

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 14/00984/FULL1

Ward:
Cray Valley East

Address : Royal Albert 127 Lower Road Orpington
BR5 4AJ

OS Grid Ref: E: 546887 N: 167108

Applicant : Mr Raj Tankaria

Objections : YES

Description of Development:

Conversion of existing public house (Class A4) to 4 one-bedroom flats and 2 two-bedroom flats (Class C3); formation of two roof terraces to proposed first floor flats; formation of lightwell, steps and subterranean garden area for proposed lower ground floor flat; and provision of ground floor communal refuse store

Key designations:

Areas of Archaeological Significance
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding

Proposal

This involves the conversion of the existing building to form six flats (2 two-beds; 4 one-beds): one within the basement, three at ground floor level, and two within the first floor. The existing structure will be utilised, although a private roof terrace will be provided for each of the two first floor flats. The application also includes six bicycle stands, a communal refuse store and three garden areas for the ground floor flats.

The application is accompanied by a Marketing History Report compiled by AG&G Chartered Surveyors and a Parking Stress Report.

The Marketing History Report advises that AG&G initially inspected the pub in July 2011 when it was occupied on a temporary basis. A marketing campaign commenced in February 2013 with the sale concluding in September 2013. Marketing activities included circulations of details by email to AG&G's database; details on websites; erection of a "For Sale" board; postal mailouts to the nearest 40 estate agents and pubs; a reduction in the guide price from £300,000 to £250,000; and advertisements in the local press. An offer of £205,000 from ASR Estates was received in June 2013 with heads of terms agreed the following

month. AG&G did not receive any community interest to purchase the pub for its existing use.

The Report notes that AG&G were unable to obtain any historic trading accounts as the previous pub tenants were not obliged to pass this information to their Client. However, their Client has obtained historic barrelage information which represents the total number of barrels sold to the tenant between 2004 and 2012. Between 2007 and 2011 these declined from 291.3 to 140.3. Rental information is also provided. AG&G conclude that the barrelage throughput figures and rental information show that this was not a thriving business.

Location

The application site is made up of a disused public house of Victorian appearance and is situated at the corner of Lower Road and Albert Road within what is a predominantly residential area. The application building forms a distinct feature in the area.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- proposal does not include any parking facilities for the flats which will accentuate existing parking congestion along the Lower Road
- there needs to be allocated parking for the proposed flats, ideally permit holder bays
- parking around the Lower Road bus stop obstructs buses and impedes other vehicles
- no objection in principle to the conversion of the public house to flats, but the proposed number of flats is excessive
- four flats would be more realistic

Comments from Consultees

No technical Highways objections have been raised, subject to cycle- and refuse-store related conditions.

No technical Thames Water or Drainage objections have been raised.

No Environmental Health (Housing) objections have been raised following the receipt of revised plans (of 17.7.14).

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan (UDP):

BE1 Design of New Development
T3 Parking

C1 Community Facilities

H12 Conversion of Non-Residential Buildings to Residential Use

The Emerging Bromley Local Plan

The 'Options and Preferred Strategy' Document (March 2013) includes Preferred Option 35

"To support the quality of life in all Bromley's neighbourhoods through the appropriate provision and retention of a range of social infrastructure such as health and education provision, cultural, play, recreation and sports facilities, places of worship, and provision related to community safety such as police facilities and fire stations."

This document also indicated that strategic options would be supported by a range of development management policies, likely to include specific protections for facilities important to local communities, including pubs.

The Local Plan Draft Policies and Designations is published for consultation Feb 2014 and includes a new draft Community Facilities policy and a specific draft pubs policy:

Public Houses

The loss of public houses will be resisted by the Council except where :

- (i) there is an alternative public house within a 500 metre walking distance of the site and, if the public house is located within a local parade or town centre, the diverse offer of that parade or town centre is not significantly affected by the loss, and,
- (ii) where it can be demonstrated that the business is no longer financially viable as a public house, including the submission of evidence of active marketing as a pub for a substantial period of time.

Where the above criteria are met, any change of use must be sympathetic to the design, character and heritage value original building if it is considered to be a positive contribution to local character.

