

Woolwich & Thamesmead Area Planning Committee: 28 April 2021	Agenda Item: 4 Reference No: 20/3357/F & 20/3358/L
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Applicant: Mr Martin Vincent, Royal Greenwich Heritage Trust
Agent: Miss Gabrielle Delorme, BPTW

Site Address: The Stables - East wing, Charlton House, Charlton Road, Greenwich, London SE7 8RE	Ward: Charlton Application Type: Full Planning Permission & Listed Building Consent
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2nd ADDENDUM

I Introduction

- I.1 The application was originally reported to the Woolwich and Thamesmead Area Planning Committee on the 23rd March 2021. The application was deferred to allow the applicant the opportunity to address members' concerns regarding the location of the proposed nursery at first floor level within the site without step-free access being provided and also to allow a site visit to be undertaken for Members of the Committee.
- I.2 A site visit by members of Woolwich and Thamesmead Area Planning Committee is scheduled for 24th April 2021.
- I.3 A copy of the original Committee Report dated 23rd March 2021 and associated addendum report are appended to this report (Appendix 4).
- I.4 In order to address the concern of members, the applicant has considered the feasibility of providing step free access to the first floor of the site in the form of a platform lift or a stairlift and does not consider it to be an acceptable solution for the property. Other interventions are proposed as an alternative, and these are discussed elsewhere within this report.
- I.5 This 2nd Addendum report therefore looks at the impact of either a platform lift or stairlift on this Grade I Listed Building as well as looking at the suitability of the proposed nursery from an accessibility perspective.

2 Recommendation

Application A

- 2.1 The Committee is requested to grant Full Planning Permission (Ref: 20/3357/F) as outlined below:

'Change of use of the East Wing of The Stables from Carers' Centre to Children's Day Nursery at first floor and Charity Offices at ground floor and provision of outdoor play space.'

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:
 - a. 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.

Application B

- 2.2 The Committee is requested to grant Listed Building Consent (Ref: 20/3358/L) as outlined below:

'Change of use of the East Wing of The Stables from Carers' Centre to Children's Day Nursery at first floor and Charity Offices at ground floor and provision of outdoor play space.'

Recommendation:

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

3 Additional consultee responses received

Council Departments

- 3.1 A summary of the consultation responses received since the applications were presented at the committee on 23rd March 2021 along with the officer comments are set out in table below:

Details of Representation and date received	Summary of Comments	Officers comments
Occupational Health	Areas of non-compliance with Approved Document M Volume 2 in addition to the failure to provide a step-free access to the nursery such as door nobs and the failure to provide an accessible toilet.	Issues relating to inclusive design are assessed in Sections 4 of this report. A condition relating to reasonable adaptations for disabled users has been recommended in Appendix 2.
Building Control	Upon a review of the drawings, the proposal appears to comply with the Building Regulations. Fire safety Par B - BS 9999:2017 Para. 14.1(b) gives guidance on acceptable locations for a crèche for children located separately from their parents or guardians. Accessibility Part M v2 –A GF WC would be compliant if the combined horizontal and vertical travel distance does not exceed 40m [M v2 para. 5.10 h. ii wheelchair access to unisex WC.	Issues relating to inclusive design are assessed in Section 4 of this report.

	<p>The building is listed, so reasonable exemptions to Part M can be applied in consultation with the conservation officer.</p>	
<p>Conservation Officer</p>	<p>Raised concerns regarding the provision of a lift within the Grade I listed host building due to the potential for significant loss of historic fabric and alterations to the historic form of the building necessary to implement the lift.</p> <p>Additional information regarding the location and design of any proposed lift and the degree of alteration to the listed building which has already occurred, to enable a full assessment of the heritage impact of providing a lift or other means of step-free access to the first floor.</p> <p>Consideration should be given to the benefit of installing a step free access to first floor if other elements of the building would not be suitably adapted for disabled users.</p> <p>The applicant should demonstrate how the development would be inclusive of other forms of disability not just mobility disabilities.</p>	<p>Issues relating to Design and Heritage Impact are assessed in Section 4 of this report.</p> <p>Conditions relating to the proposed playspace have been recommended in Appendix 2.</p>

