

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