

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 16/02988/FULL1

**Ward:**  
**Kelsey And Eden Park**

**Address :** The Chinese Garage Ltd Wickham Road  
Beckenham BR3 6RH

**OS Grid Ref:** E: 537900 N: 168500

**Applicant :** Masters Of Beckenham Limited

**Objections :** YES

### **Description of Development:**

Change of use of the existing car showrooms and associated workshops (Sui Generis) and to two retail units (Class A1) and conversion of first floor to 2 two bedroom flats (Class C3) together with associated car parking, landscaping, external alterations and related internal works to Listed Building.

### **JOINT REPORT WITH 16/03003/LBC**

#### **Key designations:**

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 18

#### **Proposal**

Planning permission is sought for the change of use of the existing car showrooms and associated workshops (Sui Generis) and to two retail units (Class A1) and conversion of the first floor to 2 two bedroom flats (Class C3) together with associated car parking, landscaping, external alterations and related internal works to the Listed Building.

The proposed retailers are Majestic Wines and Pets at Home. The total proposed gross internal floorspace for the retail units would equate to 977m<sup>2</sup> split between 594m<sup>2</sup> for Pets at Home (retail unit 1) and 383m<sup>2</sup> for Majestic Wines (retail unit 2).

In addition to the change of use, the proposal will also include the following alterations to the existing buildings and external areas.

- The insertion of internal new partitions to subdivide the Chinese Garage into two separate retail units.
- The rearrangement of the internal space within the pagoda with the removal of existing partition walling and insertion of temporary partition walling.
- Removal of lantern style rooflights on the later workshop area.
- External changes to the elevations, including alterations to the fenestration.
- New landscaping and external boundary treatment.

- Alteration of the existing parking layout on site utilising a revised existing vehicle access point on to South Eden Park Road to provide ingress and egress for vehicles using the parking areas. On Stone Park Avenue one crossover access will be removed and the remaining two vehicle access points will be revised.
- Parking will be prohibited under the pagoda structure with the introduction of bollards. The proposal will formalise and set out 32 customer car parking spaces on the site which includes two disabled parking bays located outside the proposed entrances to the retail units. 24 spaces will be located to the south of the site with 8 residing to the north including a single allocated space for each proposed flat.
- Four customer cycle spaces will be provided and arrangements made for staff cycle parking.
- Existing redundant offices/ stockrooms at first floor level above the retail units will be converted to 2 two bedroom residential apartments to the rear of the site. A single cycle space is provided for each flat within a private amenity space.

### **Location**

The site is located on the roundabout at the junction of Stone Park Avenue and South Eden Park Road. Vehicular and pedestrian access to the site is achieved both from Stone Park Avenue and South Eden Park Road. The site is served by public transport with bus stops available on both of these roads which are classified as local distributor roads.

To the north west of the site, on the opposite side of Stone Park Avenue is another garage and car showroom. A small neighbourhood shopping parade is located to the north and residential properties predominantly reside to the west and south of the site. The boundary of Park Langley Conservation Area lies to the east of the site on the opposite side of the roundabout.

The application site currently comprises a Statutory Listed (Grade II) building built in 1928 in a design inspired by Japanese pagodas. The entire building is Statutory Listed, inclusive of the rear garage space and any structures within the curtilage. The site appears to have been used as a motor garage or car sales showroom since it was built. The front of the 'pagoda' part of the garage is laid out as a Chinese Garden.

Attached to the rear of the pagoda style building is a flat roofed single storey car workshop building and two storey office building, both of traditional appearance. The car showroom forecourts are used to display cars and associated car dealership branding/ signage as well as being used for customer and staff car parking. The office section of the building appears to have been in residential use at some stage.

