

<b>Item No.</b> 7.2	<b>Classification:</b> Open	<b>Date:</b> 18 July 2017	<b>Meeting Name:</b> Planning Sub-Committee A
<b>Report title:</b>	<b>Development Management planning application:</b> Application 17/AP/1313 for: Full Planning Application  <b>Address:</b> DOVEDALE BUSINESS CENTRE, 22A BLENHEIM GROVE, LONDON SE15 4QL  <b>Proposal:</b> Change of use from B8 (Storage) to flexible B2 (General industrial) and A4 (Drinking Establishment) use.		
<b>Ward(s) or groups affected:</b>	The Lane		
<b>From:</b>	Craig Newton		
<b>Application Start Date</b> 05/05/2017		<b>Application Expiry Date</b> 30/06/2017	
<b>Earliest Decision Date</b> 31/05/2017			

## RECOMMENDATION

1. That planning permission be granted subject to conditions.

## BACKGROUND INFORMATION

2. This application has been referred to the planning sub-committee following member request.

### Site location and description

3. The application site is located on the northern side of Blenheim Grove, with the service road running into the Dovedale Business Centre to the west. The unit consists of a railway arch currently being used for storage with a yard to the front. The arch sits directly opposite the All Saints Church.
4. The immediate area comprises a mix of commercial activities while on the south side of Blenheim Grove, it becomes more residential towards the west. The application site is located within the Peckham Major Town Centre, the Peckham and Nunhead Action Area, neighbours the Peckham Rye Station Proposal Site, is within Urban Density Zone, AQMA, Rye Lane Peckham & Holly Grove Conservation Area.

### Details of proposal

5. The proposal is for a flexible use B2 (General Industrial & A4 (Drinking Establishments)). Light manufacturing would take place during the weekdays between the hours of 08:30-17:00 and the A4 uses would operate during the weekdays at 17:00-23:00 & at the weekends between 10:00-23:00 with a further restriction on the use of the outside/courtyard area to 22:00 (Hours of operation are different to that stated on the application form).

## **Planning history**

6. 16AP2122 - DOVEDALE BUSINESS CENTRE, 22-A BLENHEIM GROVE, LONDON, SE15 4QL. Invalidated due to lack of documentation.

## **Planning history of adjoining sites**

7. 13/AP/2709. ADDRESS: RAILWAY ARCH 209, BLENHEIM GROVE, LONDON, SE15 4QL. DESCRIPTION: Change of use from Class B1 (light industrial), B2 (industrial) and B8 (storage) to A4 (bar). Granted.

8. 26 BLENHEIM GROVE, LONDON  
03/AP/0188 | Use of arch and forecourt as a cafe (Class A3) with installation of glazed shopfront and canopy over frontage. | ARCH 213, 26 BLENHEIM GROVE, LONDON, SE15 4QL. Granted.

09/AP/2532. Variation of Condition 2 on application no. 03-AP-0188 to extend opening hours from 07:30 - 22:00 Monday to Saturday and 08:00 - 21:00 Sundays and Bank holidays to 07:30 - 00:30 Monday to Saturday and 08:00 - 00:00 on Sundays. Appeal Dismissed.

14/AP/1439. Variation of Condition 2 of planning permission 03-AP-0188 dated 21/03/2003 for 'use of arch and forecourt as a cafe (Class A3) with installation of glazed shopfront and canopy over frontage' to extend the closing hours from the existing 22:00 to 23:00 on Fridays and Saturdays only. Granted.

16/AP/0550 | Variation of Condition 2 (hours of operation) of planning permission 03-AP-0188 for 'Use of arch and forecourt as a cafe (Class A3) with installation of glazed shopfront and canopy over frontage' to extend the closing time on Friday and Saturday from 23:00 to 00:00 Condition 2 to read: 'The use hereby approved shall operate between the hours of 0730 and 2200 Monday to Thursdays, and 07:30 to 00:00 Fridays and Saturdays, and 0800 to 2100 Sundays and Bank Holidays". | ARCH 213, 26 BLENHEIM GROVE, LONDON, SE15 4QL. Granted.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

9. 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 proposed development on neighbouring properties.
  - c) The design and visual impact of the proposal.
  - d) Servicing, access and transport.
  - e) All other relevant planning considerations.