The draft supporting text advises that the Council seeks to prevent the unnecessary loss of public houses unless alternative facilities are locally available and there is no adverse effect on local commercial centres or parades and it can be demonstrated that the use as a Public House is no longer financially viable. This would involve demonstrating evidence of 18 months' suitable marketing activity and proof that the public house is no longer financially viable through the submission of trading accounts, or other similar financial evidence, whilst the pub was operating as a full time business.

National Planning Policy Framework (NPPF)

The NPPF, in particular Paragraph 70 advises that:

"To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- Guard against unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs"

London Plan

London Plan Policy 3.16, Protection and Enhancement of Social Infrastructure" states that:

B ... Proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted.

In considering areas of defined need Policy 4.8 of the London Plan addresses retail centres and the supporting text para 4.48 highlights public houses in stating that:

"The availability of accessible local shops and related uses meeting local needs for goods and services (including post offices and public houses) is also important in securing 'lifetime neighbourhoods"

Planning History

There is no relevant planning history relating the application site.

Conclusions

The main issues for consideration in this proposal relate to: the loss of a community asset; the impact of the proposal on neighbouring amenity; and its impact on local character.

The proposal is assessed on the basis of adopted planning policy, including the UDP. Some weight is attached to the Emerging Local Plan, in particular the draft pubs policy, which states that the loss of public houses will be resisted by the Council, unless: (i) there is an alternative public house within a 500 metre walking distance of the site, and, (ii) where it can be demonstrated that the business is no longer financially viable as a public house, including the submission of evidence of active marketing as a pub for a substantial period of time.

As noted above, the application is accompanied by a Marketing History Report. It would appear that the building was extensively marketed between February and June 2013, whilst other evidence shows that the use was increasingly unviable in most recent years. Furthermore, based on the marketing report and the planning consultation process, it appears that there was no community interest in taking

over the pub. It is therefore considered that sufficient evidence has been provided to reasonably demonstrate that the established pub business is no longer financially viable.

The second strand of the draft pubs policy seeks to ensure that there will be an alternative public house within a 500 metre walking distance of the site. In this case there is at least one other public house situated within 500 metres of the application site: the Beech Tree along Wellington Road which is approximately 130 metres away. Accordingly, a public house will remain within reasonable distance of the application site.

From a neighbouring amenity perspective no objections are raised. This is on the basis that the existing building will be utilised with few works taking place externally, thereby minimising its overall impact on the surrounding area. A condition relating to screening for the two first floor terraces proposed will help to prevent overlooking in the direction of neighbouring properties. Furthermore, in light of the Parking Stress Report, no objections have been raised from a technical Highways perspective as it is deemed that there are on-street parking spaces available for additional demand during the hours of maximum residential parking demand.

Finally, subject to the use of appropriate materials and fenestration, it is considered that the proposed conversion could be carried out whilst respecting the distinct character of this building.

Background papers referred to during production of this report comprise all correspondence on the file ref. 14/00984, set out in the Planning History section above, excluding exempt information.

as amended by documents received on 16.07.2014

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 ACC01 Satisfactory materials (ext'nl surfaces)
 ACC01R Reason C01
- 3 ACC03 Details of windows
 ACC03R Reason C03
- 4 ACH19 Refuse storage - implementation
 ACH19R Reason H19
- 5 ACH22 Bicycle Parking
 ACH22R Reason H22
- 6 Details of screening for the first floor terraces (for Units 5 and 6) shall be submitted to and approved in writing by the Local Planning Authority and shall be installed before occupation and retained as such permanently thereafter.
 ACI17R I17 reason (1 insert) BE1

