

Item No. 1.2	Classification OPEN	Decision Level DULWICH COMMUNITY COUNCIL	Date 10/11/09
From Head of Development Management		Title of Report DEVELOPMENT MANAGEMENT	
Proposal (09-AP-1125) Change of use of building from Financial and Professional (Use Class A2) to 6no. self-contained flats (Use Class C3), creation of lightwells at front and rear, erection of single-storey rear extension and first floor rear extension, alteration of shop front to windows at ground floor level and erection of boundary wall to front.		Address 16-18 UPLAND ROAD, LONDON, SE22 9EE Ward East Dulwich	
Application Start Date 05/06/2009		Application Expiry Date 31/07/2009	

PURPOSE

- 1 To consider the above application which is before Dulwich Community Council for determination owing to the number of objections received.

RECOMMENDATION

- 2 Grant.

BACKGROUND

Site location and description

- 3 The application site is a 3-storey building plus basement located on the southern side of Upland Road and occupied by an accountancy firm. There is a forecourt area to the front and a small yard at the rear. 10-12 Upland Road is residential, 14 is a live/work unit with flat above and 20 appears to be vacant; there is a parade of local shops on the opposite side of Upland Road.
- 4 The site forms part of the urban density zone and an air quality management area.

Details of proposal

- 5 Full planning permission is sought for the following:
- 6 Change of use from A2 to C3 comprising 6 self-contained flats (2 x studio, 2 x 1-bed, 1 x 2-bed and 1 x 3-bed).
- 7 Alterations to the front of the building would comprise:
 - creation of 2 lightwells;
 - removal of the shopfront and replace with new windows and doors
 - erection of a 1.1m high boundary wall.

- 8 Alterations to the rear of the building would comprise:
- insertion of two new windows at basement level (side elevation);
 - lightwell to basement;
 - window / door alterations (ground floor level);
 - single-storey extension at ground floor level measuring 2m wide, 2m deep and 2.9m high with a flat roof;
 - extension at first floor level with lean-to roof measuring 2.7m wide and 2.4m deep.

- 9 Materials proposed are as follows:

- painted render;
- upvc windows and doors;
- brick to front boundary wall;
- slate to roof of ground floor rear extension, felt to roof of first floor extension.

Amended plans

- 10 The following minor modifications have been made to the plans:

- i) roof to first floor rear extension changed from glazing to felt and a rooflight omitted;
- ii) annotation to first floor rear extension amended from 'balcony / conservatory' to 'kitchen'; and
- iii) doors to side elevation of first floor rear extension changed to obscure-glazed, top-opening windows.

Planning history

- 11 08-AP-2622 - Change of use of building from Financial and Professional (Use Class A2) to 7no. self-contained flats (Use Class C3), creation of lightwells at front and rear, erection of single-storey rear extension and first floor rear extension, new windows to front elevation at ground floor level and erection of boundary wall to front. Planning permission was REFUSED in January 2009 for the following reasons:
- 12 *1. The proposed development would result in the loss of local services without providing details of either an alternative Class A2 use within a 600m radius of the site, or information demonstrating that the existing use has not made a profit over a 2-year period. As such the proposal is contrary to policy 1.10 (ii and iii) 'Small scale shops and services outside the town and local centres and protected shopping frontages' of the Southwark Plan 2007.*
- 13 *2. The proposal represents an overdevelopment of this property at the expense of providing good residential amenity standards, as demonstrated by individual rooms and units being below the minimum floorspace standards set out in the Council's adopted supplementary planning guidance, poor outlook and levels of light to the basement flats and a density level more than double the maximum range for this location. The proposal is therefore contrary to policies 3.2 'Protection of amenity', 4.1 'Density' and 4.2 'Quality of residential accommodation' of the Southwark Plan 2007 and The Residential Design Standards Supplementary Planning Document (2008).*
- 14 *3. The proposed first floor rear extension, by virtue of the window in the east facing elevation would have direct views towards first floor windows at the rear of 44 and 46 Hindmans Road and would result in an unacceptable loss of privacy to these properties as well as future occupiers of the development. The proposal is therefore contrary to policy 3.2 'Protection of amenity' of the Southwark Plan 2007 and The Residential Design Standards Supplementary Planning Document (2008).*

