

Item No. 7.3	Classification: OPEN	Date: 7 September 2015	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 15/AP/1916 for: Full Planning Permission Address: 111-113 FRIARY ROAD, LONDON, SE15 1PY Proposal: Change of use of part of ground floor from light industrial use (use class B1) to mortuary (sui generis)		
Ward(s) or groups affected:	Peckham		
From:	Matthew Harvey		
Application Start Date 26/05/2015		Application Expiry Date 21/07/2015	
Earliest Decision Date 27/06/2015			

RECOMMENDATION

1. Grant permission

BACKGROUND INFORMATION

Site location and description

2. The application site relates to a terraced building currently operating within use class B1 as a workshop for the manufacture of coffins and associated offices in connection with a funeral directors business. The building is situated on the east side of Friary Road and is located in a primarily residential area, but with some commercial uses situated at ground floor as well as a primary school to the south. The site benefits from an existing vehicular access from Friary Road, which leads directly inside the building via a roller shutter.

Details of proposal

3. The proposal relates to the installation of a pre-fabricated modular building on the ground floor of the existing building. As the physical works are internal, it is the use of the premises which is the subject of this application.
4. Additional information has been sought from the applicant regarding the precise nature of the proposed operation, which can be summarised as follows:
 - The deceased would be transported to the mortuary from their place of death in a private ambulance.
 - Vehicles are able to load and unload within the building via the existing vehicular access, which is screened from public view via the existing roller shutter.
 - The proposed facility would provide storage for a maximum of 12 deceased with average stays being between 10-14 days.
 - It is anticipated that there would be between 4-6 vehicular movements per day.

- No members of the public (other than those visiting in a professional capacity) would visit the site.
- Chemical processes would be undertaken on site in association with temporary preservation treatment (embalming).

Planning history

5. 10/AP/1937 Application type: Cert. of Lawfulness - existing (CLE)
Used of ground floor as a workshop area for light industrial purposes with ancillary storage and as offices, and use of first floor as offices (all within Use Class B1).
Decision date 31/08/2010 Decision: Granted (GRA)
6. 10/EN/0488 Enforcement type: Change of use (COU)
Use of light industrial unit used for manufacturing of coffins as mortuary (sui generis)
Sign-off date 23/03/2011 Sign-off reason: Final closure - no breach of control (FCNB)
7. 11/EN/0097 Enforcement type: Change of use (COU)
Unauthorised change of use from B1 (coffin manufacture) to A1 (Funeral Director.)
Sign-off date 11/04/2011 Sign-off reason: Final closure - no breach of control (FCNB)

KEY ISSUES FOR CONSIDERATION

Summary of main issues

8. The main issues to be considered in respect of this application are:
 - a) Whether the proposed use is acceptable in principle;
 - b) Whether the proposal would have a harmful impact on residential amenity;
 - c) Whether there would be any significant impact on highways conditions.

Planning policy

9. National Planning Policy Framework (the Framework)
 - 7. Requiring good design
 - 4. Promoting sustainable transport
10. London Plan July 2011 consolidated with revised early minor alterations October 2013
 - Policy 6.4 Enhancing London's transport connectivity
 - Policy 7.4 Local character
11. Core Strategy 2011
 - Strategic 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.
 - Policy 3.2 Protection of amenity
 - Policy 5.2 Transport impacts

Principle of development

13. The proposal would result in the minor loss of floor space within use class B1 which benefits from protection via policy 1.4 of the Southwark Plan, by reason of the location of the application site on a classified highway. It is noted that the proposed use as a mortuary (a *sui generis* use) would be an integral part of the use of the site as part of a wider funeral directors business. The proposed use, whilst not within a 'B' use class would represent a use which is capable of generating employment and therefore whilst not strictly in accordance with policy 1.4, would continue to support and sustain an existing employment generating business in the borough and therefore the proposal would be consistent with the overall objectives of that policy. As such the principle is considered acceptable, subject to the detailed considerations set out below.

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

14. The proposed use as a mortuary, forming part of a wider business operation as a funeral director, is a sensitive use in an area which is predominantly residential in nature. Nevertheless it is not uncommon for funeral directing uses to be sited within residential communities which they serve. Furthermore, it is widely regarded funeral directors more widely provide a humanitarian service that is valued and necessary to society and funeral directors are renowned for their discretion and sensitiveness in the way that they conduct their business. Nevertheless, it is acknowledged that the emotional distress of such uses is a material planning consideration and therefore relevant to the determination of this proposal given the proximity of nearby residential properties.
15. A number of objections have been received from local residents on the basis of the appropriateness of the proposed use in a residential area. It is not considered that there would be any demonstrable harm associated with the proposed use to nearby residential properties. As noted above, the loading and unloading of the deceased would take place internally within the building, behind the existing roller shutter therefore there would be no material loss of visual amenity. A condition is recommended to control servicing in this respect. Overall vehicle movements to and from the site would be minimal thus there would be no significant impact of noise and disturbance above and beyond that already associated with the commercial use of the building. The applicant has advised that mechanical ventilation will be required as a result of chemical processes associated with the proposed use, therefore a condition is proposed to ensure that an appropriate scheme for the control of odour and noise is dealt with appropriately. Harris primary school 100m to the south of the application site would not be directly impacted by this proposal given the modest scale of the proposal and distance from the application site. As set out above and below, there would not be any significant impact on highways conditions and loading and unloading would take place outside of public view within the existing building.

