



Development Management Delegated Report

Directorate of Regeneration,
Enterprise & Skills
The Woolwich Centre, 5th Floor
35 Wellington Street
London, SE18 6HQ

Case Ref No:	21/2444/F
Application Type:	Full Planning Permission
Location:	40 VICTORIA WAY, CHARLTON, LONDON, SE7 7QR
Ward:	PENINSULA
Proposal:	Change of use of ground floor of north-easternmost block from Use Class B1 to Use Class E.

Recommendation	Refuse		
Expiry Date	13/09/2021	EOT	

Case Officer	Luke Sapiano	Date:	13 September 2021
Report Agreed By		Date:	
Authorising Officer's Signature		Date:	

Listed Building:	<u>No</u>	Flood Zone	Main Sewer
Conservation Area:	N/A		
CIL Liable	<u>No</u>	LDD	NO

Site Notice	12/08/2021		
Press Notice	N/A		
Objections	22	Support	1
Comments			3

Description of Site Context

The application site comprises the ground floor of the north-eastern most block in the development site known as 40 Victoria Way, Charlton, London, SE7 7QR. The application building is a three storey block with a contemporary design and was approved as part of the wider development of the surrounding area in application 17/1795/F which was granted on 27th March 2018 for:

“Demolition of existing warehouse and redevelopment of the site to provide 330 residential units in blocks ranging from 2-10 storeys, creation of 439 sqm of community floorspace (Use Class D1) in a part 1 / 2 storey block, 999 m2 (Use Class B1) in a 3-storey block, 144 car parking spaces and associated cycle parking, refuse and landscaping.”

The application site is not in a conservation area and does not affect the setting of a listed or locally listed building.

Proposed Development

Planning permission is sought for the change of use of the application site from class B1(a) to Class E. Condition 8 of application 17/1795/F set out the below:

“The individual areas of commercial floor space hereby approved shall be utilised only in accordance with the uses as identified on drawing D4200-A_rev06 + D4201-A_rev05 and for no other purpose whether permitted under the Town and Country Planning (Use Classes) Order 1987 (as amended) or the Town and Country Planning (General Permitted Development) Order 2015 (as amended).”

The submitted supporting statement sets out that the B1 use approved has not yet been implemented at the application site. No external alterations are proposed to the existing building. The proposed ground floor area to be converted would be 218sqm.

Site Visit: Normally a site visit would have been undertaken as part of the assessment of the application. In this instance no site visit has been undertaken due to the current Covid-19 restrictions. Officers have used digital means of viewing the property remotely, so as to assess the impact of the development both in terms of its design and appearance and impact of the amenity of adjoining owner/occupiers. Due to the limited nature of the development, officers were satisfied in this instance that a full assessment of the application could be undertaken without a physical site visit taking place.

Relevant Planning History:

<i>App Number:</i>	17/1795/F	<i>Decision:</i>	Approve	<i>Decision Date:</i>	04/09/2017
<i>Address:</i>	40 Victoria Way, Charlton, SE7 7QS				
<i>Description:</i>	Demolition of existing warehouse and redevelopment of the site to provide 330 residential units in blocks ranging from 2-10 storeys, creation of 439				

sqm of community floorspace (Use Class D1) in a part 1 / 2 storey block, 999 m2 (Use Class B1) in a 3 storey block, 144 car parking spaces and associated cycle parking, refuse and landscaping. The proposal affects the setting of a listed building (Fossdene Primary School - Grade II).

<i>App Number:</i>	19/2798/SD	<i>Decision:</i>	Ongoing	<i>Decision Date:</i>	Ongoing
<i>Address:</i>	40 Victoria Way, Charlton, SE7 7QS				
<i>Description:</i>	Submission of details pursuant to the discharge of Condition 10 (Commercial Marketing Plan) of planning permission dated 27/03/2018 (Ref: 17/1795/F).				

<i>App Number:</i>	19/2813/110 6	<i>Decision:</i>	Ongoing	<i>Decision Date:</i>	Ongoing
<i>Address:</i>	40 Victoria Way, Charlton, SE7 7QS				
<i>Description:</i>	Submission of details pursuant to the discharge of Schedule 8, Clause 2.2 (Delivery of B1 Use- Marketing Plan) of legal agreement dated 27/03/2018 (Reference: 17/1795/F).				