## Consultations

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

- Objection on grounds of competition to small family run pet trade business from Pets at Home.
- Change of use would have significant impact on the character of the listed building. Existing use as a garage in keeping with the heritage which would be lost.
- Viability analysis for the current dealership is unfounded.
- Impact of two extra retail outlets will have a detrimental impact on local retail outlets.
- Concerns that longer opening hours and extra traffic will bring further congestion to the area and highway safety issues.
- The parking area is too large if the number of customers is limited.
- Concerns regarding the safety of the entry and exist points.
- Concerns regarding impact on the local alcohol exclusion zone.
- Concerns that an increase in traffic will bring a greater level of air pollution.
- The type of retail units are out of keeping with the area affecting the 'village' feel.
- Concerns raised regarding the extent of the Councils notification procedure.
- Concerns regarding the display of the site notice in visible position on site.
- Concerns that an alcohol retailer will attract social problems to the surrounding streets. A further such retailer is not needed in the area.
- The Masters pre application consultation letter to residents was not adequate.
- Suggested planning condition to limit the retail function is too wide ranging.
- Stock and servicing arrangements for the stores needs to be regulated.
- Advertising and signage causes light pollution. This needs to be switched off out of hours.

## Internal Consultations

**Highways:** The application site is currently in use as a car showroom and workshop (use class sui generis) and the site has been used for this purpose since 1983. The PTAL of the site is 2, which equates to a poor rating. The two existing vehicular access points to the site will be maintained, one being on South End Road and the other on Stone Park Avenue. Minor improvements to the footways in the vicinity of the site accesses are proposed, together with minor revisions to the access entry widths that would of benefit to pedestrians.

With regards to the proposed 2 x 2 bedroom flats, a total of two parking spaces would be provided. This is satisfactory but these spaces should be dedicated for residents only.

**Drainage:** The submitted Foul Sewage & Surface Water Drainage Assessment Report carried out by Wormald Burrows Partnership Ltd with Ref No. E3564-DRAIN-Rev-0516 dated May 2016 to use SUDS to reduce surface water run off to greenfield run-off rate is acceptable.

This site is within the area in which the Environment Agency - Thames Region require restrictions on the rate of discharge of surface water from new developments into the River Ravensbourne or its tributaries. This site appears to be suitable for an assessment to be made of its potential for a SUDS scheme to be developed for the disposal of surface water.

**Environmental Health - Pollution:** The Phase 1 Desk Study Report prepared by Delta Simmons (Project no 16-0214.01 - May 2016) is a good first stage in the investigation of contaminated land. The report recognised that there may be a number of possible sources of pollution and recommends further intrusive investigation. It is agreed with the conclusions and recommendations.

It is recommended that a standard condition is imposed, which will give the Planning Authority the power to approve a sampling programme as well as the remedial works which will follow. The Phase 1 Report already submitted means that the Applicant has already complied with a part of the suggested condition.

Building Control will deal with matters concerning the sound insulation between the dwellings, therefore there are no objections to permission being granted, subject to the condition referred to above.

### **External Consultations**

**Thames Water:** No objection with regard to sewerage infrastructure capacity and water infrastructure capacity.

### **Planning Considerations**

National Planning Policy Framework (NPPF)

14: Achieving sustainable development

17: Principles of planning

20 to 22: Building a strong, competitive economy

23 to 27: Ensuring the vitality of town centres

29 to 32, 35 to 37: Promoting sustainable transport

49 to 50: Delivering a wide choice of high quality homes

56 to 66: Design of development

128 to 129: Heritage assets

London Plan:

3.3 Increasing housing supply

3.4 Optimising housing potential

3.5 Quality and design of housing developments

3.8 Housing choice

3.9 Mixed and balanced communities

4.1 Developing London's Economy

4.7 Retail and Town Centre Development

5.2 Minimising carbon dioxide emissions

5.3 Sustainable design and construction

5.4 Retrofitting

5.7 Renewable energy

- 5.11 Green Roofs and Development Site Environs
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.9 Heritage-Led Regeneration
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving Air Quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 8.3 Community infrastructure levy

Housing: Supplementary Planning Guidance. (March 2016)

Technical housing standards - Nationally Described Space Standard (March 2015)

Unitary Development Plan:

