

Committee	PLANNING COMMITTEE B	
Report Title	88 SPRINGBANK ROAD, SE13	
Ward	Lewisham Central	
Contributors	Catriona Morgan	
Class	PART 1	15 November 2018

<u>Reg. Nos.</u>	DC/17/104854
<u>Application dated</u>	5 <sup>th</sup> December 2017 as revised 16 March 2018
<u>Applicant</u>	Robinson Escott Planning on behalf of mathBREW
<u>Proposal</u>	The change of use of the ground floor and basement of 88 Springbank Road, SE13 from retail (Use Class A1) to a micropub (Use Class A4) together with the insertion of a new window within the side elevation.
<u>Applicant's Plan Nos.</u>	Planning, Design and Access Statement (Robinson Escott Planning, December 2017); Appendix 1; Appendix 2 received 5 <sup>th</sup> December 2017; 2051-17-PL001 Rev P10; Operational Management Statement (mathBREW, March 2018) received 16 <sup>th</sup> March 2018; Transport Statement and Travel Plan (Robinson Escott Planning, July 2018) received 16 <sup>th</sup> July 2018; Noise Impact Assessment (Acoustics Plus, October 2018) received 16 <sup>th</sup> October 2018.
<u>Background Papers</u>	(1) Case File LE/782/88/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	Existing A1 Use PTAL 3 Corbett Neighbourhood Forum Not located in a Conservation Area No Article 4(2) Direction
<u>Screening</u>	N/A

## **1.0 Property/Site Description**

- 1.1 The application relates to a three storey plus basement, mid-terrace property located on the south-western side of Springbank Road. The subject building is part of a parade of buildings mostly comprising commercial/retail units on the ground floor and residential units on the upper floors. This proposal relates to the ground floor and basement unit, which is currently vacant.
- 1.2 There is a taxi office and a number of vacant commercial units to the north of the site. To the south of the site there are residential dwellings. A takeaway restaurant

is located directly opposite the application site, and an Indian restaurant is located two doors to the south of that. To the rear of the application site, on Wellmeadow Road, there are residential dwellings. The application site forms part of a local shopping parade which spans three sections of Springbank Road. In addition to the part of the street where the application property is located, there is another small parade of shops on the opposite side of Springbank Road and another parade to the north of Duncrevie Road.

- 1.3 The application site is approximately 185.5m<sup>2</sup>, and has a large garden to the rear.
- 1.4 The application building is approximately 91 metres from the rear entrance to Hither Green train station, and is within walking distance to a number of bus stops serving Catford, Lewisham and Central London. A bus stop approximately 30 metres north of the application site serves the 225 bus and the N171 night bus, which terminates at Tottenham Court Road.
- 1.5 The site is located within Corbett Neighbourhood Forum, and has a PTAL rating of 3, based on a scale of 0-6b with 6b having the highest degree of accessibility to public transport. The site is not subject to any other particular designations.

## **2.0 Planning History**

- 2.1 PRE/17/102084 – Pre-application advice sought concerning the change of use of the ground floor and basement of 88 Springbank Road, SE13 from retail (Use Class A1) to a micropub (Use Class A4).
- 2.2 DC/14/089704 - The change of use, alteration and conversion of the existing (A1) ground floor shop premises at 88 Springbank Road SE13, to provide a one bedroom self-contained flat, together with alterations to the front and rear elevations – Refused 01/07/2018.
- 2.3 The application was refused for the following reasons:
  - The proposed residential change of use would impact significantly upon the existing mix and balance of commercial units in Springbank Road, giving rise to the further fragmentation of the shopping parade that would serve to compromise its capacity to provide important local services, contrary to Policy 6 Retail hierarchy and location of retail development of the Core Strategy (2011) and DM Policy 16 Local shopping parades and corner shops of the Development Management Local Plan (2014).
  - The applicant has failed to suitably demonstrate that there is no economic demand for retail provision in this location, contrary to Policy 6 Retail hierarchy and location of retail development of the Core Strategy (2011) and DM Policy 16 Local shopping parades and corner shops of the Development Management Local Plan (2014).

