

Item No. 7.1	Classification: OPEN	Date: 23 June 2014	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 14/AP/1203 for: Full Planning Permission Address: 106 LORDSHIP LANE, LONDON SE22 8HF Proposal: New replacement shopfront to front elevation and insertion of new windows and door to rear elevation, for continued use as retail unit.		
Ward(s) or groups affected:	East Dulwich		
From:	Head of Development Management		
Application Start Date 15/04/2014		Application Expiry Date 10/06/2014	
Earliest Decision Date 18/05/2014			

RECOMMENDATION

- 1 That planning permission be granted, subject to conditions.

BACKGROUND INFORMATION

Site location and description

- 2 The application property comprises of a two-storey semi-detached commercial property situated on the western side of Lordship Lane in a protected shopping frontage within the Dulwich District Town Centre. The property is currently empty, but last used as an A1 retail unit at ground floor with ancillary space on the first floor and within the basement and this is the authorised planning use. The unit has a small yard to the rear and a flat roofed single-storey element to the buildings frontage.
- 3 To the rear the property backs onto a small access way which serves the rear of commercial/residential properties at 96-104 Lordship Lane. To the rear of the property are the residential gardens of Sage Mews and Chesterfield Grove.
- 4 This site is not listed nor is it located within a conservation area.

Details of proposal

- 5 This application proposes the replacement of the existing shop front, the existing brick work surround will be removed to allow a new contemporary shop front with glazed areas, sliding doors rendered areas within a new timber frame. The shop front will have level access.
- 6 To the rear a replacement glazed door is proposed in a new wooden frame. The existing door is glazed but there is an existing roller shutter which is pulled down. The existing rear window is to be re-glazed using the existing timber frame. The upper window remains as existing. There is no increase in the number or size of windows. The design and access statement refers to a roller shutter to be placed over the rear

door when the shop is closed. However, no details of this has been supplied and it is not contained within the description of development and therefore a further permission for this element would be required before it could be installed. The impact of the roller shutter would be assessed at this stage.

- 7 The authorised planning use remains as a retail unit (Use Class A1) and this proposal does not change this.

Planning history

- 8 13/AP/2013- Refused - 30/07/2013
Change of use from Class A1 retail to Class A3 restaurant and alterations to the main building to provide a first floor terrace to the front of the building, and installation of a ramp and hand rail to the ground floor front elevation.

Reason:

As the proposed development would result in the unacceptable loss of an A1 retail unit located with a protected shopping frontage, and the use proposed would result in an unacceptable impact on the amenity of neighbouring residential properties through increased noise and disturbance.

Planning history of adjoining sites

- 9 No relevant planning history of adjoining site.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 10 The main issues to be considered in respect of this application are:
- a) The principle of the development in terms of land use and conformity with strategic policies and the National Planning Policy Framework;
 - b) The impact on the residential, commercial and visual amenity of the area;
 - c) Design issues;
 - d) All other relevant material planning considerations.

Planning policy

Core Strategy 2011

- 11 Policy 3 'Shopping, Leisure and Entertainment'
Policy 12 'Design and Conservation'
Policy 13 'High Environmental Standards'

Southwark Plan 2007 (July) - saved policies

- 12 The council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their

degree of consistency with the NPPF.

- 13 Policy 1.7 Development within town and local centres
Policy 3.2 Protection of amenity
Policy 3.12 Quality in design
Policy 3.13 - Urban design

London Plan July 2011 consolidated with revised early minor alterations October 2013

- 14 None relevant.

National Planning Policy Framework (NPPF)

- 15 Section 1 Building a Strong and Competitive Economy
Section 7 Requiring Good Design

Principle of development

- 16 This application is solely for the replacement of an existing A1 Use Class shop front and alterations to the rear of the property. A previous planning application was submitted to change the use of the ground and first floor to a restaurant use (Use Class A3). This was refused due to the loss of a retail shop in a protected shopping frontage. Therefore, there are no implications in terms of land use issues and the proposal is compliant with Saved Policy 1.7 'Development within town and local centres' of the Southwark Plan 2007.
- 17 Confirmation has been received from the current freeholder that the unit is being retained as a retail unit under Use Class A1.

Environmental impact assessment

- 18 Not required for an application of this nature.

Impact of proposed development on amenity of adjoining occupiers and surrounding area

- 19 The proposed development relates to the alteration of the existing shopfront with the installation of a new contemporary shop front. This would have no amenity impact on adjoining occupiers.
- 20 There are no proposed new or additional windows to the rear. A replacement new glazed door is proposed, to the same size as existing, although currently a roller shutter is pulled down over it. Nevertheless, it is not considered there will be any additional loss of privacy given the ground floor location of the door.
- 21 The proposal provides no additional floorspace and therefore no implications for loss of sunlight or daylight.

Impact of adjoining and nearby uses on occupiers and users of proposed development

- 22 None anticipated.

Transport issues

- 23 No transport issues identified.

Design issues

- 24 The proposed development relates to the replacement of the existing A1 Use Class shopfront. The new shop front is of a contemporary design and is considered to be an enhancement to the appearance of the existing property and to the shopping parade as a whole. The use of timber, render and glazing are in keeping with the area and are considered to be appropriate for the area.
- 25 In relation to the rear elevation there is not much alteration with the existing window being reglazed but retaining the existing window frame and a replacement timber glazed door.
- 26 Therefore, the proposal is considered acceptable on detailed design grounds and the materials proposed and is compliant with saved policies 3.12 'Quality in design' and 3.13 'Urban Design' of the Southwark Plan 2007.

