

Item No. 7.2	Classification: OPEN	Date: 7 September 2015	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 15/AP/1900 for: Full Planning Permission Address: 97 AZENBY ROAD, LONDON, SE15 5AJ Proposal: Change of use of a vacant shop unit (A1 Class) to a studio flat (Use Class C3a)		
Ward(s) or groups affected:	The Lane		
From:	Director of Planning		
Application Start Date 18/05/2015		Application Expiry Date 13/07/2015	
Earliest Decision Date 05/07/2015			

RECOMMENDATION

1. That this application is referred to Members for consideration; and that planning permission is granted subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. Warwick Gardens House is a terrace of four storeys numbered 93 – 99 Azenby Road providing residential accommodation with shared swimming pool and amenity space to the rear garden. The building is not listed however; it is located in the Holly Grove Conservation Area.
3. The ground floor of the terrace formed four separate units, three of which are in use as residential accommodation. The application site consists of an A1-retail unit which is currently vacant. The shop unit operated as a newsagents/convenience store and became vacant in September 2014 when the tenant vacated the property without notice.
4. The area is predominantly comprised of established residential properties finished in facing brickwork with some render elements.

Details of proposal

5. The proposals forming this submission seek to convert the existing shop premises, extending to a gross internal floor area of 36.7sq/m, into a studio apartment of the same area. The studio apartment would have separate sanitary facilities and an open plan living, cooking, dining and sleeping space. Internal storage proposed in excess of 1.25sq/m.
6. The existing rear door would be replaced with a secure glazed door providing direct access to the shared swimming pool and amenity space from the studio's dining area.

7. Existing shared refuse storage is provided to the front and side of the building, which could be utilised by any occupier. Existing secure cycle storage is also provided to the side and rear of the building, which could also be used by the apartment's potential occupier.
8. The existing shop front would be removed and replaced with rendered masonry; timber sash windows; a timber door and fan light, to match the fenestration of the adjoining properties.

Planning history

9. TP/2710/93/KPH: Planning permission granted on 25-06-1984 for the erection of a single storey swimming pool out-building in the rear garden area of 93-97 Azenby Road, London, SE17
10. TP/2710/93/KPH: Planning permission for the conversion of 93-99 Azenby Road, SE15 to provide 28 self-contained flats and 1 lock-up shop and the laying out of the area at the rear of the premises as communal garden with swimming pool granted on 31-03-1981

Planning history of adjoining sites

11. None relevant identified

KEY ISSUES FOR CONSIDERATION

Summary of main issues

12. The main issues to be considered in respect of this application are:
 - a) principle of landuse
 - b) the impact on the amenities of neighbouring occupiers
 - c) the impact on the visual amenity of the streetscene
 - d) the impact on the transportation network

Planning policy

13. National Planning Policy Framework (the Framework)
 - Section 6: Delivering a wide choice of high quality homes
 - Section 7: Requiring good design
14. London Plan July 2015
 - Policy 3.3 Increasing housing supply
 - Policy 3.4 Optimising housing potential
 - Policy 3.5 Quality and design of housing developments
 - Policy 3.8 Housing choice
 - Policy 4.1 Developing London's economy
 - Policy 5.12 Flood risk management
 - Policy 6.9 Cycling
 - Policy 6.10 Walking
 - Policy 6.13 Parking
 - Policy 7.3 Designing out crime
 - Policy 7.4 Local character
 - Policy 7.6 Architecture

- Policy 7.8 Heritage assets and archaeology
- Policy 8.3 Community infrastructure levy

15. Core Strategy 2011

- Strategic Policy 2 – Sustainable transport
- Strategic Policy 5 – Providing new homes
- Strategic Policy 6 – Homes for people on different incomes
- Strategic Policy 10 - Jobs and Businesses
- Strategic Policy 12 - Design and Conservation
- Strategic Policy 13 - High Environmental Standards

Southwark Plan 2007 (July) - saved policies

16. The Council's cabinet on 19 March 2013, as required by par 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.

- Saved policy 1.10 (Small scale shops and services outside the town and local centres and protected shopping frontages)
- Saved policy 3.2 (Protection of amenity)
- Saved policy 3.2 (Protection of amenity)
- Saved policy 3.7 (Waste reduction)
- Saved policy 3.11 (Efficient use of Land)
- Saved policy 3.12 (Quality in Design)
- Saved policy 3.13 (Urban Design)
- Saved policy 3.16 (Conservation Areas)
- Saved policy 4.2 (Quality of accommodation)
- Saved policy 5.2 (Transport impacts)
- Saved policy 5.3 (Walking and Cycling)

Residential Design Standards SPD 2011

Summary of consultation responses

17. 26 Letters of objection received and 3 in support.

