

Committee	PLANNING COMMITTEE C	
Report Title	The Arches, Childers Street, London, SE8 5PL	
Ward	Evelyn	
Contributors	Russell Brown	
Class	PART 1	29 th November 2018

Reg. Nos. DC/17/103827

Application dated 28.09.2017

Applicant Evelyn Court LLP

Proposal The alteration and conversion of six vacant commercial units (Use Class B1a) into 1 x one bedroom, 6 x two bedroom and 1 x three bedroom self-contained flats, together with the provision of 4 car parking and 17 cycle spaces.

Applicant's Plan Nos. TP/100 Rev B; TP/104 Rev B; TP/105 Rev A; TP/107 Rev E; TP/109 Rev D; TP/110 Rev E; TP/112; TP/113 Rev A; TP/115 Rev A; TP/116 Rev A; TP/117 Rev A; TP/121 Rev C; Site Location Plan; Acoustic Assessment; Design & Access Statement rev. v. 6; Flood Risk Assessment; Revised Daylighting Report; Revised Sustainability & Energy Statement; Transport Statement Received 28th September 2017

TP/118 Rev D; TP/119 Rev D; TP/120 Rev D; Schedule of External Facing Materials Received 16th January 2018

TP/106 Rev F; TP/123 Rev A; TP/124; TP/125; TP/126 Received 1st February 2018

TP/103 Rev L Received 2nd February 2018

Marketing Report & Appraisal (with Appendices) Received 1st March 2018

Background Papers

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

Designation None

Screening

N/A

1.0 Introduction

- 1.1 On Thursday 22nd February 2018 this application was presented to Committee C with an Officer's recommendation for approval. As part of the deliberation of the application by Members the extent and quality of the marketing of the units for commercial purposes was discussed. Objections received in writing during the application and verbally in the committee by Deptford Folk questioned the quality of the marketing appraisal and the findings. Following discussion Members resolved to approve the application, subject to conditions (see Appendix 2, Minutes of the meeting).
- 1.2 Following the committee meeting Officers became aware that due to a technical issue the marketing appraisal had not been visible for the public to view. Consequently no formal decision was issued and reconsultation took place to allow the public to view and comment of the submitted document.
- 1.3 In light of members having made a resolution to grant planning permission, the key consideration for Members is whether any new material planning considerations are raised following the reconsultation exercise. The only significant policy change since February is the draft London Plan, which now has some limited weight, and the adoption of the revised NPPF; these are considered in paras. 3.1-3.4 (below).
- 1.4 In the intervening period the applicant has submitted an appeal for non-determination, made valid by the Planning Inspectorate on 13th June. However, a Planning Inspector has not been appointed.
- 1.5 In line with the requirement of the Council's Statement of Community Involvement, a local meeting was held on 9th August. The minutes of the meeting are appended to this addendum report.
- 1.6 This addendum report addresses further consultation responses following the publication of the marketing information.

2.0 Consultation

- 2.1 On the 1st March 2018, the marketing appraisal and appendices were made available on the Council's website for the public to view and consultation letters were re-sent to local residents giving 22 days for comments.
- 2.2 61 further objections have been received to the application raising the following issues:

The application units and public realm have been intentionally left unmaintained	New consideration, but not material
The application units have not been marketed and evidence is inadequate and inaccurate	See paras. 6.7-6.11 of original report
Other office units in the area are being let	New consideration, but not material
Requests to view the units and interest in them have been ignored.	New consideration, and addressed in local meeting notes
There have been issues with on-site notification of the application and availability of documents	See para. 4.2 of original report
The units should be used for social housing or by the local community	New consideration, but not material

The cost to let the units differs between the marketing report and online adverts, and is too expensive for the area	New consideration, and addressed in local meeting notes
The units are not suitable for human habitation and are a flood risk	See paras. 6.45-6.46 of original report
A full 'Healthy Streets' assessment should be undertaken	New consideration, but not material
The application would be contrary to the aims of <i>The New Cross & Deptford Creative Enterprise Zone</i> and <i>Deptford Parks Liveable Neighbourhood</i>	New consideration, but not material
The developer has not engaged with local residents or groups	See para. 6.59 of original report
The location, date and agenda for the local meeting were unsuitable	New consideration, but not material

2.3 It is noted that the London Fire and Emergency Planning Authority were satisfied with the proposals with regard to the fire precautionary arrangements.

3.0 **Policy Context**

3.1 Since the previous planning committee, the revised National Planning Policy Framework (NPPF), originally published in 2012, was revised on 24th July 2018. The majority of policies within the NPPF have been carried over to the revised NPPF, albeit with different paragraph numbers. Para. 118 promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where supply is constrained and available sites could be used more effectively. Para. 121 states that local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed where this would help to meet identified development needs, in particular the use of employment land for homes in areas of high housing demand, provided that this would not undermine key economic sectors and would be compatible with other policies in the Framework.

3.2 Therefore, the revised NPPF is considered to support the proposal.

3.3 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 limited to policies that are materially different to existing London Plan policies or go to the heart of the application.