## **3.0 Current Planning Applications**

### The Proposal

- 3.1 This application relates to the change of use of the ground floor and basement from retail (Use Class A1) to a micropub (Use Class A4) together with the insertion of a ground floor window in the side elevation, the installation of doors in

the rear elevation, the relocation of the existing entrance door to the right of the front elevation, and the installation of a condenser unit in the side elevation.

- 3.2 The applicant defines a micropub in their Planning, Design & Access Statement as, “A small premises that would serve the local community and would represent Hither Green’s first micropub on the Archibald Corbett Estate”.
- 3.3 The proposed windows and doors would be of a similar appearance to the existing.
- 3.4 The floor area of the unit (including basement) is approximately 107.6m<sup>2</sup>.

#### Additional Information

- 3.5 The application initially proposed a smoking shelter and bin store at the rear of the building, and to retain the existing entrance to the ground floor premises. However following the submission of revised drawings on 16<sup>th</sup> March 2018, the application proposes to relocate the existing entrance door to the right of the shopfront, and to relocate the bin store to the basement. The smoking shelter has been removed from the proposal and the applicants have proposed reduced opening hours.

#### **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. Following the submission of the amended documents, a further neighbour consultation was carried out, the responses are also summarised below. 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 and letters were sent to fifty-one residents and businesses in the surrounding area, as well as the relevant ward Councillors in Hither Green and the Corbett Neighbourhood Forum. The Council’s Highways department and Environmental Health department were also consulted.
- 4.3 Nineteen neighbouring properties raised objection to the proposal; and a petition was submitted with 29 signatures opposing the development. Twenty-eight neighbouring properties commented in support of the proposal. A Local Meeting was held on 10<sup>th</sup> May 2018 where neighbouring residents were able to discuss the proposal with the applicant. It was attended by approximately 20 local residents (20 signed the attendance sheet), as well as Councillor Reid and Councillor Gibbons. The minutes of the local meeting are attached in full as Appendix A to this report.

#### Written Responses received from Local Residents and Organisations Following Post-Submission Consultation

- 4.4 The planning concerns raised by neighbouring residents are summarised below:
  - Noise and disturbance arising from the use of the premises as a micropub, and in particular:
    - Use of the outdoor area at the rear, which is proposed to be for smokers.

- Staff will also use this area at the rear to access the bin store, where bottles will be regularly emptied resulting in disturbance.
  - The sound from the use of the premises as a pub could potentially cause a statutory nuisance.
  - Noise and disturbance from comings and goings of patrons to the premises, particularly those under the influence of alcohol.
- Increased vehicular traffic and concern over lack of detail on number of patrons;
  - Increased parking demand;
  - Overlooking from smoking area;
  - Appearance of the bin store;
  - Opening hours are excessive and out of keeping with other businesses on Springbank Road;
  - A precedent would be set for other premises to be converted into drinking establishments;
  - Marketing of the property has been compromised as it has been 'under offer' since mid-2017, thereby putting off potential interested parties;
  - Evidence has not been submitted that the 'acoustic attenuated suspended ceiling' will mitigate noise created;
  - Proposed external condenser appears to be attached to the first floor flat, rather than the application premises, outside of the applicants' ownership/control;
  - Springbank Road can no longer be considered a local shopping parade, given the number of ground floor commercial and retail premises that have been converted to residential units;
  - Adjacent commercial and residential unit entrances could result in loss of security to occupants of the first floor flat.

4.5 Some of the concerns raised which are not planning considerations relevant to the proposal include:

- Scale of the proposal and impact on neighbours triggers classification of the application as a major application;
- Smoke and fumes arising from people smoking in the smoking shelter;
- Patrons of the pub congregating at the front of the premises; smoking/drinking and encouraging anti-social behaviour;
- Provision of rats/vermin as a result of the bin store at the rear of the building;
- There is a clause in the deeds of properties in the Corbett Estate that they are not allowed to sell alcohol.