Pre-Commencement & Planning Enforcement

Had works commenced on site (all or in part) in relation to that proposed on the date upon which the application was submitted?	NO
Is the development proposed the subject of a related enforcement case?	NO

Neighbour Notification

Thirty-two (32) neighbouring properties, three (3) councillors, the Charlton Society, The Charlton Central Residents Association and the East Greenwich Residents Association were notified on the 9th of August 2021.

In addition, a site notice was erected on the 12th of August 2021.

Twenty six (26) representations were received, with twenty two (22) in objection to the proposed development. A summary of the representations are provided below:

- Concern that the development would result in increased antisocial behaviour

Officer Comment: The principle of the change of use to a wide variety of uses under Class E is not considered to result in the increase in antisocial behaviour at the site.

- Concern that increased traffic associated with the use would mean that there would be pollution impacts, including sound pollution.

Officer Comment: These aspects of the proposed development are addressed elsewhere within this report.

- Concern that there is not enough parking on site and that the development would result in parking issues.

Officer Comment: These aspects of the proposed development are addressed in the “Transport/ Highways” aspect of the report below.

- Concern that there is no need for a convenience store at this location.

Officer Comment: These aspects of the proposed development are addressed in

the “Principle of development” section of the report below.

- Concern that the development would impact on surrounding house prices.

Officer Comment: This is not a planning consideration.

- Concern that extra waste collection associated with the use would cause unacceptable traffic impacts.

Officer Comment: These aspects of the proposed development are addressed in the “transport/ highways” impacts of the report below.

- Concern that the development would bring non-residents into the estate.

Officer Comment: The approved open areas of the estate are public places. There are no current restrictions for non-residents to access the estate and so the development would not have any impact to this fact beyond the existing lawful situation.

- Concern that the site is near to a nursery and alcohol being purchased opposite would be irresponsible.

Officer Comment: The principle of uses falling within Class E existing opposite a nursery is well established across the country. Young children are not legally allowed to purchase alcohol.

- Concern that this use of the site was not originally consulted on as is currently proposed during the initial proposals for 40 Victoria Way.

Officer Comment: This is not a planning consideration as all applications are assessed on their own merits.

Internal and Statutory Consultation

Waste Services:	<i>“Can we please clarify with the applicant whether the bin store, as shown on the proposed drawing of the ground floor, is only for the use of the ground floor or for the residential units of the block as well?”</i>
Transport and Highways:	<i>“Given the limited size it is expected that the trips to the convenience store will be limited and possibly from a local catchment.</i> <i>Subject to all deliveries being made within the site and none on Victoria Way, no highway objection is raised.”</i>
Environmental Health:	No response received.

Development Plan Context:	
National Planning Policy Framework (2021)	Chapter 9 – Promoting Sustainable Transport Chapter 6 – Building a strong, competitive economy Chapter 12 – Achieving Well-Designed Places
The London Plan (2021).	GG5 – Growing a Good Economy Policy D3 – Optimising site capacity through the design led approach Policy D14 – Noise Policy SI7 - Reducing waste and supporting the circular economy Policy SI8 – Waste Capacity and Net Waste Self Sufficiency Policy E1 – Offices Policy E2 – Providing Suitable Business Space Policy E8 – Sector growth opportunities and clusters Policy E9 – Retail, Markets and Food Takeaways Policy T2 – Healthy Streets Policy T5 - Cycling Policy T6 - Car Parking Policy T6.1 – Retail Parking
Royal Greenwich Local Plan: Core Strategy with Detailed Policies “Core Strategy” (July 2014)	Policy DH1 - Design Policy DH(b) - Protection of Amenity for Adjacent Occupiers Policy E(a) – Pollution Policy EA(a) – Local Employment Sites Policy IM4 - Sustainable Travel Policy IM(a) – Impact on the Road Network Policy IM(b) - Walking and Cycling Policy IM(c) - Parking Standards
New Developments: Guidance Notes for the Storage and Collection of Waste and Recycling Materials for the Royal Borough of Greenwich (May 2018)	

Principle of Development: .