- BE1 Design of New Development
- BE2 Mixed use Developments
- BE8 Statutory Listed Buildings
- EMP5 Development outside Business Areas
- ER7 Contaminated Land
- H1 Housing Supply
- H7 Housing density and Design
- H12 Conversion of non-residential buildings to residential use
- S7 Retail and Leisure Development - Outside existing centres
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T6 Pedestrians
- T7 Cyclists
- T17 Servicing of Premises
- T18 Road Safety

## Emerging Bromley Local Plan:

The Council is preparing a Local Plan and commenced a period of consultation on its proposed submission draft of the Local Plan on November 14th 2016 which closes on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). It is anticipated that an updated Local Development Scheme will be submitted to Development Control Committee on November 24th 2016 and Executive Committee on November 30th 2016, indicating the submission of the draft Local Plan to the Secretary of State in the early part of 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Draft Policy 1 - Housing Supply  
Draft Policy 4 - Housing Design  
Draft Policy 30 - Parking  
Draft Policy 31 - Relieving Congestion  
Draft Policy 32 - Road Safety  
Draft Policy 33 - Access for All  
Draft Policy 34 - Highway Infrastructure Provision  
Draft Policy 37 - General Design of Development  
Draft Policy 38 - Statutory Listed Buildings  
Draft Policy 73 - Development and Trees  
Draft Policy 77 - Landscape Quality and Character  
Draft Policy 83 - Non Designated Employment Land  
Draft Policy 91 - Proposals for Main Town Centre Uses  
Draft Policy 112 - Planning for Sustainable waste management  
Draft Policy 113 - Waste Management in New Development  
Draft Policy 114 - New Waste Management Facilities and Extensions and Alterations to Draft Policy 115 - Reducing flood risk  
Draft Policy 116 - Sustainable Urban Drainage Systems (SUDS)  
Draft Policy 117- Water and Wastewater Infrastructure Capacity  
Draft Policy 118 - Contaminated Land  
Draft Policy 119 - Noise Pollution  
Draft Policy 120 - Air Quality  
Draft Policy 123 - Sustainable Design and Construction  
Draft Policy 124 - Carbon dioxide reduction, Decentralise Energy networks and Renewable Energy

### **Relevant Planning History**

The site has been in use as a garage since for many decades. The majority of the previous planning applications have related to minor alterations to the shopfront, signage or alterations relating to the Listed Building. The main and relevant applications are listed below.

87/00393/FUL: Installation of car wash within existing building and elevational alterations. Approved 09.04.1987.

87/00394/FUL: Laying out of hard surface to existing car parking area at rear. Approved 09.04.1987

87/00395/FUL: Single storey rear extension. Approved 09.04.1987

87/01727/FUL: Amendment of condition 97 of 870393 relating to Installation of car wash. Refused 16.07.1987

88/02122/FUL: Single storey portable building comprising spray booth and enlarged enclosure. Approved 04.08.1988

97/00047/FUL: 2 air ducts on roof to serve paint spraying facility within workshops. Retrospective application. Approved 19.03.1997

97/00316/LBCALT: Two air ducts on roof to serve paint spraying facility in workshop Listed Building Consent. Retrospective Application. Approved 19.03.1997

04/02202/FULL1: Change of use of workshop to car showroom including elevational alterations, replacement fencing to car park, repositioning of car park spaces, waste collection facilities and oil storage tank. Approved 04.08.2004.

04/02203/LBC: Elevational alterations. Listed building consent. Approved 04.08.2004

07/02910/LBC: Replacement roof tiles. Listed building consent. Approved 23.11.2007

11/03737/ELUD. Replacement of corroded steel beams and columns to rear elevation of workshop. Certificate of lawfulness for an existing development. Approved 27.01.2012

16/03003/LBC: Change of use of the existing car showrooms and associated workshops (Sui Generis) and to two retail units (Class A1) and conversion of first floor to 2 two bedroom flats (Class C3) together with associated car parking, landscaping, external alterations and related internal works to Listed Building. (LISTED BUILDING CONSENT). Pending consideration and also on this agenda.