- 15 *4. The proposal would fail to provide convenient, secure and weatherproof cycle parking for each of the flats, and would consequently fail to encourage alternative modes of travel to motor vehicles, contrary to policy 5.3 'Walking and cycling' of the Southwark Plan 2007.*

Planning history of adjoining sites

10-12 Upland Road

- 16 02-AP-0142 - Construction of part 2, part 3-storey rear extension; conversion of building to provide 7 self-contained flats with ancillary common room and office. Planning permission was GRANTED in January 2003.
- 17 02-AP-2317 - Conversion of lower ground floor to 1-bedroom flat with alterations to the ground floor elevations. Planning permission was GRANTED in March 2004.

14 Upland Road

- 18 0001062 - Conversion of ground floor and basement to live / work unit. Planning permission was GRANTED in August 2000.

20 Upland Road

- 19 07-AP-0896 - Change of use from A1 (Retail) to A2 (Financial and Professional). Planning permission was GRANTED in August 2007.

Land to the rear of 10-18 Upland Road

- 20 05-AP-0103 - Demolition of existing storage/warehouse buildings and erection of two separate two-storey buildings each containing two self-contained flats (4 flats in total). Planning permission was GRANTED in March 2005.

FACTORS FOR CONSIDERATION

Main Issues

- 21 The main issues in this case are:
- a] the principle of the development in terms of land use and conformity with strategic policies;
 - b] amenity;
 - c] traffic;
 - d] design.

Planning Policy

- 22 Southwark Plan 2007 [July]

1.10 - Small scale shops and services outside the town and local centres and protected shopping frontages
3.2 - Protection of amenity
3.7 - Waste reduction
3.11 - Efficient use of land

- 3.12 - Quality in design
- 3.13 - Urban design
- 4.1 - Density of residential accommodation
- 4.2 - Quality of residential accommodation
- 5.2 - Transport impacts
- 5.3 - Walking and cycling
- 5.6 - Car parking

Residential Design Standards SPD (Adopted September 2008)
Sustainable Design and Construction SPD (September 2008)

23 Planning Policy Guidance [PPG] and Planning Policy Statements [PPS]

PPG13: Transport (April 2001)

Consultations

24 Site notice date: 16/06/09 Press notice date: Not required.

Neighbour consultation letters sent: 15/06/09

Case officer site visit date: 21/01/09 (for previous application)

25 Internal consultees

Access Officer
Transport Group
Waste Management

Statutory and non-statutory consultees

N/A.

Neighbour consultees

26 Notification letters have been sent to properties on Upland Road, Darrell Road and Hindmans Road.

Re-consultation

No re-consultation undertaken.

Consultation replies

Internal consultees

Access Officer

27 The current access remains unchanged. From footway level is approximately 600mm to ground floor level, which will be accessed with low rise steps. There is insufficient space in the front courtyard to provide a ramp to the front door.

Transport Group

28 1. The site has a Public Transport Accessibility Level (PTAL) of 3 (medium) therefore on-site parking is required to minimise overspill parking. As none is proposed the application is contrary to policy 5.6, but given the site constraints it would not be

expedient to request on-site parking.

- 29 2. Policy 5.3 requires convenient, secure and weatherproof cycle parking - detailed drawings are required.

Waste Management

- 30 No response received at the time of writing.

Statutory and non-statutory consultees

Southwark Cyclists

- 31 Request a planning condition to ensure that secure and covered bike parking spaces are provided within the site for 130% of residents and 6 visitor spaces within 30m of the site.