Transport issues

16. Vehicle movements to and from the site would utilise the existing access arrangements. It is noted above that the overall scale of the proposed facility is relatively modest, with no visiting members of the public. As such the proposal is unlikely to have a significant impact on the highways network in terms of vehicular movements or demand for on-street parking.

Conclusion on planning issues

17. The proposed mortuary use would not have a significantly harmful impact on

residential amenity or highway conditions, given the overall modest scale of the proposal and current use of the building as well as the nature of the servicing of the facility. As such the proposal would not give rise to any conflicts with policies 3.2 and 5.2 of the Southwark Plan.

Community impact statement

18. 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 as

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above. Specific actions to ameliorate these implications are

Consultations

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

Consultation replies

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

21. Summary of consultation responses

12 representations have been received (10 in objection and two in support) as well as a petition (with 60 signatories) in objection to the proposal.

22. Summary of objections:

- Increase in traffic and parking demand;
- inappropriate use in a residential area (and close to a school);
- Noise from commercial activities; and
- Psychological impact of being close to deceased bodies.

23. Summary of support:

- Proposal would benefit local community;
- Shortage of mortuaries; and
- Existing business professional and discreet.

24. In relation to the matter raised regarding the appropriateness of the mortuary next to a food establishment there is no evidence to suggest how this would be harmful to the safe operation of this business given the distance from the application site and within separate buildings. All other matters are addressed above.

Human rights implications

25. 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.

26. This application has the legitimate aim of providing a mortuary providing services to the general public. 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.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2592-111 Application file: 15/AP/1916 Southwark 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 4424 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	Simon Bevan, Director of Planning	
Report Author	Matthew Harvey, Planning Officer	
Version	Final	
Dated	13 July 2015	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic director, finance & 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		24 August 2015

APPENDIX 1

Consultation undertaken

Site notice date: 04/06/2015

Press notice date: n/a

Case officer site visit date: 04/06/2015

Neighbour consultation letters sent: 01/06/2015

Internal services consulted:

n/a

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

Flat D 92-94 Friary Road SE15 1PX	109a Friary Road London SE15 1PY
Flat E 92-94 Friary Road SE15 1PX	102 Friary Road London SE15 1PX
111-113 Friary Road London SE15 1PY	98 Friary Road London SE15 1PX
Flat A 92-94 Friary Road SE15 1PX	109 Friary Road London SE15 1PY
Flat B 92-94 Friary Road SE15 1PX	32 Elcot Avenue London SE15 1QD
Flat C 92-94 Friary Road SE15 1PX	100a Friary Road London SE15 1PX
96 Friary Road London SE15 1PX	100b Friary Road London SE15 1PX
98b Friary Road London SE15 1PX	55 Elcot Avenue London SE15 1QB
First Floor And Second Floor Flat 96 Friary Road SE15 1PX	57 Elcot Avenue London SE15 1QB
115 Friary Road London SE15 1PY	30 Elcot Avenue London SE15 1QD
117 Friary Road London SE15 1PY	106 F London SE15 1PX
98a Friary Road London SE15 1PX	53a Elcot Avenue SE15 1QB
100 Friary Road London SE15 1PX	53b Elcot Avenue London SE15 1QB
101 Friary Road London SE15 1PY	51 Elcot Avenue SE 1QB
103 Friary Road London SE15 1PY	15 Elcot Avenue SE15 1QB
The Golden Wok, 107 Friary Road London SE15 1PY	95 Friary Road London SW11 2SF
	99 Friary Road London SE15 1PY

Re-consultation: n/a

APPENDIX 2

Consultation responses received

Internal services

None

Statutory and non-statutory organisations

None

Neighbours and local groups

The Golden Wok, 107 Friary Road London SE15 1PY
100 Friary Road London SE15 1PX
106 F London SE15 1PX
15 Elcot Avenue SE15 1QB
32 Elcot Avenue London SE15 1QD
51 Elcot Avenue SE 1QB
53a Elcot Avenue SE15 1QB
53b Elcot Avenue London SE15 1QB
55 Elcot Avenue London SE15 1QB
55 Elcot Avenue London SE15 1QB
57 Elcot Avenue London SE15 1QB
95 Friary Road London SW11 2SF
98 Friary Road London SE15 1PX
99 Friary Road London SE15 1PY