## **Conclusions**

The main issues to be considered in respect of this application are:

- Principle of development
- The design and appearance of the scheme and the impact of these alterations on the character and appearance of the Listed Building and locality
- The quality of living conditions for future occupiers
- Access, highways and traffic Issues
- Impact on adjoining properties

## Principle of Development

- Change of Use to retail.

Policy EMP5 states that the redevelopment of business sites or premises outside of the Designated Business Areas will be permitted provided that the size, configuration, access arrangements or other characteristics make it unsuitable for uses Classes B1, B2 or B8 use, and full and proper marketing of the site confirms the unsuitability and financial non-viability of the site or premises for those uses.

The supporting text to the Policy details that one of the key objectives is to retain a range of accommodation for different business uses. It is important, therefore, to retain individual sites unless there are significant reasons as to why their continued business use is not feasible. Many of the small sites within the borough are occupied by local independent traders, providing specialist services, who form an important part of the local economy.

Draft Policy Development Outside SIL (Strategic Industrial Sites) and LSIS (Locally Significant Industrial Sites) in the employment sections of the emerging Local Plan also seeks to protect and improve the quality and quantity of employment floorspace outside of designated areas and is also of relevance given that the weight attached to the draft policies increases as the Local Plan process advances.

The current use of the site is for a sui generis business use as a car showroom and ancillary workshops. For the purposes of this assessment it is considered that Policy EMP5 is relevant along with emerging policy to the assessment of the application in terms of the business use of the site.

The planning statement accompanying the application details that the physical constraints of the site together with the listed building status makes it unsuitable for the continued needs of a car dealership.

Extensive information regarding the Masters operational requirements and the requirements of other car dealerships for a viable car dealership on the site have been supplied in the proposal documents. Information has also been supplied with respect to potential occupier demand and interest from other business type users including a report on the attractiveness of the building with regard to its Listed Building status and location in close proximity to residential uses for potential B Class users. The report concludes that the premises are physically and financially unsuitable for an expanded car dealership use or other B Class uses.

In terms of employment 24.75 full and part time positions are provided on the site currently. 4.75 of these positions are intended to be relocated to the Kia garage (part of the Masters group) on the on the opposite side of Stone Park Avenue. The remaining 20 positions are intended to be relocated to a new site for the current occupiers Peugeot and Kia within the Borough. This site is given as No33 Upper Elmers End Road. It is indicated that the proposed occupiers Majestic Wines and Pets at Home will provide 4 to 5 full and part time employees each. On this basis given the relocation of existing employees within the Borough and provision of a potential extra 10 employees no loss of employment will take place maintaining and improving levels of employment in the Borough.

Based on the evidence provided in terms of the retention of employment and the physical constraints of the site that make the site less attractive to other business

uses and other car dealerships from occupying the site, it is considered that a change of use to retail is an option that can be given considerable weight in this case.

Therefore Paragraph 24 of the NPPF as well as retail policies in the London Plan and the UDP would apply to the principle of the change of use of the proposal.

Paragraph 24 states that Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

Policy S7 of the Unitary Development Plan states that proposals for new retail development outside the centres will be expected to demonstrate a need for the proposal, that all potential sites within the town, district, local or neighbourhood centres and parades have been thoroughly assessed, followed by an assessment of edge of centre sites within easy walking distance of the primary shopping area and that the applicant can demonstrate that they have been flexible about the format, scale, design, car park provision and the scope for disaggregation in the sequential search for sites.

If the sequential test above is met the proposal will be expected to be easily accessible to those cycling or walking and is, or will be, well served by public transport. The proposal will also not harm the vitality or viability of existing centres, either by itself or in conjunction with other proposals and the scale of the proposal will be appropriate to the size of the centre within which it is to be located.