<p>Greenwich Early Years, Development & Childcare Partnership</p>	<p>Two members of the team have spoken to the owner of the proposed nursery and were both satisfied with the answers provided in relation to access.</p> <p>Additional staff will be employed to support children to use the loos downstairs when needed and also to support children up the stairs.</p> <p>We are quite satisfied that the nursery will do all they can to be as inclusive as possible.</p>	<p>Issues relating to the location of the nursery at first floor level are assessed in Section 4 of this report.</p>
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Application B: 20/3358/L

- 3.2 A summary of the consultation responses received since the applications were presented at the committee on 23rd March 2021 along with the officer comments are set out in table below:

Details of Representation and date received	Summary of Comments	Officers comments
<p>Conservation Officer</p>	<p>Raised concerns regarding the provision of a lift within the Grade I listed host building due to the potential for significant loss of historic fabric and alterations to the historic form of the building necessary to implement the lift.</p> <p>Additional information regarding the location and design of any proposed</p>	<p>Issues relating to Design and Heritage Impact are assessed in Section 4 of this report.</p> <p>Conditions relating to the proposed playspace have been recommended in Appendix 2.</p>

	<p>lift and the degree of alteration to the listed building which has already occurred, to enable a full assessment of the heritage impact of providing a lift or other means of step-free access to the first floor.</p> <p>Consideration should be given to the benefit of installing a step free access to first floor if other elements of the building would not be suitably adapted for disabled users.</p> <p>The applicant should demonstrate how the development would be inclusive of other forms of disability not just mobility disabilities.</p>	
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4 Material Planning Considerations

- 4.1 This 2nd Addendum Report should be read in conjunction with the other material planning considerations relevant to this application are outlined in the original Committee Report and Addendum (See Appendix 4). The remainder of this report will look at the material planning considerations linked to the matters which are to be further discussed relating to the reasons as to why the application was deferred by members on the 23rd March 2021.
- 4.2 The applications were deferred by members to allow the applicant the opportunity to address members' concerns regarding the location of the proposed nursery at first floor level within the site without a step-free access being provided and the effect this could have on disabled people.

Design/Heritage

- 4.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This same requirement is in place at the local level through Policies HCI and D3 of the London Plan (2021) (LP) and Policies DH3 and DH(i) of the Core Strategy (2014) (CS).
- 4.4 The site is a Grade I Listed Building of exceptional interest, with just 2.5% of all listed buildings in the country being Grade I. The Grade I Listing, under the National Heritage List for England, provides the highest level of legal protection for this heritage asset therefore great care and consideration must be given to preserving the historic significance of the application property.
- 4.5 In order to address the concern of members, the applicant has considered the feasibility of providing step free access to the first floor of the site in the form of a platform lift or a stairlift and does not consider it to be an acceptable solution for the property. Other interventions are proposed as an alternative, and these are discussed elsewhere within this report. Whilst no revised drawings have been received which illustrate the provision of a platform or stairlift, the below comments are provided on the basis of the principal of such interventions and whether these additions would likely be suitable for this Grade I listed building.

Platform lift

- 4.6 The Council's Conservation Officer has raised concerns regarding the provision of a lift within the Grade I listed host building due to the potential for significant loss of historic fabric and alterations to the historic form of the building necessary to implement the lift. It is noted that the historic use of the site as a stables has ceased and therefore the significance of the building relies heavily on the preservation of the historic form and fabric of the building being retained.
- 4.7 Further information including detailed drawings of the lift as well as a heritage impact assessment would be required to facilitate a full assessment of the appropriateness of providing a lift within the building. However, it is considered likely that works to implement a lift would harm the setting of the Grade I listed host building and this harm may be substantial.

