

<b>Eltham &amp; Kidbrooke Area Planning Committee</b>	<b>Agenda Item: 6</b>
<b>3 December 2020</b>	<b>Reference No.: 20/1436/F</b>

**Applicant:** Common Rioters  
**Agent:** bmd Architects LLP

<b>Site Address:</b> 366 Rochester Way, Eltham, SE9 6LH	<b>Ward:</b> Eltham
	<b>Application Type:</b> Full Planning

## 1.0 Recommendation

1.1 The Committee is requested to grant Planning Permission (Ref: 20/1436/F), as outlined below:

*'Change of use of Unit 3 from Class D1 to Class Sui Generis to allow for community events or when in not in use as overflow seating for the public house (Class A4) at Unit 1. Inclusion of a brewery [Class B2] within Unit 2 which is ancillary to the existing A4 use within Unit 1.'*

Recommendation:

- i. To resolve to grant conditional planning permission according to the conditions in appendix 2, to be detailed in the notice of determination; and
- ii. To Authorise the Assistant Director of Planning & Building Control to:

make any minor changes to the detailed wording of the recommended conditions as set out in this report and its addendums, where the Assistant Director of Planning & Building Control considers it appropriate, before issuing the decision notice.

## 2.0 Summary

### *Background*

- 2.1 An application submitted by Royal Borough of Greenwich under Ref: 16/1579/F was granted planning permission on 20 October 2016. The development was for the following:

*‘Demolition of the existing buildings and redevelopment of the site to provide 29 new dwellings (23 houses, 3 maisonettes and 3 flats) and a community use building.’*

- 2.2 A further minor amendment s73 planning application Ref: 17/3163/F was granted planning permission on 8 June 2018. This application sought the following:

*‘Removal of condition 10 (BREEAM) and condition 26 (Accessible and Adaptable Dwellings) of planning permission dated 20/10/2016 (Reference: 16/1579/F).’*

- 2.3 No conditions were attached to the above permissions restricting the hours of operation or use.

### *Scope of current application*

- 2.4 The site, the subject of the current planning application, comprises an existing two-storey mixed-use building which has been recently completed as part of the larger consented development. By way of a comparison the existing and proposed uses for this application are set out in the below table:

<b>Unit</b>	<b>Location</b>	<b>Existing Use</b>	<b>Proposed Use</b>
Unit 1	Lower Ground Floor	<b>A4</b> [public house]	Retained
Unit 2	Ground Floor	Ancillary to <b>A4</b> use	Addition of <b>B2</b> ancillary brewery to A4 use
Unit 3	First Floor	<b>D1</b>	<b>Sui generis</b> to allow for community events or ancillary A4 seating to public house
	Mezzanine Floor	Ancillary Office	Retained

2.5 Detailed below is a summary of the application:

<b>The Site -</b>	
Site Area (m <sup>2</sup> )	195m <sup>2</sup>
Heritage Assets	N/A
Tree Preservation Order	N/A
Flood Risk Zone	Flood Zone 1