The proposal, given the total amount of retail floorspace proposed which is less than 2500m<sup>2</sup> at 977m<sup>2</sup>, does not trigger the need for an assessment of the impact of the proposal on planned public and private investment, or the impact of the proposal on town centre vitality and viability under the NPPF. However, policy S7 of the UDP does stipulate that if the sequential test is met the proposal should not harm the viability of existing centres and should be easily accessible.

A retail statement has been provided as part of the application submission incorporating a sequential test as part of the application proposal. The retail statement (dated June 2016) submitted sets out the methodology used, including the area of search and criteria for assessing suitable sites and gives a summary of the findings.

The area of search comprised Bromley Town Centre, Beckenham District Centre, Penge District Centre and West Wickham District Centre, which is considered acceptable. The criteria for suitable sites included those with a minimum floor area of 280m<sup>2</sup> for Majestic Wines and those with a minimum floor area of 370m<sup>2</sup> for Pets at Home. In addition, adjacent car parking, servicing and a "good visual presence"

or "high visibility/prominence" also formed part of the assessment criteria. In accordance with the NPPF applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

The submitted documents have also detailed the justification for the minimum floor areas, set out above, for the intended retailers by demonstrating customer numbers, trading habits of customers, parking requirements due to type of goods and so on that influence the ideal locations for their operations. The nature of goods sold at the two retailers proposed are not traditional bulky goods items. Both Majestic and Pets at Home sell a range of goods, including smaller items which would not necessarily require a car and can compete more directly with high street shops than those trading in established bulky items. However it has been demonstrated that a higher quantum of goods are bought in bulk are likely to be sold with a higher level of cash transaction requiring locations with good access to parking. The assessment also found that the nature of the retailers proposed will ensure that trade is primarily drawn from out of centre retailers and that existing centres are robust enough to withstand the impacts of a development of the scale proposed.

On balance, given the scale of the proposal, the impact on the viability and vitality of existing centres is considered acceptable.

In terms of accessibility, the site is within an area classified as having a low PTAL rating of 2 and is therefore not considered easily accessible to those walking or cycling or well-served by public transport in accordance with policy S7. However, given the likely quantum of goods and often bulky nature of goods being sold and proposed on-site car parking, the change of use to retail for this type of bulky goods retailer is considered acceptable in principle, subject to highways and parking considerations which are addressed below.

- Housing.

Policy H12 of the Unitary Development Plan for the conversion of non-residential buildings to residential use states that the Council will permit the conversion of genuinely redundant office and other non-residential buildings to residential use, particularly above shops, subject to achieving a satisfactory quality of accommodation and amenity.

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.

In this case the proposed scheme for the use of the existing upper level does not greatly affect the ground floor except for minor intervention to reuse an existing entrance and create another to provide separate pedestrian access to the flats. The functioning floor area of the ground floor commercial uses will not be restricted to facilitate this and there will not be changes to the ground floor elevations that would indicate an alteration from a business use. All changes proposed would retain the commercial look of the building. Therefore a viable space for commercial

premises will remain at street level retaining the vitality and viability of the commercial frontage.

Therefore given the acceptability of the use of the upper floors for residential use with regard to Policy H12 the principle of the additional residential units through the conversion of the upper floor is considered acceptable subject to the scheme's compliance with all other relevant development plan documents and policies.

Furthermore, the positive impacts of the development for the increase in a small quantum of housing supply are considered of sufficient weight to support the principle of the application with regard to the presumption in favour of sustainable development to increase housing supply.

### Scale/Layout/Design

Policy 3.4 of the London Plan specifies that Boroughs should take into account local context and character, the design principles (in Chapter 7 of the Plan) and public transport capacity; development should also optimise housing output for different types of location within the relevant density range. This reflects paragraph 58 of the National Planning Policy Framework, which requires development to respond to local character and context and optimise the potential of sites.

Policy BE1 of the UDP set out a number of criteria for the design of new development. With regard to local character and appearance development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

Policy BE8 (Statutory Listed Buildings) of the UDP is also relevant. In addition to requiring the applicant to demonstrate that the existing or last use is not viable or is no longer compatible with the building, this policy requires that the character, appearance and special interest of the listed building are preserved.

