

Bermondsey Community Council

Planning

Monday 23 January 2012
7.00 pm

Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

Membership

Councillor Linda Manchester (Chair)
Councillor Graham Neale (Vice-Chair)
Councillor Anood Al-Samerai
Councillor Michael Bukola
Councillor Denise Capstick
Councillor Mark Gettleson
Councillor Paul Kyriacou
Councillor Eliza Mann
Councillor Nick Stanton

Members of the committee are summoned to attend this meeting

Annie Shepperd

Chief Executive

Date: Friday 13 January 2012



Order of Business

Item No.	Title	Time
1.	INTRODUCTION AND WELCOME	
2.	APOLOGIES	

Item No.	Title	Time
3.	ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT	
	The chair to advise whether they have agreed to any items of urgent business being admitted to the agenda.	
4.	DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS	
	Members are asked to declare any interest or dispensation and the nature of that interest or dispensation which they may have in any of the items under consideration at this meeting.	
5.	MINUTES (Pages 5 - 11)	
	To confirm as a correct record the minutes of the meetings held on 23 November 2011 and 14 December 2011.	
6.	DEVELOPMENT MANAGEMENT ITEMS (Pages 12 - 16)	
	6.1. 88 BERMONDSEY STREET, LONDON, SE1 3UB (Pages 17 - 31)	
	6.2. 48-50 WESTON STREET LONDON SE1 3QJ (Pages 32 - 44)	

Date: Friday 13 January 2012

INFORMATION FOR MEMBERS OF THE PUBLIC

CONTACT: Tim Murtagh, Constitutional Officer, Tel: 020 7525 7187 or email: tim.murtagh@southwark.gov.uk
Website: www.southwark.gov.uk

ACCESS TO INFORMATION

On request, agendas and reports will be supplied to members of the public, except if they contain confidential or exempted information.

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The council is committed to making its meetings accessible. For further details on building access, translation and interpreting services, the provision of signers and other access requirements, please contact the Constitutional Officer.

Disabled members of the public, who wish to attend community council meetings and require transport assistance in order to attend, are requested to contact the Constitutional Officer. The Constitutional Officer will try to arrange transport to and from the meeting. There will be no charge to the person requiring transport. Please note that it is necessary to contact us as far in advance as possible, and at least three working days before the meeting.

BABYSITTING/CARERS' ALLOWANCES

If you are a resident of the borough and have paid someone to look after your children or an elderly or disabled dependant, so that you can attend this meeting, you may claim an allowance from the council. Please collect a claim form from the Constitutional Officer at the meeting.

DEPUTATIONS

Deputations provide the opportunity for a group of people who are resident or working in the borough to make a formal representation of their views at the meeting. Deputations have to be regarding an issue within the direct responsibility of the Council. For further information on deputations, please contact the Constitutional Officer.

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Bermondsey Community Council

Language Needs

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Arabic:

إحتياجات لغوية
إذا كنت ترغب في الحصول على معلومات عن مجالس المجموعات المحلية وترجمتها إلى لغتك
الرجاء الإتصال برقم الهاتف: 020 7525 7420 أو زيارة المكتب في 160 Tooley Street
SE1 2TZ London

Somali:

U-Baahnaanshaha Luqadda

Haddii aad u baahan tahay macluumaadka ku saabsan Guddiyada Beelaha oo lagu tarjumay luqaddaada fadlan soo wac khadka taleefoonka 020 7525 7420 ama booqasho ugu tag hawladeennada ku sugan 160 Tooley Street, London SE1 2TZ

French:

Besoins de Langue

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Bengali:

ভাষার প্রয়োজন

আপনি যদি নিজের ভাষায় কমিউনিটি কাউন্সিল সম্পর্কে তথ্য পেতে চান তাহলে 020 7525 7420 নম্বরে ফোন করুন অথবা 160 Tooley Street, London SE1 2TZ ঠিকানায় গিয়ে অফিসারদের সাথে দেখা করুন।

Yoruba:

Awon Kosemani Fun Ede

Bi o ba nfe àlàyé kíkún l'ori awon Ìgbimò Àwùjo ti a se ayipada si ede abíníbí re, jowọ tẹ wa l'aago si ori nombá yi i : 020 7525 7420 tabi ki o yo ju si awon òṣiṣé ni ojúlé 160 Tooley Street , London SE1 2TZ

Krio:

Na oose language you want

If you lek for sabi all tin but Community Council na you yone language, do yar telephone 020 7525 7420 or you kin go talk to dee officer dem na 160 Tooley Treet, London SE1 2TZ

Twi:

Kasaa ohohia,

se wopese wo hu nsem fa Community Councils ho a, sesa saakasa yie ko wo kuro kasa mu. wo be tumi afre saa ahoma torofo yie 020 7525 7420 anase ko sra inpanyinfo wo 160 Tooley Street, London SE1 2TZ

Planning at Community Council Meetings

This sheet will tell you about what happens at the meeting when the community council considers a planning application, a planning enforcement case or other planning proposals.

The community council must follow the same rules and procedures as the council's main planning committee.

The items are heard in the order printed on the agenda, but the chair may change the running order of the items.

At the start of each item, the council's planning officer will present the report about the planning application and answer points raised by Members of the committee. After this, the following people may speak on the application if they wish, but **not more than 3 minutes each**:

1. A representative (spokesperson) for the objectors - if there is more than one objector wishing to speak the time is then divided within the 3 minute time slot
2. The applicant or their agent
3. A representative for any supporters who live within 100 metres of the development site
4. A ward councillor from where the proposal is located.

The chair will ask the speakers to come forward to speak. Once the speaker's three minutes have elapsed, members of the committee may ask questions of them, relevant to the roles and functions of the community council.

Members of the committee will then debate the application and consider the recommendation.

Note

If there are several objectors or supporters, they have to identify a representative who will speak on their behalf. If more than one person wishes to speak, the 3 minute time allowance must be shared amongst those who wish to speak. Objectors may wish to meet with other objectors in the foyer of the hall prior to the start of the meeting to appoint a representative.

Speakers should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already on the report.

The arrangements at the meeting may be varied at the discretion of the Chair.



BERMONDSEY COMMUNITY COUNCIL

Planning

MINUTES of the Bermondsey Community Council held on Wednesday 23 November 2011 at 7.00 pm at Ground Floor Meeting Room G01B - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Linda Manchester (Chair)
 Councillor Graham Neale (Vice-Chair)
 Councillor Anood Al-Samerai
 Councillor Denise Capstick
 Councillor Mark Gettleson
 Councillor Eliza Mann

OFFICER Amy Lester, Planning Officer
SUPPORT: Nicky Bradbury, Senior Planning Lawyer
 Tim Murtagh, Constitutional Officer

1. INTRODUCTION AND WELCOME

The chair welcomed members of the public, councillors and officers to the community council meeting.

2. APOLOGIES

There were none.

3. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

Councillors declared interests in the following items:

6.3 TANNER STREET PARK, LONDON, SE1 3TX application number 11-AP-2386

Councillor Mark Gettleson, personal and non-prejudicial, in relation to item number

11-AP-2386, as he lives nearby and looks onto the park.

4. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

There were none.

