

Item No. 5.5	Classification: Open	Date: 10 February 2015	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 14/AP/3856 for: Full Planning Permission Address: 2A BAWDAL ROAD, LONDON SE22 9DN Proposal: Change of use from MOT/car repair centre (Use Class B2) and ancillary office space to a single residential dwelling (Use Class C3) with alterations to the front and rear elevations.		
Ward(s) or groups affected:	East Dulwich		
From:	Head of Development Management		
Application Start Date	20/11/2014	Application Expiry Date	15/01/2015
Earliest Decision Date	21/12/2014		

RECOMMENDATION

1. That the Sub-Committee consider the application due to a referral by members; and grant planning permission subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. The application site refers to the building and plot described as '2A Bawdale Road' although its main frontage is in fact onto Whateley Road, East Dulwich, London. The site is 'L-shaped' and bounded by the rear of No.2 Bawdale Road, the rear of Nos.165-171 Lordship Lane and the rear of Nos.80-84 Whateley Road. The building which is the subject of this application is located immediately adjoining No.84 Whateley Road.
3. The character of the surrounding area is mixed, with commercial (mainly retail) premises along Lordship Lane with residential accommodation on upper floors. The immediate locality of Whateley Road and Bawdale Road is predominately residential in nature. A roofing/builders' yard adjoins the application site to the north (this is related to a premises on Lordship Lane).
4. Access to the application site (outlined in red on location plan) is from Whateley Road; however access to the remainder of 2A Bawdale Road (outlined in blue on location plan) is taken via an access way sited adjacent to 2 Bawdale Road. This involves access through the roofing/builders yard referred to above. It is understood that rights of access over this access way have been the subject of private legal action in the past. This is, however, a private matter and not one on which the Council can adjudicate.
5. The application site contains a motor vehicle repair workshop at ground floor level, with construction work to extend the building to the rear and at upper levels largely

complete at the time of this application

6. The site forms part of an air quality management area, the suburban density zone and the Lordship Lane District Town Centre. The building is not listed nor is it located within a conservation area.

Details of proposal

7. Full planning permission is sought for change of use from MOT/car repair centre (Use Class B2) and office (Use Class B1) to a single residential dwelling (Use Class C3) with alterations to front and rear elevations.

Planning history

8. Planning permission was granted [08/AP/3015] on 14/07/2009 for the construction of a dormer window extension and use of the premises as office space (retrospective application). The site (2A BAWDALE ROAD) is located to the rear of 2 Bawdale Road, rear of 165-171 Lordship Lane, rear of 80-84 Whateley Road, and includes the building adjacent to 84 Whateley Road.

Planning permission was refused (06-AP-0903) on 20.11.06 for the construction of a first and second floor extension for use as offices with new stair access to rear, together with refurbishment of existing ground floor /garage and new roller shutters (the site is located to the rear of 2 Bawdale Road, rear of 165-171 Lordship Lane, rear of 80-84 Whateley Road, and includes the building adjacent to 84 Whateley Road). The applicant appealed against the refusal of planning permission and the subsequent enforcement notice however the appeal was dismissed 04.06.07.

Planning permission was granted [03-AP-1533] on 06/11/2003 for the construction of a first floor extension to provide a new office (Class B1). Conditions required the submission and approval of facing and roofing materials, and for the flank wall facing No.84 Whateley Road to be white rendered. This extension projected forward of the adjoining terrace (84 Whateley Road onwards) to reach the same level as the flank wall of 171 Lordship Lane. The first floor level was sloped back from the front and also at the rear. To the rear, the first floor extension projected approximately 2.5m beyond the rear wall of the adjoining dwelling No.84 Whateley Road, although this was all sloping form (the maximum height of the flat roof stopped 0.5m before the rear wall of No.84). A single storey element was sited to the rear.

Permission was refused [02-AP-1851] on 03/12/2002 for the construction of a first floor extension to create a new office and a link to the existing building at the rear. The application was refused due to the detrimental impact on the amenity of the occupiers of No.84 Whateley Road by reason of overlooking and loss of privacy.

Permission was granted [99-AP-0573] on 20/07/1999 for the variation of Condition 1 of 96-AP-0251. Hours of use were restricted by Condition to 07.30-18.00 Mondays to Fridays, 08.00–13.00 Saturdays and not at all on Sundays or Public Holidays.

