

<b>Item No.</b> 8.1	<b>Classification:</b> Open	<b>Date:</b> 17 July 2018	<b>Meeting Name:</b> Planning Sub-Committee A
<b>Report title:</b>	<b>Development Management planning application:</b> Application 17/PAP/4421 for: Full Planning Application  <b>Address:</b> 31-33 GROVE VALE, LONDON SE22 8EQ  <b>Proposal:</b> Change of use of the upper floors of The Cherry Tree Public House from ancillary staff accommodation (Class A4 Use) to create a 26-bed bunk house hostel (Sui Generis - Visitor Accommodation) across four rooms plus ancillary accommodation for the general manager (Class A4)		
<b>Ward(s) or groups affected:</b>	Goose Green		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b> 24/11/2017		<b>Application Expiry Date</b> 06/07/2018	
<b>Earliest Decision Date</b> 02/02/2018			

## RECOMMENDATION

1. That planning permission is granted subject to conditions.

## BACKGROUND INFORMATION

2. The current scheme represents a revised proposal of the scheme that was originally submitted and presented to Planning Sub-Committee B on 7 March 2018. As described below, the current proposal seeks to address concerns raised by the Sub-Committee that led to a decision previously being deferred.

### Site location and description

3. The site is located to the northern side of Grove Vale Road and is occupied by a detached red brick two storey building with accommodation in the roof. The ground floor comprises a large external seating area to the front with a symmetrical traditional façade with a single access door flanked by additional double doors as well as large glazed panels. Internally, the ground floor forms the main part of the public house with a parlour, bar/snug and garden lounge. There is also a kitchen and associated amenities at ground floor. To the rear, there is a large enclosed beer garden and secret garden area. At the western elevation, there is an external smoking area, whilst to the east, there is a gated side entrance lane providing access to the rear of the property.
4. Externally at the first floor, there are traditional arched sash windows, whilst the second floor traditional dormer sash windows are set within the roof. Internally, the upper floors currently comprise of ancillary accommodation for the Pub, including bedrooms for staff and kitchen/living rooms. These are not separate Class C3 Use dwellings, as they are ancillary to the primary use of the application site and inherently linked to the operation of the Pub. The rooms are accessed both internally and externally via a rear staircase.

5. The immediate surrounding area on Grove Vale is a combination of commercial, retail, restaurants, community facilities and residential and is primarily 2 – 2.5 storey semi-detached and terraced properties. The houses and shop units are mostly traditional in appearance, although there are more modern houses as well. There are a variety of styles present including brick and painted render exterior. The site is not located within a conservation area, nor is it a listed building.

### **Details of proposal**

6. The originally submitted proposal has now been revised. The proposal will continue to create a bunk house hostel accommodation on the upper floors above The Cherry Tree Public House, however, the number of bedspaces provided has been reduced from 47 to 26 (a 45% reduction). The accommodation will provide a total of 26 beds with communal associated facilities and amenities across three bedrooms on the first floor with the 3x double bunkbeds in one bedroom (six bedspaces) and 4x double bunk beds (eight bedspaces) in the two other bunk beds. There will also be provision for short-stay accommodation for a family on the second floor, with one room that includes four single bedspaces. The changes include the complete removal of the triple bunk beds originally proposed and so a reduction in the capacity of each bunk room. These rooms will be served by 6x shower rooms and 6x WCs and a communal kitchen/living room, with one shower room and one WC for the family room.
7. A self-contained flat has been introduced at second floor level that is specified as in-house General Manager's accommodation. The general manager's accommodation will have ensuite accommodation with own bedroom, kitchen, bathroom and living room. It is considered that this will assist with the security and maintenance of the property and also address the concerns regarding those guests returning to the tourist accommodation out of business hours.
8. The public house will be retained on the ground floor and the proposal involves the conversion of the upper floors only and requires no external alterations. In land use terms, this constitutes a change of use from A4 (drinking establishments) to a Sui Generis use.
9. There will still be two entrances available to visitors to the bunkhouse, one through the main entrance to the pub and up the stairs during the operation of the ground floor use and one via the side alley nearest to 37 Grove Vale, where the upper floors can be accessed via the staircase. A covered cycle shelter will also be provided for six cycle spaces in this location.

### **Planning history**

10. None

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

29 GROVE VALE, LONDON, SE22 8EQ

11. **Development Management planning application:**  
Application 10-AP-3741 for: Full Planning Permission  
**Proposal:**  
Change of use from a Sui-Generis Launderette to Class A1 use Retail Unit and remove existing rear door.  
DEC: GRA

**Development Management planning application:**

Application 14/AP/1104 for: Full Planning Permission

**Proposal:**

Erection of single storey side and rear extension to provide additional storage space to A1 (retail) use.