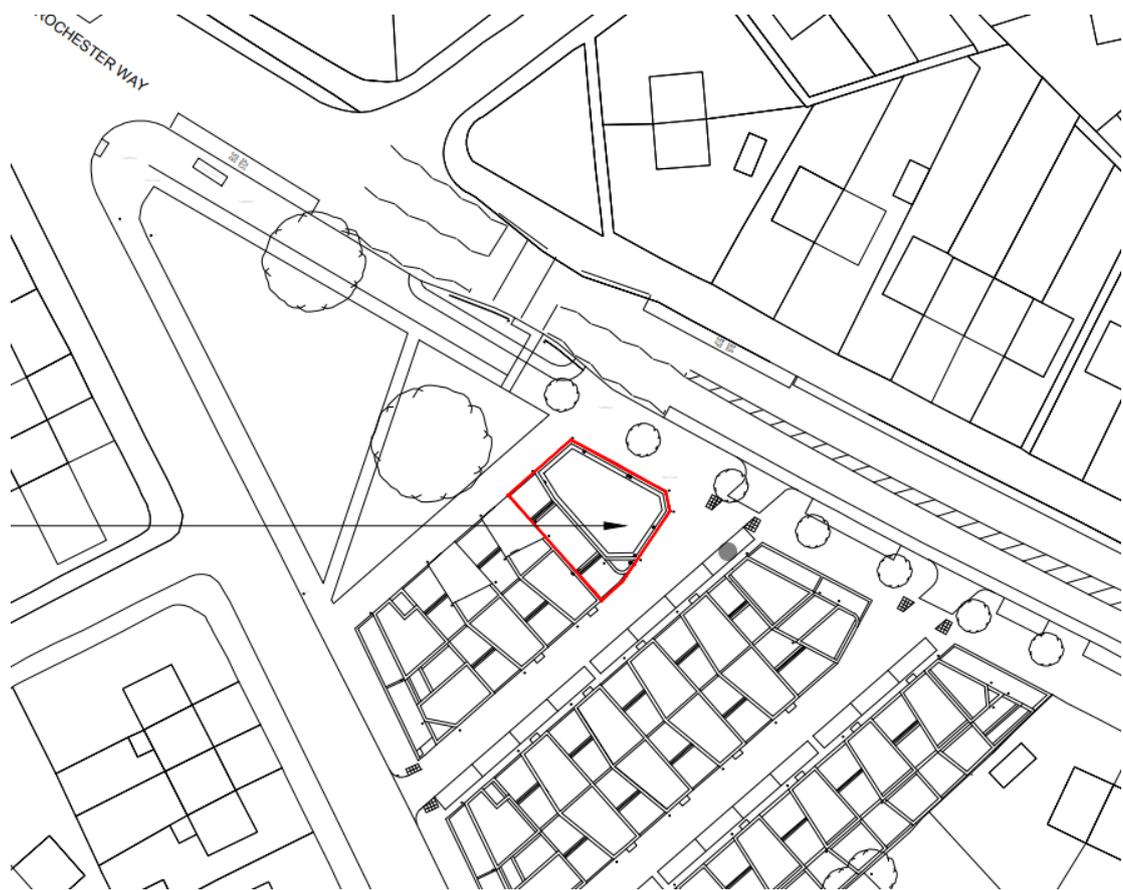
<b>Non-Residential Uses</b>		
Existing Use(s)	Existing use (Classes) / Operator	A4 D1
	m <sup>2</sup>	A4 – 165sqm D1 – 102sqm
Proposed Use(s)	Proposed use(s) (Classes) / Operator	B2 Sui Generis
	m <sup>2</sup>	B2 - 37sqm [of the A4 use] Sui Generis –102qm
Employment	Existing Number of Jobs	0 [vacant]
	Proposed number of jobs	4.5 full-time equivalent [Unit 1 - Pub - 1 full time manager; 3 part time beer guides Unit 2 - Brewery - 1 full time lead brewer; 1 part time brewer, 1 brewery apprentice Unit 3 - Casual staff as required for events.]

<b>Public Consultation</b>	
Number in Support	5
Number of Objections	19
Main issues raised	Disturbance to existing residents – this is discussed in more detail under Para. 6.4 of this report

- 2.6 The application is being reported to the Eltham and Kidbrooke Area Planning Committee due to significant local interest in accordance with the Council's Statement of Community Involvement.
- 2.7 The report details all relevant national, regional and local policy implications of the scheme, including supplementary planning guidance.
- 2.8 The application is considered acceptable and is recommended for approval, subject to the conditions listed in Appendix 2.

### **3.0 Site and surroundings (in detail)**

- 3.1 The application site relates to a two-storey mixed-use building including a mezzanine with a flexible commercial and community use of Class A1, A4 and D1, which was granted under planning permission 16/1579/F.
- 3.2 The area is predominantly residential in character with 29 residential units located to the south and west of the application site which are of similar bulk and scale to the application site. An area of open space is located to the north of the site. The site is bounded by Rochester Way to the east.
- 3.3 There are no trees on-site protected under a tree preservation order.
- 3.4 The building is not located in a conservation area and there are no statutory or locally listed buildings in the vicinity.
- 3.5 The public transport accessibility of the site is rated at 1b on a scale between 1a and 6b where 1a is poor and 6b is excellent/best. The site is located adjacent to a bus stop which serves No.132 and No. 286 which connects to Eltham and Kidbrooke Train Stations.