A Certificate of Lawfulness for an Existing Use or Development was granted [98-AP-1373] on 27/11/1998 for the use of the site and premises for car repairs.

A Certificate of Lawfulness for an Existing Use or Development was refused [96-AP-1144] on 09/01/1997 for the use of the site and premises for car repairing. This Certificate was refused due to lack of evidence that the use had been begun and subsequently carried out continuously for more than 10 years.

Permission was granted [96-AP-0251] on 29/04/1996 for the continued use for the

storage of building materials.

A Certificate of Lawfulness for an Existing Use or Development was refused [95-AP-1134] on 13/02/1996 for the storage of building materials. This Certificate was refused due to lack of evidence of continuous use for 10 years or more.

Permission was refused [1634-82] on 22/11/1982 for change of use to general storage purposes.

Planning history of adjoining sites

9. There is no planning history of adjoining sites relevant in this application.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

10. The main issues to be considered in respect of this application are:
 - a) The principle of the development in terms of land use and conformity with strategic policies.
 - b) The impact of the development on the amenity of the adjoining properties.
 - c) The impact on design and the character and appearance of the area
 - d) Quality of accommodation
 - e) Transport impact
 - f) All other relevant material planning considerations.

Planning policy

11. National Planning Policy Framework (the Framework)
Section 4 - Promoting sustainable transport
Section 6 - Delivering a wide choice of high quality homes
Section 7 - Requiring good design

London Plan July 2011 consolidated with revised early minor alterations October 2013

Policy 3.3 - Increasing housing supply
Policy 6.9 - Cycling
Policy 6.10 - Walking
Policy 6.13 – Parking
Policy 7.4 - Local Character
Policy 7.6 - Architecture
Policy 7.15 - Reducing noise and enhancing soundscapes

Core Strategy 2011

Strategic policy 1 - Sustainable development
Strategic policy 2 - Sustainable transport
Strategic policy 5 - Providing new homes
Strategic policy 10 - Jobs and businesses
Strategic policy 12 - Design and conservation
Strategic policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

The Council's cabinet on 19 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.

1.4 - Employment Sites outside the Preferred Office Locations and Preferred Industrial Locations

1.7 Development within town and local centres

3.2 - Protection of amenity

3.7 - Waste reduction

3.11 Efficient Use of Land

3.12 - Urban design

3.13 - Quality in design

4.2 - Quality of residential accommodation

5.2 - Transport impacts

5.3 - Walking and cycling

5.6 - Car parking

Supplementary Planning Documents

SPD: Residential Design Standards 2011

Principle of development

12. Policy 1.4 of the Southwark Plan 2007 sets out policy regarding employment sites outside of preferred office and industrial locations. Policy 1.4, as updated by Core Strategy Policy 10, states that changes of use from employment to mixed uses will be permitted on sites providing the following criteria do not apply:

- i. The site is in the Central Activities Zone;
- ii. A town or local centre; or
- iii. Strategic Cultural Area; or
- iv. Action Area Cores;
- v. Camberwell Action Area
- vi. On a classified road

The site falls just inside the Lordship Lane District Town Centre and therefore protection for B Class floorspace is provided by policy.

13. However, given that the site is operated as a B2 use involving more noise intensive activity this can be considered to be non-conforming given this generally residential location. The proposed change of use in this instance will convert this non-conforming use to a residential property which will be more appropriate in this tightly constrained site immediately adjacent to a number of residential neighbours. Moreover, the site to the rear, which is also in the ownership of the applicant, and which is accessed from Bawdale Road, will remain in commercial use.
14. Accordingly, in these circumstances, it is considered that the normal policy presumption in favour of protecting employment floorspace in town centre locations is outweighed by the above factors. This is subject to consideration of the design of the proposed house, any other amenity impacts, the quality of accommodation and any transport impacts. These are considered below.

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

15. Saved policy 3.2 of the Southwark Plan seeks to ensure an adequate standard of amenity for existing and future occupiers; Strategic Policy 13 High Environmental Standards requires development to comply with the highest possible environmental

standards, including in sustainability, flood risk, noise and light pollution and amenity problems. The Council's Residential Design Standards SPD 2011 also sets out the guidance for residential developments which states that development should not unacceptably affect the amenity of neighbouring properties. This includes privacy, outlook, daylight and sunlight.