Stairlift

- 4.8 The installation of a stairlift would be more appropriate than a platform lift as less historic fabric would need to be removed and there would be less alterations required to the architectural form of the building. No detailed drawings illustrating how a stairlift could be successfully integrated into the historic fabric of the building has been provided therefore it is not possible to fully assess the appropriateness of this alteration to the listed building. However, it is considered likely that the installation of a stairlift would cause some harm to the historic building.

Conclusion

- 4.9 Paragraph 196 of the NPPF (2019) requires harm to the significance of a designated heritage asset to be weighed against the public benefits of the proposal. Whilst the provision of a platform lift or stairlift to the first floor of the site would be a benefit of the scheme, this benefit is not considered to outweigh the harm to the Grade I listed host building that would result from the works required to the existing building in order to facilitate such a provision. The preservation of the Borough's heritage assets is considered to be a significant public benefit which is commensurate to the Grade I status of the application property which means the building is of exception historic interest both locally and nationally.
- 4.10 It is also discussed below that the application site may be unsuitable for disabled people in other respects which undermines the benefits of the providing a step-free access to the nursery either through the provision of a platform lift or stairlift. It is also noted that the provision of a nursery without step-free access would still amount to a significant benefit to the local community without harming the heritage significance of the host building.
- 4.11 The Equality Act 2010 places a duty on service providers to make reasonable adjustments to overcome any potential physical features that might put a disabled person at a substantial disadvantage to a non-disabled person. The Act does not, however, override other legislation, including listed building legislation, and the need to obtain necessary consents to achieve proposed changes to access arrangements.
- 4.12 In summary, whilst the applicant has considered providing a step-free access to the first floor, the alterations to the Grade I listed building would not be appropriate from a heritage perspective and the benefits of the provision of a step-free access would not outweigh the harm to the heritage asset in this instance.

Inclusive Design

- 4.13 Policy D5 of LP states that development proposals should achieve the highest standards of accessible and inclusive design. In this case the proposal would be expected to comply with Approved Document M Volume 2: 'Access and use of buildings other than dwellings'. Policy DHI of the CS states that all developments are expected to achieve accessible and inclusive environments for all, including disabled people.
- 4.14 The Equality Act 2010 places a duty on service providers to make reasonable adjustments to overcome any potential physical features that might put a disabled person at a substantial disadvantage to a non-disabled person.
- 4.15 The proposed development would provide offices at ground floor level and a nursery at first floor level and no step-free access would be provided. Despite this, the Council's Building Control officer has indicated that given the horizontal and vertical travel distances do not exceed 40m, a lift would not be required. Notwithstanding this, the Council's Building Control officer has also indicated that as the building is listed, reasonable exemptions to Part M can be applied.
- 4.16 It is also noted that given the lack of lift currently and that there are no bathroom facilities on the first floor at present, the existing arrangement of the site would not achieve full compliance with Approved Document M Volume 2: 'Access and use of buildings other than dwellings'.
- 4.17 Since the initial Committee meeting, the Council's Occupational Therapists have reviewed the proposal and identified areas of non-compliance with Approved Document M Volume 2 in addition to the failure to provide a step free access such as:
- A number of the doors do not meet the requirement of 300mm nibs for wheelchair access;
 - The ground floor corridor would require a 1800mm wide passing place for wheelchairs;
 - A compliant disabled bathroom would not be provided.
- 4.18 Therefore, even if a step-free access were to be provided to the first floor through the provision of a lift, the development as a whole would still fail to meet the national standards for disabled access and would not in practicality be suitable for a disabled child or member of staff particularly as no disabled bathroom would be provided. As set out elsewhere within this Addendum Report, concern is raised from a heritage perspective on the further alterations to the internal layout that would require to be carried out to

achieve full compliance with Class M and that further degradation of the historic integrity of the building would be unlikely supported by the Council.

