

SECTION '2' – Applications meriting special consideration

Application No : 15/02635/FULL1

Ward:
Penge And Cator

Address : Kent House Tavern Thesiger Road
Penge London SE20 7NQ

OS Grid Ref: E: 536005 N: 170423

Applicant : Mr Ghafar

Objections : YES

Description of Development:

Alterations internally and externally to create 6 No. one bed flats on the first and second floor.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Smoke Control SCA 33

Proposal

Planning permission is sought for alterations internally and externally to create 6 one bed flats on the first and second floor.

This will involve the creation of accommodation within the roof space and include the introduction of dormer windows to the Thesiger Road, Sommerville Road elevations.

There will be two access points from the ground floor to upper floor, one from Thesiger Road and the other from Sommerville Road with a separate refuse and delivery area for the ground floor use of the pub.

No change of use is proposed to the ground floor.

Location

The site is located at the fork of Thesiger and Somerville in Penge and is occupied by a public house which has been vacant since January 2013. The property is a two storey building of masonry construction. It has a clay tiled roof to the main building with flat roof sections to the rear. The property has a garage/storage area and a garden to the left hand elevation of Thesiger Road.

Consultations

Comments from Local Residents

Nearby owner/occupiers were notified of the application and 6 letters of representation were received which can be summarised as follows:

- Overdevelopment /excessive residential density/ surrounding area is already overdeveloped.
- Increased traffic/lack of parking
- Insufficient space for bins
- Loss of public asset
- Not in keeping with the rest of the road
- The London Plan seeks mixed and balanced communities to be obtained through incremental small scale as well as larger scale development ; the provision of all 1 bed flats does not meet this objective.

Comments from Consultees

Environmental Health - no objection

Highways - The development is located on the corner of Somerville Road and Thesiger Road. Also the site is within a medium PTAL rate of 3. There are on street parking spaces available within walking distance of the site. No off street parking is offered. Nonetheless, the site is considered accessible to public transport link, being within walking distance of bus routes and a rail station. As there is a correlation of car ownership and type of dwelling people reside (1 bed flat), this suggests that not all occupiers will own cars. However the applicant should provide a parking stress survey showing the availability of on street parking during late evening and a replacement off street car parking space for the donor property should also be provided, Furthermore a covered and secure cycle storage facility must be provided to encourage cycling as a sustainable transport alternative. The storage area must be satisfactory to store one cycle parking per unit.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan

BE1 Design of New Development
H12 Conversion of Non-Residential Buildings to Residential Use
T1 Transport Demand
T3 Parking
T7 Cyclists
T18 Road Safety

Bromley Draft Policies and Designations

Section 3 - Visions and Objectives - Health and Wellbeing
Section 6 - Supporting Communities

Draft Policy 6.1 - Community Facilities
Draft Policy 6.7 - Public Houses

London Plan

3.3 Increasing housing supply
3.4 Optimising housing potential
3.5 Quality and design of housing developments
3.8 Housing choice
5.1 Climate change mitigation
5.2 Minimising carbon dioxide emissions
5.3 Sustainable Design and Construction.
5.7 Renewable Energy
5.11 Green roofs and development sites environs
5.12 Flood Risk Management
5.13 Sustainable Drainage
5.15 Water use and supplies, Waste self-sufficiency
5.17 Waste Capacity
6.9 Cycling
6.13 Parking
7.2 An Inclusive Environment.
7.3 Designing out crime
7.4 Local character
7.6 Architecture
8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

Housing: Supplementary Planning Guidance. (November 2012) London Plan 2011
Implementation Framework

Planning History

- Planning permission was refused in October 2014 for internal alterations to provide 3 one bedroom flats and 1 studio flat, cycle and bin store.

The application was refused for the following reasons:

1 The proposed development, due to its poor quality, poor standard of provision and conflicts of use with the commercial pub use of the outdoor amenity space and access, would provide an unacceptably poor standard of living accommodation for its occupants. The proposals are therefore contrary to Policy H12 of the Unitary Development Plan and Policy 3.5 of the London Plan.

2 The proposed development would fail to provide a satisfactory layout, standard and size of good quality accommodation for future occupiers by reason of its substandard floor space arrangement and internal layout contrary to Policy 3.5 of the London Plan, the London Plan Supplementary Planning Guidance: Housing and Policy H12 in the adopted Unitary development Plan.

- Planning permission was refused in August 2014, application reference 14/01394/ful, for dormer windows to Thesiger Road and Somerville Road elevations and internal alterations to provide 8 one bedroom flats at first floor level and within the roofspace.

The application was refused for the following reasons:

- 1 The proposal would constitute an overdevelopment of the site and would be out of character with the surrounding development, contrary to Policy BE1 of the Unitary Development Plan
- 2 The proposed accommodation will not provide a satisfactory living environment for its occupiers due to its size and layout, contrary to Policy H11 of the Unitary Development Plan and Policy 3.5 of the London Plan.

The application was also dismissed on appeal. Decision dated March 2015.