4.6 The comments received in support of the application are summarised below:

- Currently very few options available for local people to meet and enjoy a drink;
- This proposal will invest in the parade and encourage other businesses to set up, promoting regeneration of the area;
- The proposal will be of huge public benefit and will improve the local economy;
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- A real ale/craft beer premises will appeal to the local market and would be a welcome addition to the local community;
- The area is in dire need of more active frontages in its remaining commercial spaces.

4.7 Following the submission of amended proposals and a neighbour re-consultation, twelve neighbouring properties raised objections to the application. Eleven neighbouring properties commented in support of the proposal.

Written Responses received from Local Residents and Organisations Following Submission of Amended Plans

4.8 The planning concerns raised by neighbours are summarised below:

- Noise and disturbance arising from the use of the premises as a micropub, and in particular:
  - Use of the outdoor area at the rear by smokers.
  - The sound from the use of the premises as a pub could potentially cause a statutory nuisance, particularly if windows and doors are open.
  - Noise and disturbance from comings and goings of patrons to the premises, particularly those under the influence of alcohol.
- Noise arising from the condenser unit;
- Revised opening hours are not acceptable given residential nature of the area;
- Whilst the applicants have stated 'no amplified music is to be played', stereo music could still be played and that is very loud;
- The proposal fails to demonstrate an economic demand for an additional pub in this location, given the fact that there are already other drinking establishments nearby;
- Concerns that the proposal will result in additional litter around Springbank Road;
- Increased vehicular traffic and parking demand.
- Some of the concerns raised which are not planning considerations relevant to the proposal relate to patrons of the pub congregating at the front of the premises; smoking/drinking and encouraging anti-social behaviour.

4.9 Following the submission of a Noise Impact Assessment and a neighbour re-consultation, ten neighbouring properties raised objections to the application. Four neighbouring properties commented in support of the proposal.

Written Responses received from Local Residents and Organisations Following Submission of Noise Impact Assessment

4.10 The planning concerns raised by neighbours are summarised below:

- The report does not assess the impact of the proposed condenser unit upon noise sensitive windows of the upper floor flats at No.88A, No.86 and No.90 Springbank Road;
- The report does not assess breaking out noise from use of the pub (e.g. when windows and doors open, noise from operation of pub);
- The condenser unit referred to in the report is smaller than the condenser unit shown on the proposed drawings. However, the condenser unit referred to in the data sheet is closer in size to the condenser unit shown on the proposed plans, and exceeds the rating level of 30dBA, non-compliant with the requirements of the Council;
- The report makes assumptions with regards the condenser unit and is ambiguous in its conclusions;
- The sound insulation performance of the existing ceiling is based on an estimate through observation and no measurements, calculations or robust details were given to justify proposed solution. Additionally, no justification that internal noise level of the snug should justify a lower acoustic requirement;
- The report determines that the proposed internal sound insulation will not meet planning requirements;
- The residential area is not suitable for a drinking establishment;
- Some of the concerns raised which are not planning considerations relevant to the proposal relate to patrons of the pub congregating at the front of the premises; smoking/drinking and encouraging anti-social behaviour; fire safety.

Written Responses received from Statutory Agencies

Highways and Transportation

4.11 The Council's Highways Officer requested further detail in respect of cycle parking, waste management and expected number of visitors per day (to determine whether a Travel Plan would be required). These matters have been addressed and some can be controlled by condition.

Environmental Health

4.12 The Environmental Health Officer refers to the, 'Noise from Pubs and Clubs Final Report DEFRA Publication' (2005). The applicants have submitted a Noise Impact Assessment pertaining to noise arising from the use of the premises as a pub, and noise arising from the proposed condenser unit. The Environmental Health Officer

considers that the submitted report is acceptable, provided the applicants follow the recommendations in the report. This can be controlled by condition.

