

SECTION '2' – Applications meriting special consideration

Application No : 17/02314/FULL1

Ward:
Penge And Cator

Address : Adam House 1B Thesiger Road Penge
London SE20 7NQ

OS Grid Ref: E: 536007 N: 170418

Applicant : Mr Abdul Ghafar

Objections : YES

Description of Development:

Change of use of existing public house (Class A4) to 3 residential flat (Class C3) (2 x 1 bed and 1 x 2bed) and insertion of a door in the eastern 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 flat (Class C3) (2 x 1 bed and 1 x 2bed) and insertion of a door in the eastern elevation

Amended plans were received on 23rd October 2017 showing the relocation of the bins store and cycle spaces to the front of the property and a communal amenity area. Neighbours were reconsulted and the following assessment is based on these amended plans.

Location

The site is located at the fork of Thesiger Road and Somerville Road 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 owners/occupiers were notified of the application and representations were received which can be summarised as follows:

First consultation

- o Strongly object to more flats in the building
- o Already a big issue with rubbish generate by resident of the flats, Wheelie bins are left on Sommerville eyesore and rubbish scattered up the street
- o lack of adequate parking. Parking is already at a premium
- o cars often double park at the end of Somerville Road, blocking other cars in
- o Increase in congestion
- o Previous appeal states that parking surveys were out of date

- o The current provision of waste disposal and space for it for the first and second floor flats is severely inadequate and the addition of further dwellings will only exacerbate this matter
- o Little or no effort to market the ground floor as a commercial opportunity
- o Building work has been going on at ground floor level

Reconsultation on amended plans

- o Objections received comment that amended plans do not overcome previous objections to the proposal as outlined above.

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

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Draft Policy 10 Conversion of non-residential buildings to residential

Draft Policy 23 Public Houses

Draft Policy 30 Parking

Draft Policy 37 General Design of Development

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.

Planning permission was refused for 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 under reference 16/01750

The proposal, by way of an excessive number of units would constitute an over-intensive use of the site, lacking adequate amenities for future occupiers with particular regard to private amenity space contrary to Policies BE1 and H12 of the Unitary Development Plan and Policy 3.5 of the London Plan (2015) and the Mayor's Housing SPG (2016).

The proposed development would lack adequate quantity of on-site car parking provision to accord with the Council's standards and would therefore generate an unacceptable increase in the demand for on-street car parking in the vicinity of the site, prejudicial to the free flow of traffic and conditions of general safety in the highway, contrary to Policies T3 and T18 of the Unitary Development Plan..

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

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

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.

The principle of the change of use has already been established through the previous applications and the most recent appeal decision. A marketing report was previously 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 marketing report states that evidence of the advertising is unavailable as all advertisers delete the adverts from the site.

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

The most recent appeal decision raised no issue with the principle of the change of use and therefore the principle is 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. Following a reconfiguration internally, the flats are now in fact slightly larger than the previous application. All units will have an adequate level of outlook /sunlight and daylight for future occupants and are dual aspect where possible.

The bins and cycle storage will now be located within the existing garage and details of the layout can be required by condition.

In regards to the lack of amenity space, both previous Inspector's decision considered that the outdoor amenity provision was inadequate. The most recent appeal decision (APP/G5180/W/16/3159850) stated:

'Notwithstanding the above, the Mayor of London's Housing Supplementary Planning Guidance 2006 (SPG) states that private open space is of a high value and should be provided in all new housing developments. Standard 26 of the SPG requires that a minimum of 5 square metres of private outdoor space is provided for 1 -2 bedroom units, with a further 1 square metre being provided for each additional occupant. The proposal would fail to provide any private outdoor space for any of the propose units'.

The Inspector went on to say that there is no evidence to confirm whether extra internal living space to mitigate the lack of provision of private outdoor amenity space has been provided within the previous proposal.

The Inspector recognised the benefit of the creation of additional units to the supply of housing within the borough, however found that the proposal failed to provide a level of private outdoor space for future occupiers.

Amended plans were received that have tried to address the lack of amenity provision. It is acknowledged the site is constrained by the existing footprint of the building and balconies would be unacceptable as it would detrimentally affect the character and appearance of the existing building and street scene. The bikes and bin storage have now been moved into the garage area so that a communal area can be provided. A new communal area is now proposed at front entrance to the building (facing Thesiger Road) and a condition could be attached regarding the landscaping.

Whilst this is not perhaps ideal, given the constraints of the physical existing footprint of the building, on balance the proposal is considered to overcome the previous inspectors concerns regarding lack of amenity provision.

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.

The most recent appeal decision noted that parking stress is likely to be at its highest during the evening periods when residents have returned from either work or day time activities, however the inspector also noted from her site visit that it was evident that whilst on street parking pressure existed, a number of car parking spaces were available within a short walking distance from the proposed site during the day time. She went on to say that 'I accept that this is only a snap shot in time and despite concerns raised by neighbouring occupiers particularly in relation to the safety of the junction, no objection has been made by the Council's Highway department. In addition, no substantive evidence has been submitted in relation to accident data for this location to support such safety concerns. As such, I have no reason to doubt that my observations are not a valid representation of the availability of parking within the locality'.

Therefore due to the relatively modest size of the proposal and the accessibility of public transport provision, it was not considered that the potential increase in the event of demand for on street car parking would result in a substantial increase of additional traffic movements which would impact on the safety of road users nor would it be prejudicial to the free flow of traffic. This appeal decision is a material consideration to this application and therefore Council does not consider that the application can be refused on parking or traffic concerns.

A condition can be required regarding the details of the cycle provision.

Summary

In this case, given the previous history and appeal decisions, 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 and that the provision of communal amenity space would overcome the previous appeal decision.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 17/02314FULL1 outlined in the Planning History section above, excluding exempt information

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 in the interest of the appearance of the building and the visual amenities of the area.

- 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 in the interest of the visual and residential amenities of the area.

- 4** No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the elevation(s) of the **** hereby permitted, without the prior approval in writing of the Local Planning Authority.

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

- 5** Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.

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

- 6** Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

- 7** Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

Reason: In order to comply with Policy T7 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.