DEC: GRA

**Development Management planning application:**

Application 16/AP/2810 for: Full Planning Permission

**Proposal:**

Erection of single storey rear and side extension with part conversion of the rear of the ground floor from A1 to C3 to include 1 studio flat with some internal and external alteration and part demolition.

DEC:GRA

**Development Management planning application:**

Application 17/AP/1340 for: Full Planning Application

**Proposal:**

Construction of part two, part single storey rear and side ground floor extension together with L-shaped dormer extension over the main roof and outrigger to facilitate conversion of upper floors into x2 flats

DEC: GRA

**KEY ISSUES FOR CONSIDERATION**

**Summary of main issues**

12. The main issues to be considered in respect of this application are:
  - a. The principle of the development with respect to land use and its conformity with strategic policies
  - b. The impact on the amenity of occupiers of neighbouring properties
  - c. The quality of accommodation for future occupiers
  - d. The impact on the appearance and character of the building and the streetscape

**Planning policy**

National Planning Policy Framework (the Framework)

13. None considered directly relevant

The London Plan 2016

14. Policy 4.5 - London's visitor infrastructure

Core Strategy 2011

15. 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 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.

Policy 1.9 - Change Of Use Within Protected Shopping Frontages.

Policy 1.12 - Hotels And Visitor Accommodation

Policy 3.2 - Protection Of Amenity.

Policy 3.14 - Designing Out Crime

#### Draft New Southwark Plan - Submission version

17. P32 - Protected shopping frontages  
P36 - Hotel and visitor accommodation

#### Supplementary planning documents

18. Dulwich supplementary planning document.

#### **Consultation responses**

19. 22 comments were made on the application prior to the planning sub-committee B on 7 March 2018. Of these, a single comment was made in support of the proposal and 21 objections were received. The main concerns raised were:

- Increased noise and disturbance which was cited as already being an issue from the existing use of the pub on the ground floor, and which could be exacerbated by the use of the upper floors as a hostel accommodation introducing 47 bed spaces for visitors.
- Concerns raised for people coming in and out of the area at different times;
- Concerns that the nature of the hostel will attract anti-social behaviour;
- Hostel accommodation is not appropriate in a residential area;
- Poor quality of accommodation proposed, with 47 bedspaces on two floors, being exploitative and overcrowding;
- Issues in regards to fire safety with potentially 47 bedspaces.
- A more traditional bed and breakfast would be appropriate;
- The proposal is not in keeping with character of the area and will attract a different demographic;
- Additional pressure will be placed on transport.

20. The proposal was revised and subject to re-consultation in May 2018. During this time a further three objections were received. The main points raised during the re-consultation were:

- The site is not located within the Central Activities Zone, neither is it in an intensification area, the proposal therefore is contrary to London Plan 4.5;
- Noise and disturbance;
- The proposal, due to its scale, would lead to an over-dominance of hotel accommodation and so is inconsistent with Southwark Plan Policy 1.12;
- The general management accommodation will not reduce or eliminate the risk of noise within the surrounding area it will not stop users of the hostel wanting to visit the Lordship Lane town centre area or surrounding residential streets;
- The hostel will affect the established community identity which is of a 'family community'.

