that they are not occupied or in use after 23:00.
- We would recommend the use of lobby areas around any external door that will be subject to regular traffic.
- Door staff should also remind patrons using the venue that there are some residential uses nearby and behaviour outside the premises and in external seating areas should be monitored accordingly.

7.11 The NEA was reviewed by the Council's Environmental Health Officer and the recommendations were accepted. Conditions 4 and 5 are recommended to secure the levels of sound insulation recommended in the NEA. The replacement and upgrading of the windows and door within the pub are proposed as part of the refurbishment works, this would include the installation of internal secondary glazing to the existing sash windows, which is secured by Condition 13. The proposed first floor plan shows a lobby door in compliance with recommendation 5 of the NEA. Recommendations 2, 3, 4 and 6 form part of the Management Strategy, and therefore compliance with that document will be secured by condition 12. In addition, a welcome pack for residents, explaining the management strategy to residents of the six flats would be secured by condition 14. However, the welcome pack cannot restrict a resident's right to report noise disturbances as that is a statutory right.

7.12 Officers are satisfied that, subject to the conditions mentioned above, the new noise sensitive uses would not be unduly affected by noise and nuisance from the public house nor would the operation and viability of the public house be unduly restricted by the proposed mitigation measures. Given these mitigation measures and the retention of the existing layout, Officers are of the opinion that a marketing strategy for the public house would not be required to make this application acceptable.

Principle of residential units

7.13 The Core Strategy recognises the Borough's need for housing and outlines the objectives to achieve 18,165 new dwellings between 2009/2010 and 2025. The London Plan outlines through Policy 3.3, 3.5 and 3.8 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported, which are of the highest quality and of varying sizes and tenures in accordance with the Local Development Framework. Lewisham Core Strategy Spatial Policy 1 'Lewisham Spatial Strategy' that links to Core Strategy Objective 2

'Housing Provision and Distribution' supports the delivery new housing to meet local need.

- 7.14 As such, the proposal for development of the site is acceptable in principle and the provision of new residential units is considered a planning merit to which moderate weight is attached. This reflects the fact the site, while still suitable for residential accommodation, is not as sustainable as other locations in the borough due to its PTAL rating. The design elements of the scheme are discussed in detail in following sections of this report. The proposal will also be assessed in relation to housing standards, standard of accommodation and highways impacts in following sections of this report.

Design

- 7.15 DM Policy 31 Alterations and extensions to existing buildings including residential extensions states that development proposals for alterations and extensions, including roof extensions, will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.
- 7.16 DM Policy 37 states that the Council will protect the local distinctiveness of the borough by sustaining and enhancing the significance of non-designated heritage assets.
- 7.17 The application building provides a valuable reminder of the history of the area and makes a positive contribution to local distinctiveness. Therefore, given its state of preservation (its original form and external fabric appears to be largely intact), architectural quality and contribution to the street scene, it retains its significance as a non-designated heritage asset and is worthy of protection.
- 7.18 The additional mansard storey is of traditional design, featuring historically appropriate materials, and would read as a sympathetic addition to the building. The mansard provides a natural set back from the main elevations providing a degree of proportional subservience, which combined with the modest height is considered subordinate to the host building. The front dormers reflect the hierarchy and alignment of the fenestration below, providing an attractive frontage. The replacement of the chimney is welcomed and preserves an important architectural feature of the building. The mansard adequately screens the internal roof terrace.
- 7.19 Officers welcome the proposals to refurbish the exterior of the pub; this is a planning merit to which significant weight is attached. Therefore, a condition is recommended securing the refurbishment prior to the occupation of the final two flats for the following reasons: to secure this merit; to ensure the viability of the pub is enhanced; and to ensure those physical measures necessary to mitigate the impact of noise and nuisance on the new residents are completed.
- 7.20 Officers consider that the scale, mass and form of the four storey rear extension would be subordinate to the host building given the additional height of the mansard. The proposed brick would complement the surrounding architecture, resulting in an acceptable impact on the host building. The use of glazing for the

balconies where the extension meets the host building would provide a visual break between the old and new built form and is welcomed.

