

<b>Item No.</b> 7.2	<b>Classification:</b> OPEN	<b>Meeting date:</b> 23 October 2013	<b>Meeting Name:</b> Planning Sub-Committee B
<b>Report title:</b>	<b>Development Management planning application:</b> Application 13/AP/2004 for: Full Planning Permission  <b>Address:</b> HOOPERS, 28 IVANHOE ROAD, LONDON, SE5 8DH  <b>Proposal:</b> Change of use of ground and lower ground floors which formerly formed Public House into three self contained residential units. The upper parts being previously converted into five self contained flats.		
<b>Ward(s) or groups affected:</b>	South Camberwell		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 24/06/2013		<b>Application Expiry Date</b> 19/08/2013	
<b>Earliest Decision Date</b> 17/08/2013			

## RECOMMENDATION

- 1 Grant planning permission subject to conditions.

## BACKGROUND INFORMATION

- 2 This application has been called-in at the request of two members for determination by Sub-Committee.

### Site location and description

- 3 The application site occupies a triangular corner plot on the junction of Ivanhoe Road and Malfort Road. Currently on site is a three-storey building previously in use as a pub on the ground floor but vacant since 24 December 2012, three x 1 bedroom flats on the first floor, and 2 x 1 bedroom flats on the second floor. The flats are all occupied.
- 4 Surrounding buildings are fairly uniform two storey terraced properties with rear gardens. Some have been converted into flats. There were several properties opposite the pub (on the west side of Ivanhoe Road) which were previously used as commercial units to the ground floor, but have now been converted to residential.
- 5 The site has a Public Transport Accessibility Level (PTAL) of 3, and is not within a Controlled Parking Zone (CPZ).
- 6 The building is not listed and is not located within a conservation area.

## Details of proposal

- 7 Having implemented a previous consent for the conversion of the upper floors of the pub into four flats, the applicant now wishes to obtain planning permission for the conversion of the ground floor and basement into three duplex flats. There would be 1 x 2 bedroom flat, and 2 x flats drawn as one bedroom, but having an additional room marked as 'study' or 'lower reception'.
- 8 Access to two of the flats would be from a communal entrance hall off Malfort Road, and the third would be accessed through the communal side access yard which is also used by upper floor flats. A new timber panelled door would be inserted into the Malfort Road elevation, and new metal railings would be inserted into the Ivanhoe Road elevation to block off an existing access to the pub.

### **Planning history**

- 9 07-AP-1908: Planning permission was granted on 12/09/07 for the remodelling of the existing public house, manager's, chef's and landlord's flats at first and second floor to form 4 self contained flats (2 x 2 bed and 2 x 1 bed). Single storey extension to existing ground floor flat roof to Malfort Road elevation.
- 10 09-AP-1624 Planning permission was granted on 12/11/09 for the installation of a kitchen extract flue to (internal) rear yard and re-opening of doorway to Malfort Road in connection with continued use as a public house. The approved drawings for this application also showed a revised layout for flat A, and this has now been implemented.
- 11 09-AP-2461: Planning permission was granted on 29/12/09, for the erection of railings to flat roof at second floor level (serving both flats), and installation of access door through side wall in connection with provision of roof terrace for flat D.
- 12 09-AP-2023: Planning permission was granted on 08/02/10 for the variation of condition 2 (materials) on planning permission 07-AP-1908 to allow the use of UPVC heritage sash windows.
- 13 10-AP-2095: Approval of details was granted on 07/07/11 for the details showing provision of four cycle storage spaces.
- 14 11-EN-0519: An enforcement complaint was received on 01/12/12, the breach being the conversion of the building into five flats instead of 4 as approved.
- 15 13-AP-0282: Planning permission was granted on 08/04/13 for the Subdivision of 2 bedroom flat to create 1 x studio flat and 1 x one bedroom flat.

### **Planning history of adjoining sites**

- 16 None relevant.