As detailed above the principle of the change of use to retail is deemed acceptable at the site subject to the requirements of other relevant planning policies.

A detailed heritage statement has been supplied as part of the application proposals. As set out above, the entire building is listed, inclusive of the rear garage space and any structures within the curtilage. The listed building dates from 1928 and was originally a petrol filling station. Its main special interest is its exuberant pagoda style. It became known as the Chinese Garage although it is more Japanese in character. The new proposed use is considered acceptable as it will reuse the building and without substantially altering the fabric. Internally the findings of the Heritage Statement that no interesting features remain has been accepted by the Councils Conservation Officer and that the proposed external changes in respect of removing later added roof lights and other accretions would be seen as a benefit. The proposal to retain and restore the landscaped area

fronting the roundabout is also welcomed. An acceptable level of active frontage to this area has been maintained and all existing windows to this part of the building are left as existing.

Other alterations involving improvements to the elevations of the later added warehouse sections of the site are considered to improve the visual interest of the building both in terms of its historic interest and the visual amenity of the wider building in its setting.

On balance the proposal would not detract from, or harm the setting or significance of the listed building allowing the special interest of the Listed Building to be preserved.

#### Standard of Residential Accommodation

Policy 3.5 of the London Plan and the Housing SPG (2016) states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Nationally Described Housing Standards (2015).

The floor space size of each of the proposed units in the converted upper level of the building is 81m<sup>2</sup> and 88m<sup>2</sup>. The nationally described space standard requires 70m<sup>2</sup> for a two bedroom four person single level residential unit in relation to the number of persons and bedrooms provided in each unit. On this basis, the floorspace provision for the units is compliant with the required standards and is considered acceptable.

The shape and room size in the resultant building is considered satisfactory. None of the rooms would have a particularly convoluted shape which would limit their specific use.

In terms of amenity space the London Plan Housing SPG (2016) requires a minimum of 5m<sup>2</sup> of private outdoor space for 1-2 bedroom residential units. A screened and private area is provided for each unit at ground level adjacent to private entrances. This is considered acceptable.

#### Impact on Adjoining Properties

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

In terms of outlook, the fenestration arrangement for the upper level flats will provide the main outlook to the north for flat 2 overlooking the streetscene of Stone Park Avenue and to the east for flat 1 overlooking the flat roof of the ground floor warehouses with longer views of the Chinese Roundabout. In this circumstance, the outlook from residential windows from the proposed properties is considered to maintain a suitable level of privacy at the intended distances to existing neighbouring property.

Externally the revised parking layout has incorporated strips and areas of landscaping buffers around the marked parking spaces. This will help soften the parking areas and provide a buffer to adjacent residential properties reducing noise and disturbance and improving the visual appearance of the site to the streetscene.

In terms of other sources of noise and disturbance, concern has been raised by local residents regarding the extent to which the retail units would be open for customer business. Given the nature of the use, the extent of the opening hours will be extended beyond what currently operates at the site. However, it is considered prudent to restrict the hours of opening comparatively with similar stores in the region to alleviate any harm to an acceptable level. A planning condition in this regard is suggested.

### Highways / Car Parking / Servicing

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the UDP and London Plan should be used as a basis for assessment.

The Council's Highway Officer has reviewed the current application noting that minor improvements to the footways in the vicinity of the site accesses are proposed, together with minor revisions to the access entry widths that would benefit to pedestrians. This would improve highway safety in the vicinity when vehicles enter and exit the site. Concern has also been raised by the level of use of the site by vehicles that may give rise to congestion in the area. The level of parking on site is commensurate with London Plan requirements for retail provision. Given the improvements to access to address the increased level of use it is not considered that the revised parking layout and increase in the intensity of use will give rise to conditions prejudicial to highway safety.

Cycle parking is required to be two spaces for the type of dwelling units proposed. Further provision is required for retail customers. The applicant has provided locational details for retail provision underneath the pagoda and for cycle storage for the residential units within designated amenity spaces. Further details in this regard are recommended by condition.