18. The objections relate to:

- Principle of the change of use (loss of the shop)
- The shop lease was not clearly advertised and enquiries were not responded to.
- Quality of the accommodation proposed.

Principle of development

19. The principle of the proposed development is acceptable as it complies with Council's policy in so far as development in small scale shops and services outside the town and local centres and protected shopping frontages is concerned. The change of use from A1 use class to C3a use class is therefore acceptable as discussed below.

20. The site falls outside the town and local centres and protected shopping frontages as identified in the Southwark Plan 2007.
21. Saved policy 1.10 Small scale shops and services outside the town and local centres and protected shopping frontages states that development will only be permitted for a proposal for a change in use between A use classes or from A use classes to other uses, when the applicant can demonstrate that:
 - i The proposed use would not materially harm the amenities of surrounding occupiers; and
 - ii. The use that will be lost is not the only one of its kind within a 600m radius and its loss would not harm the vitality and 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.
22. The proposed development would result in the loss of a small scale shop unit as it is proposed to change the use from A1 (retail) to C3a (residential – studio flat); however the Council's land use maps identifies similar retail uses within close proximity of the site. There are several retail units on Bellenden Road, Lyndhurst Grove, Lyndhurst Way and Chadwick Road which are all less than 500m from the site. As such the proposal complies with the requirements of saved Policy 1.10 and in particular ii. The impact on amenity in compliance with part i is considered to be acceptable and discussed further below.
23. Part of the local objection to the proposal was that premises were not suitably marketed. While marketing would be required under part iii of policy 1.10, it does need to comply with part ii and iii as compliance with one is sufficient for the change in land use to be acceptable. As there are other retail uses within 600m of the site, compliance no marketing is required for the change of use to be acceptable, in principle.

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

24. The proposed use of the premises as residential would not result in any harm to the amenity of any neighbouring residential occupiers, as the area (and adjoining properties) is generally in residential use.

Quality of accommodation proposed

25. The proposed studio unit would measure approximately 36.7m²: separate sanitary facilities and an open plan living, cooking, dining and sleeping space. The Residential Design Standards provides guidance that a studio should be a minimum of 36m² in area. The proposal complies with the minimum size standard for a studio dwelling.
26. The proposal would benefit from a dual aspect. The existing rear door would be replaced with a secure glazed door providing direct access to the shared swimming pool and amenity space from the studio's dining area. The existing shop front would be removed and replaced with rendered masonry with timber sash windows and a timber door and fanlight.
27. The area is predominantly comprised of established residential properties with the neighbouring ground floor units in residential use therefore it is considered that there would be no loss of privacy to the future occupiers
28. Overall, for these reasons it is considered that the proposed residential unit would

provide a good quality of accommodation for future occupiers as set out in saved policy 4.2 'Quality of accommodation' of the Southwark Plan and strategic policy 13 'High Environmental Standards' of the Core Strategy.

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

29. The residential use within this building is not considered to impact on the amenity of the future occupiers of the proposed residential unit.

Transport issues

Car parking

30. The site is not located within a CPZ and therefore it would not be possible to exempt future occupiers from obtaining car parking permits. However there is sufficient on-street parking within the vicinity of the site to cater for any additional car parking requirements arising.

Cycle parking

31. Existing secure cycle storage is also provided to the side and rear of the building, which can also be used by the studio apartment.

Refuse

32. Existing shared refuse storage is provided to the front and side of the building, which can be utilised by the new studio.

Design issues

33. The replacement of the existing shopfront with a residential frontage is considered acceptable within the context of the site. It is proposed to remove and replace the existing shopfront with rendered masonry with timber sash windows and a timber door and fanlight, to match the existing fenestration of the adjoining properties. The proposal is not considered to have a detrimental impact on the appearance of the terrace and is therefore acceptable.

Impact on character and setting of a listed building and/or conservation area

34. The proposed development will have no adverse impact upon either the character or appearance of the conservation area; indeed the works to the facade would enhance it.

Other matters

35. 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).

Conclusion on planning issues

36. The application is not the only one of its kind within a 600m radius therefore the proposal complies with saved policy 1.10 Small scale shops and services outside the town and local centres and protected shopping. It is recommended that planning permission be approved.