Impact on character and setting of a listed building and/or conservation area

- 27 This site is not listed nor is it located within a conservation area and therefore there is no impact.

Impact on trees

- 28 None.

Planning obligations (S.106 undertaking or agreement)

- 29 Not required for an application of this nature.

Sustainable development implications

- 30 There are no sustainable development implications associated with this application.

Other matters

Responses to representations from local residents

- 31 The current application is for a shop front refurbishment with minor works to the rear which would comprise the replacement of glazing and the installation of a glazed door to the existing opening. This application does not relate to the first floor nor its use, however it is noted that the previous application on this site, which was refused was for the change of use from A1 to A3 and the use of the first floor as part of a restaurant.
- 32 Opening hours were not submitted with the application, however were e-mailed by the agent which stipulates opening hours to be 8am-7pm Monday to Saturday and 9am-5pm Sunday. However, as the property has an established use as a retail unit it could be unreasonable to condition these opening hours.
- 33 The current use as A1 will be retained and this unoccupied unit will be reinstated as a delicatessen, no floor plans have been submitted at this time but as there is no change of use involved this would not be required. There is no reference to outdoor seating within this application as it solely refers to the refurbishment of the shop front, therefore there would not be planning permission granted for the use of the pavement in this way.

- 34 It is considered that there would not be any material impact on the amenity of the surrounding neighbours in terms of noise disturbance as a result of this application as there is no change of use to the premises. Should a change of use be submitted this would result in a full assessment of its impact at that stage. As there is no change to the first floor, in terms of use class, there would be no instance of additional overlooking above that of a retail shop.
- 35 The tree to the rear of the site has been taken down which was on public land, however e-mail confirmation that the owners of the site will replace this to reinstate added privacy for the neighbours to the rear.
- 36 On visiting the site it was clear that internal works had started however not external works which requires planning permission was yet to begin. The main access to the unit is from Lordship Lane, there is a door to the rear of the unit that allows access to a small alley that houses refuse. This would not be used as the main access point to the premises.
- 37 Landscaping is not required at this site as there is no land that would require this. However, a condition requiring the planting of a replacement tree should be conditioned.

Conclusion on planning issues

- 38 The proposed development would not result in a loss of amenity for adjoining occupiers and the new shop front would enhance the appearance of the property and the shopping parade that it is located within. Therefore, the grant of planning permission with conditions is recommended.

Community impact statement

- 39 In line with the council's community impact statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.
- 40 There is not considered to be any impact on local people is set out above.

Consultations

- 41 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

- 42 Details of consultation responses received are set out in Appendix 2.

Summary of consultation responses

- 43 Following consultation, seven neighbour representations were received, the main issues have been summarised below;
- 44 The use of the first floor is not specified within the planning application and plans seem vague. The amenity/privacy of the neighbouring properties will be compromised
- 45 The noise levels would be unacceptable to the directly adjoining business and

surrounding neighbouring properties, along with chairs located outside of the premises.

- 46 Opening hours have not been specified.
- 47 The tree to the rear of the site, has been taken down which provided privacy for the neighbours to the rear.
- 48 Works have begun prior to planning permission and concerns whether the unit will remain A1 and not A3.
- 49 Would the access to the unit be solely from Lordship Lane as there is confusion over the works relating to the rear i.e glazing.
- 50 Clarify the meaning of "Landscape areas not applicable" and is there an intension to install air conditioning vents to the rear or front of the property?

Human rights implications

- 51 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 52 This application has the legitimate aim of providing replacement shopfront to the existing retail unit. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

- 53 None.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2315-106 Application file: 14/AP/1203 Southward Local Development Framework and Development Plan Documents	Chief executive's department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 1770 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Shanali Halahakoon, Planning Officer	
Version	Final	
Dated	8 June 2014	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director, Finance and Corporate Services	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director, Housing and Community Services	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team	11 June 2014	

APPENDIX 1

Consultation undertaken

Site notice date: 24/04/2014

Press notice date: N/A

Case officer site visit date: 24/04/2014

Neighbour consultation letters sent: 25/04/2014

Internal services consulted: None

Statutory and non-statutory organisations consulted: None

Neighbours and local groups consulted:

25/04/2014	7 SAGE MEWS LONDON SE22 8EZ	24/04/2014
25/04/2014	106 LORDSHIP LANE LONDON SE22 8HF	24/04/2014
25/04/2014	MAISONETTE BASEMENT GROUND FLOOR REAR AND FIRST FLOOR 104 LORDSHIP LANE LONDON SE22 8HF	24/04/2014
25/04/2014	8 SAGE MEWS LONDON SE22 8EZ	24/04/2014
25/04/2014	FLAT 2 108 LORDSHIP LANE LONDON SE22 8HF	24/04/2014
25/04/2014	FLAT 1 108 LORDSHIP LANE LONDON SE22 8HF	24/04/2014
25/04/2014	104 LORDSHIP LANE LONDON SE22 8HF	24/04/2014
25/04/2014	FLAT 3 108 LORDSHIP LANE LONDON SE22 8HF	24/04/2014

Re-consultation: N/A

APPENDIX 2

Consultation responses received

Internal services

N/A

Statutory and non-statutory organisations

N/A

Neighbours and local groups

Undisclosed address on Lordship lane
Sage Mews
5 residential representations