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of refuse storage for the residential units within the amenity areas. Further details in this regard are recommended by condition in relation to a containment structure.

Commercial refuse areas have also been provided for each retail unit separately in screened and enclosed external areas. A swept path analysis for refuse trucks entering and existing the site has been provided that is acceptable.

Deliveries to and from the site have potential to interrupt traffic flow in the vicinity during peak hours. On this basis deliveries to the units are recommended to be

restricted to off peak hours only. A restrictive planning condition is recommended in this regard.

#### Sustainability and Energy

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

An Energy Statement has been provided that details the efforts made in the proposals to achieve these objectives. This is considered acceptable.

#### Community Infrastructure Levy

The Mayor of London's CIL is a material consideration. CIL is payable on this application.

#### **Summary**

The level of employment and supply of independent business sites in the Borough would be maintained providing a retail use that would be compatible with the viability and vitality of existing centres.

The development would have a high quality design and would not have an unacceptable impact on the amenity of neighbouring occupiers, or impact detrimentally on the character of the area or harm the setting or significance of the listed building. It is considered that standard of the residential and commercial accommodation that will be created will be good. The proposal would not have an adverse impact on the local road network or local parking conditions. The proposal would be constructed in a sustainable manner and would achieve good levels of energy efficiency. It is therefore recommended that planning permission is granted subject to the imposition of suitable conditions.

**As amended by docs received 2/9/16, 26/9/16 and 17/10/16.**

#### **RECOMMENDATION: PERMISSION**

#### **Subject to the following conditions:**

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

**Reason: Section 91, Town and Country Planning Act 1990.**

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved**

**under this planning permission unless previously agreed in writing by the Local Planning Authority.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.**

- 3 Details of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.**

**Reason: In order to comply with Policy BE1 and BE8 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area**

- 4 Details of the windows (including rooflights and dormers where appropriate) including their materials, method of opening and drawings showing sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals (including dimension of any recess) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The windows shall be installed in accordance with the approved details.**

**Reason: In order to comply with Policy BE1 and BE8 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.**

- 5 Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site(s) as shall be approved and shall be permanently retained thereafter.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of visual amenity and the amenities of adjacent properties.**

- 6 Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.**

**7 No part of the development hereby permitted shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to and approved in writing by the Local Planning Authority.**

**a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval in writing. The desk study shall detail the history of the sites uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved in writing by the Local Planning Authority prior to investigations commencing on site.**

**b) The site investigation, including relevant soil, soil gas, surface water and groundwater sampling shall be approved in writing by the Local Planning Authority.**

**c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors, a proposed remediation strategy and a quality assurance scheme regarding implementation of remedial works, and no remediation works shall commence on site prior to approval of these matters in writing by the Authority. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment.**

**d) The approved remediation works shall be carried out in full on site in accordance with the approved quality assurance scheme to demonstrate compliance with the proposed methodology and best practise guidance. If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf.**

**e) Upon completion of the works, a closure report shall be submitted to and approved in writing by the Authority. The closure report shall include details of the remediation works carried out, (including of waste materials removed from the site), the quality assurance certificates and details of post-remediation sampling.**

**f) The contaminated land assessment, site investigation (including report), remediation works and closure report shall all be**

carried out by contractor(s) approved in writing by the Local Planning Authority.

Reason: In order to comply with Policy ER7 of the Unitary Development Plan and to prevent harm to human health and pollution of the environment.

- 8 The development permitted by this planning permission shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development has been submitted to, and approved by, the Local Planning Authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface water run-off rates to Greenfield rates in line with the Preferred Standard of the Mayor's London Plan.

Reason: To reduce the impact of flooding both to and from the proposed development and third parties and to accord with Policies 5.12 and 5.13 of the London Plan.

- 9 Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 10 No wall, fence or hedge on the street facing boundaries or on the first 2.5m of the flank boundaries shall exceed 1m in height, and these means of enclosure shall be permanently retained as such.