3.4 The only such policies are Draft Policy E1 Offices.

3.5 The current London Plan policy 4.2 Offices states at para (A)(b) that boroughs should support managed conversion of surplus capacity to more viable, complementary uses. Draft Policy E1, at paragraph G, states that development proposals should, amongst other things, support the change of use of surplus office space to other uses including residential. Therefore the only significant change is that the draft policy now specifically references residential as a suitable alternative use for surplus office space. In the context of this application, Officers consider that the new draft London Plan supports the proposal.

3.6 In summary, no material policy changes have occurred since Members resolved to grant planning permission which speak against the proposal.

4.0 Planning Considerations

- 4.1 Further to discussions between Officers and a local amenity society, it was discovered that the marketing information had not been made public for the duration of the application determination period for viewing by external consultees and local residents. The report was made public the day after the previous committee meeting (22nd February 2018) and the appendices were subsequently provided and made public on 1st March. Para 3.5 above summarises that no material changes have occurred to planning policy since the resolution. As such, the scope of this report is limited to any new material planning considerations raised since the original committee meeting.
- 4.2 The standard of accommodation was previously assessed within paragraphs 6.29-6.33 of the original report and it was found to be acceptable.
- 4.3 The marketing process has previously been outlined within the previous committee report and details can be found within the marketing document itself. The units were marketed for a period of eight years. The rent would have been £15 per square foot; this is a reasonable figure given the size and location of the units. The applicant has confirmed the fit out costs would have been borne by the applicant.
- 4.4 The applicant is not a residential developer and has submitted proof of office units that they rent out in south London and of the standard of internal fit out prior to occupation.
- 4.5 The long lease and the extant planning permission does not allow other uses without formal application. Therefore, it only makes sense to market for B1(a) uses. Furthermore, changes to the frontage in an attempt to attract interest would also require planning permission and the quality of the external part of the units is similar to Marine Wharf, which are occupied.
- 4.6 In terms of maintenance of the units, Officers note that units are not fitted out and the current shell appears to not suffer from a lack of maintenance. The front windows require cleaning, and one unit requires broken glass to be replaced, but that is not significant work.
- 4.7 Officers note that the issue about the units' potential use by a community group or charity has been raised and can confirm that either could site their offices in the units under Use Class B1(a). It would be for the groups concerned to negotiate a suitable rent with the owner.
- 4.8 Officers consider that the marketing evidence demonstrates that a long and extensive process has been carried out without any success in generating interest for the current use class. Consideration of the marketing report is also dealt with within paragraphs 6.9-6.11 of the original report.
- 4.9 As there have been no new material planning considerations raised since Members resolved to grant planning permission, it is considered that the recommendation to approve the proposed development should remain unchanged. The appendices contain supplementary information and the original committee report.
- 7.0 RECOMMENDATION A:** To agree the proposals and authorise Officers to negotiate and complete a legal agreement to secure a financial contribution of £4,770 to mitigate against the loss of employment floorspace.

8.0 RECOMMENDATION B: Subject to the completion of a satisfactory legal agreement, authorise the Head of Planning to **GRANT PLANNING PERMISSION subject to the conditions set out in the main committee report and those listed below.**

- 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:

TP/100 Rev B; TP/104 Rev B; TP/105 Rev A; TP/107 Rev E; TP/109 Rev D; TP/110 Rev E; TP/112; TP/113 Rev A; TP/115 Rev A; TP/116 Rev A; TP/117 Rev A; TP/121 Rev C; Site Location Plan; Acoustic Assessment; Flood Risk Assessment; Revised Daylighting Report; Revised Sustainability & Energy Statement; Transport Statement Received 28th September 2017

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TP/103 Rev L Received 2nd February 2018

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the Local Planning Authority.

- 3) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new side elevation windows for bedroom 2 of Flat 1, bedroom 1 of Flat 5 and bedroom 1 of Flat 6 hereby approved shall be fitted as obscure glazed and retained in perpetuity.

Reason: To avoid the privacy of the new residential units being compromised and to comply with DM Policies 31 Alterations/extensions to existing buildings and 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- 4) The units shall be designed and fitted out so as to provide sound insulation against external and internal noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAm_{ax} (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with windows shut and other means of ventilation provided. 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.

Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policies 26 Noise and vibration, 31 Alterations and extensions to existing buildings including residential extensions and 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- 5) (a) A minimum of 15 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.
- (b) 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 to comply with Policy 6.9 Cycling of the London Plan (March 2016) and Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

- 6) The refuse facilities shall be provided within the development prior to occupation of the development as indicated on the plans hereby approved, and shall thereafter be permanently retained and maintained.

Reason: In order that the Local Planning Authority is 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 Policy 13 Addressing Lewisham waste management requirements of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

- 7) a) The detailed design for each dwelling hereby approved shall meet the required standard of the Approved Document M of the Building Regulations (2015) as specified in the schedule below:

Unit reference number	Approved Document M (2015) Access Requirement	Dwelling type
Unit 6	M4(3)(2)(a)	Wheelchair user (adaptable)
All other units	M4(2)	Accessible and adaptable

- b) The development shall be carried out in accordance with drawing no. TP/103 Rev L hereby approved prior to their first occupation of the development.

Reason: To ensure that there is an adequate supply of wheelchair accessible housing in the Borough in accordance with Policies 1 Housing provision, mix and affordability and 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).