## **5.0 Policy Context**

### Introduction

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

### National Planning Policy Framework (NPPF) 2018

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

5.4 It contains at paragraph 11, a '*presumption in favour of sustainable development*'. Annex 1 of the 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 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)*'.

5.5 Officers have reviewed the Core Strategy and Development Management Local Plan 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 213 of the NPPF.

### National Planning Practice Guidance 'NPPG' (2014 onwards)

5.6 The DCLG launched the National Planning Practice Guidance (NPPG) resource on the 6<sup>th</sup> March 2014. This replaced a number of planning practice guidance documents.

### London Plan (March 2016)

5.7 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 new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018). The Mayor published proposed modifications to the Draft Plan in August 2018. The document is at an early stage in the process and has some limited weight as a material consideration when determining planning applications. The policies in the current adopted London Plan (2016) relevant to this application are:

Policy 1.1 Delivering the strategic vision and objectives for London  
Policy 4.1 Developing London's economy  
Policy 5.3 Sustainable design and construction  
Policy 6.3 Assessing effects of development on transport capacity  
Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 6.13 Parking  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.15 Reducing noise and enhancing soundscapes

There are no policies in the draft London Plan (2017) which deviate materially from adopted policies and would be of particular relevance to this application.

Core Strategy (June 2011)

5.8 The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1 Lewisham Spatial Strategy  
Spatial Policy 2 Regeneration and Growth Areas  
Core Strategy Policy 5 Other employment locations  
Core Strategy Policy 6 Retail hierarchy and location of retail development  
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

Development Management Local Plan (November 2014)

5.9 The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 11	Other employment locations
DM Policy 16	Local shopping parades and corner shops
DM Policy 17	Restaurants and cafés (A3 uses) and drinking establishments (A4 uses)
DM Policy 26	Noise and vibration
DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings

## **6.0 Planning Considerations**

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

- Principle of Development
- Design
- Impact on Adjoining Properties
- Highways and Traffic Issues

### Principle of Development

6.2 Core Strategy Policy 6 outlines the Council's approach to retail hierarchy and location of retail development within district centres. It seeks to protect local shopping facilities from change of use or redevelopment where there is an economic demand for such services. In the neighbourhood local centres and parades, change of use and contraction of the shopping facilities will be considered if evidence is established that there is no economic prospect of such uses continuing.

6.3 DM Policy 16 supports this policy and requires the retention of Class A1 shops located in a local shopping parade or operated as a corner shop, in order to preserve or enhance the local character and support the provision of essential daily goods and services, unless an applicant can demonstrate:

a) the availability of similar alternative shopping facilities within a comfortable walking distance (approximately 400 metres or less)

b) a balance to the number and type of units within the parade

c) that reasonable attempts have been made to market vacant shop units, for more than 12 months, at an appropriate rent

d) the replacement use will result in no harm to the amenity of adjoining properties.

6.4 DM Policy 17 states that the Council will consider proposals for restaurants and cafés (A3) and drinking establishments (A4) provided the following are met:

a) the location and design is acceptable and the proposed use does not detrimentally affect the vitality of the shopping area

b) there is no harm to the living conditions of nearby residents, including that created by noise and disturbance from users and their vehicles, smell, litter and unneighbourly opening hours

c) parking and traffic generation is not a danger to other road users, public transport operators or pedestrians.

6.5 DM Policy 17 goes on to state that applicants will be expected to provide acceptable arrangements for:

a) the efficient and hygienic discharge of fumes and smells, including the siting of ducts, which should be unobtrusive

- b) the collection, storage and disposal of bulk refuse and customer litter
- c) sound proofing, especially if living accommodation is above or adjacent
- d) other appropriate mitigation measures in relation to the impact on neighbours of the proposed opening hours.