### **KEY ISSUES FOR CONSIDERATION**

#### **Summary of main issues**

- 17 The main issues to be considered in respect of this application are:
  - a) Land use issues - the loss of the pub.
  - b) Amenity, and impact of the proposal on quality of accommodation provided.

c) Transport issues

d) Design

### **Planning policy**

#### Core Strategy 2011

18 Strategic Policy 5 – Providing new homes

#### Southwark Plan 2007 (July) - saved policies

19 The Council's cabinet on 19th March 2013, as required by para 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.

20 3.2 Protection of Amenity

4.2 Quality of Residential Accommodation

4.3 Mix of Dwellings

5.2 Transport Impacts

5.3 Walking and Cycling

5.6 Car Parking

Residential Design Standards Supplementary Planning Document Jan 2011

#### National Planning Policy Framework (NPPF)

21 Section 6: Delivering a wide choice of high quality homes, being particularly relevant

#### **Principle of development**

22 Regarding the loss of the pub (A4) use, saved policy 1.10 applies:

Outside Town Centres, Local Centres and Protected Shopping Frontages, development will only be permitted for a proposal for a change of use between A use classes or from A use classes to other uses, where the applicant can demonstrate that:

i. The proposed use would not materially harm the amenity of surrounding occupiers, and

ii. The use class that would be lost is not the only one of its kind within a 600m radius and its loss would not harm the vitality or viability of nearby shops or shopping parades; or

iii. The premises have been vacant for a period of at least 12 months with demonstrated sufficient effort to let, or have not made a profit over a two year period.

23 The applicant has submitted marketing details showing the site has been marketed for at least 12 months, furthermore there are other pubs (A4 class uses) within a 600m radius. These include The Crooked Well on Grove Lane, The Vale on Grove Vale, The Gowlett on Gowlett Road, and The Victoria Inn on Choumert Road. Finally, the use of the ground floor and basement as flats is not considered to harm the amenity of other nearby residents.

- 24 The applicant has submitted a document entitled 'History of Hoopers' trading 2006-2012 and its non-viability as a pub'. This sets out a chronology of the management issues of the pub since acquisition of the site in 2006. This is summarised below:
- A licence application for live music was withdrawn in 2005 as a result of strong objections in the form of a petition from neighbours.
  - Extensive refurbishment and new name in 2007 to announce the new management.
  - Coffee machine installed to try to attract customers during the day, such as mums with babies. Due to accessibility problems, as well as location, and lack of footfall, this was not well attended.
  - Pub placed on the market in 2008 - no uptake.
  - Introduction of catering in 2008, but by 2009 a loss was made. Further introduction of catering in 2010 and 2011, but neither chefs were able to attract a consistent and viable trade.
  - Over the course of the given period, comedy evenings, live sport and good quality real ales have been pioneered. However, the pub does not have a separate function room for live entertainment. The other functions were not well attended. Noise complaints were received in response to live entertainment, despite additional measures being employed to reduce sound creep.
  - The break even point for the pub was £3,300 per week, however, the average for 2012 was £2,300 per week.
- 25 The report concludes that the pub's location, combined with the changing demographic and leisure patterns make the pub uneconomic as a trading business.
- 26 The NPPF (paragraph 70) seeks to "guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community from meeting its day to day needs". This application is supported by evidence which demonstrates that the site is no longer suitable for social or community use. The evidence is indicative that the pub is not very well frequented by the community, rather it has been the subject of complaints from neighbours due to noise disturbance.
- 27 It is concluded that the supporting information provided by the applicant provides sufficient evidence to satisfy policy in the NPPF and that the proposals meets the relevant tests of saved Local Plan policy 1.10. The conversion of the public house into flats is therefore considered to be acceptable in principle.

#### **Environmental impact assessment (EIA)**

- 28 The proposed development is not EIA development.

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

- 29 It is not considered that the introduction of three new flats would harm the amenity of other residents in the area. It would appear that some of the existing residents would support the loss of the pub due to the reduction in potential noise and disturbance in the area.