5. MINUTES

RESOLVED:

That the minutes of the meeting held on 13 October 2011 be agreed as a correct record and signed by the chair.

6. DEVELOPMENT MANAGEMENT ITEMS

6.1 37 SNOWFIELDS, LONDON SE1 3SU

Planning application number 11-AP-3062

PROPOSAL:

Variation of Conditions 2 and 3 of planning permission 10-AP-1092 for: Extension on first, second and third floor levels with terrace on the roof; use of ground floor for retail (Class A1) in connection with use of building as extended as jewellery studio (Class B1); partial demolition and reconstruction of ground floor. The proposal seeks to change the cladding material from terracotta to zinc (condition 3) and amend drawing numbers that show the previously approved material to reflect the changes (condition 2).

The planning officer presented the application and councillors asked questions of the planning officer.

There were no statements from objectors.

The applicant's agent made a statement and councillors asked questions.

There were no statements from local supporters of the application living within 100 metres of the site, or from ward councillors.

RESOLVED:

That application 11-AP-3062 be approved, subject to the conditions set out in the report.

6.2 81 - 83 WESTON STREET, LONDON, SE1 3RS

Planning application number 11-AP-0726

PROPOSAL:

Demolition of existing buildings and erection of a mixed use development of 4 to 7 storeys in height, comprising 8 residential units (Use Class C3) and 525 sqm of office (Use Class B1) space at ground and semi basement floors.

The planning officer presented the application and councillors asked questions of the planning officer.

There were no statements from objectors.

The applicant's agent made a statement and councillors asked questions.

There were no statements from local supporters of the application living within 100 metres of the site, or from ward councillors.

RESOLVED:

That application 11-AP-0726 be approved subject to the conditions set out in the report.

At this point Councillors Anood Al-Samerai and Eliza Mann left the meeting.

6.3 TANNER STREET PARK, JUNCTION OF TANNER STREET AND BERMONDSEY STREET, LONDON, SE1 3TX

Planning application number 11-AP-2386

PROPOSAL:

Retention of use of land on corner of Tanner Street Park for outdoor tables and chairs, in connection with Caphe House Cafe and Gallery at 114 Bermondsey Street, for a period of one year.

The planning officer presented the application and councillors asked questions of the planning officer.

There were no statements from objectors.

The applicant's agent made a statement and councillors asked questions.

There were no statements from local supporters of the application living within 100 metres of the site, or from ward councillors.

RESOLVED:

That application 11-AP-2386 be approved subject to the conditions set out in the report and new conditions 3 and 5 relating to the use of dining furniture. That the furniture not be used outside 8.00am to 5.00pm Monday to Friday, 9.00am to 5.00pm on Saturday and 10.00am to 6.00pm on Sunday.

The meeting ended at 8.20pm

CHAIR:

DATED:



BERMONDSEY COMMUNITY COUNCIL - Planning -

MINUTES of the Bermondsey Community Council held on Wednesday 14 December 2011 at 7.00 pm at Ground Floor Meeting Room G01A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Graham Neale (Vice-Chair)
Councillor Michael Bukola
Councillor Paul Kyriacou
Councillor Nick Stanton

**OFFICER
SUPPORT:** Alison Brittain, Development Management Team
Nicky Bradbury, Senior Planning Lawyer
Tim Murtagh, Constitutional Officer

1. INTRODUCTION AND WELCOME

The chair welcomed members of the public, councillors and officers to the community council meeting.

2. APOLOGIES

There were apologies for absence from Councillors Linda Manchester (Chair), Anood Al-Samerai and Eliza Mann.

3. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

There were none.

4. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

There were none.

5. MINUTES

RESOLVED:

That the minutes of the meeting held on 23 November 2011 be deferred to the next meeting so that relevant members can comment on them.

6. DEVELOPMENT MANAGEMENT ITEMS

6.1 LAND AT 34-42 GRANGE ROAD, LONDON, SE1

Planning application reference number 11-AP-3251

Report: see pages 15 to 36 of the agenda and 1 to 2 of the addendum report.

PROPOSAL:

Redevelopment of the site involving the erection of a 4 storey building to provide 41 residential units (19x1 bed, 13x2 bed and 9x3 bed) including 4 wheelchair accessible units, 2 off street disabled parking spaces, vehicular access from Crimscott Street, 57 cycle parking spaces and associated landscaping.

The community council heard an officer's introduction to the report and members asked questions of the officer.

There were no representations from objectors. Members heard representations from the applicant's agent and asked questions.

There were no local supporters or ward members who wished to make representations at the meeting.

Members debated the application and asked questions of the officers.

RESOLVED:

That application 11-AP-3251 be approved subject to the Section 106 monies from Transport strategic of £18,594 and Transport site specific of £20,500, being allocated in the first instance to improve safety for cyclists on Albany Street and Tower Bridge Road.

The meeting ended at 7.40pm

CHAIR:

DATED:

Item No. 6.	Classification: Open	Date: 23 January 2012	Meeting Name: Bermondsey Community Council
Report title:		Development Management	
Ward(s) or groups affected:		All	
From:		Deputy Chief Executive	

RECOMMENDATIONS

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the attached items be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they be clearly specified.

BACKGROUND INFORMATION

- 4 The council's powers to consider planning business are detailed in Part 3F which describes the role and functions of the planning committee and Part 3H which describes the role and functions of community councils. These were agreed by the annual meeting of the council on 19 May 2010 and amended on 20 October 2010. The matters reserved to the planning committee and community councils exercising planning functions are described in parts 3F and 3H of the Southwark Council constitution. These functions were delegated to the planning committee.

KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning committee items members are asked, where appropriate -
6. To determine those applications in respect of site(s) within the borough, subject where applicable, to the consent of the Secretary of State for Communities and Local Government and any directions made by the Mayor of London.
7. To give observations on applications in respect of which the council is not the planning authority in planning matters but which relate to site(s) within the borough, or where the site(s) is outside the borough but may affect the amenity of residents within the borough.

8. To receive for information any reports on the previous determination of applications, current activities on site, or other information relating to specific planning applications requested by members.
9. Each of the following items are preceded by a map showing the location of the land/property to which the report relates. Following the report, there is a draft decision notice detailing the officer's recommendation indicating approval or refusal. Where a refusal is recommended the draft decision notice will detail the reasons for such refusal.
10. Applicants have the right to appeal to Planning Inspector against a refusal of planning permission and against any condition imposed as part of permission. Costs are incurred in presenting the Council's case at appeal which may be substantial if the matter is dealt with at a public inquiry.
11. The sanctioning of enforcement action can also involve costs such as process serving, court costs and of legal representation.
12. Where either party is felt to have acted unreasonably in an appeal the inspector can make an award of costs against the offending party.
13. All legal/Counsel fees and costs as well as awards of costs against the council are borne by the regeneration and neighbourhood's budget.