Impact on the neighbouring occupiers

16. The proposed development would not increase the footprint or height of the existing building, and as such is unlikely to result in any adverse impact to the neighbouring occupiers in terms of loss of outlook, or loss of daylight / sunlight.
17. The application site contains a motor vehicle repair workshop at ground floor level with ancillary office use on the upper floors. The proposed change of use to a single family dwellinghouse would therefore not increase or result in undue noise or disturbance to neighbouring residents, but would lead to a reduction in noise with consequent improvement to amenity.

Appearance of the area

18. The external alterations to the host building as a result of the proposed development would be:
 - Large garage doors replaced with residential door and window;
 - Replace the two rows of windows at first floor level with bi-fold / french doors leading out onto a roof terrace to the front of the site;
 - Reduce the rear extension and create a private courtyard /landscaped amenity area.

These changes would improve the appearance of the building when compared with the existing garage doors to a residential frontage giving the appearance of a residential dwelling rather than that of a MOT/car repair centre.

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

19. The proposal is for residential use, a use that conforms to the residential nature of the locality. As such it is not considered that there will be a conflict of use detrimental to amenity.

Transport issues

20. Saved policy 5.2 of the Southwark Plan seeks to ensure that developments do not result in adverse highways conditions and 5.6 establishes maximum parking standards.
21. The development makes no provision for off-street parking. Saved policy 5.6 of the Southwark Plan requires that all developments should minimise the number of spaces provided, and should take into account the PTAL and the impact on overspill parking.
22. The site has a PTAL (public transport accessibility level) of 4 (medium) and is not located in a controlled parking zone. Due to the constraints of the site the provision of off-street parking on site would not be possible or viable.
23. Given the modest nature of the proposal with one dwelling being created it is not considered that a significant level of on-street parking will be created. Furthermore it would replace a MOT/car repair centre where their clients parked on-street. As such the change of use would result in a reduction on parking pressure on the surrounding on-street parking provision.

24. It is considered that site constraints would make compliant cycle storage difficult within the building itself, and there is inadequate space to the front to provide dedicated secure and weatherproof storage. The site has a PTAL (public transport accessibility level) of 4 (medium). On balance it is considered that the proposal in this instance would be acceptable, given its modest nature and the tight site constraints and the benefits of removing an existing non-conforming use generating commercial parking from this location.
25. Adequate refuse and recycling storage can be provided within the front forecourt of the property which is considered acceptable.

Design issues

26. The proposed minor elevational alterations are:
 1. Replacement windows and front entrance door,
 2. Replacement windows to the front elevation at first floor level;
 3. Replacement windows and Juliet balcony at first floor level to the rear elevation; and
 4. Insertion of new bi-fold doors to the ground floor rear elevation allowing access to the courtyard / amenity space.
27. The proposed elevational alterations are all considered unobtrusive and acceptable in design terms and will improve the appearance of the site compared with existing. The proposal is therefore considered acceptable in terms of design and quality of accommodation.

Quality of accommodation

28. Saved policy 4.2 of the Southwark Plan requires residential developments to provide a good standard of accommodation. The application is subject to guidance laid out in the Council Residential Design Standards SPD 2011 which provides minimum standards of room sizes which accords with guidance in the London Plan. The residential units propose the following room sizes which are all in sqm and are compared to the requirements of the SPD.

	3 Bed dwelling	Living / Kitchen / Dining	Storage	WC	Bed 1	Bed 2	Bed 3	Amenity space
Proposed	95.9	27 + 7	1	4 & 1.5	19	11	10	13 & 4
Required by SPD	92	30	2.25	3.5	12	7	7	50

As shown in the table above, the proposed room sizes exceed comfortably the standards required by the SPD. There is no specified storage space allocated in the unit, however the surplus in either of the habitable rooms could accommodate the required 2.25m². In all other respects the proposed dimensions are satisfactory.

29. The proposal provides 17m² of private amenity space comprised of the rear amenity area and the two front facing terraces. Whilst this would not meet the usual guidelines outlined in the SPD, due to the site constraints that exist within the site and the existence of Alleyn's School Playing Field (Metropolitan Open Land) which is very close to the site, it is not considered that there any objections in this regard.
30. Overall, in the circumstances, it is considered that the proposal would result in an acceptable standard of accommodation and would therefore be in accordance with the

Residential Design Standards SPD and policies 3.2 Protection of Amenity and 4.2 Quality of Residential Accommodation of The Southwark Plan 2007.