**Figure 1: Site Plan**

#### **4.0 Relevant Planning History**

- 4.1 **17/3163/F** – Removal of condition 10 (BREEAM) and condition 26 (Accessible and Adaptable Dwellings) of planning permission dated 20/10/2016 (Reference: 16/1579/F). **Granted 08/06/2018**
- 4.2 **16/1579/F** – Demolition of the existing buildings and redevelopment of the site to provide 29 new dwellings (23 houses, 3 maisonettes and 3 flats) and a community use building at Land at junction of Briset Road/Rochester Way, Eltham SE9 **Granted 20/10/2016**

#### **5.0 Proposals (in detail)**

- 5.1 The application relates to a mixed-use, vacant building with a flexible commercial and community use of Class A1, A4 and D1, which was granted under 16/1579/F which also included the wider development of 29 residential units. The site previously contained a social club and the redevelopment of the site was considered acceptable as the social club use could be relocated within the site.

- 5.2 The application proposes to retain the uses associated with the consented development at No.366 Rochester Way and add a Brewery Use [Class B2] in Unit 2 which would be ancillary to the authorised A4 use in Unit 1 by virtue of its limited size, function and opening hours. Some deliveries and distribution would take place, but this would be ancillary to the B2 use.
- 5.3 It is the intent of the applicants to have the building for a great community focus and aims to be a socially responsible, community-based business. The applicants would brew the beer on-site for the Green Goddess Pub, using a new 400L brew house. The public house would become a focal point for the community; as a place to meet, to share experience, and a place to learn.
- 5.4 In addition to the main ground floor pub and small brewery, it is proposed to allow for community events at first floor level in Unit 3 or use this as an overflow seating area, for families, for the ground floor public house, when not in use for events, (Sui Generis use). This community space (the hall) available upstairs would offer the applicant the chance to engage with a wider selection of people and become a focal point for community related activities. The applicants are working with local groups such as GCDA (Greenwich Community Development Agency) to develop ideas and potential programme of activities to promote local independent caterers and other small businesses. The versatility of the hall allows them to offer different activities during evenings and weekends; celebratory parties; small wedding receptions, wedding services (subject to separate license), birthdays and other family events. The hall could be used for community meetings, local group sessions, maker markets / wasteless markets and similar. They intend to work with local artistic groups to use the space as an occasional art gallery where this fits in with their other priorities.
- 5.5 There are no proposed changes to the external facades of the building, whilst there will be minimal changes to the internal layout. Any new signage requirements would be subject to separate advertisement consent.
- 5.6 The existing use of the lower ground floor and ground floor level is Use Class A4 [public house] and it is proposed to retain this use with the addition of Use Class B2 Brewery on the ground floor.

Unit	Location	Existing Use	Proposed Use
Unit 1	Lower Ground Floor	<b>A4</b> [public house]	Retained
Unit 2	Ground Floor	Ancillary to <b>A4</b> use	Addition of <b>B2</b> brewery ancillary to A4 use
Unit 3	First Floor	<b>D1</b>	<b>Sui generis</b> to allow for community events or ancillary A4 seating to public house
	Mezzanine Floor	Ancillary Office	Retained

5.7 The A4 public house would have opening hours as follows [with last order 30 minutes before closing], it is noted that there were no opening hours condition attached to the original permission 16/1579/F and minor amendment s73 permission 17/3163/F for the community use building:

- Monday – closed
- Tuesday and Wednesday – 16:00 – 22:30
- Thursday – 11:00 – 22:30
- Friday and Saturday 11:00 – 23:30
- Sunday – 13:00 – 20:30

The ancillary B2 brewery would have the following operational hours:

- Monday – closed
- Tuesday and Wednesday – 08:00 – 17:00

5.8 The function room at first floor level would be available for local community groups, meetings, events, shared space, wedding / receptions, parties, celebrations from 09:00 to 22:00 on Monday to Friday and 10:00 to 18:00 on Saturday, Sunday and Bank Holidays. When the first-floor level is not in use for local community events it would be used as ancillary seating for the A4 public house within the above hours.

5.9 The applicant has stated that deliveries from the site would be carried out using a small van and the amount would vary week to week. A delivery would be approximately 4/5 casks and 4/5 kegs on average. However, most beer produced would be sold onsite through the Green Goddess pub. The applicant has stated that lorry deliveries are expected to occur approximately once a month with 1-2 pallets of empty kegs and 1 pallet of malts and depending on operational requirements this may increase or decrease in occurrences.

5.10 The applicant has provided the following details in relation to the expected employment levels associated with the site, which amounts to 4.5 full time staff:

- Unit 1 - Pub - 1 full time manager; 3 part time beer guides
- Unit 2 - Brewery - 1 full time lead brewer; 1 part time brewer, 1 brewery apprentice
- Unit 3 - Casual staff as required for events.