#### *Loss of the A1 Unit*

- 6.6 The application site has a lawful A1 use, and is located within a local shopping parade which spans three sections of Springbank Road. Paragraph 2.112 of the Development Management Local Plan states that the main function of local shopping parades is providing for the daily needs of local residents. There are 23 units located within the parade on the north-eastern side of Springbank Road. Of these 23 units, 13 have been converted into residential use; mainly towards the southern end of the parade. A further 3 A1 units are vacant, and there is an Indian restaurant and a takeaway. There remain 4 active A1 units within this section of the parade, and 2 of these units are convenience stores. There is also an accountants (A2).
- 6.7 There are 7 units located on the parade to the north of Duncreevie Road and they are all in active use as commercial or retail units. Of these 7 units, 2 are cafes/restaurants; 3 units are in A2 use as estate agents' and an employment office; and there is a double-unit at the north of the parade in A1 use.
- 6.8 On the parade where the application premises is located, there are a total of 10 units. Of these 10 units, 3 have been converted into residential use and a further 5 A1 units are vacant, including the application site. There is 1 unit in use as a hairdressers (A1), and 1 unit in use as a taxi office (sui generis) which adjoins the application site.
- 6.9 In total there are 24 remaining commercial and retail units within this local shopping parade on Springbank Road, 16 of which are still in active use. In light of this, Officers consider that this section of Springbank Road is still a local shopping parade and as such, DM Policy 16 is relevant. It is acknowledged that the parade has suffered due to the conversion of a number of units into residential use; and given that there are currently 8 vacant units, the parade is in need of regeneration in order to ensure its viability and that it does not face further decay or loss of commercial space.
- 6.10 With regards the requirements of DM Policy 16, out of the 24 commercial and retail units within the local shopping parade, 7 of these are still in active A1 use. The majority of these A1 units are in close proximity to the application site, and comprise a range of uses e.g. hairdressers, convenience store, upholsters. The nearest convenience store is less than 30 metres away from the application site. Officers consider that there is an availability of similar alternative shopping facilities within a comfortable walking distance of the application site, and part (a) of DM Policy 16 has been met.
- 6.11 With regards the number and type of units within the parade, of the 16 occupied units there are currently 7 A1 units, 4 A2 units, 4 A3 units and 1 sui generis unit. There are currently no A4 uses within the local shopping parade. It is considered that there is an appropriate balance to the range and type of units currently within

the parade, particularly given that almost half of the active units are in A1 use. As such, Officers consider that part (b) of DM Policy 16 has been met.

- 6.12 Further to the above, the applicants have confirmed that the application premises have been vacant since October 2014. The applicants have also provided marketing information detailing that the unit was advertised and marketed as an available A1 or A2 unit from 25<sup>th</sup> July 2016, with no success until the applicants rented the premises on 13<sup>th</sup> April 2017. This marketing information, in addition to the existing number of vacant units within the local shopping parade, reinforces that there is not a high demand for A1 uses in this location.
- 6.13 With regards part (d) of DM Policy 16, this will be addressed later in the report. Notwithstanding, Officers consider that the loss of the A1 unit within this local shopping parade is justified and would be in accordance with DM Policy 16.

#### *Provision of an A4 Use*

- 6.14 As outlined above the existing shopping parade is suffering, with a considerable number of units in residential use and a number of vacant units. The provision of an A4 unit in this location is not considered to detrimentally affect the vitality of the shopping area and rather, could enhance regeneration and encourage further investment in the parade. With regards parts (b) and (c) of DM Policy 17, these will be addressed later in the report.
- 6.15 The applicants have submitted an Operational Management Report, outlining measures for the collection, storage and disposal of refuse; as well as detailing mitigation measures in relation to the impact on neighbours of the proposed opening hours.
- 6.16 Therefore Officers consider that the loss of the A1 retail unit and change of use to an A4 micropub would be acceptable in principle, subject to the impact of the proposal upon the amenities of neighbouring residents and impact upon traffic and parking.

#### Design

- 6.17 Urban design is a key consideration in the planning process. Chapter 12 of the NPPF makes it clear that national government places great importance on the design of the built environment. Proposals should contribute positively to making places better for people.
- 6.18 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.
- 6.19 DM Policy 30 carries through the principle of high quality design which complements the existing typology. 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 used appropriately and sensitively in relation to context.