Community impact statement

14. Community impact considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

15. A resolution to grant planning permission shall mean that the development & building control manager is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the committee and issued under the signature of the development & building control manager shall constitute a planning permission. Any additional conditions required by the committee will be recorded in the minutes and the final planning permission issued will reflect the requirements of the planning committee.
16. A resolution to grant planning permission subject to legal agreement shall mean that the development & building control manager is authorised to issue a planning permission subject to the applicant and any other necessary party entering into a written agreement in a form of words prepared by the strategic director of legal and democratic services, and which is satisfactory to the development & building control manager. Developers meet the council's legal costs of such agreements. Such an agreement shall be entered into under section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as shall be determined by the strategic director of legal & democratic services. The planning permission will not be issued unless such

an agreement is completed.

17. Section 70 of the Town and Country Planning Act 1990 as amended requires the council to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations when dealing with applications for planning permission. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.
18. The Southwark Plan is part of the Development Plan along with the Core Strategy and London Plan. Some of the detailed Southwark plan policies were 'saved' in July 2010 with permission from the Secretary of State. Some of these policies have now been superseded by policies in the Aylesbury Area Action Plan and the Core Strategy which was adopted on April 6 2011. The enlarged definition of "development plan" arises from s38(2) of the Planning and Compulsory Purchase Act 2004. Where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).
19. Government policy on planning obligations is contained in the Office of the Deputy Prime Minister Circular 05/2005. Provisions of legal agreements must fairly and reasonably relate to the provisions of the development plan and to planning considerations affecting the land. The obligation must also be such as a reasonable planning authority, duly appreciating its statutory duties can properly impose, i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests. From 6 April 2010 the Community Infrastructure Levy regulations (CIL) have given these policy tests legal force.

Regulation 122 provides that "a planning obligation may only constitute a reason for granting planning permission if the obligation is:

- a. necessary to make to the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related to the scale and kind to the development."

20. Government policy on planning obligations is contained in the Office of the Deputy Prime Minister Circular 05/2005. Provisions of legal agreements must fairly and reasonably relate to the provisions of the development plan and to planning considerations affecting the land. The obligation must also be such as a reasonable planning authority, duly appreciating its statutory duties can properly impose, i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council Assembly Agenda June 27 2007 and Council Assembly Agenda January 30 2008	Constitutional Team Communities, Law & Governance 2 nd Floor 160 Tooley Street PO Box 64529 London SE1 5LX	Kenny Uzodike 020 7525 7236
Each planning committee item has a separate planning case file	Council Offices, 5th Floor 160 Tooley Street, London SE1 2TZ	The named case Officer as listed or Gary Rice 020 7525 5437

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Communities, Law & Governance	
Report Author	Nagla Stevens, Principal Planning Lawyer Kenny Uzodike, Constitutional Officer	
Version	Final	
Dated	25 October 2010	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Deputy Chief Executive	No	No
Head of Development Management	No	No

ITEMS ON AGENDA OF THE BERMONDSEY CC
on Monday 23 January 2012

Appl. Type Full Planning Permission
Site 88 BERMONDSEY STREET, LONDON, SE1 3UB

Reg. No. 11-AP-1845
TP No. TP/11-104
Ward Grange
Officer Daniel Davies

Recommendation GRANT PERMISSION

Proposal

Change of use of first and second floor of building from B1 (Office) to dual B1 (Office) non-residential language school (Use Class D1). Works include a roof level extension and outdoor roof top amenity area with balustrade.

Item 6.1

Appl. Type Full Planning Permission
Site 48-50 WESTON STREET LONDON SE1 3QJ

Reg. No. 11-AP-3567
TP No. TP/214-48
Ward Grange
Officer Ronan O'Connor

Recommendation GRANT PERMISSION

Proposal

Retention of use as Class A2 (estate agent) on ground floor level.

Item 6.2

Item No. 6.1	Classification: OPEN	Date: 23 January 2011	Meeting Name: Bermondsey Community Council
Report title:	Development Management planning application: Application 11-AP-1845 for: Full Planning Permission Address: 88 BERMONDSEY STREET, LONDON, SE1 3UB Proposal: Change of use of first and second floor of building from B1 (Office) to dual B1 (Office) non-residential language school (Use Class D1). Works include a roof level extension and outdoor roof top amenity area with balustrade.		
Ward(s) or groups affected:	Grange		
From:	Head of Development Management		
Application Start Date 17 August 2011		Application Expiry Date 12 October 2011	

RECOMMENDATION

- 1 To Grant planning permission, subject to conditions

BACKGROUND INFORMATION

- 2 To consider the application owing to the number of objections received.

Site location and description

- 3 The application relates to a three storey, end of terrace property on the corner of Bermondsey Street and Tyers Gate. At ground floor level there is a florist and on its upper floors a World Language School which offers translations services.
- 4 South along Bermondsey Street several properties within the terrace have been extended at roof level. The prevailing approach is of set back mansards, clad in lead or slate.
- 5 The building is not listed but lies within the Bermondsey Street conservation area, the Central Activities Zone, Bankside, Borough and London Bridge Opportunity Area, an Archeological Priority Zone and an Air Quality Management Area.

Details of proposal

- 6 The application seeks planning permission to change of the use of the upper floors of the building from office space (Use Class B1) to an Office/Language school (Use Class B1/D1).
- 7 The application has been prompted following an inspection by the British Accreditation Council with requires the language school element of the operation have a Class D1 (Non-residential institution) designation.
- 8 Works also include the erection of mansard roof extension, with front and rear

window, above which there would be a roof terrace, with a balustrade. No other alterations to the building are proposed.

9 Materials:

- Timber framed windows
- Brick to match the existing building.
- Slate mansard
- Stainless steel balustrade.
- Obscure glazing

Amendments

Drawing DP/134 [P] 2 received on 30/11/2011 showing revised position of balustrade and the contextual relationship between the application site and terrace at 90a Bermondsey Street.

Planning history

- 10 TP/11-104 Planning permission was GRANTED to change the use of 88 Bermondsey Street SE1 from residential to office use. 29/7/1977.

Planning history of adjoining sites

- 11 None of relevance.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

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

a) whether the proposed dual Class B1/D1 (office/language school) use would conform with land-use policy and the loss of B1 floor space acceptable.

b) impact on amenity

c) acceptability of the proposed extension and its impact the character and appearance on the Bermondsey Street Conservation area.

Planning policy

Core Strategy 2011

- 13 Strategic policy 4 (Places for learning, enjoyment and healthy lifestyles)
Strategic policy 10 (Jobs and business)
Strategic policy 12 (Design and conservation)
Strategic policy 13 (High environmental standards)

Southwark Plan 2007 (July) - saved policies

- 14 Policy 1.4 (Employment sites outside the Preferred Office Locations and Preferred Industrial locations)
Policy 2.2 (Provision of new community facilities)
Policy 2.4 (Educational deficiency - provision of new educational establishments)
Policy 3.2 (Protection of amenity)
Policy 3.4 (Energy efficiency)
Policy 3.12 (Quality of design)
Policy 3.13 (Urban design)

Policy 3.7 (Waste reduction)
 Policy 3.11 (Efficient use of land)
 Policy 3.16 (Conservation areas)
 Policy 5.2 (Transport impacts)
 Policy 5.3 (Walking and cycling)
 Policy 5.6 (Car parking)

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

The National Planning Policy Framework (NPPF)

- 15 The draft National Planning Policy Framework (NPPF) was published at the end of 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.
- 16 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).