## **Principle of development**

21. The proposal seeks to change the ancillary use of the upper floors, currently used as accommodation for staff, to provide visitor accommodation in the form of a hostel, which is also intended to complement the use of the public house on the ground floor.
22. Policy 4.5 of the London Plan advises that visitor accommodation which is proposed outside of the Central Activities Zone (CAZ) should be in town centres, opportunity areas or intensification areas. It is noted that this development is beyond the CAZ and is not within a defined town centre, opportunity area or intensification area, where there is good public transport access. It is however within a shopping parade, which encourages visitors and shoppers with a variety of land uses on ground floor such as commercial, retail, restaurants, community facilities, such as the Grove Vale Library, and notably, the public house itself. As a whole these variety of uses all invite daytime and night-time visitors. In addition, the site has a relatively good Public Transport Accessibility Level (PTAL) of 4 and is located in close proximity to East Dulwich rail station, which offers regular services to Central London. As such it is deemed that the location for the proposal would be appropriate in the context of the strategic priorities set out in the London Plan.
23. Policy 1.12 of the saved Southwark Plan acknowledges that visitor accommodation contributes to local job opportunities and prosperity, as well as promoting Southwark as a tourist destination, however this is only supported in areas with good access to public transport, where the scale of the proposal is appropriate to the context and location. This policy also advises that hotels and visitor accommodation will not be permitted where it would result in a loss of existing residential accommodation, or an over dominance of visitor accommodation in the locality. Draft Policy P36 of the New Southwark Plan maintains this general support subject to impacts on local character or amenity by the design, scale, function, parking and servicing arrangements. These detailed policy issues are further assessed below.
24. There are no other visitor accommodations in the immediate vicinity of Grove Vale. The nearest visitor accommodation in the borough are The Salvation Army (Grove Hill Road, Camberwell) and The Victoria Inn (Peckham). Further, the current proposal represents a reduction in the scale of visitor accommodation, from the original 47 bed spaces to 26 bedspaces. The reduced scale is considered better suited to this location.
25. The proposal also does not result in the loss of A1 (retail) use as the premises is currently operating as an A4 (public house) use, as such the proposal does not conflict with Southwark Plan Policy 1.9 'Change of Use within Protected Shopping Frontages' nor emerging policy P32 'Protect shopping frontages' of the New Southwark Plan. The proposal does not include any external alterations to the building as such this will not affect the character of the protected shopping frontage.
26. The applicant operates a number of public houses at which the upper storeys have been converted to different types of accommodation. This lends confidence to the contention that the proposal would not undermine or compromise the ongoing operation of the Public House.

## **Environmental impact assessment**

27. Not required with the scale and nature of the development proposed.

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

28. Consultation comments have been raised relating to potential noise and disturbance from additional people coming into the area which will exacerbate the already high level noise emanating from the ground floor public house use. It is also noted that concerns have been raised that anti-social behaviour will be increased as result of the additional visitors coming into the area.
29. In order to manage additional noise the agent has proposed the following management practices and restrictions to manage the duration of operation of the change of use:
  - Time of check in from between 11am to 11pm;
  - Time of check out will be open;
  - All bookings will be managed by the on-site General Manager, who will notify guests of the check in/out times. Arrivals and departures will be managed as in any other guest accommodation, with a member of staff greeting guests;
  - There will be no access to the front and rear gardens between the hours 10pm to 11am
  - There will be a duty manager on site during the night;
  - There will be no access to the pub after hours and it will be fully locked off;
  - In terms of measures to mitigate anti-social behaviour there will be CCTV, usual appropriate signage, staff training and duty manager on site;
  - Food/drink offer will be restricted to the pub and operating hours as there will be no in-room catering available.
30. The above measures constitute part of the management plan for the operation of the hostel accommodation on the upper floors and officers are satisfied that the measures should reduce the potential for anti-social behaviour as a result of the change of use.
31. In addition, the reduction in the number of bedspaces from 47 to 26, the addition of on-site general manager's accommodation and the creation of a room perhaps more suited to families are all changes compared to the initial scheme that are made in response to concerns about the potential for noise and disturbance.
32. Consultation comments have also raised concerns relating to types of visitors that will be coming into the area on a regular basis as a result of this change of use and the impact of this on the character of a residential area. Concerns are raised that there will be an influx of youth, from pre-wedding events, which will typically affect the residential nature of this area and the amenity of neighbours
33. Saved Policy 1.12 of the Southwark Plan states that hotel and visitor accommodation is encouraged where the scale of the proposal is appropriate to the context and location, while draft Policy P36 of the New Southwark Plan states that proposals for hotels and other forms of visitor accommodation must not harm the local character or amenity by the design, scale, function, parking and servicing arrangements, and so an assessment on local character and amenity is important. However, it is advised that planning cannot discriminate against or make assumptions about certain potential types of clientele.
34. As explained above, it is also noted that the proposal is not in a defined town centre, opportunity area, intensification or within the Central Activities Zone, however it is within a shopping parade, which encourages both day and night visitors through the mix of uses on the ground floor. The restrictions on the operation of the hostel should

mitigate additional noise arising from the use of the hostel. The reduction of users of the hostel from 47 users to 26 should also reduce the amount of potential noise.