Standard of Accommodation

- 7.21 DM Policy 32 states that the standards in the London Plan will be used to assess whether new housing development provides an appropriate level of residential quality and amenity. This will involve an assessment of whether the proposals provide accommodation that criteria relating to minimum space standards, floor to ceiling heights and storage space.
- 7.22 The proposed units would be appropriately sized when assessed against the London Plan and Development Management Local Plan standards, including meeting the bedroom, living, and storage space requirements of the London Plan Housing SPG and national technical standards. Floor to ceiling heights are in excess of 2.3m (as measured from the plans provided with the application). The proposed unit would be provided with dual aspect by way of windows facing east, and north in the case of Units 2, 4 and 6 and windows facing east and south in the case of Units 1, 3 and 5. This would enable an acceptable amount of daylight and sunlight into habitable rooms.
- 7.23 The London Plan recognises the importance of private amenity space as a means of retreat to withdraw from the daily activity of London life. For that reason, all new development should have private open space. The London Plan Housing SPG Standard 26 states that for 1-2 person dwellings, a minimum 5m² is required with an extra 1m² per every extra occupant. All of the six units would be provided with a minimum of 6m² of external amenity space in accordance with the the London Plan Housing SPG.
- 7.24 Given the above, officers are satisfied that overall, the design and layout of the new units created would be suitable and the proposal would provide an appropriate standard of residential accommodation in accordance with the revised NPPF, the London Plan, the London Plan Housing SPG, the technical housing standards – nationally described standards, and the Council's DMLP. Therefore, the development is considered to provide adequate amenities for future residents.

Transport Impact

a) Refuse

- 7.25 The residential units would be provided with a bin store at ground floor level with access onto Arklow Road. The bin store is located less than 10m from kerbside and complies with the Councils guidelines.
- 7.26 The refuse for the pub would be stored within the basement of the pub and taken out by staff through the cellar hatch on collection days. This arrangement is acceptable.

b) Servicing

- 7.27 The pub would retain the previous servicing arrangement, via the cellar hatch on Arklow Road with deliveries expected between 8:00-18:00. The Council's Highways Officer has requested additional details regarding the servicing of the pub. These details would be secured by condition as part of a Delivery and

Servicing Plan. The provision of a loading bay is not recommended given that the pub could be brought back into use without requiring further planning permission and no such bay existed in the past or exists now.

- 7.28 The Highways Officer also requested that the submitted Construction Management Plan should be expanded to state that delivery vehicles would arrive outside school pick-up/drop-off hours and provide additional details regarding site access, loading and delivery routes. It is therefore considered necessary to secure a revised Construction Management Plan prior to the commencement of the development.

c) Cycle Parking

- 7.29 The London Plan cycle parking minimum standards requires two cycle space per two bedroom dwelling. The proposed development would therefore require twelve cycle parking space. Further to the London Plan requirements, Transport for London's (TfL's) '*London Cycling Design Standards*' sets out that cycle parking should be fit-for-purpose, secure, dry and well-located. The provision of the twelve cycle spaces within an internal cycle store is therefore considered acceptable.
- 7.30 The draft London Plan improves the minimum standard of short and long stay cycle parking required for commercial floor space. However, the width of the pavement adjacent to the property would prevent the provision of Sheffield Stands outside of the pub. In addition, the public house can operate at present without providing additional cycle parking. Therefore, the failure to provide cycle parking for the staff and customers of the public house is acceptable.