Density

31. Strategic policy 5 of the Core Strategy requires residential and mixed-use developments in the suburban density zone to be between 200-350 habitable rooms per hectare. The proposed development would equate to 370 habitable rooms per hectare. This is only marginally over the normal density range for the area and is not considered to be decisive given that the site is constrained and is proposed to contain only a single dwelling.

Impact on trees

32. None.

Sustainable development implications

33. The proposal raises no sustainable development implications.

Other matters

34. S143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive in the payment of CIL as a material 'local financial consideration' in planning decisions. The requirement for Mayoral CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker. Mayoral CIL is to be used for strategic transport improvements in London, primarily Crossrail. The application is not CIL liable because it is not constituted as chargeable development under the CIL Regulations 2010 (as amended) reason being that the property is in lawful use and no additional floorspace is proposed.

Conclusion on planning issues

35. The proposed change of use and conversion to provide a three bedroom house is considered acceptable and will provide an acceptable standard of living accommodation in a sustainable location with no material impact on the amenity of the area or the adjacent occupiers. The development complies with the relevant policies of The Southwark Plan 2007, The Core Strategy 2011, and the provisions of the National Planning Policy Framework 2012. As such it is recommended that detailed planning permission be granted subject to conditions.

Community impact statement

36. 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.
 - a) The impact on local people is set out above.
 - b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified above.
 - c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

Consultations

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

Consultation replies

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

Summary of consultation responses

38. Two letters of objection received from 167 Lordship Lane. The following points were raised:

- The site plan is incorrect.

Officer comment: Disputes in regards to boundary lines are not matters on which the Local Planning Authority can adjudicate.

- The existing side wall of the building (referred to as 2A Bawdale road) is part of a boundary dispute and was the subject of a party wall award and court proceedings in 2006. My property runs in a straight line following the line of the end boundary of 169-171 Lordship Lane. It does not step back as appears on the plans submitted. Therefore Mr Djelal has made a false statement when he signed certificate A claiming he owns all the property which the plans relate to and the submitted site plan is incorrect.

Officer comment: Disputes in regards to boundary lines are private matters. Land registry Title Plan View – TGL382788 confirms ownership as per site plan submitted by the applicant and therefore officers are satisfied that Certificate A is the correct declaration to be completed.

- The revised plans as now submitted show what appear to be piers on the ground floor of the proposed building which are on my property it is not clear if they are meant to be windows or what there purpose is. Windows would impinge on my privacy and amenity.

Officer comment: There are not windows proposed in the flank elevations of the development. As such there will be no loss of privacy or impact on the neighbour's amenity.

- The plans show a court yard which would entail the partial demolition of the current structure, in a very confined space. But there is no mention of this in the application and the owners of the adjoining (attached) building have not even been notified of this aspect of the application. The plans also appear to show bushes planted across the front (and only door) to the remainder of the building which is not a part of this application (and not shown) but which is currently part of the current building as it now exists. I would suggest this almost smacks of deceit and an attempt to deceive about the true nature and implication of this application.

Officer comment: 2A Bawdale Road is in the ownership of the applicant. This application results in partial demolition of 2A Bawdale Road, and subdividing the site to create residential use fronting Whateley Road with B1 use to the rear of the site. Site notices and consultation letters were sent to neighbours by the Council notifying them of the proposed development. This included the neighbour to the rear of 2A Bawdale Road.

- This application splits a single property into two. The property to the rear of the

proposed building will have no access to the street accept through the court yard of the proposed development and then along an access way over private property which does not belong to the proposed site or the remainder of the site and over which there is no confirmed right of access. What will be the usage of this part of the building? Will it remain commercial, as a garage? If so how will it be accessed? There are community and neighbourly implications if this is the case and the application is granted, which should not be ignored. Interested parties on Lordship Lane own the freehold of the access way from Bawdale Road which runs to the rear of their properties and has never historically been a right of way to the site called 2A Bawdale in this application.

Officer comment: Detailed matters of rights of way are private matters between the parties. Nevertheless, from documents submitted by both the applicant and objector and from knowledge of the planning history of the site, officers are satisfied, on the balance of probabilities, that a means of access exists to the commercial site to the rear of the application site, which is also in the ownership of the applicant, from Bawdale Road.