35. In terms of impacts to amenity in terms of noise, it is noted that the residents have indicated that the current use of the A4 use on the ground floor is already raising concern due to current noise levels. The proposed use in relation to arrivals, departures and use of the two rear gardens will be confined to the existing hours of operation of the Public House on the ground floor. The potential for additional noise beyond these hours is therefore limited and the additional impact likely limited to the comings and goings of 26 additional users to the property, assuming the bunk-house is fully occupied.
36. Due to the nature of the public house, which does not have a cap on the amount of visitors that can attend at anyone time, it is not deemed that the proposed change of use of the upper floors and the potential maximum of 26 additional users this could give rise to would materially aggravate the current noise levels which originate from the ground floor use.
37. Consultation comments were also raised on the initial application that the additional 47 bedspaces were would raise issues with fire safety. Although the remaining bedspaces have been reduced issues in regards to fire safety are matters for assessment with building control.

#### Impact on users of the proposed development and quality of accommodation

38. There is no guidance relating to the format or quality of hostel accommodation within planning policy. However it is noted that the reduction of bedspaces available will improve the experience for users of the facility as all the triple bunk beds have been removed and availability of the facilities are less scarce. The kitchen will not have cooking equipment other than a microwave as users are expected to consume food obtained either from the public house in the ground floor or outside and bring to the upper floors. The kitchen and communal area is primarily used for reheating food, consuming prepared food or as a communal area.
39. Comments were received during the initial consultation on the original proposal such that the proposal attempts to provide too many bedspaces, which should be considered over-development that would ultimately provide poor quality accommodation for guests.
40. In terms of quality of accommodation, it is important to note the proposal is for temporary short stay of tourists/visitors and not permanent living accommodation. The primary function is providing facilities for visitor accommodation on a temporary basis. In light of this and given the lack of any clear design standards, it is not deemed that the alleged poor quality of accommodation for this proposed hostel would be a defensible reason for refusal.

#### **Transport issues**

41. The hostel would be located within a site which has a public transport accessibility rating (PTAL) of 4 (good). Both the London Plan and local policies require visitor accommodation to be in areas with good transport links
42. Although this is not the highest PTAL rating it is considered to be sufficient as it is within 55 metres of two bus stops (serving different directions), which cover a number of bus routes heading towards Penge, Tottenham Court Road, Lewisham, Victoria Station, Dulwich, Aldgate, London Bridge and Liverpool Street, Camberwell and Peckham. The proposal is also within 100m of East Dulwich Station and 1km from

Denmark Hill Station.

43. The site also has over 20 cycle stand spaces available in the immediate vicinity along Grove Vale Road.
44. Under London Plan Policy 6.9, a hostel of this nature could be considered to require between 2 and 24 cycle spaces for long stay visitors, depending on whether it is considered to be more akin to hotel use or student accommodation, with a further short stay cycle space. The agent has agreed to provide 6x covered cycle spaces in the form of a cycle shelter in the rear amenity space, which also functions as a secondary entrance to visitors for the hostel. Having considered the nature of the use where most customers would arrive with luggage so be less likely to cycle, and in light of the noted accessibility to other forms of public transport above, it is deemed that this cycle storage proposed is acceptable.
45. The planning statement also confirms that this is to be a car-free development.
46. The planning statement also confirms that guests, when booking accommodation, will be notified that there is no on-site parking available and will be made aware of the public transport and encourage to visit the property via those methods. The accommodation will be advertised, via the owners (Redcomb Pub Ltd) website as well as online booking channels. Both of these methods will notify guests of the lack of on-site parking and direct guests to the public transport. All bookings will be managed by the on-site general manager, who will notify guests of the check in/out times.

#### Waste Management

47. The agent has confirmed that waste management will remain the same for the ground floor use of the public house than for the proposed change of use of the upper floors

#### **Design issues**

48. The proposal does not include any external changes and the quality of accommodation is addressed above.

#### **Planning obligations (S.106 undertaking or agreement)**

49. The proposal is not CIL Liable as there is no increase in floor space.

#### **Conclusion on planning issues**

50. Overall, it is considered that the location is suitable for modestly-sized visitor accommodation and that this use will deliver some economic benefit. Though concerns relating to potential impacts on local amenity are acknowledged, it is considered that deemed that the significant reduction in the number of bed spaces and the management controls and restrictions now proposed will ensure that any impacts on the amenity of neighbours is minimised and that the character of the function of the area is protected. It is further considered that impacts to the highway will be kept to a minimum. As such, it is considered that the proposal is consistent with the Development Plan and it is recommended that planning permission is granted.

#### **Community impact statement**

51. 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.