d) Car Parking

- 7.31 Core Strategy Policy 14 - Sustainable movement and transport states that the Council will take a restrained approach to parking provision. London Plan Policy 6.13 seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use and through the use of well-considered travel plans aim to reduce reliance on private means of transport. Table 6.2 Car parking standards in the London Plan states that all residential developments in areas of good public transport accessibility should aim for significantly less than one space per unit. The emerging draft London Plan specifies a maximum of 0.75 parking spaces per dwelling. This equates to 4.5 parking spaces. No off-street parking is proposed however the availability of between four and five parking spaces on-street along the frontages of the site would meet this requirement. Further, any harm that may arise from overspill parking is outweighed by the planning merits of the scheme identified elsewhere in this report.
- 7.32 The PTAL rating of 1b is defined as very poor. However, the rating is an anomaly within the area with many of the surrounding roads benefiting from a PTAL rating of 4. Lewisham's DM Policy 29 Car Parking identifies major developments with limited car parking should be located in PTAL areas of 4 or higher. The proposal is not considered to be a major development and as such is not required to meet the car free criteria. Given the modest scale of the proposed development a financial contribution is not considered necessary.

Impact on Adjoining Properties

- 7.33 DM Policy 31 states that residential development should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 7.34 The proposed development would not have a materially harmful impact on adjacent properties. The development is only immediately adjacent to the SR House superstructure redevelopment, which has no habitable windows located on the elevation that fronts the proposed site. The SR House roof top garden is also setback so that no overlooking occurs to the proposed site.
- 7.35 Immediately across Arklow Road is the Poppy Court residential development. Poppy Court varies in distance from 13-17m from the proposal site, which is considered to be an adequate distance to the habitable rooms on the flank wall. Both the SR House development and the Poppy Court development would retain adequate sunlight.
- 7.36 Overall, the impact on the amenity of neighbouring properties is acceptable.

Ecology and Landscaping

- 7.37 As stated previously, the Council's Ecology Officer raised no objection to the proposal on ecology grounds. The proposal for a living roof is considered a planning merit to which moderate weight is attached. The specifications and installation of the living roof would be secured by condition.
- 7.38 Officers consider that a requirement to plant street trees adjacent to the site would be unnecessary given the nature of the development and the provision of the living roof.

8.0 Local Finance Considerations

- 8.1 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).
- 8.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 8.3 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

9.0 Equalities Considerations

- 9.1 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.

- 9.2 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.
- 9.3 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.
- 9.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11, which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 9.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 9.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 9.7 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 /minimal impact on equality. / That there is a potential impact on equality given the facts, however, this can be mitigated by Or, the positive impacts of pursuing enforcement action are and that in the

circumstances it is considered that enforcement action is proportionate and appropriate in all the circumstances.

10.0 Human Rights Implications

10.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Right to a fair trial
- Respect for your private and family life, home and correspondence
- Peaceful enjoyment of one's property

10.2 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

10.3 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with convention rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

11.0 CONCLUSION

11.1 This application has been considered in the light of policies set out in the development plan and other material considerations.

11.2 Officers are satisfied that the principle of development is acceptable and consider that the development meets the relevant design and housing standards whilst having an acceptable impact on residential amenity and the local highway network. Weight is given to the provision of new dwellings. Therefore, the scheme is considered acceptable.

12.0 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:

3187/L/01; 3187/L/02; 3187/P/01A; 3187/P/02A; 3187/P/03A; 3187/P/04A; 3187/P/05A; 3187/P/41B; 3187/P/42B; 3187/P/43B; 3187/P/44B; 3187/P/45B; 3187/P/201; 3187/P/202;

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. No development shall commence on site until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Plan. The Plan shall cover:-

- (a) Dust mitigation measures.
- (b) The location and operation of plant and wheel washing facilities
- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction-related activity.
 - (iii) Measures to deal with safe pedestrian movement.
 - (iv) details of site access and loading/unloading.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015). The condition must prevent any works as initial works of demolition may give

rise to harm which this condition intends to mitigate.

4. (a) The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB L_{Amax} (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to achieve levels not exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472.

(b) Development shall not commence until details of a sound insulation scheme complying with paragraph (a) of this condition have been submitted to an approved in writing by the local planning authority.

(c) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to ensure the continued viability of the public house and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014) and emerging London Plan draft policies D12 Agent of Change and HC7 Protecting Public Houses.