## 6.0 Consultation

6.1 The application since being submitted in June 2020 has been subject of public consultation, comprising a site notice erected on the **22/07/2020**, together with 19 consultation letters to neighbouring properties issued on the **04/06/2020** as well as statutory consultees.

## 6.2 Statutory Consultees

6.2.1. A summary of the consultation responses received along with the officer comments are set out in table below:

Details of Representation	Summary of Comments	Officer's comments
Local Ward Councillors	No comments received	N/A

## 6.3 Local Residents

6.4 A summary of the consultation responses [Nineteen (19) No. objections and five (5) No. support letters] received from residents, along with the officer comments are set out in table overleaf:

Summary of Comments	Officer's comments
Noise disturbance	Noted and discussed in neighbouring amenity section of this report.
Parking issues / congestion / no parking for residents	Noted and discussed in traffic and transport section of this report.
Not appropriate within a residential area, bedrooms located on ground floor facing the street	Noted and discussed in neighbouring amenity section of this report.
Excess footfall	Noted and discussed in neighbouring amenity section of this report.
Issues with litter and vandalism	Noted and discussed in neighbouring amenity section of this report.
Loud music	Noted and discussed in neighbouring amenity section of this report.
Late opening hours associated with events	Noted and discussed in neighbouring amenity section of this report.
Queries location of smoking area	This would be set out in an operational management plan by the applicant
Fob access gate should be put in place on Forster road and Jack Ackers if this is to be granted	does not form part of the proposed development
Increased pressure on car parking	Noted and discussed in the Transport & Highways section of the report.

## 6.5 Internal Consultees

6.6 A summary of the consultation responses received from local residents, along with the Officer comments are set out in table below:

Details of Representation	Summary of Comments	Officer's Comments
Transport & Highways	No objection raised.	Noted
Environmental Health Pollution Team	No comments to date.	

## 7.0 Planning Context

7.1 This application needs to be considered in the context of a range of national, regional and local planning policies and Supplementary Planning Guidance / Documents.

- **National Planning Policy Framework (NPPF – 2019)**
- **The London Plan (March 2016)** - Full details of relevant policies refer to appendix 3.
- **The Royal Greenwich Local Plan: Core Strategy with Detailed Policies ("Core Strategy" – 2014)** - Full details of relevant policies refer to appendix 3.

7.2 For full details of relevant SPD / Documents refer to Appendix 3.

## 8.0 Planning Considerations

8.1 The planning considerations relevant to this application are as follows:

- Principle of development
- Neighbouring amenity
- Accessibility
- Highways
- Refuse and Waste Disposal
- CIL

## **Principle of Development**

### *Amendments to the Use Class Order 1987 (as amended)*

- 8.2 It should be noted that changes to the Use Classes Order within the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into effect on 1st September 2020 which sets out that the current A4 public house use and A1 and D1 uses would now fall under the new Use Class Sui Generis and Use Class E respectively. However, this application was submitted prior to this date and therefore the application is to be determined under the previous Use Class Order.

### *Proposed uses and community facility*

- 8.3 The Royal Borough of Greenwich sets out policies in relation to proposed changes of use, and once the development adheres to the requirements of these policies the principle of development is deemed to be acceptable.
- 8.4 As previously stated the applicant proposes to retain the public house and community uses associated with 366 Rochester Way and to add a brewery (Class B2) to the authorised public house use (Class A4). It is also proposed to allow for community events at first floor level or use this as an overflow seating for the public house, when not in use for community events.
- 8.5 Policy CH(a) outlines that the Royal Borough will protect existing social and community facilities. Planning permission that would result in the loss of community facilities through change of use or redevelopment will only be granted where it adheres to certain criteria. However, in this instance the applicant is enhancing the community facilities offering within the development. This is supported by London Plan Policy 3.16 which promotes the enhancement of social infrastructures. As such, the development proposals would align with the above policy aspirations in bringing a vacant premises back into gainful use for the local community.

### *Employment*

- 8.6 In terms of employment the existing and lawful land use on the site is Class A4, Class A1 and Class D1 and the applicant proposes to introduce an additional use of B2 which would be ancillary to the A4 use. There will be no increase in floor area. The additional use would provide additional employment and a total of 4.5 full-time members of staff which is in line with Policies E(c) and IM4 of the Royal Borough of Greenwich Core Strategy 2014.