Conclusions

The primary issues in the assessment of the planning application are:

- The principle of the proposed development
- The design and appearance of the scheme and the impact of these alterations on the character and appearance of the area and locality
- Impact on the amenity of neighbouring properties
- The quality of living conditions for future occupiers
- Highways and traffic issues
- Sustainability and energy

The aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

Principle of development

Policy H12 - Conversion of non residential buildings to residential uses states that the Council will permit the conversion of genuinely redundant office and other non residential buildings to residential use, particularly above shops, subject to achieving a satisfactory quality of accommodation and amenity.

Given the ground floor is not part of the application, currently remaining in A4 use and that both previous applications were not refused on the principle of residential accommodation on the upper floors, the principle of development is considered to be acceptable.

Design

The proposal involves dormer windows to Thesiger Road and Somerville Road elevations which were included in the previous application 14/01394. Whilst this

application was dismissed on appeal, in relation to design the Inspector found the dormers to be acceptable and in his decision stated

'The public house is a large building in a prominent position. The proposed dormers would be spaced in a manner that reflects the rhythm of the lower floor windows, The style of dormers is different from those on the nearby shops in Kent House Road but this is a very different style of building. Its individuality within the street scene reflects the historic public house use. Although the proposed stair-well turret would have a flat roof, these would not be prominent'

He went on further to say

'These and the other external changes would appear attractive to look at in the context of the street scene. In relation to the second main issue, the proposals would have a satisfactory effect upon the character and appearance of the building and surrounding area. This would comply in these respects with UDP policy BE1 and the advice within the NPPF'.

Given the Inspectors decision is a material consideration to the assessment of this application, the design and the principle of the dormers are considered to be acceptable.

Residential Amenity - Standard of Residential Accommodation

Following the previous refusals, this proposal has now reduced the number of units to 6 x 1 bed units.

The proposed floorspace for each unit will be as follows

Unit A - 57sqm
Unit B - 63 sqm
Unit C - 62 sqm
Unit D - 50 sqm
Unit E - 60sqm
Unit F - 60sqm

All units will comply with the required 50sqm for a 1 bed unit as specified in the London Plan 2015.

The reduction in the number of units to 6 now provides an adequate level of outlook /sunlight and daylight for future occupants. Units are dual aspect where possible and the internal long corridors have been removed.

The Inspector's decision considered that there would not be much outdoor amenity space for the occupants of the proposed flats. The Inspector found that

'The building takes up a large proportion of the site in a tight knit area. A small external area to the south western end is enclosed by a fence and by an outbuilding proposed for cycle storage. There would be very little outdoor amenity space for the occupants of the proposed flats. This would not provide much external space for between 8 and 16 residents. The area would also continue to be

accessed by the ground floor commercial use which would require deliveries and refuse collections'.

He went on further to say

'Whilst I note that there is another entrance off of Somerville Road, there would be scope for conflict between occupants of the flats with the users of the ground floor as suggested by the Council. The intensity of the development together with the lack of a significant area of outdoor space could increase the chances of such problems occurring'.

The applicant's submission refers to the availability of public open space nearby which would be easily accessible. Their further justification for no on site amenity provision is that the type of accommodation being 1 bed units is likely to attract single professionals, students or couples who do not require as much private amenity space as families with children. Further, they states that the proposed flats would be furnished with a washing machine/ tumble dryer and the occupiers would benefit from refuse and bicycle storage areas on the ground floor.

Whilst this application does not provide any on site amenity space provision and therefore does not address the Inspector's concerns, given the reduction in density now provides a better standard of accommodation for each unit, on balance it can be considered acceptable.

A revised floorplan showing a separate refuse/delivery area for the ground floor pub has been submitted to address the previous concerns regarding the potential conflict of the courtyard for residential use and the commercial pub use. A condition is proposed requiring the submission of a management plan detailing how the residential use and the commercial use will co exist without creating undue conflict.

Impact upon adjoining residential amenity

The proposed development is considered acceptable in terms of its impact upon the amenities of neighbouring occupants, the outlook of windows will remain to the front, flank and rear of the building for the flats located in the original part of the building which utilise existing windows that generally overlook public area and private amenity space as currently exists at the site.

Highways and Traffic Issues

The PTAL or the site is 3 (moderate). Council's Highways officer has requested a photographic survey of the site showing the availability of on street parking during late evening and a replacement off street car parking space.

However given the Inspector did not raise any issues in his decision with respect to parking and traffic congestion, it would be unreasonable to request a parking survey or a replacement parking space.

In this case, there will be some impact on nearby properties as a result of this proposal and a judgement needs to be made about whether the impact is unduly harmful. Members will need to consider whether the proposal sufficiently addresses the previous appeal decision and comments received locally. On balance, the application is recommended for permission. Bearing in mind the issues including the previous appeal, this case is presented on list 2 of the agenda

Background papers referred to during production of this report comprise all correspondence on the file ref(s) set out in the Planning History section above, excluding exempt information.

as amended by documents received on 02.09.2015

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

- 2 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

- 4 Prior to commencement of works, a management plan shall be submitted and approved in writing detailing how the residential use and the commercial use will co exist**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of nearby properties.