- 6.20 The application proposes the installation of a ground floor window in the side elevation, the installation of doors in the rear elevation, the relocation of the existing entrance door to the right of the front elevation, and the installation of a condenser unit in the side elevation.
- 6.21 The proposed window in the side elevation of the building would replace an existing door. The window would be similar in appearance to those in the existing property, and the rest of the opening will be infilled with bricks to match the existing. The proposed doors in the rear elevation of the building would replace an existing window. These alterations would not be visible from the public realm and are considered to be acceptable.
- 6.22 The proposed condenser unit would be located in the side elevation of the building, at ground floor level. The condenser unit would be sited 1 metre above the external ground level, would not be more than 0.6 metres in height and would project approximately 0.3 metres from the flank elevation. The condenser unit would be modest in size and would not be visible from the public realm. As such, the condenser unit is considered to be acceptable.
- 6.23 The proposed relocation of the existing entrance door from the porch to the right side of the shopfront is not considered to impact upon the character or appearance of the application building, or surrounding shopping parade and would be acceptable. No details have been submitted as to how the space where the existing door is located will be infilled, however these details can be secured by condition.
- 6.24 The proposed alterations to the fenestration and installation of a condenser unit are considered to be acceptable from a design perspective and in accordance with Core Strategy Policy 15, DM Policy 30 and DM Policy 31.

#### Impact on Adjoining Properties

- 6.25 Core Strategy Policy 15 'High quality design in Lewisham' seeks to ensure that proposed development is sensitive to the local context. Officers therefore expect proposed development to be designed in a way that will not give rise to significant impacts upon the amenities of existing neighbours and future occupiers.
- 6.26 The main properties to consider in an assessment of the impacts of the proposal upon residential amenities are No.88A, No.86A and the flats in No.90 Springbank Road; and No.s 9-13 Wellmeadow Road.

#### *Noise and Disturbance*

- 6.27 DM Policy 26 relates to noise generating or sensitive development. Although aimed primarily at industrial noise creating activities, the principles may be applied to other types of development where noise is a potential issue. The policy requires that a noise assessment, prepared by a qualified acoustician, is submitted in support of applications for such developments and states that, where development is permitted, conditions may be attached to ensure effective mitigation.
- 6.28 The application initially proposed a smoking shelter and bin store in the rear garden of the host site. A number of neighbouring residents expressed concern that the use of the smoking shelter and frequent access to the bin store would

result in increased noise and disturbance, particularly late at night. Following the submission of revised proposals, the smoking shelter and bin store have been removed from the application and the applicants have confirmed that access to the rear garden would only be for maintenance/emergency purposes.

- 6.29 Some neighbouring residents have raised concerns that there would be increased noise and disturbance arising from the comings and goings of patrons to the premises, particularly those under the influence of alcohol. The applicants have submitted an Operational Management Statement, which sets out how the premises would be managed so as to reduce the impact upon neighbouring residential amenity. The applicants have confirmed that smoking outside the premises will be discouraged and staff will supervise all customer activity outside the premises. Additionally the applicants propose that the door to the premises would be relocated to the right side of the shopfront, so that the occupants of the first floor flat would not share an entrance porch with the unit.
- 6.30 The applicants propose an acoustic suspended ceiling within the premises, to reduce the impact of the proposal upon the occupants of No.88A. The Operational Management Statement indicates the premises will control music played from a stereo, so that it is not audible from neighbouring properties. However, the Environmental Health Officer considers that this does not take into account the noise from patrons within the premises, and he states it is in the interest of the applicants to ensure they have a high level of sound insulation. The applicants also propose a condenser unit in the side elevation of the building. The Environmental Health Officer considers that a pre-commencement condition be attached to any permission, that specifies the noise reduction required of the premises and sufficient sound proofing measures for the condenser unit, so that there would not be any impact upon No.88A, No.86A and the flats at No.90 Springbank Road.