## **Neighbouring amenity**

- 8.7 Royal Greenwich Local Plan; Core Strategy with Detailed Policy (2014) Policy DH(b) states that developments will only be permitted where it can be demonstrated that the proposal does not cause an unacceptable loss of amenity to adjacent occupiers by reducing the amount of daylight, sunlight or privacy they enjoy or result in an un-neighbourly sense of enclosure. This is supported by London Plan Policy 7.6. Core Strategy Policy E(a) seek to protect the amenity of adjacent occupiers in terms of noise and disturbance.
- 8.8 Policy 7.15 of the London Plan (March 2016) states that developments should avoid significant adverse noise impacts on health and quality of life.
- 8.9 Policy E(a) of the Royal Borough of Greenwich Core Strategy 2014 states that planning permission will not normally be granted where a proposed development or change of use would generally have a significant adverse effect on the amenities of adjacent occupiers or uses, and especially where proposals would be likely to result in the unacceptable emission of noise, light, vibrations, odours, fumes, dust, water and soil pollutants or grit.
- 8.10 The majority of objections received raised issues in relation to the impact on existing residents relating to noise, vandalism and disturbance however given that a social club previously existed on the site and it was included in the previously granted planning permission no assessment can be made of the previously approved uses [Class A4 & Class D1] as they have already been established and the current development proposals do not seek to intensify the consented uses.
- 8.11 The main impacts of the proposed development would be felt by the existing residential development to the south and west of the site, mainly Jacks Acre Lane and Forster Road. The nearest residential unit is located directly adjacent to the building, approximately 2m, and those properties to the site located approximately 10m from the building. All other neighbouring properties would be a sufficient distance away from the development to ensure it would have no significant impact.
- 8.12 Given that the building currently exists on site and there are no external changes proposed there would be no negative impact on the residents in terms of loss of privacy due to overlooking, sense of enclosure or loss of daylight/sunlight. In terms of the proposed uses, it is noted that the building already benefits from an authorised use of A4 and D1 and therefore the proposed uses of B2 and Sui Generis are assessed in terms of their potential

impact on neighbouring amenity. There is no increase in floor space as part of the proposed development and therefore the activity and comings and goings associated with the site would be as per the previously authorised uses. The imposition of conditions to restrict the hours of opening would ensure the amenity of local residents would not be unduly impacted.

- 8.13 It is noted that ventilation and extraction equipment would be required in order to ensure that there are no odours from the brewing processes. Further clarification was sought with the agent in relation to the potential odour discharge for the proposed brewery. The applicant has stated that *“The ventilation/ extract for the brewery will be part of the specialist design by the equipment manufacturer.”* Therefore, a condition is recommended on any grant of planning permission to ensure that the extraction/ventilation proposals are appropriate and would not cause any transmission of malodorous odours to existing residents living near the site.
- 8.14 In any grant of planning permission, further conditions are recommended in relation to an Operations Management Plan and Opening Hours [for the first floor level] in order to protect residential amenity of existing residents in the area. The Operations Management Plan would also provide further details of delivery times as part of the proposal is to distribute some of the product brewed on the premises off site. These are set out in the Appendix 2 of this report. Overall the development is considered to have an acceptable impact on neighbouring amenity and therefore complies with Policies 7.6 and 7.15 of the London Plan and Policies DH(b) and E(a) of the Core Strategy.

### **Accessibility**

- 8.15 London Plan Policy 7.2 and Policies DHI and CH1 of the Core Strategy seek to secure developments that contribute to a safe environment to users and the public. Lifetime neighbourhoods are designed to be welcoming, accessible and inviting for everyone regardless of age, health and disability. Given that the building has already been constructed and proposal relates to additional uses with no external changes, officers consider the development in this instance is acceptable. Furthermore, there is no increase in floorspace associated with the proposal nor changes to the entrances/exit points.
- 8.16 Internally it is noted that there is provision for a disabled WC internally and this is welcomed, but it is uncertain as to how users with mobility issues would access the first floor community space as there is no lift provision. Despite the shortfall it is acceptable under these circumstances as the application relates to a building which has already been constructed and

given that the D1 use was approved previously with no lift access. Furthermore, the access details submitted under discharge of planning condition Ref: 17/3719/SD which sought to discharge Condition 28 (access arrangements) was considered acceptable approved by the local planning authority on 19 September 2018. On balance, the development proposals are deemed to be acceptable in this instance.