Neighbour consultees

- 32 Two representations have been received in support of the application on the grounds that it would enhance the neighbourhood, the existing building is run-down and out of keeping, and flats would be more appropriate than an accountants office.
- 33 Four representations have been received objecting to the proposal on the following grounds:

1. Increased noise;
2. Traffic generation;
3. Lack of parking;
4. Loss of privacy;
5. Loss of daylight;
6. Integrity of party wall (response – this is not a material planning consideration and is covered separately under the Building Regulations);
7. The details of alternative accountants in the locality is not relevant because as long as the site is in commercial use it has the potential to serve the local community;
8. The proposal would increase pressure on the existing sewerage system (response – this is not a material planning consideration);
9. The proposal would result in the loss of a valuable commercial use in an area that needs more shops and offices;
10. Loss of local employment opportunities;
11. Oversupply of small flats in the area, 3-4 bedroom houses and flats are required;
12. Lack of cycle parking;
13. Lack of refuse / recycle storage.

Re-consultation

- 34 No re-consultation undertaken.

PLANNING CONSIDERATIONS

Principle of development

- 35 Policy 1.10 of the Southwark Plan seeks to protect small scale shops and services outside town and local centres and protected shopping frontages. It states that changes of use from or between A class uses will only be permitted where the applicant can demonstrate that:

- i) *The proposed use would not materially harm the amenities of surrounding occupiers;*

36 Please refer to the amenity section of this report (paragraphs 39-42).

- ii) *the use to be lost would not be the only one of its kind within a 600m radius and would not harm the vitality and viability of nearby shops;*

37 In order to overcome reason for refusal 1 of application reference 08-AP-2622 the applicant has submitted a map which indicates that there are two known accountants firms within a 600m radius of the site one on Lordship Lane and another on Peckham Rye. Future occupiers of the flats are likely to use local shops including those on the opposite side of Upland Road and at 40 Hindmans Road.

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 2 year period.*

38 The building is presently occupied and no information has been submitted with regard to profits. However, the proposal need only comply with part i or part ii of the policy, therefore no objections are raised.

39 Overall, in submitting details of alternative accountancy firms within a 600m radius of the site, the proposal overcomes reason for refusal 1 of application reference 08-AP-2622 and would comply with policy 1.10. The site is located in a predominantly residential area, and the provision of additional housing is welcomed.

Impact of proposed development on amenity of existing and future occupiers

40 Policy 3.2 of the Southwark Plan seeks to ensure an adequate standard of amenity for existing and future occupier and 4.2 requires all residential accommodation to be of an acceptable standard. Further information is contained in the Residential Design Standards SPD.

Existing occupiers

41 The proposed use of the building as flats would be consistent with the neighbouring landuses and would not result in any significant noise and disturbance to neighbouring residents. With regard to the external alterations, the proposed alterations at basement and ground floor level would not result in any loss of amenity. The single-storey rear extension would be very modest in size and would sit comfortably below an existing boundary wall and would not be visible from properties at Bouvier Court, which adjoins the rear of the site.

42 The first floor rear extension would be located next to an external terrace at the rear of 14 Upland Road which has a bamboo type screen along the boundary. A 45 degree test undertaken on the nearest window belonging to number 14 failed on the depth of the extension but passed on the height and is therefore unlikely to result in any significant loss of light; any additional shadow would be limited to late during the afternoon.

43 Reason for refusal 3 of the previous application relates to first floor doors which were proposed in the side elevation of the first floor rear extension, and which would have resulted in loss of privacy to 44 and 46 Hindmans Road. In order to address this the

plans have been amended to replace the doors with an obscure glazed, top-opening window, and a condition requiring the window to be retained as such is recommended, to ensure compliance with policy 3.2.