7 ACK01 Compliance with submitted plan
 ACC03R Reason C03

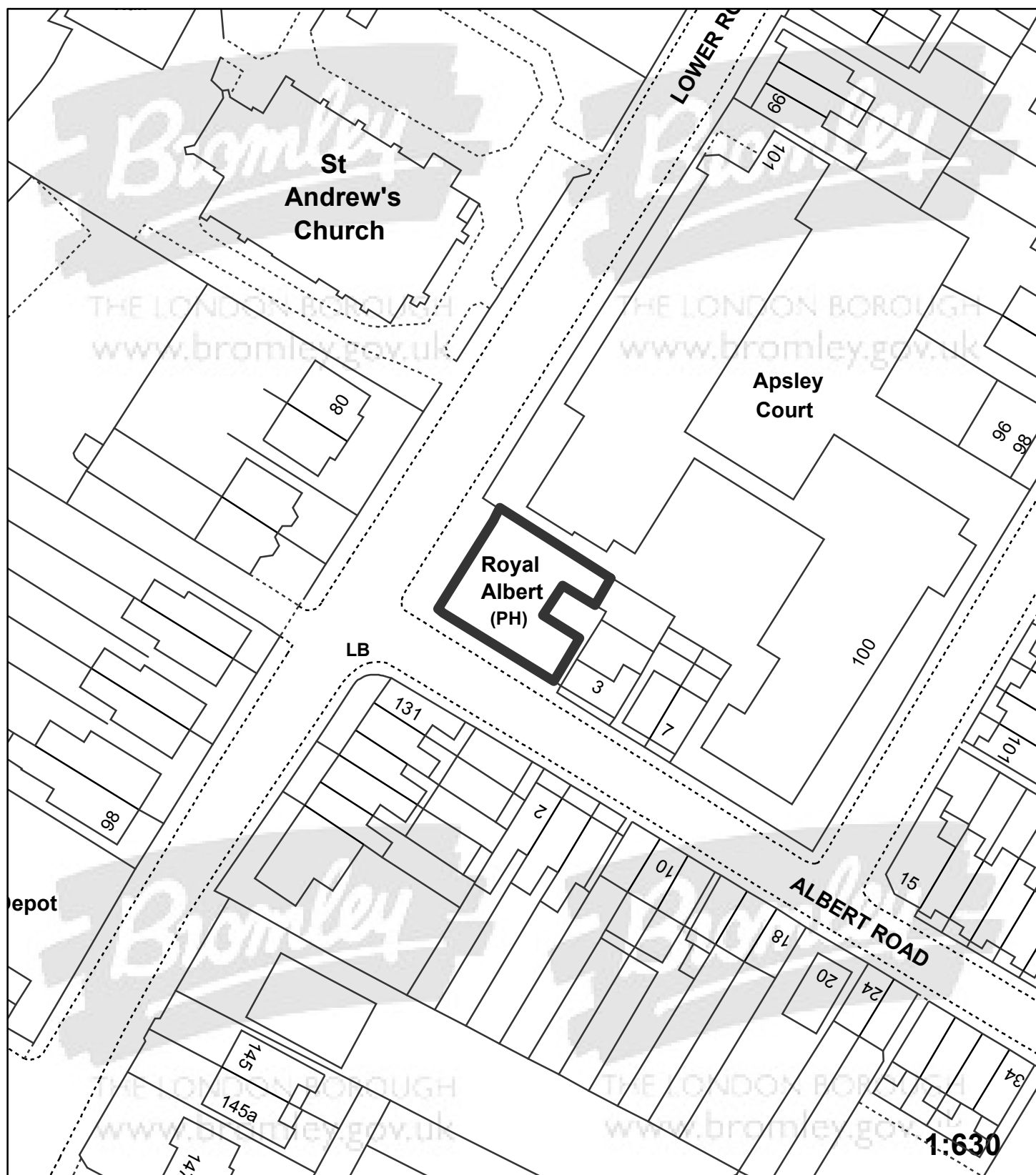
INFORMATIVE(S)

1 You should consult the Land Charges and Street Naming/Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: address.management@bromley.gov.uk regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at www.bromley.gov.uk

Application:14/00984/FULL1

Address: Royal Albert 127 Lower Road Orpington BR5 4AJ

Proposal: Conversion of existing public house (Class A4) to 4 one-bedroom flats and 2 two-bedroom flats (Class C3); formation of two roof terraces to proposed first floor flats; formation of lightwell, steps and subterranean garden area for proposed lower ground floor flat; and



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

© Crown copyright and database rights 2013. Ordnance Survey 100017661.