- 4.19 Furthermore, although a stairlift would provide some benefit, relative to the cost of installation and maintenance, as well as the extent of the alterations required to the interior of this Grade I listed building, given that a stairlift does not allow for the passenger to take any necessary equipment with them such as a wheelchair or walking frame, as it would be necessary for an able bodied person to carry any equipment, the overall benefit of a stairlift would be limited.
- 4.20 Given the above and the concerns associated with the impact of any additional interventions on this Grade I Listed Building, the applicant has considered the feasibility of providing step free access to the first floor of the site in the form of a platform lift or a stairlift and does not consider it to be an acceptable solution for the property. The applicant has however instead suggested the following provisions which are considered to be the most appropriate solution for the application site to accommodate disabled persons.
- A motorised wheelchair for use on the stairs;
 - A portable ramp to allow access up the three small steps to the front door of the East Wing;
 - An evacuation chair to be stored at the top of the second staircase; to allow safe evacuation in the event of a fire.
- 4.21 These items would not be fixed to the building and as such would not require planning permission or listed building consent but could be secured through condition on any approval. They would not impact on or cause damage to the fabric or character of the heritage asset, unlike the lift and stairlift options discussed elsewhere within this report. The applicant considers these measures to provide a suitable alternative to a lift or stairlift and would be appropriate to the scale of the nursery operation and the size and constraints of the existing building.
- 4.22 Given the above, whilst it is noted that the measures described above would not provide a step-free access as set out in Approved Document M Volume 2, officers consider that the alternatives put forward by the applicant would be reasonable adjustments to overcome any potential physical features that might put a disabled person who attends the site at a substantial disadvantage to an able-bodied person and would cause no harm to this Grade I listed building. The proposal is therefore considered to satisfy the requirements of The Equality Act 2010, policy D5 of the London Plan (2021) and Policy DH1 of the Core Strategy.

Financial Viability

- 4.23 The Equality Act 2010 acknowledges that the cost of providing disabled access as well as the organisations resources and size are valid considerations. The Act therefore recognises that the provision of full disabled access may not always be feasible, viable or practical, and makes allowances for this.
- 4.24 The cost of providing a platform lift would be significant and applicant has confirmed that this would not be financially viable for the intended operator of the nursery and although no viability evidence has been provided, given the heritage significance of the application property, the necessary investment to successfully implement a lift would be substantial. Given the limited size of the nursery catering to up to 35 children, officers concur with the applicant that the provision of a lift is unlikely to be financially viable.
- 4.25 The applicant also states that if a stairlift could be successfully implemented, an expensive high specification stairlift would need to be installed which would incur additional costs due the need to sensitively integrate it into the historic setting. It is discussed above that a stairlift would be of limited utility and the cost of providing a stairlift would likely significantly outweigh the benefits in terms of disabled access.

Provision of the nursery toilets at ground floor level

- 4.26 At the Woolwich and Thamesmead Area Planning Committee on the 23rd March 2021, members raised concerns about the appropriateness of the toilets for the nursery being provided on the ground floor with children required to negotiate a staircase to access them as this may present safeguarding concerns.
- 4.27 There are no policies within the development plan which require toilets for a nursery use to be provided on the same storey as the nursery or that a step-free access to the toilets must be provided. The assessment of the suitability of the internal layout of the site for nursery operation falls outside of the scope of the planning considerations for this application and is governed by national legislation and overseen by Ofsted. If planning permission were to be granted for the proposed nursery use, the applicant would still need to obtain Ofsted approval before the nursery could lawfully operate.
- 4.28 The Council's Early Years Team inspected the site on 27th March 2019 where it was confirmed that the internal space provided within the nursery would be sufficient for the number of children and staff. As such, no objection was raised to the siting of the nursery at first floor level with toilets at ground

floor level with no step-free access provided safeguarding measures to mitigate the risks of children negotiating stairs were implemented.

