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| Item No. 6.1 | Classification: Open | Date: 16 April 2012 | Meeting Name: Bermondsey Community Council |
| Report title: | Development Management planning application: Application 11-AP-3808 for: Full Planning Permission Address: 82 TOWER BRIDGE ROAD, LONDON, SE1 4TP Proposal: Change of use of ground floor from amusement arcade (Sui Generis) to financial and professional services (Class A2) | | |
| Ward(s) or groups affected: | Grange | | |
| From: | Head of Development Management | | |
| Application Start Date 21 November 2011 | | Application Expiry Date 16 January 2012 | |

RECOMMENDATION

- 1 That planning permission be granted.

BACKGROUND INFORMATION

Site location and description

- 2 The application is being reported to Community Council due to the number of objections received.
- 3 The application site is a mid-terrace property located on the eastern side of Tower Bridge Road. The ground floor of the building is a vacant amusement arcade (sui generis) and there is a maisonette on the upper floors. It is understood that the premises have been vacant for over a year.

The site forms part of protected shopping frontage 14, and is located within an air quality management area, the urban density zone, an archaeological priority zone, the Bermondsey Street Conservation Area and the Central Activities Zone.

Details of proposal

- 4 Planning permission is sought to change the use of the ground floor from an amusement arcade (sui generis) to financial and professional services (Use Class A2). The applicant wishes to use the premises as a money shop, offering services including cheque cashing, money transfer, foreign currency exchange, cash loans and pawnbroking.
- 5 On average, 100 daily transactions are anticipated. Friday is likely to be the busiest day with up to 250 transactions expected, or possibly up to 300 on the last Friday of every month. It is anticipated that there would be 3-4 full-time employees and 1-2

part-time employees, and the proposed opening hours are 09:00-18:00 Monday to Saturday.

- 6 No external alterations are proposed.

Planning history

- 7 There is no recent planning history for the site. Use of the ground floor as an amusement arcade at 82-84 Tower Bridge Road was granted in 1982 (reference: TP/165-82-FB).

Planning history of adjoining sites

84 Tower Bridge Road

- 8 03-AP-0049 - Change of use of ground floor from an amusement centre to a radio control mini-cab office. Planning permission was GRANTED in March 2003.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

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

- a) land use;
- b) amenity;
- c) transport.

Planning policy

Core Strategy 2011

- 10 Strategic policy 1 - Sustainable development
Strategic policy 2 - Sustainable transport
Strategic policy 3 - Shopping, leisure and entertainment
Strategic policy 10 - Jobs and businesses
Strategic policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

- 11 1.9 - Change of use within protected shopping frontages
3.2 - Protection of amenity
3.14 - Designing out crime
5.2 - Transport impacts
5.6 - Car parking

London Plan 2011

- 12 Policy 2.12 Central Activities Zone – predominantly local activities
Policy 4.7 Retail and town centre development
Policy 6.13 Parking

Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)

The draft National Planning Policy Framework (NPPF) was published at the end of

- 13 July 2011 for consultation until 17 October 2011. The Government has set out its commitment to a planning system that does everything it can do to support sustainable economic growth. Local planning authorities are expected to plan positively for new development. All plans should be based on the presumption in favour of sustainable development and contain clear policies that will guide how the presumption will be applied locally.
- 14 The NPPF builds upon the Government's 'Plan for Growth' which was published in March 2011. The overall theme of this document is to support long term sustainable economic growth and job creation in the UK. This is set out as a clear and current Government objective (and accordingly should attract significant weight).

Land use considerations and principle of development

- 15 A number of local residents have raised objections regarding the type of service that the business would offer, with particular concerns that it would be used by vulnerable people or those on low incomes, who in turn would be charged very high rates of interest for the loans and services offered. Objectors consider that this would not benefit the community and could lead to crime and social unrest in the area if people are unable to pay back their loans and fall into further financial difficulties.
- 16 Concerns have also been raised that the proposal would be contrary to strategic policy 10 of the Core Strategy which seeks to increase the number of jobs in Southwark and create an environment in which businesses can thrive, including the protection of existing business space and supporting the provision of new business space.