Principle of development

- 17 In terms of land use, the site is in the Central Activities Zone where the loss of offices may be considered acceptable. That is provided an applicant can demonstrate compliance with any one of the following four tests under policy 1.4. There are:
- 18 *a) That convincing attempts to dispose of the premises, either for continued B Class use, or for mixed uses involving B Class, including redevelopment, over a period of 24 months, have been unsuccessful;*
- or*
- 19 *b) The site or buildings would be unsuitable for re-use or redevelopment for B Class use or mixed users including B Class use, having regard to physical or environmental constraints;*
- or*
- 20 *c) The site is located within a town or local centre, in which case in accordance with policy 1.7, suitable Class A or other town centre uses will be permitted in place of Class B uses. Where an increase in floor space is proposed, the additional floor space may be used for suitable mixed or residential use.*
- 21 The proposal fails under criteria a) and c) of this policy, owing to lack of marketing information and by virtue of the site lying outside a town or local centre. It also fails to comply with criteria b) because it is not unsuitable for re-use/redevelopment for Class B1 purposes.

Other material considerations

- 22 The agent has described the business as both a translation service (40%) and a language teaching business (60%) in terms of time spent and space utilised. In planning terms, the site has been operating as 40% Use Class B1 (translation service) and 60% Use Class D1 (language school) since 2004 and records show that during this period no complaints have been received concerning its operation nor its

impacts. Neighbours have not objected to the continuation of the use, or the potential loss of space for office use. Furthermore, the proposal would not reduce the level of employment on this site.

- 23 Having regard to the nature and function of the operation which would retain some floor space in B class use it is, on balance, considered to be acceptable as it does not compromise the employment generating potential of the building, and provides a use that is appropriate on the upper floor of a commercial building. However given the flexibility of the planning permission, it is appropriate to impose a condition that would safeguard the future use of the site for continued B class use to support growth and employment and to safeguard amenity of occupiers residing near the site.

Environmental impact assessment

- 24 Not required. No significant environment effects would arise.

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

- 25 Objections were received expressing concern that the scheme would impact on amenity resulting in the loss of privacy, daylight and sunlight and create noise nuisance and disturbance.

Privacy

2 Tyers Gate

- 26 The applicant has sought to minimise overlooking to 2 Tyers gate by setting the balustrade back away from this elevation by 1 metre. Users of the terrace would therefore have limited views, which would be less obtrusive than those already achieved from this site.

90a Bermondsey Street

- 27 The balustrade would not extend further than the rear most window of the adjoining property and so users of the terrace would not be able to look directly into this windows at this property, safeguarding amenity and their standard of privacy.

- 28 A glazed structure would be erected to the rear but it would be obscure glazed along this elevation and as such would not result in the loss of privacy or overlooking.

Daylight/sunlight impacts/outlook

- 29 90a Bermondsey Street expressed concern that the scheme would adversely impact upon their outlook and standard of daylight and sunlight.

- 30 The mansard and adjoining glazed structure would extend 1.8 metres further than the mansard at 90a, the majority of which would appear as a modest glazed wall. While it would affect outlook, that impact would be limited and not considered such that it would result in harm or substantial injury to the extent that it would warrant the refusal of planning permission. This is by virtue of the impact coming from a structure that would be predominantly be glazed and modest in depth and height and having impacts that would be in accordance with residential design guidance. Furthermore, the affected property is located further to the south of the site and as such any impact on sunlight would be limited.

- 31 Having regard to properties at Tyers Gate, it was considered that would be no adverse impacts, owing to the modest scale of the mansard and its distance of separation from these affected windows.

Noise and disturbance

- 32 Concern was expressed that use of the roof terrace may result in noise nuisance and disturbance to residents. However having regard to the nature and intensity of the site use and the proposed hours of operation this is considered unlikely to be the case.
- 33 While the company has up to 25 staff on its books, the accompanying planning statement describes that they are usually not all on site at one time. On the contrary staff are generally only ever on site for specific teaching sessions and translations services. As such it is claimed that are usually never more than 6 staff on site at any one time.
- 34 Considering the site accommodating four modest sized class rooms, where many of the lessons are essentially one to one, the potential for noise nuisance and disturbance at the building and on the roof terrace is likely to be very limited. Notwithstanding this, in the event of approval, the use of the balcony could be restricted to the extent that it would not harm the operation of the translation business/ language school while safeguarding the amenity of local residents and minimising the potential for noise nuisance.

Restriction of use

- 35 Use Class D1 'Non-residential institutions' includes uses such as nurseries, museums, and places of worship, as well as the language school sought under this application. While the language school has been assessed as unlikely to give rise to amenity issues, there are other uses within the use class category with the potential to create noise nuisance e.g. a nursery or place of worship. In addition to this there is also the potential when applying a flexible dual use permission, that the site retains only an ancillary B use Class function compromising the supply of good quality small business space.
- 36 To safeguard the employment potential of the site and to minimise the potential for noise nuisance and disturbance, consideration has been given to a number of options to control the use of this site.
- 37 A temporary permission was discounted as likely to be unreasonable, given the circumstances as the use has been assessed to be acceptable in terms of policy and the applicant has a lease to remain at the property for approximately 16 years. This would be too long a period to grant temporary planning permission and may prejudice future policies that may apply to this site.
- 38 A permission personal to the applicant (World Languages Consultant) which is a company has also been considered inappropriate as it would be against guidance in Circular 11/95 because shares in the company can be transferred to other persons without affecting the legal personality of the company.
- 39 Having regard to the above, a condition restricting the hours of use would be appropriate to safeguard residential and commercial amenity and minimise any residual potential for adverse amenity impacts. In addition to this, restricting the use of the site to Use Class B1 and a language school as the sole use within the D1 category would go some way to enable the council to control concerns that the building could become a D1 use with an ancillary office and its potential impact upon the supply of small office space and local residential and commercial amenity.

Impact of adjoining and nearby uses on occupiers and users of proposed development

- 40 None arising. Nearby uses would maintain a similar relationship to the property.

Traffic issues

Car parking

- 41 No car parking is proposed. No objections received. Impact acceptable.

Cycle storage

- 42 Cycle parking is normally encouraged with new development particularly where a site is being constructed. However the property already exists and there are no obvious opportunities to integrate convenient cycle parking on site. While this poses some concern, the site would operate in a similar way to they way it does presently, whereby it does not benefit from cycle parking and has acceptable impacts. Notwithstanding this, the site is a matter of meters away from a docking station for Barclay's 'Boris' Bikes which has been taken into consideration and function to provide relief for patrons of the scheme seeking to access the site.

Disabled Parking

- 43 No wheel chair parking has been provided in association with the proposed development. As there are site constraints and opportunities to park in the local area (admittedly for short time periods) it is deemed acceptable. No objections.

Servicing and refuse vehicle access

- 44 Servicing would remain as existing and refuse collected from Bermondsey Street. Given the nature of the proposed development it is not thought there would be many service vehicle movements associated with the above application or refuse vehicles stationary in the highway for extended periods above those which already take place on site. The impact of the scheme is considered acceptable.

Trip Generation/Highway impacts (if any)

- 45 The floor area of the site under consideration is 157sq metres of which 62m² would be use for B1 and 95m² of D1. Given the site is near to good public transport it is not anticipated that it would generate a significant number of vehicle trips. As such there are no objections to its impact on the public highway.

