

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 16/01750/FULL3

**Ward:**  
**Penge And Cator**

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

**OS Grid Ref:** E: 536005 N: 170423

**Applicant :** Mr Abdul Ghafar

**Objections :** YES

### **Description of Development:**

Change of use of existing Public house (Class A4) to 3 residential flats (Class C3) ( 2x1 bed and 1X2 bed) and insertion of a door in the west elevation

Key designations:

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

### **Proposal**

Planning permission is sought for the change of use of existing Public House (Class A4) to 3 residential flats (Class C3) (2 x 1 bed and 1 x 2 bed) and insertion of a door in the west elevation.

### **Location**

The site is located at the fork of Thesiger and Somerville in Penge and is occupied by a public house. The first floor of the building is currently being converted to 6 x 1 bed flats (granted in November 2015 under ref 15/02635/FULL1). 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**

Nearby owner/occupiers were notified of the application which can be summarised as follows:

- Do not agree with the loss of the pub. The pub has been vacant for a long time but there is no evidence that the pub has been actively marketed for a pub in its present condition with the approved residential C3 flats in the upper storeys.
- Do not believe there would be any operators willing to take on a lease for the pub use.

- Recent trends shows there is a growing demand for A4 premises in the local area as evidenced by the application for a change of use on Anerley Road to build a micro pub.
- The current proposal would result in 9 units on site (more than the Inspector has already considered inappropriate)
- Increased traffic/lack of parking
- Insufficient outdoor space
- The size of the site and the number of units proposed would exceed the density matrix within Policy 3.5 of the London Plan
- Insufficient space for bins

#### Comments from Consultees

Environmental Health - no objection

Highways - No objection subject to conditions

#### **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

5.13 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 August 2014, (ref 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.

- Planning permission was refused in October 2014 (ref: 14/03387/FULL1) 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 granted in October 2015 for (ref: 15/02635/FULL1) alterations internally and externally to create 6 one bed flats on the first and second floor
- Planning permission was refused in February 2016 (ref: 15/05424/FULL1) for alterations internally and externally including mansard roof extension to create 6 one bed flats on the first and second floor for the following reasons:

The proposed mansard roof in conjunction with the dormer windows by reason of its bulk, mass and design would be an incongruous form of development, detrimental to the character and appearance of the host building and the street scene, contrary to Policy BE1 of the UDP.

## **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
- The quality of living conditions for future occupiers
- Impact on the amenity of neighbouring properties
- Highways and traffic issues

### 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, particular above shops, subject to achieving a satisfactory quality of accommodation and amenity.

A marketing report has been submitted in support of the loss of the pub by Pegasus Business Sales. The pub was marketed for A1, A3 or A4 through a number of websites from 10th September 2014 to 20th March 2016. The report states that within this period, there were 132 enquiries expressing interest in the property. Of these enquires were 2 people who expressed further interest and arranged viewings but were not interested due to the location of the site being in a residential street where it would be hard to generate trade for a business to succeed. The report further states that evidence of the advertising is unavailable as all advertisers delete the adverts from the site.

The marketing evidence provided to support the application is not the most detailed; however it is acknowledged that the pub has been vacant for at least 18 months. Given the upper floors have permission to be converted to six flats and the surrounding area is residential, on balance, the loss of the pub may be considered to be acceptable.

## Design

The proposal includes the creation of a new door to allow access for future occupiers of Flat 1 B-C located on the southern elevation. Additionally, a lightwell is proposed towards the north western boundary of the site. The proposed new door is a minor change that would not materially affect the appearance of the building and is therefore considered to be acceptable.

## Standard of accommodation

Three flats are proposed consisting of 1 x 2 bed and 2 x 1 bed. All units are of an adequate size and comply within internal floorspaces within the London Plan. All units will have an adequate level of outlook /sunlight and daylight for future occupants and are dual aspect where possible.

The covered bin store that was approved in 15/02635/FULL1 is considered to be adequate for the additional 3 units. This has been confirmed by Council's waste officer.

In regards to the lack of amenity space, the previous Inspector's decision (APP/G5180/A/14/2227088) for 8 one bedroom units, 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 and 2 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 the Inspectors decision related to 8 units on the first floor. The total number of flats

within the building will now be nine but this will be spread across two floors. Given the proposal provides a good standard of accommodation for each unit, on balance the lack of provision for private open space may be considered acceptable in this instance.

#### 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 and flank of the building and given they are at ground level there would appear to be no issues with regards to overlooking.

#### 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 links, 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 car (s). Furthermore the applicant has provided a parking stress survey carried out on 18th and 19th June 2014, indicating that there are on-street parking spaces available for additional demand during the hours of maximum residential parking demand.

A covered and secure cycle storage facility must be provided to encourage cycling as a sustainable transport alternative.

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 may consider that, on balance, the scheme may not cause such harm to the character of the area or result in a significant loss of amenity to local residents as to warrant a planning refusal

#### **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 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 development**

- 3 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 in the interest of the appearance of the building and the visual amenities of the area.**