The overriding objective of the Royal Greenwich policy framework is to deliver high quality development which improves the quality and distinctive identity of places and contributes to their success and the area’s popularity as somewhere to live, work and stay.

The original application sought the demolition of the existing warehouse building, which provided a total of 11,500 m² of Storage and Distribution (Class B8) and Office (at the time of approval Class B1). The original proposal therefore sought to remove all employment floorspace with the exception of a 3-storey block, the subject of this application, which would have provided a total of 999 sqm in total of office floorspace within the north eastern block of the development. 439 sqm of nursery

accommodation was also provided within the development, resulting in a total of 1438 sqm of proposed employment floorspace across the entire development. Whilst the overall reduction of employment floorspace was considered significant, this was justified as the combined employment potential of the development was 107 jobs compared to the 9 jobs currently provided by the previous warehouse. As such, Condition 10 of 17/1795/F and Schedule 8, Clause 2.2 of the S106 agreement were imposed to ensure that the employment opportunities associated within the development were optimised.

Specifically condition 10 of the approved application 17/1795/F sets out the below:
“Prior to the occupation of the commercial floor space a market plan for the commercial floor space shall be submitted to and approved in writing by the Local Planning Authority. The marketing of the commercial floor space shall be implemented in accordance with the approved details at least 6 months before the first occupation of the residential units”

Furthermore, Schedule 8, Clause 2.2 of the Section 106 Agreement for application 17/1795/F sets out the below:

“Prior to marketing the B1 units for sale or rent, to submit a marketing plan to the Council for approval, such marketing plan to demonstrate that the units will be provided in a form (including specification and lease terms) attractive to workspace providers/SME’s and to market the B1 units in accordance with the approved marketing plan”

This application proposes that the ground floor of the previously approved office block to be used as a convenience shop or other Class E commercial use. Formerly Use Class A1, a convenience shop now falls within Use Class E under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which came into effect on 1st September 2020. Use Class E has created a broad ‘Commercial, business and service’ use class, incorporating former use classes including A1 (Retail) and B1 (Office, as approved in app 17/1795/F) amongst others.

It is accepted that a change of use of an established office use to another operation which would fall within Class E (such as to that of a convenience store) would not constitute an act of development. Should the approved office use which was approved under application 17/1795/F be fully implemented and all relevant conditions and legal obligations relating to the approved office use be discharged, a formal planning permission would not be required to operate the application site under another use within Class E. It is accepted that the changes in the Use Class Order therefore do hold significant weight in this regard.

However, those relevant planning conditions and relevant clauses of the Section 106 agreement relating to the approved office use in question have not been discharged, and so the relevant obligations for the establishment of this approved use have not

been completed.

Officers note that marketing information has been submitted to discharge these compliance requirements as part of application 19/2798/SD and application 19/2813/I106 respectively. A copy of the marketing information provided for these applications is also provided as ancillary information as part of this application. However, it is understood that these applications currently remain ongoing as the marketing information currently provided is not considered to be satisfactory. The applicant set out in email correspondence that further meetings with respect to continued discussions relating to marketing reports were expected to take place after the statutory expiry date for this application had passed.

With respect to the lack of compliance with the above conditions and Section 106 Clauses, it is considered that the change of use of the application site approved in application 17/1795/F would conflict with these requirements. As such, the proposed development is considered to be unacceptable in principle and would fail to optimise the employment opportunities associated with the development. The proposal is therefore considered to not be in compliance with Chapter 6 of the adopted NPPF (2021), Policy GG5, E1 and E2 of the adopted London Plan (2021) and E(a) of the adopted Core Strategy (2014).

Notwithstanding the above, the other remaining planning considerations for this application are assessed below.

Design and appearance:

Policy D3 of the London Plan (2021) states that development proposals should be of high quality, enhancing local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

Policy DH1 of the Core Strategy (2014) requires all developments to be of a high quality of design and demonstrate that they positively contribute to the improvement of both the built and natural environments.

The submissions set out that no external changes to the existing building are brought forward as part of the submissions. As such, the proposed development would be in accordance with Policy D3 of the London Plan (2021) and Policy DH1 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014).