- The report by Southwark development control dated 06/11/2006 states about previous breaches of planning on this site and the siting of the current building 'encroachment onto adjoining properties may well have occurred' and that plans were 'inaccurate' that the development was overbearing on such a small site. This is again the case for this proposal. Considering the density and controversy surrounding this site. I feel that any submitted plans should be detailed and precise to avoid any room for error and misunderstanding. Especially as previous building works have been carried out by the applicant in person.

Officer comment: Officers are satisfied as to the detail provided on the plans

- The plans depict a very large building on a very small site, even bigger than the plans which were previously refused partially on the grounds of size. The proposed building will be out of keeping with the surrounding buildings and is overbearing for such a small site which was originally half an alleyway.

Officer comment: It is proposed to reduce the footprint of the building. There will be no increase in scale, height or massing.

- The proposed building is on Whateley Road not Bawdale road. This proposed site has no legal access/ right of way to Bawdale road and therefore the application is again inaccurate and incorrect.

Officer comment: Land registry records identify the application site as 2A Bawdale Road.

- The proposed front elevation on Whateley Road appears to show a shop style entrance with large glass windows why? If it is residential.

Officer comment: Drawing annotated as 'Proposed Elevations' provide details of the new residential frontage of the proposal site.

- The current building on the application site has no connections to either sewage or mains water, I have genuine concern as to how and where the services would be connected if this goes ahead. The applicant has not provided any plans showing existing drainage, sewage or water services as required in the application.

Officer comment: This is not a material planning consideration. Sewage and mains water will be dealt with by Building Control and Thames Water.

Human rights implications

39. 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.
40. This application has the legitimate aim of providing residential accommodation. 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

41. None

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2633-A Application file: 14/AP/3856 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 5451 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Neil Loubser, Planning Officer	
Version	Final	
Dated	29 January 2015	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Corporate Services	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Community Services	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		30 January 2015

Consultation undertaken

Site notice date: 25/11/2014

Press notice date: n/a

Case officer site visit date: n/a

Neighbour consultation letters sent: 28/11/2014

Internal services consulted:

Drainage

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

2 Bawdale Road London SE22 9DN
Flat 2 1 Bawdale Road SE22 9DL
Flat 1 1 Bawdale Road SE22 9DL
80 Whateley Road London SE22 9DD
167a Lordship Lane London SE22 8HX
82 Whateley Road London SE22 9DD
84 Whateley Road London SE22 9DD
3a Bawdale Road London SE22 9DL
Basement And Ground Floor Flat 4 Bawdale Road SE22 9DN
First Floor And Second Floor Flat 163 Lordship Lane SE22 8HX
Ground Floor And First Floor Flat 4 Bawdale Road SE22 9DN
Basement And Ground Floor 157 Lordship Lane SE22 8HX
86 Whateley Road London SE22 9DD
Basement Flat 5 Bawdale Road SE22 9DL
5a Bawdale Road London SE22 9DL
First Floor And Second Floor Flat 161 Lordship Lane SE22 8HX
5b Bawdale Road London SE22 9DL
155b Lordship Lane London SE22 8HX

Ground Floor 155a Lordship Lane SE22 8HX
2a Bawdale Road London SE22 9DN
169-171 Lordship Lane London SE22 8HY
155c Lordship Lane SE22 8HX
159a Lordship Lane London SE22 8HX
3b Bawdale Road London SE22 9DL
Rear Of 2 Bawdale Road SE22 9DN
3c Bawdale Road London SE22 9DL
169a Lordship Lane London SE22 8HX
155a Lordship Lane London SE22 8HX
159 Lordship Lane London SE22 8HX
155 Lordship Lane London SE22 8HX
163 Lordship Lane London SE22 8HX
161 Lordship Lane London SE22 8HX
165a Lordship Lane London SE22 8HX
157 Lordship Lane London SE22 8HX
173 Lordship Lane London SE22 8HA
167 Lordship Lane London SE22 8HX
165 Lordship Lane London SE22 8HX

Re-consultation: n/a

Consultation responses received

Internal services

None

Statutory and non-statutory organisations

None

Neighbours and local groups

Email representation
167 Lordship Lane London SE22 8HX