### **Consultations**

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

### **Consultation replies**

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

#### Summary of consultation responses-November 2017

54. Comments received during the original consultation period are summarised in Paragraph 19, above. Further comments were received from external bodies and internal officers, as below:

- Metropolitan Police: No objection
- Environmental Protection Team: No Objection
- Transport Team (Southwark): Request a transport statement detailing how sustainable transport will be encouraged in relation to arrivals and departures. (Details have been provided)
- Flood risk and drainage team: No objection

#### Summary of consultation responses - May 2018

55. Comments received during the re-consultation in April 2018 are summarised in Paragraph 20, above, and raise broadly the same issues as previously received during the original consultation.

### **Human rights implications**

56. 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.

57. This application has the legitimate aim of providing visitor 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.

## **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/2122-31	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquires telephone: 020 7525 5403
Application file: 17/PAP/4421		Planning enquires email: planning.enquiries@southwark.gov.uk
Southwark Local Development Framework and Development Plan Documents		Case officer telephone: 0207 525 4929 Council website: www.southwark.gov.uk

## APPENDICES

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

## AUDIT TRAIL

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Yvonne Sampoh, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	19 June 2018	
<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 & Governance	No	No
Strategic Director of Environment and Social Regeneration	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		5 July 2018

# APPENDIX 1

## Consultation undertaken

**Site notice date:** 05/12/2017

**Press notice date:** n/a

**Case officer site visit date:** 12/01/2018

**Neighbour consultation letters sent:** 28/11/2017

### Internal services consulted:

Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]  
Flood and Drainage Team

### Statutory and non-statutory organisations consulted:

Metropolitan Police Service (Designing out Crime)

### Neighbour and local groups consulted:

29a Grove Vale London SE22 8EQ	6 Besant Place SE22 8DA
39 Grove Vale London SE22 8EQ	43 Adys Road Peckham Rye SE15 4DX
The Vale 31-33 Grove Vale SE22 8EQ	30 Derwent Grove London SE22 8EA
6 Vale End London SE22 8EG	26 Derwent Grove East Dulwich SE22 8EA
29 Grove Vale London SE22 8EQ	93 Copleston Road Peckham SE15 4AH
37b Grove Vale London SE22 8EQ	39 Derwent Grove London SE22 8DZ
37a Grove Vale London SE22 8EQ	15 Blackwater St London Se22 8SS
37 Grove Vale London SE22 8EQ	111a Grove Vale London Se228en
39a Grove Vale London SE22 8EQ	24 Derwent Grove London SE22 8EA
10 Besant Place London SE228DA	16 Derwent Grove London SE22 8EA
10 Besant Place London se22 8da	31 Derwent Grove London SE22 8DZ
10 Besant Place London SE228DA	43 Grove Vale London SE22 8EQ
32 Grove Vale London SE22 8DY	1 15a Grove Vale London SE2 28ET
24 Derwent Grove London SE22 8EA	
Flat 6 15a Grove Vale SE22 8ET	15 Derwent Grove East Dulwich SE228DZ
30 Fellbrigg Road London SE22 9HH	31 Derwent Grove London Se228dz
158 Grove Lane London SE5 8BP	15 Derwent Grove London SE22 8DZ
	15 Derwent Grove East Dulwich SE22 8DZ

**Re-consultation:** 08/05/2018

## APPENDIX 2

### Consultation responses received

#### Internal services

None

#### Statutory and non-statutory organisations

Metropolitan Police Service (Designing out Crime)

#### Neighbours and local groups

Email representation

Flat 6 15a Grove Vale SE22 8ET  
1 15a Grove Vale London SE2 28ET  
10 Besant Place London se22 8da  
10 Besant Place London SE228DA  
10 Besant Place London SE228DA  
111a Grove Vale London Se228en  
15 Blackwater St London Se22 8SS  
15 Derwent Grove East Dulwich SE22 8DZ  
15 Derwent Grove East Dulwich SE228DZ  
15 Derwent Grove London SE22 8DZ  
158 Grove Lane London SE5 8BP  
16 Derwent Grove London SE22 8EA  
24 Derwent Grove London SE22 8EA  
24 Derwent Grove London SE22 8EA  
24 Derwent Grove London SE22 8EA  
26 Derwent Grove East Dulwich SE22 8EA  
30 Derwent Grove London SE22 8EA  
30 Fellbrigg Road London SE22 9HH  
31 Derwent Grove London SE22 8DZ  
31 Derwent Grove London SE22 8DZ  
31 Derwent Grove London Se228dz  
32 Grove Vale London SE22 8DY  
39 Derwent Grove London SE22 8DZ  
43 Adys Road Peckham Rye SE15 4DX  
43 Grove Vale London SE22 8EQ  
6 Besant Place SE22 8DA