#### *Overlooking/Loss of Privacy*

- 6.31 Some neighbouring residents have raised concerns that there would be increased overlooking and a loss of privacy from the openings in the rear and side elevation of the unit.
- 6.32 The windows in the side elevation of the unit would serve toilets, and it is detailed on the plan that they would be obscurely glazed. The window in the rear elevation of the building would be at ground floor level, approximately 15 metres from the rear boundary of the application site and at least 30 metres from the rear elevations of the properties on Wellmeadow Road. As such, it is not considered that the premises will overlook or result in a loss of privacy to No.86A Springbank Road or No.s 9-13 Wellmeadow Road.

#### *Opening Hours*

- 6.33 The proposed opening hours are as follows:

Days	Opening Hours
Monday	08:00 – 21:00
Tuesday – Thursday	08:00 – 22:00

Friday	08:00 – 23:00
Saturday	08:00 – 23:00
Sunday	08:00 – 22:00

- 6.34 Given the location of the unit on a local shopping parade and in close proximity to a takeaway, restaurant and taxi office, as well as residential units, the proposed opening hours are considered acceptable and would not be unneighbourly.

#### Highways and Traffic Issues

- 6.35 Core Strategy Policy 14 ‘Sustainable movement and transport’ promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans.
- 6.36 The application site has a PTAL rating of 3 (average).

#### *Car Parking*

- 6.37 The applicants have stated that the micropub would accommodate a maximum of 40 customers. Their application form states that they would employ 4 full-time staff and 3 part-time staff. Their Travel Plan states,

*“The overall objective in relation to guidance for both staff and clients of the proposed use is to encourage those coming to site to use sustainable modes of travel. In light of the fact that most people will be from the surrounding area and will be visiting the premises to enjoy an alcoholic beverage, it is unlikely that the proposed use would attract significant private vehicle trips to and from the premises...a comparison with the existing use is also a material consideration to the assessment with there being no significant material change in vehicle movements or trips associated with the proposed use compared to the lawful use of the premises were an A1 use reintroduced”.*

The Highways Officer has reviewed the Travel Plan Statement and notes that it does not outline how the applicants will encourage staff and visitors to use sustainable modes of transport. The Highways Officer also points out that a PTAL of 3 is not the most accessible. Whilst these comments are acknowledged, Officers would also highlight that the site is approximately 91 metres/4 minute walk from the rear entrance of Hither Green Station, as well as within walking distance to a number of bus stops serving Catford, Lewisham and Central London. Given the nature of the proposed A4 use and the fact that it is unlikely to be occupied by 40 patrons at all times, it is not considered that the proposal would generate a large number of additional car journeys. Additionally, patrons are more likely to opt for public transportation due to drink drive laws.

#### *Servicing*

- 6.38 The proposed use of the premises as a micropub is not considered to give rise to a need for large scale deliveries to the site. Notwithstanding this, the applicants have confirmed that all servicing will take place from Springbank Road. The

Operational Management Statement outlines that the applicants will ensure that deliveries are efficient and have a minimal impact on neighbouring amenity.

### *Cycle Parking*

- 6.39 Policy 6.9 of the London Plan maintains that development should provide secure, integrated and accessible cycle parking facilities. The Highways Officer requests that 2 cycle parking spaces should be provided.

The proposed development is for the change of use of an existing retail unit, into an A4 use. The existing retail unit does not accommodate any cycle parking spaces for staff or visitors. Whilst the Highways Officer requests that 2 cycle parking spaces should be provided, Officers consider that this may be unreasonable given that the existing unit does not provide any cycle parking. Furthermore, the building is old and cannot easily accommodate cycle parking. If cycle parking spaces were to be located in the rear garden, cyclists would have to take their bikes through the pub, which is not ideal. Similarly, if cycle parking spaces were to be located in the basement, cyclists would have to take their bikes through the pub and down a flight of steps. The cycle parking would then not be step-free.