Impact on neighbouring amenity:

Policy DH(b) of the Core Strategy requires new development to demonstrate that there would be no significant loss of amenity to adjacent or nearby properties, by reducing the amount of daylight, sunlight, privacy or outlook they enjoy, by creating

an unneighbourly sense of enclosure, or by unacceptably impacting the wind environment or microclimate.

Additionally, Policy E(a) of the Core Strategy states that proposals which have an adverse effect on the amenity of adjacent occupiers or uses, and especially where proposals would be likely to result in the unacceptable emission of light, vibrations, odours, fumes, dust, water and soil pollutants or grit, will be refused.

The proposed development does not bring forward any changes to the external alterations of to the existing building. As such, it is considered that the development would not bring forward any unacceptable impacts to neighbouring amenity with respect to loss of daylight/ sunlight, sense of enclosure, overlooking, or loss of privacy beyond those impacts which already lawfully exist.

The conversion of an office use to any use falling within Class E, given their similar nature and by definition their falling within the same new use class, is not considered to result in any unacceptable noise related impacts to the surrounding area.

With respect to the size of the proposed unit to be converted (218sqm) and taking into account anticipated sizes for staff areas and storage spaces, it is not anticipated that the frequency of deliveries would result in any unacceptable amenity impacts to the surrounding area beyond the existing lawful use of the site as an office space.

Overall, it is considered that the proposed development would be in accordance with Policy D14 of the adopted London Plan (2021) and Policies DH(b) and E(a) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014).

Transport and Highways:

Policy T2 of the London Plan states that development proposals should deliver patterns of land use that facilitate residents making shorter, regular trips by walking or cycling. Policy T2 also states that development proposals should reduce the dominance of vehicles on London's streets whether stationary or moving.

Policy T6 of the London Plan states that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking.

The site has a PTAL of 4, which indicates an above average level of public transport accessibility. The site falls within the Charlton Controlled Parking Zone.

Policy T6.3 of the LP sets out that new retail development should avoid being car-dependent and should follow a town centre first approach. For a retail development of this size, the London Plan sets out that the development should provide 1 spaces per 75sqm of GIA.

The proposed development brings forward plans for 1 car parking space to serve the proposed alternative ground floor use. Given the provision of parking spaces for the office uses above, it is anticipated that these spaces could be used to serve the proposed residential use out of office working hours. This provision is considered to be generally in accordance with the provisions of the London Plan (2021) and the Local Plan and is acceptable with reference to the high level of public transport accessibility.

Overall, the proposal is therefore not considered to result in a significant impact on the road and pedestrian network and is therefore consistent with Policy T2, T6 and T6.2 of the London Plan (2021) and Policies IM4, IM(a) and IM(c) of the Core Strategy.

Cycle Storage:

Policy T5 of the London Plan states that development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. The policy is clear that proposals should do this by meeting providing cycle parking at least in accordance with the minimum standards set out in Table 10.2 and Figure 10.3. The cycle parking should be fit for purpose, secure and well-located.

Within Policy T5, Table 10.2 in the London Plan sets out that a proposal of the type brought forward in this application should provide 1 space per 250 sqm of retail floor space.

This is supported by Policy IM(b) and IM(c) of the Core Strategy.

Examining the submitted floorplans and taking into account the office floorspace positioned above the application site, it is considered that the cycle parking provision proposed would be sufficient in this instance.

Waste and Recycling Storage:

Policy H5 of the Core Strategy identifies that development needs to minimise the production of waste, to promote the reuse and recycling of waste materials and to ensure that waste disposal is environmentally responsible. As such residential schemes should incorporate measures for community recycling that minimises waste disposal and should provide refuse bins and recycling boxes. This is supported by London Plan Policies SI7 and SI8.

The submissions provide a bin storage area on the ground floor which would serve the new Class E unit and the office units positioned above the site. Submissions have also been provided to show that a refuse collection vehicle could safely access the building. This is considered to be an acceptable location and servicing strategy, however no details of the specific bin provision afforded to the proposed new unit has been brought forward in the submissions. Had this application been recommended for approval, these details would have been secured via a condition

attached to the decision notice.

Other Material Considerations:

None.

Conclusions:

The application is considered to be unacceptable and is therefore recommended to the delegated officer for **refusal** for the reasons set out in the decision notice.