### **Planning policy**

10. National Planning Policy Framework (the Framework)  
Section 1 - Building a strong, competitive economy  
Section 2 - Ensuring the vitality of town centres  
Section 7 - Requiring good design

## Section 12 - Conserving and enhancing the historic environment

11. The London Plan 2016  
Policy 2.15 Town Centres  
Policy 3.16 Protection and enhancement of social infrastructure  
Policy 4.1 Developing London's economy  
Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment  
Policy 7.4 - Local Character  
Policy 7.6 - Architecture  
Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
12. Core Strategy 2011  
Strategic policy 12 - Design and conservation  
Strategic policy 13 - High environmental standards
13. Southwark Plan 2007 (July) - saved policies  
The council's cabinet on 19 March 2013, as required by paragraph 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.  
Policy 1.5 - Small Business Units  
Policy 1.7 – Development Within Town And Local Centres  
Policy 3.1 - Environmental Effects  
Policy 3.2 - Protection of amenity  
Policy 3.12 - Quality in design  
Policy 3.13 - Urban design  
Policy 3.16 - Conservation areas  
Policy 3.18 - Setting of listed buildings, conservation areas and world heritage  
  
Peckham and Nunhead Area Action Plan 2014  
Policy 1: Peckham town centre shopping  
Policy 2: Arts, culture, leisure and entertainment

### **Summary of consultation responses**

14. Six objections have been received for the application. Matters of concern in this representation include:
  - Noise;
  - Opening hours;
  - Traffic;
  - Character of street;
  - Anti-social behaviour.

There was one objection from internal and statutory consultees.

15. EPT - Concerns raised about the use of a sound system in the courtyard and the cumulative impact of licensed premises in vicinity. Both matters addressed within the main body of the report.

### **Principle of development**

16. The current use of the railway arch and courtyard is for storage. The applicant is seeking to change the use to B2/A4 Use Class. In terms of relevant policies saved policy 1.7 – Development Within Town And Local Centres seeks the retention and growth of employment uses. In principle a development would be supported under this policy where it meets the criteria. The criteria of the policy is set out below:

Within the centres, the LPA will permit developments providing a range of uses, including retail and services, leisure, entertainment and community, civic, cultural and tourism, residential and employment (Class B1) uses, where the following criteria are met:

- i. 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
- ii. The proposal will not harm the vitality and viability of the centre; and
- iii. A mix of uses is provided where appropriate; and
- iv. 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
- v. The proposal would not materially harm the amenities of surrounding occupiers;
- vi. 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
- vii. 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
- viii. The development addresses the street, provides an active frontage on pedestrian routes and would not erode the visual continuity of a shopping frontage; and
- ix. The proposal provides amenities for users of the site such as public toilets, where appropriate.

In terms of assessing the principle of development the proposal is considered a suitable town centre use, which is of an appropriate scale, would not harm the vitality or viability of the centre, and would not harm the amenity of neighbouring occupiers. This latter aspect is discussed in more detail below, however in principle the development would meet this policy.

17. The site is also located within the Peckham and Nunhead Action Area Plan. The action plan supports the growth of the night time economy and a diverse range of uses within the area and in particular this location. The site is bounded by the designated area PNAAP 6: Peckham Rye Station which supports retail and other uses to deliver a vibrant gateway to Peckham.
18. Further, the current land use is not protected under an Article 4 directive nor protected shopping frontage and therefore a change of use is permissionable.
19. In terms of London wide planning there has been strong emphasis on supporting the night time economy in town centres to aid economic and social success. This is

achieved by delivering a diverse range of uses. The proposal seeks to engage with the local arts community and local people in manufacturing. The venue would also showcase works during the evening. It is considered that the proposal promotes a creative work space and supports the town centre evening economy.

20. Overall the proposal is considered to be in line with the principles of the NPPF and locally saved policies. It is therefore considered a suitable town centre use for the existing premises and supported in principle.

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

#### Noise

21. The principle concern for surrounding residents is noise pollution. The applicant had proposed the use of the external courtyard up to 23:00 and a sound system within. The council considered this could have implications for nearby residents and as such sought amendments. The applicant agreed to have no amplified music within the courtyard and that the use of external area would cease at 22:00. These measures reflect those conditioned at Bar Story (No.213 arch) which is further towards the residential dwellings on Blenheim Grove. Given these circumstances it is considered wholly reasonable in a town centre location whereby night time activities are supported in the London Plan and Peckham and Nunhead Area Action Plan that the appropriate measures as set out would safeguard the amenity of nearby residents.
22. It is worth noting that in 2016 when Bar Story sought to extend its hours of use, which was approved, the Environmental Protection Team (EPT) had no history of complaints regarding noise. Bar Story is closer to residential and thereby more likely to impact on amenity.
23. While the council cannot control the direction in which people arrive at the site. It can be accepted, with a good level of certainty, that the majority of patrons would arrive by public transport (Peckham train station and local bus services on Rye Lane). It is accepted a proportion of visitors may arrive via the adjoining residential streets but given Blenheim Grove is a key route towards the train station the number of pedestrians on this route is high throughout the period of operation proposed and any additional numbers would be negligible as not to harm the local amenity.