- 4.29 These safeguarding measures would include a handrail to be added to the staircase and staff supervision of children during toilet breaks and the applicant has confirmed that these measures would be implemented.
- 4.30 The applicant has confirmed that they have been in contact with Ofsted and the site was considered to be suitable for nursery occupation. Whilst no details of any correspondence with Ofsted have been provided, as set out elsewhere within this report, as the local plan does not look at quality of accommodation for nursery accommodation and this is controlled by other legislation, this aspect of the proposal is considered acceptable.
- 4.31 In light of the comments from Early Years, officers are satisfied with the arrangement of the nursery at first floor level with the toilets at ground floor level. As such, no conflict with the policies of the Development Plan have been identified.

Fire Safety

- 4.32 Policy D12 of the London Plan states that in the interests of fire safety and to ensure the safety of all building users.
- 4.33 A development of this scale is not required to submit a Fire Safety Report at application stage, and it is noted that a detailed fire safety assessment is a Building Control responsibility. Notwithstanding this, it is noted that the site is easily accessible to emergency services vehicles from the vehicle access from Hornfair Road and the ground floor of the east stable wing features two internal stair cores at either end of the wing as well as multiple ground floor exits.
- 4.34 Officers are therefore satisfied that the development as currently arranged without disabled access to the first floor presents an acceptable fire safety risk.
- 4.35 If the development were to be adapted to provide disabled access to the first-floor level via a platform lift or stairlift, the development would also need to be adapted to provide alternative means of escape or refuge for disabled occupants at first floor level. Whilst an assessment of means of escape falls outside of the scope of the planning considerations of these applications, the alterations to the historic building to achieve compliance with fire safety requirements in this regard are likely to be extensive and inappropriate within the historic building, and would contribute to the financial cost of the development.

4.36 It is considered that this issue is a further indication that the adaptation of the first floor for full disabled access is inappropriate in this instance. The proposal is therefore considered to be acceptable in terms of Fire Risk and would be compliant with policy D12 of the London Plan (2021).

5 **Other Matters**

5.1 Since the publication of the addendum report on 23rd March 2021, a revised set of drawings has been submitted by the applicant to more clearly show the entrances to the development and the location of the toilets. Additional supporting documents exploring the potential options to provide a step-free access to the first floor of the site have been provided as well as detailed drawings of the removable proposed playspace fence. These details are considered to be acceptable and a revised list of drawings and documents submitted with the application can be within Appendix I of this report.

6 **Conclusion**

6.1 To address the concerns raised by my members at Woolwich and Thamesmead APC on the 23rd March 2021, the applicant has considered the feasibility of providing step free access to the first floor of the site in the form of a platform lift or a stairlift and does not consider it to be an acceptable solution for the property given the Grade I listing. The Council's Conservation Officer has also raised concerns on the principal of either a platform lift or a stairlift and the harm, potentially substantial, that would occur to the Grade I Listed as a result of the necessary interventions in order to facilitate these additions to the proposal. Officers consider that the benefits of providing a step-free access would not outweigh the harm to the heritage asset or the substantial cost of implementing a step-free access which could threaten the viability of the scheme overall.

6.2 As an alternative, the applicant is proposing a number of non-invasive measures such as the provision of a motorised wheelchair; a portable ramp and an evacuation chair to allow for safe evacuation in the event of the fire. These provisions are considered acceptable in heritage terms and are considered to be reasonable provisions to overcome any potential physical features that might put a disabled person who attends the site at a substantial disadvantage to an able-bodied person.

6.3 It is therefore considered that the applicant has demonstrated reasonable adjustments to be inclusive of disabled persons and officers are satisfied that these measures satisfy the requirements of The Equality Act 2010 and Policies D5 of the London Plan and Policy DHI of the Core Strategy.

Background Papers:

National Planning Policy Framework (2019)

Planning (Listed Buildings and Conservation Areas) Act 1990

The London Plan (2021)

Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014)

Charlton Village Conservation Area Character Appraisal SPD (2016)

Charlton Village Conservation Area Management Strategy SPD (2016)

RBG CIL Charging Schedule (2015)

New Developments Guidance Notes for the storage and collection of waste and recycling materials for the Royal Borough of Greenwich (2018)

Responses from consultations

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