Given that the floor area of the proposed unit (not including basement) is approximately 60m<sup>2</sup> and the existing unit does not provide cycle parking spaces, Officers consider that on balance, cycle parking is not required to be provided with the proposed development.

### *Waste Management*

- 6.40 The applicant proposes that refuse and recycling would be stored in the basement, and placed on the highway on collection day. This has not been shown on a plan, however these details can be secured by condition.

## **7.0 Equalities Considerations**

- 7.1 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.
- 7.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.3 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

## **8.0 Human Rights Implications**

8.1 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

8.2 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.

8.3 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.

8.4 This application has the legitimate aim of providing a new building with employment use. The rights potentially engaged by this application, including respect for your private and family life, home and correspondence are not considered to be unlawfully interfered with by this proposal.

## **9.0 CONCLUSION**

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

9.2 Officers consider that the proposed development would be in accordance with Policies DM 16 and DM 17 of the Development Management Local Plan, and would be acceptable in principle, of no significant harm to the character of the application site or surrounding area, or to residential amenity. The scheme is therefore considered acceptable.

**10.0 RECOMMENDATION: GRANT PERMISSION subject to the following conditions:**

### **Conditions**

1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

**Reason:** As required by Section 91 of the Town and Country Planning Act 1990.

- 2 The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:
- Planning, Design and Access Statement (Robinson Escott Planning, December 2017); Appendix 1; Appendix 2 received 5<sup>th</sup> December 2017;
- 2051-17-PL001 Rev P10; Operational Management Statement (mathBREW, March 2018) received 16<sup>th</sup> March 2018;
- Transport Statement and Travel Plan (Robinson Escott Planning, July 2018) received 16<sup>th</sup> July 2018;
- Noise Impact Assessment (Acoustics Plus, October 2018) received 16<sup>th</sup> October 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 The development shall only be occupied once the soundproofing works as set out in the Noise Impact Assessment hereby approved have been implemented in accordance with the approved details. The soundproofing shall be retained permanently in accordance with the approved details.
- Reason:** In the interests of residential amenity and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions of the Development Management Local Plan (November 2014).
- 4 (a) The rating level of the noise emitted from fixed plant on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:2014.
- (b) The development shall not be occupied until the scheme approved pursuant to the Noise Impact Assessment hereby approved has been implemented in its entirety. Thereafter the scheme shall be maintained in perpetuity.
- Reason:** To safeguard the amenities of the adjoining premises and the area generally and to comply with DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).
- 5 The premises shall not be occupied until a detailed schedule and specification/samples of the external materials and finishes to be used for the proposed changes to the shopfront and relocation of the door 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.
- 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.

6 (a) The premises shall not be occupied until details of proposals for the storage of refuse and recycling facilities for the commercial unit hereby approved, have been submitted to and approved in writing by the local planning authority.

(b) The facilities as approved under part (a) 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).

7 The premises shall only be open for customer business between the hours of **08:00 and 21:00 on Monday, 08:00 and 22:00 on Tuesday – Thursday, 08:00 and 23:00 on Friday - Saturday, and 08:00 and 22:00 on Sunday.**

**Reason:** In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 180 of the National Planning Policy Framework and DM Policy 16 Local shopping parades and corner shops, DM Policy 17 Restaurants and cafes (A3 uses), and drinking establishments (A4 uses) and DM Policy 26 Noise and Vibration of the Development Management Local Plan (November 2014).

8 No amplified sound system shall be used or generated which is audible outside the premises or within adjoining buildings.

**Reason:** To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration of the Development Management Local Plan (November 2014).

9 The whole of the rear yard as shown on drawing no. **2051-17-PL001 P10** hereby approved shall at no time be accessible to staff or patrons other than for the purposes of maintenance or in the event of an emergency.

**Reason:** In order to prevent any unacceptable impact on the amenities of adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), DM Policy 26 Noise and vibration 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.

- B You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.