#### 24. Appearance

There is no alterations proposed to the railway arch and it is not expected that goods stored in the courtyard would be there for substantial periods of time. As discussed in the design part of the report a condition would be attached requiring details of the boundary treatments, this is to protect the settings of the conservation areas and local amenity. This would equally protect local residents from inappropriate signage.

#### 25. Cumulative impact

EPT highlighted that the site is within a licensing cumulative impact zone. This considers the cumulative impact of the number of venues within locations across the borough that have licenses to serve alcohol. Effectively this is a separate matter covered by non-planning legislation however consideration has been given to the protection of local occupants amenity and the cumulative impact of this venue serving alcohol. The site is within Peckham town centre where planning policies support a diverse mix of uses including drinking establishments. This proposal incorporates two Use Classes with the principle use as light manufacturing. The council is aware that the current applicant makes use of neighbouring premises, which serve alcohol to showcase their products. This gives reassurances that visitors to the site could already be accounted for in the area and therefore the cumulative impact would be negligible. In this instance it is not considered the proposal would materially increase

local presence in the area but would relocate existing patrons to this unit.

26. With the measures outlined and relevant conditions proposed it is considered that the scheme would satisfactorily protect the amenity of local residents.

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

27. In order to protect highway users a condition would be attached restricting patrons of the proposal site queuing or smoking on the public footway.

#### **Transport issues**

28. It is not foreseen that the flexible use would generate any material increase in servicing trips that could not be dealt with using the existing business centre. However, given the sites close proximity to a bus stop, railway station and busy road intersection it is recommended that servicing does not take place within the networks peaks. This is to avoid buses and general traffic becoming blocked due to the number of existing activities taking place on the highway in this location.
29. The site is local to a major public transport hub where it can be reasonably expected the majority of patrons would arrive and leave from. As discussed in the amenity considerations above there is no concern regarding the impact of visitors to the site in terms of transport.

#### **Design issues**

30. In design terms the proposal would not alter the physical structure or appearance of the railway arch. It is unclear from the plans whether any alterations would occur to the boundary treatments given the nature of the change of use. Therefore a condition would be attached requiring details of the boundary treatments, this would ensure that both Rye Lane Peckham & Holly Grove conservation areas are not unduly harmed by semi-permeant structures being erected against the boundaries for promotional or security purposes.
31. Given there is no physical changes to the railway arch and the boundary treatment has been conditioned it is considered there are no design issues which would detrimental impact on the streetscape, the All Saints Church opposite or the conservation areas and therefore is supported.

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

32. As discussed within the design section there are no alterations proposed to the existing building. Any temporary structures built at the site would be relatively small given the space and as noted would be temporary in nature. It is considered that there would be no impact on the conservation areas with further reassurances that the boundary treatments would be considered before any alterations take place.

#### **Impact on trees**

33. There are trees on the site which appear self-setting and generally of low/medium quality. There is no intention to remove these trees nor any building works that would disrupt their roots. As such it is considered the trees would be safeguarded and would help absorb any noise emitted from the proposal.

#### **Planning obligations (S.106 undertaking or agreement)**

34. The scheme would not be SCIL or MCIL liable.

### **Conclusion on planning issues**

35. The proposal would offer a flexible use of the site which would permit economic activities through a large proportion of the day. In terms of policies this is widely supported. The harm to neighbouring occupants is considered to be acceptable. The proposal is recommended for approval subject to conditions.

### **Community impact statement**

36. In line with the council's community impact statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

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

### **Consultations**

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

### **Consultation replies**

38. Details of consultation responses received are set out in Appendix 2.
39. Summary of consultation responses  
EPT - Concerns raised about the use of a sound system in the courtyard and the cumulative impact. Both matters addressed within the main body of the report.

### **Human rights implications**

40. 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.
41. This application has the legitimate aim of providing a flexible use site. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

## **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/2719/22 Application file: 17/AP/1313 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 4004 Council website: www.southwark.gov.uk

## APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

## AUDIT TRAIL

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Craig Newton, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	16 June 2017	
<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 Finance and Governance	No	No
Strategic Director, Environment and Social Regeneration	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		5 July 2017



# APPENDIX 1

## Consultation undertaken

**Site notice date:** 08/05/2017

**Press notice date:** 11/05/2017

**Case officer site visit date:** 08/05/2017

**Neighbour consultation letters sent:** 10/05/2017

### Internal services consulted:

Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]