- 17 The use of the premises, when it was occupied, was as an amusement arcade and this is not classified as a business or B class use. It is identified in the Town and Country Planning (Use Classes) Order (1987) as being a sui generis use, which means that it does not fall into any particular use class. As the existing use is not classed as a business use, the proposal would not conflict with strategic policy 10 of the Core Strategy. Furthermore, given that the existing use is not B class, saved policy 1.4 of the Southwark Plan which seeks to protect such uses does not apply. Saved policy 1.9 does not apply either, because this policy relates to changes of use within protected shopping frontages from Class A1 retail uses to other classes. As such, there are no policies to protect against the loss of the existing sui generis amusement arcade.

- 18 The provision of a new Class A2 use, which is defined as financial and professional services within the Use Classes Order, would be appropriate within this retail parade and these uses are a common feature of shopping streets. Financial and professional services include banks, building societies, estate agents and employment agencies. The proposal would return a vacant unit back into active use and would generate activity which would contribute to the vitality and viability of the parade, which the two vacant units at 82 and 84 Tower Bridge Road currently detract from. The concerns raised with regard to the type of businesses operated in terms of interest rates for loans are duly noted, but this is not a planning matter and cannot be taken into account. How such money lending uses are controlled is dealt with under separate financial regulatory legislation.

Whilst there is clearly a level of local concern about the proposed use, the matters raised are not material considerations. Members should assess this as an application for a financial and professional use, which, in terms of land use planning policy, is considered acceptable in this location.

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

- 19 Saved policy 3.2 of the Southwark Plan seeks to ensure an adequate standard of amenity for existing and future occupiers.
- 20 The proposed use would operate between the hours of 09:00-18:00 Monday to Saturday and given the location of the site within an established shopping parade and fronting a busy main road, these hours are considered to be appropriate; a condition to secure these hours is recommended.
- 21 On its busiest day, the last Friday of every month, it is anticipated that there would be 300 customers to the premises, which would equate to approximately 33 customers per hour, although there could be peaks during lunch time hours, for example. Again, given the location of the site in a shopping parade and fronting a busy main road it is not considered that this level of activity would be harmful to the amenity of neighbouring occupiers, most notably the flat on the upper floors of the application site. Background noise levels and levels of activity in the area are already fairly high and it is not considered that the proposal would significantly add to this.
- 22 Concerns have been raised that the proposal could contribute to increased levels of crime and social unrest in the area, if people are unable to pay back their loans. Again whilst this is noted, the rates of interest charged is a matter for financial regulation and is not a planning matter. The premises would be fully staffed and would not be open beyond 18:00, and it is not considered that crime levels in the area would be increased as a result of the proposal.

Traffic issues

- 23 Saved policy 5.2 of the Southwark Plan seeks to ensure that developments do not result in adverse highway conditions.
- 24 Concerns have been raised that the proposed development would result in an increased demand for parking in the area and would cause harm to highway safety, particularly given the proximity of the site to a bus stop on Tower Bridge Road.
- 25 The site has a public transport accessibility level (PTAL) of 4 (medium), reflecting a good level of public transport via busses along Tower Bridge Road. As with many of the shops in this area, it is considered likely that the proposal would have a fairly local catchment, with people travelling to and from the site either on foot or by public transport. As such, there are not considered to be any issues with regard to impact on parking or harm to highway safety. Only blue badge holders could park outside the site and any breach of this would be enforced by Transport for London as the highway authority. It is noted that the surrounding streets are within controlled parking zones.

Other matters

- 26 There are no other matters arising from the application.