Design issues

- 46 The main alteration to the building would be the erection of a mansard roof extension, above which there would be roof terrace flanked by a stainless steel railing. While concern was expressed that it would not be appropriate in scale, it would replicate the scale of other similar mansards adjoining the site.

- 47 For this reason it would relate well to the building in scale and materials, having timber framed window and being clad in slate. A traditional fenestration design would continue up the north and east elevation, which would be in keeping with the original building and its historic character.

Glazed enclosure

- 48 There is no objection to the design of the glazed enclosure proposed to the rear of the mansard. While contemporary in its design it would be lightweight and would only be visible from the rear. Having regard to its positioning and scale, it would not conflict with policy.

Impact on character and setting of a listed building and/or conservation area

- 49 The mansard would be visible along Bermondsey Street and Tyers Gate but by virtue of its design and materials, it would not conflict with policy nor have negative impacts

on the street scape, nearby listed buildings and areas special character. As such, the proposal is compliant with guidance in PPS 5 Planning for the Historic Environment, and the Council's policies which seek to protect heritage assets.

Impact on trees

50 None.

Planning obligations (S.106 undertaking or agreement)

51 Not required.

Sustainable development implications

52 The proposal would provide enhanced teaching and office accommodation in an accessible area within a town centre.

Other matters

53 None arising.

Conclusion on planning issues

54 Subject to conditions, this proposal would provide a mixed use development with enhanced teaching and office accommodation that, on balance, would comply with policy, safeguard amenity and preserve the character of the conservation area. For this reason, it is recommended that planning permission be granted.

Community impact statement

55 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.

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

Consultations

57 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

58 3 objections received. Main concerns were that the scheme would adversely impact upon residential amenity.

Human rights implications

59 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.

- 60 This application has the legitimate aim of changing the use of the property from an Office (Use Class B1) to a mixed use (Use Class D1/Use Class B1). 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

- 61 N/A

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/11-104 Application file: 11-AP-1845 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 5461 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	Daniel Davies, Planning Officer	
Version	Final	
Dated	30 November 2011	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No comments received
Strategic Director of Regeneration and Neighbourhoods	No	No comments received
Strategic Director of Environment and Housing	No	No comments received
Date final report sent to Constitutional Team		10 January 2012

Consultation undertaken

Site notice date: 16/9/2011

Press notice date: 25/08/2011

Case officer site visit date: 16/09/2011

Neighbour consultation letters sent: 24/08/2011

Internal services consulted:

Environmental Protection Team.
Transport Planning.

Statutory and non-statutory organisations consulted:

Environment Agency.

Neighbours and local groups consulted:

FLAT 5 2 TYERS GATE LONDON SE1 3HX
FLAT 6 2 TYERS GATE LONDON SE1 3HX
FLAT 3 2 TYERS GATE LONDON SE1 3HX
FLAT 4 2 TYERS GATE LONDON SE1 3HX
90 BERMONDSEY STREET LONDON SE1 3UB
FLAT 7 2 TYERS GATE LONDON SE1 3HX
1 TYERS GATE LONDON SE1 3HX
FLAT A 90 BERMONDSEY STREET LONDON SE1 3UB
GROUND FLOOR 82-86 BERMONDSEY STREET LONDON SE1 3UD
FLAT 1 2 TYERS GATE LONDON SE1 3HX
FLAT 2 2 TYERS GATE LONDON SE1 3HX
FLAT B 90 BERMONDSEY STREET LONDON SE1 3UB
3 TYERS GATE LONDON SE1 3HX

Re-consultation: Not required.

Consultation responses received

Internal services

Transport planning

Transport DC have no objections to this application. However, we would look for any D1 permission to exclude other D1 uses and be personal to the applicant. We would also look for the applicant to provide cycle parking, however we would not consider this a reason for refusal if this cannot be provided.

We would look for any D1 permission granted to exclude all other D1 uses other than its current use of a language training school. Additionally, we would look to make any permission granted personal to the applicant. These are requested due to the significant highway impact certain D1 uses can have on the highway network.

Car Parking

This proposal is located in an area with a medium TfL PTAL rating (3) which reflects the area's high level of access to all forms of public transport. The site is also located within the CAZ. Developments in this area are required to be car free in order to promote more sustainable transport choices, reduce congestion and pollution within Southwark, as per Strategic Policies 18 and 19. The applicant is proposing a car free development, which is deemed acceptable.

Cycle Storage

Table 15.3, the Southwark Plan, states that the secure parking standard for cycles is 1 space per 250m² of commercial (A & B1) floor space (minimum of 2). In light of this we would look for the applicant to provide a minimum of two cycle parking spaces. However, as there are site constraints and the development is not a new build in this instance we would not consider this a reason for refusal should it not be able to be provided.

In order to satisfy Policy 5.3 of the Southwark Plan cycle parking provision must be convenient, secure and weatherproof and to the minimum standards as detailed in Appendix 15 of the Southwark Plan. For reasons of convenience, cycle storage must be of the dimensions as stated in the Manual for Streets, sections 8.2.21-8.2.24 and should comply with best practice guidance. The applicant is required to submit to the Council, for approval, detailed and scaled drawings to demonstrate the provision of cycle storage.

Disabled Parking

No wheel chair acceptable units have been provided in association with the proposed development. As there are site constraints and opportunities to park in the local area (admittedly for short time periods) it is deemed acceptable.

Servicing and refuse vehicle access

As existing. Servicing and refuse collection will be undertaken from Bermondsey Street. Given the nature of the proposed development it is not thought there will be:

- many service vehicle movements associated with the above application
- B) refuse vehicles stationary in the highway for an extended period.

Trip Generation/Highway impacts (if any)

The proposals for 62m² of B1 and 95m² of D1 land use are not forecast to cause significant highway impact. This is due to the following reasons:

The proposals are not forecast to cause more trips than the permitted use of 107m2 B1 use:

The site benefits from a Central London location within the CAZ:

The site benefits from a relatively good PTAL rating and good walking links:

The nature of the land use means that it is not forecast to have many vehicular trips associated with it.

Environmental Protection Team

I do not envisage that this change of use and extension are likely to generate additional noise during operation

Construction Management Plan

Should application for extension be approved, the construction phase may impact on local residents

I do not require a full EMP rather – ref to EPT for prior consent COPA 74 for agreeing working methods and hours, this can be done with informative

Statutory and non-statutory organisations

Environment Agency

The proposal will not in result in any increase in flood risk. The Environment Agency therefore have no objections on flood risk grounds. No further comments.

Neighbours and local groups

The following objections were expressed by 3 neighbours

Flat 90a Bermondsey Street

That the roof extension would confine the adjoining roof terrace to the detriment of the their enjoyment of this space, privacy, and views.

That its scale would not be in keeping with the adjoining terrace.

Flat 5, 2 Tyers Gate SE1 3HX

That the extension would restrict views from this property and result in the loss of light.

Noise and disturbance would result from the use of the roof terrace.

Occupier at 2 Tyers Gate

Harmful impact on daylight and sunlight on occupiers at 2 Tyers gate

Loss of privacy

No letters of support were received in connection with this proposal.