### Statutory and non-statutory organisations consulted:

n/a

### Neighbour and local groups consulted:

11 Blenheim Grove London SE15 4QS	1b Blenheim Grove London SE15 4QS
Railway Arch 228 Blenheim Grove SE15 4QL	Railway Arch 219 To 220 Blenheim Grove SE15 4QL
44-46 Blenheim Grove London SE15 4QL	40 Blenheim Grove London SE15 4QL
7 Blenheim Grove London SE15 4QS	15 Blenheim Grove London SE15 4QS
Railway Arch 229 Blenheim Grove SE15 4QL	17 Blenheim Grove London SE15 4QS
Railway Arch 209 Blenheim Grove SE15 4QL	42 Blenheim Grove London SE15 4QL
2 Blenheim Grove London SE15 4QL	13 Blenheim Grove London SE15 4QS
First Floor 12-16 Blenheim Grove SE15 4QL	Unit 1 To 2 12-16 Blenheim Grove SE15 4QL
36 Blenheim Grove London SE15 4QL	Unit 7 Dovedale Centre SE15 4QL
38 Blenheim Grove London SE15 4QL	All Saints Church Hall Blenheim Grove SE15 4QS
Flat 8 1a Blenheim Grove SE15 4QS	1c Blenheim Grove London SE15 4QS
9 Blenheim Grove London SE15 4QS	31a Blenheim Grove London SE15 4QS
Flat 6 1a Blenheim Grove SE15 4QS	11a Blenheim Grove London SE15 4QS
Flat 7 1a Blenheim Grove SE15 4QS	Flat Left Hand Side 9 Blenheim Grove SE15 4QS
8-10 Blenheim Grove London SE15 4QL	Unit 5 Dovedale Centre SE15 4QL
24 Blenheim Grove London SE15 4QL	First Floor East 12-16 Blenheim Grove SE15 4QL
4 Blenheim Grove London SE15 4QL	19 Blenheim Grove London SE15 4QS
6a-6b Blenheim Grove London SE15 4QL	Railway Arch 191 Blenheim Grove SE15 4QL
Unit 2 12-16 Blenheim Grove SE15 4QL	Railway Arch 193 Blenheim Grove SE15 4QL
Unit 3 12-16 Blenheim Grove SE15 4QL	Railway Arch 190 Blenheim Grove SE15 4QL
Units 1 And 2 1a Blenheim Grove SE15 4QS	Railway Arch 194 Blenheim Grove SE15 4QL
Unit 3 1a Blenheim Grove SE15 4QS	Flat 1 1a Blenheim Grove SE15 4QS
Unit 4 12-16 Blenheim Grove SE15 4QL	Flat 4 1a Blenheim Grove SE15 4QS
Railway Arches 214 To 215 Blenheim Grove SE15 4QL	Flat 5 1a Blenheim Grove SE15 4QS
Unit 5 12-16 Blenheim Grove SE15 4QL	Flat 2 1a Blenheim Grove SE15 4QS
20 Blenheim Grove London SE15 4QL	Flat 3 1a Blenheim Grove SE15 4QS
First To Third Floors Blenheim House SE15 4QS	Railway Arch 192 Blenheim Grove SE15 4QL
Unit 1 Dovedale Business Centre SE15 4QN	25 Blenheim Grove London SE15 4QS
Unit 2 Dovedale Business Centre SE15 4QN	27 Blenheim Grove London SE15 4QS
Unit 1 12-16 Blenheim Grove SE15 4QL	21 Blenheim Grove London SE15 4QS
Railway Arch 216 Blenheim Grove SE15 4QL	23 Blenheim Grove London SE15 4QS
Unit 3 Dovedale Business Centre SE15 4QN	82 Rye Lane London SE15 4RY
Unit 6 Dovedale Business Centre SE15 4QN	Flat A 9 Blenheim Grove SE15 4QS
Unit 7 Dovedale Business Centre SE15 4QN	84a Rye Lane London SE15 4RZ
Unit 4 Dovedale Business Centre SE15 4QN	84 Rye Lane London SE15 4RZ
Unit 5 Dovedale Business Centre SE15 4QN	86 Rye Lane London SE15 4RZ
26 Blenheim Grove London SE15 4QL	13 Blenheim Grove London SE15 4QS
34 Blenheim Grove London SE15 4QL	1b Choumert Grove London SE15 4RB

**Re-consultation:** n/a

## APPENDIX 2

### Consultation responses received

#### Internal services

None

#### Statutory and non-statutory organisations

None

#### Neighbours and local groups

1b Choumert Grove London SE154RB  
11 Blenheim Grove London SE15 4QS  
13 Blenheim Grove London SE15 4QS  
13 Blenheim Grove London SE15 4QS  
19 Blenheim Grove London SE15 4QS  
27 Blenheim Grove London SE15 4QS