Reason: In order to comply with Policy T18 of the Unitary Development Plan and in the interest of pedestrian and vehicular safety.

- 11 Before the access hereby permitted is first used by vehicles, it shall be provided with 3.3m x 2.4m x 3.3m visibility splays and there shall be no obstruction to visibility in excess of 1m in height within these splays except for trees selected by the Local Planning Authority, and which shall be permanently retained thereafter.

**Reason: In order to comply with Policy T18 of the Unitary Development Plan and in the interest of pedestrian and vehicular safety.**

- 12 Details of a scheme to light the access drive and car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced. The approved scheme shall be self-certified to accord with BS 5489 - 1:2003 and be implemented before the development is first occupied and the lighting shall be permanently retained thereafter.**

**Reason: In order to comply with Policy T3 and Appendix II of the Unitary Development Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.**

- 13 The arrangements for storage of refuse (which shall include provision for the storage and collection of recyclable materials) and the means of enclosure shown on the approved drawings shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.**

- 14 Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site at 2 spaces for each residential unit in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.**

**Reason: In order to comply with Policy T7 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.**

- 15 The existing access shall be stopped up at the back edge of the highway before any part of the development hereby permitted is first occupied in accordance with details of an enclosure to be submitted to and approved in writing by the Local Planning Authority. The approved enclosure shall be permanently retained as such.**

**Reason: In order to comply with Policy T11 of the Unitary Development Plan and in the interest of pedestrian and vehicular safety.**

**16** While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

**Reason:** In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the Unitary Development Plan.

**17** Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.

**Reason:** To reduce the impact of flooding both to and from the proposed development and third parties and to accord with Policy 5.13 of the London Plan.

**18** Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

**Reason:** In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

**19** The flat roof area of the ground floor commercial units shall not be used as a balcony or sitting out area for the upper level residential flats and there shall be no access to the roof area.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

**20** Before any work is commenced on the access/highway works a Stage 1 and where appropriate a Stage 2 Road Safety Audit (these may be combined with the prior agreement of the local Planning

Authority) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented strictly in accordance with the approved details to the satisfaction of the Local Planning Authority before any part of the development hereby permitted is first occupied. A Stage 3 Audit shall be submitted to and approved in writing by the local Planning Authority following satisfactory completion of the works and before they are opened to road users. The road safety auditor should also request for a member of LBB traffic team to be present on site at the time of audit.

Reason: In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the Unitary Development Plan and Policy 6.12 of the London Plan.

- 21 The premises shall only be open for customer business between the hours of 09:00 and 20:00 on Monday to Friday, 09:00 to 19:00 on Saturday and 10:00 to 17:00 on Sundays and Bank Holidays.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with policy BE1 of the Unitary Development Plan.

- 22 No movement of service vehicles or servicing of the commercial units shall take place at either premises between the hours of 09:00 and 17:00 Monday to Friday.

Reason: To avoid any disruption to the free flow of traffic at roads approaching the 'Chinese Roundabout' in the morning and evening peak hours and in the interest of pedestrian and vehicular safety in order to comply with Policy T18 of the Unitary Development Plan and Policy 6.12 of the London Plan.

- 23 Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the premises shall be used for retail use (Use Class A1) for (i) pets, pet food, and all pet related products, and ancillary pet care, treatment and grooming services, (ii) beers, wine, spirits and sundry goods and for no other purpose (including any other purpose in Use Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: To enable the Council to reconsider the situation in the event of a change of user in the interest of highway safety and in the amenities of the area and to comply with Policies S7, T18 and EMP5 of the Unitary Development Plan, Policies 4.1, 4.7 and 6.12 of the London Plan and the National Planning Policy Framework.

**You are further informed that:**

- 1 The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.**
- 2 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](mailto: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](http://www.bromley.gov.uk)**
- 3 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)**
- 4 You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.**
- 5 Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the modification of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant.**
- 6 The applicant is advised that separate consent under the Advertisement Regulations will be required for the display of any signage regarding the proposed new retail units.**