Officer comments

The comments outlined above have been address in the main report.

Further comments were received concerning the development's impact on the value of adjoining properties. These comments have been addressed in this report as they are not a 'planning' matters.

RECOMMENDATION LDD MONITORING FORM REQUIRED

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant	Mr Pinna World Languages Consultants	Reg. Number	11-AP-1845
Application Type	Full Planning Permission	Case Number	TP/11-104
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Change of use of first and second floor of building from B1 (Office) to dual B1 (Office) non-residential language school (Use Class D1). Works include a roof level extension and outdoor roof top amenity area with balustrade.

At: 88 BERMONDSEY STREET, LONDON, SE1 3UB

In accordance with application received on 08/06/2011 08:00:14

and Applicant's Drawing Nos. DP/ 134 [P] 1, DP/134 [P] 2 and DP/134[P]Sk1. Design and Access Statement. Flood Risk Assessment.

Reasons for granting planning permission.

This planning application was considered with regard to various policies including, but not exclusively:

- a] Strategic Policy 12 - (Design and Conservation) which requires the highest possible standards of design for buildings and public spaces and Strategic Policy 13 - (High Environmental Standards) which requires developments to meet the highest possible environmental standards of The Core Strategy (2011).
- b] Saved policies 1.4 (Employment sites outside the Preferred Office Locations and Preferred Industrial Locations) which advises that sites that have an established employment use would be protected unless there are good reasons, in accordance with policy, to permit the loss of employment floor space; 3.2 (Protection of amenity) which advises that development should not harm amenity; 3.12 (Quality in design) which advises that development should achieve a high quality of architectural design; 3.13 (Urban design) which advises that development should relate well to its surroundings; 3.16 (Conservation areas) which advises that development should preserve or enhance the character or appearance of the conservation area; 5.3 (Walking and Cycling) which advises that adequate provision should be made for pedestrians and cyclists; and 5.6 (Car Park) of the Southwark Plan (2007) which advises that development should minimise the number of car parking spaces provided.
- c] Bermondsey Street Conservation Area Appraisal (2003) seeks to ensure that development makes a positive contribution to the Bermondsey Street Conservation area
- d] Planning Policy Statements [PPS] 5 (Planning and the historic environment) advises that new development should make a positive contribution to the character and local distinctiveness of the historic environment.
- e] Ministerial Statement: Planning for Growth (March 2011) and Draft National Planning Policy Framework (2011)

Particular regard was had to the loss of floorspace in office use (Use Class B1) that would result from the proposed development and concerns that the scheme would result in the loss of privacy to nearby dwellings. However, the loss of this floor space was considered acceptable as, in accordance with policy, the site would retain some floor space in B Class use and retain jobs and employment on Bermondsey Street and its design would be such that it would not result in harm or injury to the extent that would warrant refusal of planning permission. As such, it was established that, subject to conditions, the scheme would create improved facilities for the language school whilst preserving the character and appearance of the Bermondsey Street Conservation Area whilst safeguarding residential amenity. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

Subject to the following condition:

- 1 The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans: DP/ 134 [P] 1, DP/134 [P] 2 and DP/134[P]Sk1.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 3 Notwithstanding the provisions of Class D1 of the Town and Country Planning (Use Classes) Order (as amended) and any associated provisions of the Town and Country Planning General Permitted Development Order (including any future amendment or enactment of those Orders), the use hereby permitted shall be only as a language school and not for any other purpose falling within the D1 use class category.

Reason

To ensure no loss of amenity through noise and disturbance to the adjoining residential occupiers, in accordance with saved policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 4 Notwithstanding the details shown on the approved drawing DP/134 [P] 1, the roof terrace balustrade shall be installed as shown on approved drawing DP/134 [P] 2 unless otherwise approved in writing by the local authority.

Reason

To ensure no loss of privacy through overlooking to the adjoining residential occupiers, in accordance with saved policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 5 The use hereby permitted for a language school (non-residential teaching institution) (Use Class D1), shall not be carried on outside of the hours 08:00 to 19:00 on Monday to Friday. There shall be no access to, or use of, the roof terrace hereby approved outside these hours. There shall be no access to the roof outside of the area enclosed by the balustrade at any time, excepting for means of escape or maintenance purposes.

Reason

To ensure no loss of amenity through noise and disturbance to the adjoining residential occupiers, in accordance with saved policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and Strategic Policy 13 High Environmental Standards of the Core Strategy 2011.

48 - 50 WESTON STREET, LONDON, SE1 3QJ

Ordnance Survey

Date 10/1/2012



Agenda Item 6.2

32

Item No. 6.2	Classification: Open	Date: 23 January 2012	Meeting Name: Bermondsey Community Council
Report title:	Development Management planning application: Application 11-AP-3567 for: Full Planning Permission Address: 48-50 WESTON STREET LONDON SE1 3QJ Proposal: Retention of use for Class A2 (estate agent) purposes on ground floor level.		
Ward(s) or groups affected:	Grange		
From:	Head of Development Management		
Application Start Date 27 October 2011		Application Expiry Date 22 December 2011	

RECOMMENDATION

- 1 Grant permission.

BACKGROUND INFORMATION

- 2 The application is being report to community council due to the number of objections received.

Site location and description

- 3 The site is located at the junction of Weston Street and Melior Street and on site is an 7 storey building, with an estate agent on the ground floor and residential on the upper floors.
- 4 The site is located within the Bermondsey Street Conservation Area.
- 5 Site Policies/Constraints
 District Town Centre
 Central Activity Zone
 Air Quality Management Area
 Strategic Cultural Zone
 Archaeological Priority Zone
 Bankside, Borough and London Bridge Opportunity Area

Development Description

- 6 This is a retrospective application to change the use of the ground floor unit from the approved Class B1/A1 (office/retail) unit to a Class A2 (estate agent) use. The estate agency has been in situ for a number of years. No external alterations are proposed.

Planning history

- 7 03-AP-1356 Approval was GIVEN on 22/08/2003 for details of materials required by condition 2 of planning permission date 25/04/2003 02-AP-1665 for erection of 7 storey building with ground floor office/retail and 6 flats above. Hustwood multi yellow bricks, eternit multi-clad cladding, aluminum windows and slate grey roof.
- 8 02-AP-1665 Planning permission was GRANTED on 25/04/2003 for the Demolition of existing buildings and the construction of a seven storey building comprising of office (B1) or retail (Class A1) on the ground floor and 6 flats on the upper floors.
- 9 0201328 Planning permission was GRANTED on 25/09/2002 for alterations to elevations including the addition of separate entrance on Melior Street elevation for access to the flats, and lift overrun. (Amendment to permission dated 27/11/2001 ref 0101475 for demolition of existing building and construction of a 6 storey building comprising office (B1) on ground floor and 5 flats on upper floors).
- 10 0100586 Conservation Area Consent was GIVEN on 27/11/2001 to demolish the existing building.
- 11 0101475 Planning permission was GRANTED on 27/11/2001 for the demolition of existing buildings and construction of a six storey building comprising of office (B1) on the ground floor and 5 flats on the upper floors
- 12 TP No 214-48 Planning permission was GRANTED on 10/06/1980 for the change of use of the ground floor from a storage use to a snack bar.
- 13 02/11/1989 for the continued use of the second floor for residential accommodation.