5. (a) No development shall commence until full written details, including relevant drawings and specifications of the proposed works of sounds insulation against airborne noise to meet $D'_{nT,w} + C_{tr}$ dB of not less than 55 for walls and/or ceilings where residential parties non domestic use and for the sound insulation to be sufficient to meet NR15 within adjoining residential premises Noise Exposure Assessment (Clement Acoustics, April 2018) shall be submitted to and approved in writing by the local planning authority.

(b) The development shall only be occupied once the soundproofing works as agreed under part (a) have been implemented in accordance with the approved details.

(c) The soundproofing shall be retained permanently in accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to ensure the continued viability of the public house and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014) and emerging London Plan draft policies D12 Agent of Change and HC7 Protecting Public Houses. This is required to be a pre-commencement condition as the harm this condition

seeks to mitigate goes to the heart of the principle of allowing the residential development in light of the Agent of Change principle.

6. No above ground development shall commence until a detailed material schedule including manufacturer's literature and physical brick sample (to be viewed on site) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained for the lifetime of the development.

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.

7. The refuse and recycling facilities hereby approved shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

8. 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 refuse storage and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011)

9. (a) The development shall be constructed with a biodiversity living roof laid out in accordance with plan 3187/P/42 and Living Roof Details (Proun, June 2018) hereby approved and maintained for the lifetime of the development.

(b) The living roof shall not be used as an amenity or sitting out space of any kind whatsoever.

(c) Evidence that the living roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2015) , Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan

(November 2014).

10. (a) Detailed plans and a specification of the appearance of, and the equipment comprising, a ventilation system which shall include measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencer(s) and anti-vibration mountings where necessary) shall be submitted to and approved in writing by the local planning authority.

(b) The ventilation system shall be installed in accordance with the approved plans and specification before use of any part of the development hereby permitted first commences and shall thereafter be maintained for the lifetime of the development in accordance with the approved specification.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Policy 17 Restaurants and cafes (A3 uses) and drinking establishments (A4 uses) of the Development Management Local Plan (November 2014).

11. (a) No part of the development shall be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.

(b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.

(c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to for the lifetime of the development.

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

12. The public house shall be operated in accordance with the Public House Management Strategy (Proun, June 2018) at all times for the lifetime of the development.

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 DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

13. a) No more than four (4) residential units shall be occupied until substantive evidence that the external refurbishment of the public house has been completed has been submitted to and approved in writing by the Local Planning Authority.

- b) The refurbishment shall be carried out in accordance with plan no.s 3187/P/43B and 3187/P/44B, and P.9 of the Design and Access Statement (Proun, June 2018).

Reason: To sustain and enhance the significance of non-designated heritage asset in accordance with DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest of the Development Management Local Plan (November 2014).

14. No residential units shall be occupied until a Welcome Pack for residents has been submitted to and approved in writing by the local planning authority. The Welcome Pack shall include but not be limited to:
- (a) A clear notice stating that the property they will occupy shares a building with a public house and that a degree of noise and other disturbance can be expected
 - (b) A copy and explanation of the Management Strategy for the public house
 - (c) Set out a means by which resident's may discuss the on-going management of the public house with the building's landlord and the public house operating company to resolves concerns

The Welcome Pack shall be supplied to all new residents prior to their occupation of their unit.

Reason: To ensure that all future residents are aware of the public house use and to ensure the continued viability of the public house and to comply with DM Policy 20 Public Houses and emerging London Plan draft policies D12 Agent of Change and HC7 Protecting Public Houses.

15. The development permitted by this planning permission shall be carried out in accordance with the following mitigation measure within the approved Flood Risk Assessment (GTA Civils Ltd, July 2016):
- residential accommodation should be set no lower than 3.72 metres above Ordnance Datum (mAOD).

Reason: To reduce the impact of flooding on the development and occupants, in accordance with the Policy 10 of the Core Strategy 2011

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 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 prior to determination.