## **Quality of proposed residential development**

- 30 The proposed unit and room sizes comfortably meet with the London Plan and Southwark Residential Design Standards requirements. The breakdown in areas is set out below:

Flat 15 = 50sqm  
Bedroom - 20sqm  
Reception/Kitchen/Diner- 38.8sqm  
bathroom 7.9sqm

Flat 17 = 70sqm  
Bedroom 1 - 19.5sqm  
Bedroom 2 - 9.7sqm  
Reception/Kitchen/Diner - 34sqm  
Bathroom 4.7sqm

Flat 28 =76.5sqm  
Bedroom 1 - 26.5sqm with en-suite  
Bedroom 2 - 10.4sqm  
Reception/Kitchen/Diner- 27.1sqm  
Bathroom 7.9sqm

- 31 The area is not in a Flood Risk Zone so there is no issue with having the bedrooms in the basement. There are existing lightwell windows between basement and street level which would allow an acceptable amount of natural light into the rooms. The upper floor flats are stacked such that no adverse impact on living conditions would be imposed by the introduction of habitable rooms below them.

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

- 32 The proposed conversion would not result in any adverse impacts on the living conditions of neighbouring properties.

## **Transport issues**

- 33 This proposed development is located in an area with a TfL PTAL rating of 3 reflecting the area's medium level of access to all forms of public transport. Developments in areas with this PTAL rating are normally required to provide on site parking in order to minimise overspill parking on the road network. However, due to site constraints it is not feasible to request on-site parking in this instance. Officers have considered whether a parking survey of the immediate area is required, in order to monitor existing parking availability. However, it is not considered that an uplift of three units would place undue pressure on the area in terms of parking. It should also be taken into account that the removal of the pub use would reduce on-street parking somewhat, as parking spaces would no longer be taken up by staff of the pub.
- 34 A layout plan showing cycle storage within the yard to the side of the pub has been submitted. This shows cycle storage for the existing upper flats, as well as three additional spaces for the flats proposed by this application. This gives a total of 9 cycle parking spaces. A condition shall be applied to ensure that these spaces are available for use prior to the occupation of the flats.
- 35 In terms of servicing, no objections have been raised.
- 36 The scheme therefore complies with saved policy 5.6 Car Parking of the Southwark

Plan 2007 and SP2 Sustainable Transport of the Core Strategy 2011.

### **Design issues**

- 37 There is no harm envisaged by introducing a timber door in place of a glazed door facing Malfort Road, and similarly with the new railings proposed to Ivanhoe Road it is not considered that any adverse design implications would arise. Previous proposals have included the introduction of a timber framed sash window to the Malfort Road elevation at ground floor level.
- 38 The area is not a conservation area, and the proposed alterations are modest and in keeping with the streetscene.
- 39 The proposal therefore complies with saved policy 3.12 Quality in Design of the Southwark Plan 2007 and SP12 Design and Conservation of the Core Strategy 2011.

### **Other matters**

- 40 CIL - No CIL would be required as no additional floorspace is proposed and part of the site (the upper floor flats) have been in lawful use for a period of at least 6 months within the last 12 months preceding the application.

### **Conclusion on planning issues**

- 41 Other local public house facilities are located in the vicinity of the site, and the proposal would not result in the loss of an essential community facility within the local area. The change of use could not therefore be resisted on planning policy grounds. The change of use of the public house to residential flats is not considered to result in any adverse design, amenity or transport implications. All material considerations have been taken into account, including representations received from interested parties. It is concluded that the proposal would not result in any harm that would justify refusal in the public interest.

### **Community impact statement**

- 42 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.
- 43 a) The impact on local people is set out above.

### **Consultations**

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

### **Consultation replies**

- 45 Details of consultation responses received are set out in Appendix 2.

### **Summary of consultation responses**

46 Transport - No objection

47 Objection from Ivanhoe Residents Association on the following grounds:-

- All too often we are seeing pubs closing at an alarming rate
- This pub has been there for almost 120 years and was an asset to the community.
- The fact that it is not a viable business is not the fault of the pub but is the product of poor management
- The heart is being ripped out of English traditional pubs, asks that the proposal is refused or at least allowed a proper council meeting to take place and not decided by planning officers.