Planning history of adjoining sites

- 14 50-52 WESTON STREET
- 15 06-AP-0962 Planning permission was REFUSED for a proposal to redevelop the site to provide a seven-storey, mixed use development comprising of A1/A2/A3/B1 commercial floorspace at basement and ground floor level and 9 residential units on upper floors, including amenity space and cycle storage.
- 16 The REASONS for REFUSAL were that the proposal by reason of its excessive height and poor design would harm the character and appearance of the Bermondsey Street Conservation area; and that the proposal represents a form of overdevelopment which will result in a poor standard of accommodation for future occupiers of the proposed flats in terms of outlook, daylight and sunlight, due to the single aspect, substandard size, poor layout and insufficient useable amenity space. Furthermore, the proposal exceeds the density threshold for the area.
- 17 An appeal against this decision was Dismissed at appeal, owing to the impact of the development on the character and appearance of the Conservation Area and the harmful living conditions that would be created for future occupiers.
- 18 CAPITOL HOUSE 40-46 WESTON STREET Permission granted 10-AP-2754 - Proposal for the Demolition of Capital House, and erection of a 21 and 31 storey building (2 basement levels plus ground and 30 upper storeys with triple height top floor) to a maximum height of 108.788m (14,738sqm GEA) to provide 470 student accommodation units (sui generis) on floors 1-27 (13,289sqm GEA), ancillary bar, gym, library and student hub on floors 28, 30, retail/cafe units (flexible class A1, A3

use) (286sqm GEA) at ground floor level, 261 cycle parking spaces, 2 disabled car parking spaces and 1 service bay at basement level, associated refuse and recycling, and an area of public open space.

- 19 09-AP-2567 A DIRECTION was received from the Mayor of London on 22/02/2010 that the proposed demolition of Capital House, and erection of a 31 Storey building (114.15m) to provide 525 student accommodation units with ancillary bar, gym, library; 375 sq. m of ground floor retail floor space; 280 cycle parking spaces; two parking space; service bay at basement level; refuse and recycling space and an area of public open space would not comply with the London Plan owing to compliance issues regarding student housing, design, climate change mitigation and adaptation and transport.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 20 The main issues to be considered in respect of this application are:
- a) the principle of the development in terms of land use and conformity with strategic policies.
 - b) the impact of the proposal on the amenity of nearby and adjoining occupiers
 - c) impact on of the proposal on the character and appearance of the Bermondsey Conservation Area
 - d) traffic issues
 - e) waste and recycling

Planning policy

- 21 Core Strategy 2011
- 22 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 12 - Design and Conservation
Strategic Policy 13 - High environmental standards
- 23 Southwark Plan 2007 (July) - saved policies
- 24 1.4 'Employment sites outside the POLS and PILS'
1.7 'Development within Town and Local Centres'
3.2 'Protection of Amenity'
- Bermondsey Street Conservation Area Appraisal
- Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)
- 25 PPS 1 Sustainable Development
PPS 4 Planning for Sustainable Economic Growth
PPS 5 Planning for the Historic Environment
- 26 The draft National Planning Policy Framework (NPPF) was published at the end of

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.

- 27 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).

Principle of development

- 28 Policy 1.7 Development in Town and Local Centres notes that within the town centres, developments providing a range of uses, including retail and services, leisure, entertainment and community, civic, cultural and tourism, residential and employment (Class B1) uses will be permitted where the following criteria are met:
- 29
- The scale and nature of the proposal is appropriate to the character and function of the centre and the catchment area it seeks to serve; and
 - The proposal will not harm the vitality and viability of the centre; and
 - A mix of uses is provided where appropriate; and
 - Any floorspace currently in A Class use should be retained or replaced, unless the proposed use provides a direct service to the general public and the proposal would not harm the retail vitality and viability of the centre (where the proposal site is located within a protected shopping frontage, the proposal should comply with Policy 1.9); and
 - The proposal would not materially harm the amenities of surrounding occupiers; and
 - Where developments which are likely to attract a lot of people are proposed, the site should be highly accessible by sustainable modes of transport; and
 - The road network has sufficient capacity to take any additional servicing traffic generated by the proposal without causing adverse effects on the environment, traffic circulation, or air quality; and
 - The development addresses the street, provides an active frontage on pedestrian routes and would not erode the visual continuity of a shopping frontage; and
 - The proposal provides amenities for users of the site such as public toilets, where appropriate.
- 30 The proposal retains an A class use which maintains the vitality and viability of the Town Centre. The small scale and low key nature of the use is appropriate on this side street. The site does not lie within a Protected Shopping Frontage.
- 31 In land use terms, it is considered that the use is policy compliant.

Environmental impact assessment

- 32 Not required in this instance.

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

- 33 Saved policy 3.2 Protection of Amenity seeks to ensure that new development does not lead to a loss of amenity for neighbour. Potential amenity concerns are noise and

disturbance arising from the use.

Objections have been received from residents on the upper floors citing the retrospective nature of the application, and that a Class B1 would be more appropriate and has led to an advertisement on the building that is ugly.

It is not considered that the use of this unit for Class A2 estate agency purposes harms the amenity of neighbours. The scale of the proposal is small and the nature of the use is such that there is little impact over and above that arising from a Class A1 retail or Class B1 office use. While the concerns of the objectors is noted, it is not considered that the use detracts from the residential or visual amenity of the area, and as noted above the use is acceptable in land use policy terms.

Conditions are recommended to control hours of use and to prevent use of the unit as a driving school (which may raise materially different amenity and transport issues).

Impact of adjoining and nearby uses on occupiers and users of proposed development

- 34 The surrounding uses are a mixture of residential, commercial and community uses and as such it is not considered that these uses would have an adverse impact on the users of this Class A2 use.

Traffic issues

- 35 Having regard to the nature and scale of the proposal, it is not considered that the use generates a material increase in vehicular traffic over and above an A1/B1 use. Having regard to the high level of accessibility of the site, it is unlikely that the use would generate a material impact on parking in the area.
- 36 In relation to cycle parking it is noted that this was provided under the approved parent permission in which a B1/A1 was proposed (a total of 2 spaces). It would be unreasonable to request additional parking for this change of use application, having regard to the constraints of the site.

Design issues

- 37 There are no elevational changes proposed as part of this application. Objectors have raised the issue of unauthorised signage on this unit. Having regard to the most recent application for a new shopfront on this unit (10/AP/2106) it is noted that no proposals for signage were included in this application. An informative should be added noting that advertisement consent may be required for the signage as installed.

Impact on character and setting of a listed building and/or conservation area

- 38 It is not considered that the use of the unit as an estate agent has a harmful impact on the character or appearance of the Bermondsey Street Conservation Area. Only the use of the premises is for consideration at this time.

Conclusion on planning issues

- 39 Having regard to the above the proposal is acceptable and the application is recommended for approval.

Community impact statement

- 40 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.