Conclusion on planning issues

- 27 The existing use of the premises as an amusement arcade is sui generis, therefore there would be no loss of B class floorspace as a result of the proposal. The introduction of an A2 use into the premises would be appropriate given the location of the site within a protected shopping frontage. Concerns have been raised regarding the impact on vulnerable people as a result of rates of interest charged on loans and whilst this is noted, this is not a planning matter and would fall under financial regulation. No loss of amenity would occur and given that the use is likely to have a local catchment and the site is well located for public transport, no adverse impacts upon parking levels or highway safety are anticipated. In light of this it is

recommended that planning permission be granted.

Community impact statement

28 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.

a) The impact on local people is set out above.

b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified above.

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

Consultations

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

Consultation replies

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

Summary of consultation responses

29 11 representations have been received objecting to the application on the following grounds:

- The proposal would encourage people on low incomes to borrow money at high rates of interest;
- Damaging to local communities;
- It is the responsibility of the planning department to ensure that businesses in the area are beneficial to local residents;
- Possible increase in crime and social unrest;
- MPs are campaigning about this type of operation;
- Contrary to strategic policy 10 of the Core Strategy;
- Keeping the premises as B2 would allow some form of other business to use the premises - response - the existing use as an amusement arcade is Sui Generis not B2 (general industrial);
- The proposal would not serve the community, loans are available from Southwark Credit Union which has premises in Bermondsey;
- The area has independent retailers and a unique character and this could be harmed;
- Impact on parking and an adjacent bus stop;
- A main shopping street in Walthamstow has been blighted by outlets offering loans, concerns that the same could happen on Tower Bridge Road which is the only nearby street offering a wide variety of shops selling every day merchandise.

Human rights implications

30 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.

- 31 This application has the legitimate aim of providing a financial and professional use. 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

Strategic Director of Communities, Law & Governance

- 32 N/A.

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|--|--|---|
| Site history file: TP/165-82 Application file: 11-AP-3808 Southwark Local Development Framework and Development Plan Documents | Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ | Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5410 Council website: www.southwark.gov.uk |

APPENDICES

| No. | Title |
|------------|---------------------------------|
| Appendix 1 | Consultation undertaken |
| Appendix 2 | Consultation responses received |

AUDIT TRAIL

| | | |
|---|---|--------------------------|
| Lead Officer | Gary Rice, Head of Development Management | |
| Report Author | Victoria Lewis, Senior Planning Officer | |
| Version | Final | |
| Dated | 9 March 2012 | |
| Key Decision | No | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER | | |
| Officer Title | Comments Sought | Comments included |
| Strategic Director of Communities, Law & Governance | No | No |
| Strategic Director of Regeneration and Neighbourhoods | No | No |
| Strategic Director of Environment and Leisure | No | No |
| Date final report sent to Constitutional Team | | 2 April 2012 |

Consultation undertaken

32 **Site notice date:** 28/11/2011

Press notice date: 19/01/2012

Case officer site visit date: 28/11/2011

Neighbour consultation letters sent: 01/12/2011

Internal services consulted:

Transport Planning

Statutory and non-statutory organisations consulted:

Transport for London

Neighbours and local groups consulted:

01/12/2011 78-80 TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 96A TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 98 TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 94 TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 70 TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 90A TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 86B TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 100 TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 72 TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 SECOND FLOOR FLAT 98 TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 FIRST FLOOR FLAT 98 TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 96 TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 74-76 TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 FIRST FLOOR AND SECOND FLOOR FLAT 102 TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 94A TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 96B TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 88A TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 102 TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 84A TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 86 TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 84 TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 90 TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 88 TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 66 TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 66A TOWER BRIDGE ROAD LONDON SE1 4TR
01/12/2011 92A TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 78B TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 76B TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 82A TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 80B TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 74B TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 66B TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 92 TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 72B TOWER BRIDGE ROAD LONDON SE1 4TP
01/12/2011 70B TOWER BRIDGE ROAD LONDON SE1 4TP

Re-consultation: Not required.