### **Human rights implications**

48 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.

49 This application has the legitimate aim of providing change of use from pub to three flats. 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.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

50 None.

### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/2123-A Application file: 13/AP/2004 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 5405 Council website: www.southwark.gov.uk

### **APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

## AUDIT TRAIL

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Susannah Pettit, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	31 July 2013	
<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 Corporate Services	No	No
Strategic Director, Environment & Leisure	No	No
Strategic Director Housing & Community Services	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>	11 October 2013	



# APPENDIX 1

## Consultation undertaken

**Site notice date:** 24/07/13

**Press notice date:** N/A

**Case officer site visit date:** 24/07/13

**Neighbour consultation letters sent:** 25/07/13

### Internal services consulted:

Transport Planning

### Statutory and non-statutory organisations consulted:

London Pubs Group

### Neighbours and local groups consulted:

30 IVANHOE ROAD LONDON SE5 8DJ  
13 MALFORT ROAD LONDON SE5 8DQ  
11 MALFORT ROAD LONDON SE5 8DQ  
71 IVANHOE ROAD LONDON SE5 8DH  
69 IVANHOE ROAD LONDON SE5 8DH  
75 IVANHOE ROAD LONDON SE5 8DH  
73 IVANHOE ROAD LONDON SE5 8DH  
20A IVANHOE ROAD LONDON SE5 8DH  
9 MALFORT ROAD LONDON SE5 8DQ  
FIRST FLOOR AND SECOND FLOOR FLAT 30 IVANHOE ROAD LONDON SE5 8DJ  
20B IVANHOE ROAD LONDON SE5 8DH  
22 MALFORT ROAD LONDON SE5 8DQ  
20 MALFORT ROAD LONDON SE5 8DQ  
26 MALFORT ROAD LONDON SE5 8DQ  
24 MALFORT ROAD LONDON SE5 8DQ  
67 IVANHOE ROAD LONDON SE5 8DH  
FLAT B 26 IVANHOE ROAD LONDON SE5 8DH  
FLAT A 26 IVANHOE ROAD LONDON SE5 8DH  
FLAT D 26 IVANHOE ROAD LONDON SE5 8DH  
FLAT C 26 IVANHOE ROAD LONDON SE5 8DH  
FIRST FLOOR FLAT 32 IVANHOE ROAD LONDON SE5 8DJ  
GROUND FLOOR FLAT 32 IVANHOE ROAD LONDON SE5 8DJ  
LIVING ACCOMMODATION HOOOPERS 28 IVANHOE ROAD LONDON SE5 8DH  
61 IVANHOE ROAD LONDON SE5 8DH  
59 IVANHOE ROAD LONDON SE5 8DH  
65 IVANHOE ROAD LONDON SE5 8DH  
63 IVANHOE ROAD LONDON SE5 8DH  
22 IVANHOE ROAD LONDON SE5 8DH  
FLAT E 26 IVANHOE ROAD LONDON SE5 8DH  
HOOOPERS 28 IVANHOE ROAD LONDON SE5 8DH  
24 IVANHOE ROAD LONDON SE5 8DH

### Re-consultation:

N/A

## **APPENDIX 2**

### **Consultation responses received**

#### **Internal services**

Transport team - Comments included in the report.

#### **Statutory and non-statutory organisations**

London Pubs group: No comment received.

#### **Neighbours and local groups**

Objection from Ivanhoe Residents Association on the following grounds:-

- All too often we are seeing pubs closing at an alarming rate
- This pub has been there for almost 120 years and was an asset to the community.
- The fact that it is not a viable business is not the fault of the pub but is the product of poor management

The heart is being ripped out of English traditional pubs, asks that the proposal is refused or at least allowed approver council meeting to take place and not decided by planning officers.

One letter of support received.