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

Consultations

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

Consultation replies

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

44 Summary of consultation responses

One submission was received on behalf of 3 neighbours and the Melior Street Residents Association. Planning issues raised include:

lack of consultation in relation to the previous application

ensure that all neighbours have been consulted (note: all neighbours above the ground floor unit have been consulted)

granting permission would set an undesirable precedent

an estate agency is not appropriate for Weston Street or for Melior Street

A B1 use is more appropriate

Advertisements in the windows detract from the appearance of the building

Large advertisement on the wall of the building

Human rights implications

- 45 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.

- 46 This application has the legitimate aim of providing a change of 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

- 47 None

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/214-48 Application file: 11-AP-3567 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 5420 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Neighbour Consultee List

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Ronan O'Connor, Planning Officer	
Version	Final	
Dated	9 January 2011	
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 Housing	No	No
Date final report sent to Constitutional Team	11 January 2012	

Consultation undertaken

Site notice date: 15/11/11

Press notice date: 10/11/11

Case officer site visit date: 29/12/11

Neighbour consultation letters sent:

08/11/11

Internal services consulted:

None

Statutory and non-statutory organisations consulted:

None

Neighbours and local groups consulted:

As per Appendix 3

Re-consultation:

None

Consultation responses received**Internal services**

None

Statutory and non-statutory organisations

None

Neighbours and local groups

One submission was received on behalf of 3 neighbours and the Melior Street Residents Association. Planning issues raised include:

- lack of consultation in relation to the previous application
- ensure that all neighbours have been consulted
- granting permission would set an undesirable precedent
- an estate agency is not appropriate for Weston Street or for Melior Street
- A B1 use is more appropriate
- Advertisements in the windows detract from the appearance of the building
- Large advertisement on the wall of the building

APPENDIX 3

Neighbour Consultee List for Application Reg. No. 11-AP-3567

TP No	TP/214-48	Site	48-50 WESTON STREET LONDON SE1 3QJ
App. Type	Full Planning Permission		

Date Printed	Address
08/11/2011	FLAT 4 54 WESTON STREET LONDON SE1 3QJ
08/11/2011	FLAT 1 54 WESTON STREET LONDON SE1 3QJ
08/11/2011	FLAT 2 54 WESTON STREET LONDON SE1 3QJ
08/11/2011	FLAT 3 54 WESTON STREET LONDON SE1 3QJ
08/11/2011	GROUND FLOOR 60 WESTON STREET LONDON SE1 3QJ
08/11/2011	FIRST FLOOR 60 WESTON STREET LONDON SE1 3QJ
08/11/2011	SECOND FLOOR 60 WESTON STREET LONDON SE1 3QJ
08/11/2011	13-14 MELIOR STREET LONDON SE1 3QP
08/11/2011	BASEMENT 60 WESTON STREET LONDON SE1 3QJ
08/11/2011	FLAT 4 16 MELIOR STREET LONDON SE1 3QQ
08/11/2011	FLAT 5 16 MELIOR STREET LONDON SE1 3QQ
08/11/2011	FLAT 6 16 MELIOR STREET LONDON SE1 3QQ
08/11/2011	FLAT 1 16 MELIOR STREET LONDON SE1 3QQ
08/11/2011	FLAT 2 16 MELIOR STREET LONDON SE1 3QQ
08/11/2011	FLAT 3 16 MELIOR STREET LONDON SE1 3QQ
08/11/2011	LONDON SCHOOL OF COMMERCE 7-13 MELIOR STREET LONDON SE1 3QP
08/11/2011	MONTESSORI 7-13 MELIOR STREET LONDON SE1 3QP
08/11/2011	52 WESTON STREET LONDON SE1 3QJ
08/11/2011	GROUND FLOOR 48-50 WESTON STREET LONDON SE1 3QJ
08/11/2011	CITY BANKING COLLEGE 7-13 MELIOR STREET LONDON SE1 3QP
20/06/1837	16 Melior Street London SE1 3QQ

RECOMMENDATION

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant	Mr D Derbyshire Maxim Property Ltd	Reg. Number	11- <u>AP</u> -3567
Application Type	Full Planning Permission	Case Number	TP/214-48
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Retention of use as Class A2 (estate agent) on ground floor level.

At: 48-50 WESTON STREET LONDON SE1 3QJ

In accordance with application received on 27/10/2011

and Applicant's Drawing Nos. Site plan pl210445-02
unnumbered floor plan

Reasons for granting planning permission

This planning application was considered with regard to various policies including, but not exclusively:

a] Southwark Plan (2007)

Saved Policy 1.7 (Development within Town and Local Centres) seeks to ensure that most new development for retail and other town centre uses are accommodated within existing town and local centres. Within the centres, developments providing a range of uses will be permitted providing a defined set of criteria is met.

Saved Policy 3.2 (Protection of amenity) advises that permission will not be granted where it would cause a loss of amenity.

Saved Policy 5.2 (Transport impacts) advises that permission will be granted for development unless there is an adverse impact on transport networks; adequate provision has not been made for servicing; consideration has not been given to impact of development on the TLRN.

b] Core Strategy 2011

Strategic Policy 1 Sustainable Development which requires developments to improve the places we live in and work in and enable a better quality of life for Southwark's diverse population.

Strategic Policy 2 - Sustainable transport encourages walking, cycling and the use of public transport rather than travel by car.

Strategic Policy 3 - Shopping, leisure and entertainment seeks to maintain a network of successful town centres which have a wide range of shops, services and facilities, to help meet the needs of Southwark's population.

Strategic Policy 10 Jobs and Businesses which seeks to protect business floorspace and supports the provision of additional floorspace in defined locations in the borough.

Strategic Policy 12 Design and Conservation which requires the highest possible standards of design for buildings and public spaces.

Strategic Policy 13 High Environmental Standards which requires developments to meet the highest possible environmental standards.

Strategic Policy 14 Implementation and Delivery which ensure that the strategic vision and objectives for Southwark are implemented to ensure that the borough continues to be successful and vibrant.

This proposal would allow the unit to also be used for Class A2 purposes. Class A2 is considered to be appropriate in location. An active ground floor frontage would be maintained. Planning permission was granted as there are no, or

insufficient, grounds to withhold consent on the basis of the policies considered and other material planning considerations.

Subject to the following condition:

- 1 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

Unnumbered floor plan

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 The use hereby permitted for Class A2 estate agency purposes shall not be carried on outside of the hours 9am-6pm Monday to Friday, 9am to 5pm Saturday and 10am to 4pm on Sundays.

Reason

In the interests of the amenity of neighbouring residents, in accordance with Saved Policy 3.2 Protection of Amenity of the Southwark Plan and Strategic Policy 13 High Environmental Standards of the Core Strategy.

- 3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order and any associated provisions of the Town and Country Planning General Permitted Development Order (including any future amendment or enactment of those Orders) the use hereby permitted shall not include any use as a driving school.

Reason

The parking and highway impacts of a driving school would be significantly different from those assessed in association with an estate agency and may lead to amenity and road safety harm. In accordance with Saved Policies 3.2 Protection of Amenity and 5.2 Transport Impacts of the Southwark Plan and Strategic Policies 13 High Environmental Standards and 2 Sustainable Transport of the Core Strategy.

Informative

A separate Advertisement Consent application may be required for the signage to the front of the unit.

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