Consultation responses received

Internal services

Transport Planning

- 33 Given the increasing level of availability of services of this type, the catchment area is likely to be relatively small. Together with the reasonable level of public transport accessibility by local bus, it is considered unlikely that a high proportion of customers will arrive by car. Tower Bridge Road is subject to Red Route "no stopping" controls generally, enforced by Transport for London, with a bus stop and a parking/loading bay adjacent to the site. The parking/loading bay is available from 10am to 4pm (Monday to Saturday) for loading and for parking by disabled "blue badge" holders. While there may be some "fly parking" by customers in this bay, this cannot be considered to constitute a road safety hazard. Away from Tower Bridge Road the nearby streets are within Southwark's Controlled Parking Zones. There are shared use parking bays in Webb Street, Leroy Street and Alice Street which will provide a convenient paid-for parking facility for any customers who do drive, but the small numbers expected are unlikely to noticeably affect the availability residents' parking.

Statutory and non-statutory organisations

Transport for London

- 34 No response received at the time of writing.

Councillor Claire Hickson (Chaucer Ward)

- 35 Object to the application on the following grounds:
- 36 The use as a payday loan shop has changed on the website from B2/sui generis to just sui generis and clarification is sought as to why this is the case.
- 37 The Southwark Plan and Core Strategy stipulate that we should promote business use (B class), particularly in the north of the borough and for small, local businesses. The change to A2 use would be contrary to this;
- 38 Our general policies are to promote business use and support small local businesses (Core Strategy strategic policy 10).
- 39 Tower Bridge Road is home to a large number of small, independent businesses, we should protect this. The applicant is a national chain, and allowing more national chains could push small businesses out;
- 40 The proposal is contrary to the Core Strategy of reducing inequalities. MPs from all political parties have been campaigning against the practices of payday loan companies which apply huge interest rates, and this business has been criticised in Parliament for such practices.
- 41 Loss of amenity. The applicant states that an average of 100 transactions a day are anticipated with up to 250 on Fridays and 300 customers on the last Friday of the month. This raises the question of parking outside the premises, particularly near a large bus stop. Congestion on this part of Tower Bridge Road can already be very bad which causes problems for residents and those using the road. There are already problems with parking on this stretch of road which I am trying to resolve with officers.

(Note: There has been a query that the existing amusement arcade use was initially described as some sort of business activity. However, this has been investigated and the information relating to the application has consistently described the existing use as sui generis, which is correct).

Neighbours and local groups

42 11 Objections have been received from the following properties:

- The Jam Factory;
- 12 Devonshire House, Bath Terrace;
- 26 Reverdy Road;
- 8 Burwash House, Weston Street;
- 148 Cherry Garden Street;
- 28 Trocette Mansions;
- Trocette Mansions;
- 10 Bacon Grove;
- 3 Hestia House, City Walk;
- 2 objections with no address provided.

43 The grounds for objecting are as follows:

- The proposal would encourage people on low incomes to borrow money at high rates of interest;
- Proposal encourages irresponsible borrowing;
- Damaging to local communities;
- It is the responsibility of the planning department to ensure that businesses in the area are beneficial to local residents;
- Adverse social and community impact;
- Possible increase in crime and social unrest;
- MPs are campaigning about this type of operation;
- Contrary to strategic policy 10 of the Core Strategy;
- Keeping the premises as B2 would some form of other business to use the premises - response - the existing use as an amusement arcade is Sui Generis;
- The proposal would not serve the community, loans are available from Southwark Credit Union which has premises in Bermondsey;
- The area has independent retailers and a unique character and this could be harmed;
- Impact on parking and an adjacent bus stop;
- A main shopping street in Walthamstow has been blighted by outlets offering loans, concerns that the same could happen on Tower Bridge Road which is the only nearby street offering a wide variety of shops selling every day merchandise.