Community impact statement

37. 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 as: None

Consultations

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

Consultation replies

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

Human rights implications

40. 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.
41. This application has the legitimate aim of providing a studio flat. 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.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2710-A Application file: 15/AP/1900 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	Simon Bevan, Director of Planning	
Report Author	Neil Loubser, Planning Officer	
Version	Final	
Dated	21 August 2015	
Key Decision	None	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic director, finance & corporate services	No	No
Strategic director, environment and leisure	No	No
Strategic director, housing and community services	No	No
Director of regeneration	No	No
Date final report sent to Constitutional Team		24 August 2015

APPENDIX 1

Consultation undertaken

Site notice date: 12/06/2015

Press notice date: 04/06/2015

Case officer site visit date: 12/06/2015

Neighbour consultation letters sent: 01/06/2015

Internal services consulted:

n/a

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

25 Azenby Road London SE15 5AJ	18 Azenby Road London SE15 5AJ
26 Azenby Road London SE15 5AJ	22 Warwick Gardens House Azenby Road SE15 5AJ
27 Azenby Road London SE15 5AJ	8 Warwick Gardens House Azenby Road SE15 5AJ
22 Azenby Road London SE15 5AJ	10 Crofton Road London SE5 8nb
23 Azenby Road London SE15 5AJ	66 Talfourd Road London SE155NY
24 Azenby Road London SE15 5AJ	4 Wingfield Mews London SE15 4LD
Flat C 140 Crofton Road SE5 8NA	80 Talfourd Road London SE15 5NZ
Flat B 140 Crofton Road SE5 8NA	51 Bushey Hill Rd London SE5 8QF
97 Azenby Road London SE15 5AJ	117 Bushey Hill Road London SE5 8QQ
28 Azenby Road London SE15 5AJ	99a Talfourd Road London SE15 5NN
8 Azenby Road London SE15 5AJ	99a Talfourd Rd London SE15 5NN
9 Azenby Road London SE15 5AJ	Talfourd Road Peckham SE15 5NY
13 Azenby Road London SE15 5AJ	106 Talfourd Road London SE15 5NZ
14 Azenby Road London SE15 5AJ	94 Talfourd Road London SE155NZ
15 Azenby Road London SE15 5AJ	72 Lyndhurst Grove London SE15 5AH
10 Azenby Road London SE15 5AJ	98 Bellenden Road London SE15 4RF
11 Azenby Road London SE15 5AJ	Flat 3 Manor Court 43 Talfourd Road SE15 5PD
12 Azenby Road London SE15 5AJ	42 Lyndhurst Grove London SE15 5AL
19 Azenby Road London SE15 5AJ	16 Sunwell Close London SE15 2TR
20 Azenby Road London SE15 5AJ	86 Shenley Road SE5 8nq SE5 8NQ
21 Azenby Road London SE15 5AJ	76 Lyndhurst Grove SE15 5AH
16 Azenby Road London SE15 5AJ	25 Lyndhurst Way London SE15 5AG
17 Azenby Road London SE15 5AJ	16 Talfourd Road London SE155ny

Re-consultation: n/a

Consultation responses received

Internal services

None

Statutory and non-statutory organisations

None

Neighbours and local groups

Flat 3 Manor Court 43 Talfourd Road SE15 5PD

Talfourd Road Peckham SE15 5NY

10 Crofton Road London SE5 8nb

106 Talfourd Road London SE15 5NZ

117 Bushey Hill Road London SE5 8QQ

13 Azenby Road London SE15 5AJ

15 Azenby Road London SE15 5AJ

15 Azenby Road London SE15 5AJ

16 Sunwell Close London SE15 2TR

16 Talfourd Road London SE15 5NY

22 Warwick Gardens House Azenby Road SE15 5AJ

25 Azenby Road London SE15 5AJ

25 Lyndhurst Way London SE15 5AG

4 Wingfield Mews London SE15 4LD

42 Lyndhurst Grove London SE15 5AL

51 Bushey Hill Rd London SE5 8QF

66 Talfourd Road London SE15 5NY

72 Lyndhurst Grove London SE15 5AH

76 Lyndhurst Grove SE15 5AH

8 Warwick Gardens House Azenby Road SE15 5AJ

80 Talfourd Road London SE15 5NZ

86 Shenley Road SE5 8nq SE5 8NQ

9 Azenby Road London SE15 5AJ

94 Talfourd Road London SE15 5NZ

98 Bellenden Road London SE15 4RF

99a Talfourd Rd London SE15 5NN

99a Talfourd Road London SE15 5NN