### **Highways**

- 8.17 London Plan Policy 6.13 sets out parking requirements for development and to ensure that an appropriate balance is struck between promoting new development and preventing excessive parking provision that can undermine cycling, walking and public transport uses.
- 8.18 Policy IM(c) of the Royal Greenwich Local Plan states that developments must provide the minimum level of car and cycle parking provision in accordance with the requirements of the London Plan. Policy IM(c) further states that developments in areas of high Public Transport Accessibility Levels (PTALs) and within controlled parking zones (CPZs) should be car free.
- 8.19 The site benefits from a PTAL rating of 1a (poor), on a scale from 0-6b with 6b being the most accessible. However, it is noted that there is a bus stop adjacent to the site and it is also in close proximity and walking distance to Eltham Train Station.
- 8.20 The wider scheme was previously granted under 16/1579/F and subsequent minor amendment s73 application 17/3163/F which provided for a disabled parking space to serve the community space/ facility, no other car parking is allocated to the building. As the current application only relates to the proposed B2 and Sui Generis uses transport implications can only be assessed on the proposed uses and not the existing flexible commercial and community mixed use (Class A1, A4 and D1).
- 8.21 The applicant has outlined that there would be an increase in employees [4.5 full time staff] using the site due to both the proposed B2 and the Sui Generis uses. However, it is not considered that additional car parking would be required as the uses would not be intensified over and above what is currently authorised, and this aspect of the development is therefore considered acceptable.
- 8.22 The applicant has stated that there would be some deliveries required for the operation of the brewery and also some distribution of the finished product.

This is considered to be ancillary to the B2 brewery use, which in itself is ancillary to the A4 public house use. As no details have been provided a condition is recommended for an Operations Management Plan [including delivery details] to be submitted to the Local Authority prior to the commencement of development.

- 8.23 Policy IM(b) of the Royal Greenwich Local Plan requires new development to integrate with existing footpaths and cycle paths, to promote walking and cycling safety, and to have regard to the Royal Borough’s Cycling Strategy. Furthermore Policy 6.9 of the London Plan requires the following levels of cycle parking:

<b>Use Type</b>	<b>Short Stay</b>	<b>Long Stay</b>
D2 Use	1 space per 500 sqm	1 space per 1000 sqm
Sui Generis	1 space per 8 staff	1 space per 30 seats

- 8.24 The proposed development by virtue of its size is below the requirement for additional cycle parking for most of the proposal based on the above Table but there is a requirement for additional cycle parking for long stay for the Sui Generis use for 1 space based on 39 seats at first floor level. The applicant has not set out any additional cycle parking and therefore a condition is recommended for further details to be submitted to the Council to be agreed prior to commencement of development. It is noted that there is one long term cycle space set out at ground floor level and capacity to add an additional space in accordance with the London Plan cycle parking standards.

**Refuse and Waste Disposal**

- 8.25 Policy DH1 of the Royal Greenwich Local Plan clearly states that any new development should have a high-quality design which clearly demonstrates on site waste management including evidence of waste reduction, use of recycled materials and dedicated recyclable waste storage space. This is supported by Policy H5.
- 8.26 Developments should always seek to propose efficient, safe, waste collection models. The applicant has outlined that *“trade effluent will need to be disposed of into the normal mains wastewater system. Wastewater and brewery by-products (hop pellet and yeast slurry) plus enzyme-based cleaning products will need to be flushed away. The amount will vary week by week but*

*could be circa 150L. Spent malts will be transferred to Woodlands Farm for cattle feed. Hop slurry will be transferred to Woodlands Farm as nitrogen rich plant food". As no waste details have been provided a condition is recommended for the applicant to set out the level of effluent associated with the site.*

## **CIL**

8.27 The development would not be CIL liable under the Royal Borough of Greenwich and Mayoral CIL.

## **9.0 Conclusion**

9.1 The proposed development is considered acceptable with regard to the additional uses which would bring an empty unit back into gainful use for the local community. The development is also considered to have an acceptable impact on neighbouring amenity and the local highway system.

9.2 Based on the above, it is therefore recommended that permission be granted for application reference 20/1436/F, subject to the conditions outlined in Appendix 2.

### Background Papers:

National Planning Policy Framework (2018)  
The London Plan (2016)  
Royal Greenwich Local Plan; Core Strategy with Detailed Policies (2014)

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