

<b>Item No.</b> 6.1	<b>Classification:</b> OPEN	<b>Date:</b> 23 January 2011	<b>Meeting Name:</b> Bermondsey Community Council
<b>Report title:</b>	<b>Development Management planning application:</b> Application 11-AP-1845 for: Full Planning Permission  <b>Address:</b> 88 BERMONDSEY STREET, LONDON, SE1 3UB  <b>Proposal:</b> 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.		
<b>Ward(s) or groups affected:</b>	Grange		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 17 August 2011		<b>Application Expiry Date</b> 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 62m<sup>2</sup> would be use for B1 and 95m<sup>2</sup> 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**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
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: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a> Case officer telephone: 020 7525 5461 Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>

#### **APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received



## AUDIT TRAIL

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Daniel Davies, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	30 November 2011	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
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
<b>Date final report sent to Constitutional Team</b>		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 250m<sup>2</sup> 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 62m<sup>2</sup> of B1 and 95m<sup>2</sup> 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.