

Item No. 30/08	Classification OPEN	Decision Level PLANNING COMMITTEE	Date 04/03/2003
From DEVELOPMENT AND BUILDING CONTROL MANAGER		Title of Report DEVELOPMENT CONTROL	
Proposal (02-AP-1892) Retention of use of ground floor for financial and professional services (Class A2).		Address 182 Lower Road SE16 Ward Rotherhithe	

1. **PURPOSE**

1.1 To consider the above application.

2. **RECOMMENDATION**

2.1 Grant planning permission.

3. **BACKGROUND**

This is a two storey mid terrace property situated within a parade of commercial units on the southern side of Lower Road close to its junction with Rotherhithe New Road. The terrace comprises two/ three storey properties with commercial use on the ground floor and residential accommodation above.

The ground floor of the property was formerly occupied by a Chemist/ Pharmacy (Class A1 Retail Use) but has remained vacant for approximately twelve months. An Estate Agent has moved into the property and is operating without the benefit of planning permission. This is, therefore, a retrospective application which seeks permission for the retention of this Class A2 (Professional and Financial Services) use at the premises. No external alterations to the property are proposed. There is no relevant planning history.

4. **FACTORS FOR CONSIDERATION**

4.1 **Main Issues**

The main issues to be considered in this case are the principle of the proposed change of use and the impact on the existing shopping facilities in the locality. The impact of the use on the amenity of neighbours and on traffic and the local highway network is also relevant.

4.2 **Planning Policy**

Within designated Secondary Shopping Frontage (1995 UDP) and Protected Shopping Frontage (deposit draft UDP).

Southwark Unitary Development Plan 1995 [UDP]:

Policy S.1.2 Secondary Shopping Frontages - Complies.

Policy E.3.1 Protection of Amenity - Complies.

Draft Southwark Plan [agreed for Deposit November 2002]:

Policy 3.2 Protection of Amenity - Complies.

Policy 1.7 Protecting the Range of Services available - Complies.

4.3 **Consultations**

Site Notice: 04/11/02

Consultees: 178, 180, 184, Lower Road, SE16.
Flats, 1, 2, 3 - 186 Lower Road, SE16.

Replies from:

15 Melville Court, Croft Street. - Two letters received which object to the proposal on the grounds that the change of use is depriving the community of a possible amenity. The proposal is against the UDP as it is located within a primary retail frontage. Lower Road has a proliferation of Estate Agents, already there are at least ten. Offices do not enhance the community as they only open from 9 - 5 and offer a dead frontage at night due to the security shutters. This proposal will set a precedent for more conversions from shops to offices as estate agents will flood the area leaving the high street vulnerable to decline once there is a downturn in the property market. Lower Road needs more sustainable thoughtful development based on the needs of the community rather than short term profit.

44 Trevithick House, Galleywall Road - there are too many estate agents in Surrey Quays. The agent already has two offices opposite, this is a blatant attempt to put other agents out of business reducing the choice available to local residents. The area needs more retail units not offices. The business is already open without the necessary planning consent. Lower Road is overwhelmed with offices, further space designated for such uses will add to the areas demise as a retail area, forcing local residents to shop elsewhere. Retail businesses are already under strain due to Surrey Quays shopping centre, the loss of further units will only make things worse and encourage them to move away.

264 Lower Road. - there is an excessive amount of estate agents and takeaway shops in the area, more shops are needed to serve the growing residential population. The retail shops in the high street need to be protected.

Housemartins Estate Agents, 3 Plough Way. - there are sufficient estate agents in the Lower Road area. The application is a disguise to force out of business a number of independently run agencies. This will result in an unhealthy monopoly and lack of choice available to residents. In recent years a number of retail businesses in the area have been forced to relocate as a result of Surrey Quays Shopping centre. The decline in shoppers has had a devastating effect on the remaining retailers inevitably they eventually can not afford to remain open. The numbers of residents in the area has increased dramatically in recent years, the number of retail units has not increased enough to provide the services these residents require. Another estate agent directly opposite the company's existing double frontage premises is not the answer and will only compound the problems which already afflict businesses in Lower Road. The company has ignored planning laws, this should not be allowed to happen.

5 **PLANNING CONSIDERATIONS**

This property lies within a designated secondary shopping frontage. Policy S.1.2 Secondary Shopping Frontages of the adopted Southwark Unitary Development Plan states that if a property lies within a secondary shopping frontage planning permission for development proposals and changes of use away from Class A1 (Retail) will not normally be permitted **except** where:

1. The retail character and vitality of the frontage within which the shop is situated would not be adversely affected and retail uses would still form the greater proportion of the length of the designated frontage.

2. The proposed use should be appropriate to the shopping frontage, and this includes uses within Class A2 - Financial and Professional Services.

3. The proposed use would not involve nuisance or loss of amenity to adjacent residents and occupiers and the surrounding area.

4. The resulting traffic generation and parking would not add to congestion nor impair pedestrian or road safety.

The policy goes on to say that applications which would result in the designated length of the frontage in non A1 uses rising above 50% would be subject to particular careful scrutiny. Policy 1.7 of the draft Unitary Development Plan states that planning permission for a change of use from Class A1 retail uses in town centres and along protected shopping frontages will not normally be granted unless it can be shown that the proposed use enhances the range of services available locally. It goes on to say that where a change of use is justified, the preferred use are Classes A2 (financial and professional services) and A3 (food and drink). A judgement has therefore to be made as to whether the change of use has harmed the range of shops and services available locally.

This area of Lower Road has a high proportion of Class A3 Hot Food uses and Class A2 uses, some of which are Estate Agents. In fact the shopping frontage contains a mixture of 50% retail and 50% non retail uses. As such, careful consideration needs to be given to the retention of the Class A2 use.

The location of Surrey Quays shopping centre has, however, to be taken into account as it is within walking distance of the application premises. Taken together, Lower Road and the Surrey Quays Shopping Centre provide a good range of shops and services for local residents. The change of use is not considered to harm shopping facilities for local residents, and as such, is considered to be acceptable in land use policy terms.

The estate agent to be retained is considered appropriate to the shopping frontage. No external alterations to the premises are proposed and the existing shop front will remain. The use is not considered to be harmful to the amenities of the occupiers of the surrounding properties nor is it likely to result in traffic congestion nor impair pedestrian or road safety. This property had previously been vacant for twelve months, and the adjacent properties are also currently vacant and boarded up. The proposal is therefore considered to contribute to the vitality and character of this shopping frontage.

Matters relating to competition between other estate agents in the locality are not material in the consideration of this proposal.

6. EQUAL OPPORTUNITY IMPLICATIONS

6.1 There are no direct equal opportunity implications.

7. LOCAL AGENDA 21 [Sustainable Development] IMPLICATIONS

7.1 There are no direct sustainable development implications.

LEAD OFFICER	Andrew Cook	Development and Building Control Manager
REPORT AUTHOR	Michaela Mercer	Planning Officer [tel. 020 7525 5365]
CASE FILE	TP/139-182	
Papers held at:	Council Offices, Chiltern, Portland Street SE17 2ES [el. 020 7525 5402]	