Future occupiers

- 44 The overall flat sizes and individual room sizes would largely comply with the minimum floorspace standards set out in the Residential Design Standards SPD. The proposed studio flat on the top floor of the building would be 1.5m undersize, but this is minimal and no objections are raised. Only the maisonettes would have access to private amenity space, although the site is approximately 450m from Peckham Rye.
- 45 Reason for refusal 2 of the previous application partly relates to the quality of accommodation that would be provided in the basement of the building, with particular reference to outlook and levels of light. The previous scheme proposed two separate units in the basement and in order to overcome the concerns, the scheme before Members proposes two maisonettes spanning ground and basement levels, with the less sensitive bedrooms and bathrooms located in the basement and livingrooms and kitchens on the ground floor.
- 46 The creation of lightwells to the front and rear of the building would improve light and outlook to the basement rooms and although a 30 degree line taken through the front basement window would be obstructed by cycle parking, on balance, given the use of the rooms as bedrooms, this is not considered to be of sufficient concern to warrant refusal of planning permission. The rear basement windows would be obstructed by railings, although these would allow light through. With regard to natural light and ventilation, glazing equivalent to 10% of the floor area would be provided, as required by the SPD.
- 47 Refuse storage for the flats would be provided at the front of the building, located behind the new boundary wall. Space would be limited, although the proposed provision has been designed in consultation with the Council's Waste Management Officer and is considered to be acceptable. A condition requiring this to be provided prior to occupation and retained as such thereafter is recommended, to ensure compliance with policy 3.7 'Waste reduction' of the Southwark Plan.

Traffic issues

- 48 Policy 5.2 of the Southwark Plan seeks to ensure that developments would not result in any adverse highway conditions; 5.6 relates to car parking and maximum car parking standards are set out in Appendix 15 which requires a maximum of one parking space per dwelling in the Urban Density Zone.
- 49 No off-street parking is proposed therefore the proposal is contrary to policy 5.6. It is also noted that residents have raised concerns regarding traffic generation and lack of parking. However, the site has a medium public transport accessibility level (PTAL) and is within walking distance of Lordship Lane which is well served by busses, and there are busses along Barry Road which is approximately 140m to the east of the site. Given that the Southwark Plan operates maximum parking standards in accordance with PPG13, which advises that developments should provide less parking than may have been required in the past in order to encourage alternative means of travel to the private vehicle, it is considered unlikely that lack of parking as a reason for refusal could be successfully defended at appeal.
- 50 Policy 5.3 requires developments to adequately cater for pedestrians and cyclists and reason for refusal 4 of the previous application relates to lack of cycle parking. Only

two spaces were shown on the plans and given the site constraints, it was not considered that this matter could be left to condition.

- 51 In seeking to overcome this, the current scheme proposes six cycle parking spaces, one per flat. Three would be provided in a dedicated store at the front of the building, one at ground floor level and two at basement level. The basement provision is not ideal as people would have to carry bikes down a flight of stairs, but given the site constraints no objections are raised. A condition requiring it to be provided prior to occupation and retained as such thereafter is recommended.

Design issues

- 52 Policies 3.12 and 3.13 of the Southwark Plan seek to ensure that developments achieve a high standard of design.

- 53 The works to the front elevation are considered to be acceptable on design grounds, and not dissimilar to other former shops which have been converted to residential use at 10-12 and 13-19 Upland Road. It is the view of officers that the front elevation would be improved if it were in filled with matching brick rather than render, and a condition to this effect is recommended.

- 54 The proposed rear extensions would be very modest and would appear subservient to the original building, in accordance with SPD guidance. There are no objections to the window/door alterations and lightwells on design grounds and similar work has taken place at 10-12 Upland Road.

Other matters

Density

- 55 Policy 4.1 of the Southwark Plan requires residential developments within the urban density zone to achieve a density of between 200 and 450 habitable rooms per hectare (lower zone).

- 56 The development would achieve a density of 952 habitable rooms per hectare and is therefore contrary to policy 4.1. However, although the proposal would be well over the maximum recommended density, given that the quality of accommodation that would be created is considered to be acceptable, no objections are raised.

Conclusion

- 57 It is the view of Officers that the proposal overcomes the reasons for refusing application 08-AP-2622, therefore it is recommended that conditional planning permission be granted.

COMMUNITY IMPACT STATEMENT

- 58 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.

SUSTAINABLE DEVELOPMENT IMPLICATIONS

59 There are no sustainable development implications arising from the proposal.

HUMAN RIGHTS

60 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.

61 The rights potentially engaged by this application, including a 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.

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CASE FILE TP/2567-12
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CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	N/A
Finance Director	No	N/A
List other officers here		
Executive Member	No	N/A
Date final report sent to Constitutional/Community Council/Scrutiny Team		November 10 2009