

SECTION '2' – Applications meriting special consideration

Application No : 16/05550/FULL1

Ward:
Penge And Cator

Address : Hollywood East 1 Station Road Penge
London SE20 7BE

OS Grid Ref: E: 535298 N: 170731

Applicant : Mr Richard Goaman

Objections : YES

Description of Development:

Change of use of existing Public House (Use Class A4) to 2 one bedroom, 1 two bedroom and 2 three bedroom flats (Use Class C3) together with construction of first floor rear extension, front light well, additional fenestration openings in rear elevation, roof terraces and associated refuse and cycle parking facilities.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 50

Proposal

Planning permission is sought for the change of use of the existing Public House (Use Class A4) to 2 one bedroom, 1 two bedroom and 2 three bedroom flats (Use Class C3) together with construction of first floor rear extension, front light well, additional fenestration openings in the rear elevation, roof terraces and associated refuse and cycle parking facilities.

The external works to the building comprise of a first floor rear extension on the footprint of the existing single storey rear section of the building and the addition of two basement lightwells, one in Station Road utilising the existing pub cellar entrance and a one at the corner apex of the building. Fourteen new windows located on all levels and four false recesses are shown to the rear elevation facing the car park. Openings are shown to be created within the front elevation between existing architectural features to create integral parking areas within the building for three vehicles. The mural on the rear elevation facing the car park is indicated to be retained. A communal roof terrace and two private roof terraces are located on the extended first floor roof.

Location

The appeal site is located at the confluence of a tightly constrained wedge shaped site between Station Road and the car park for Penge East station. The building comprises a three storey construction occupying the full footprint of the site and was formally used as a Public House with a bar and store areas on the ground

floor and residential accommodation above with 10 bedrooms. A basement is also located underneath the building footprint incorporating a cellar entrance within the footway on Station Road. A large mural is depicted on the rear north east facing wall of the building facing the car park.

The site is not located in a conservation area nor is the building listed.

Consultations

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

Support

- The character of the building will be maintained which complements other historic buildings in the road.
- Change of use to flats is in keeping with residential nature of road.
- Off street parking, sympathetic design, roof terrace are great to see.

Objection

- Concern regarding impact to the mural on the rear objection which should be retained and restored.
- Concern regarding the loss of a community asset.
- Concern that parking congestion has been adequately looked at in terms of on-site provision.
- The area has a lack parking for the current residents and is used by commuters.

Internal consultations

Highways:

The development is located within the area of medium rate of 4 (on a scale of 0 - 6b, where 6b is the most accessible). Three car parking is offered by the developer. As the transport accessibility is moderate a reduction in the parking requirement may be justified as the site is considered accessible to public transport links.

The applicant should be made aware that the following would be required:

- Offer the first resident 2 years annual membership of a Car Club.
- Provide residents cycle parking facility as per London Plan (8 in total)
- Contribution of £2000 towards Parking / Traffic schemes within the area.

Environmental Health - Housing:

In summary, general issues with levels of natural ventilation and the use of combined living/kitchen/dining rooms.

External consultations

Crime Prevention:

The application should be able to achieve the security requirements of Secured by Design with the guidance of Secured by Design New Homes 2014, and the adoption of these standards will help to reduce the opportunity for crime, creating a safer, more secure and sustainable environment.

Thames Water:

No objection with regard to water infrastructure capacity and sewerage infrastructure capacity.

Planning Considerations

London Plan 2015:

- 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
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 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
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 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
- 7.14 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
BE7 Railings, Boundary Walls and Other Means of Enclosure
H1 Housing Supply
H7 Housing Density and Design
H9 Side Space
H12 Conversion of Non-Residential Buildings to Residential Use
T3 Parking
T7 Cyclists
T18 Road Safety

Supplementary Planning Guidance 1: General Design Principles

Supplementary Planning Guidance 2: Residential Design Guidance

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 closed on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). It is anticipated that the submission of the draft Local Plan will be 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 8 - Side Space
Draft Policy 23 - Public Houses
Draft Policy 30 - Parking
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 40 - Other Non-Designated Heritage Assets
Draft Policy 73 - Development and Trees
Draft Policy 77 - Landscape Quality and Character
Draft Policy 112 - Planning for Sustainable Waste management
Draft Policy 113 - Waste Management in New Development
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 122 - Light Pollution
Draft Policy 123 - Sustainable Design and Construction
Draft Policy 124 - Carbon dioxide reduction, Decentralise Energy networks and Renewable Energy

Planning History

07/02947/FULL1: Demolition of existing public house and erection of a 3 storey building comprising 6 one bedroom and 2 two bedroom flats with 4 car parking spaces and refuse and cycle store. Refused 09.10.2007. Allowed on appeal.

15/04746/FULL1: Change of use of existing Public House (Use Class A4) to four 1 bedroom, 2 two bedroom and 2 studio flats (Use Class C3) together with construction of first floor rear extension, front light well, additional fenestration openings in rear elevation, roof terraces and associated refuse and cycle parking facilities. Refused 04.01.2016.

Refusal Reasons

- The proposed development would fail to provide a satisfactory layout, standard and size of good quality accommodation for future occupiers by reason of its substandard floor space arrangement and internal layout contrary to Policy 3.5 of the London Plan and Policy H12 in the adopted Unitary Development Plan.
- In the absence of sufficient information to demonstrate the capacity of the existing on street car parking availability to accommodate satisfactorily the additional traffic generated by the development, the proposal would be likely to prejudice the free flow of traffic and general road conditions in and around the site, contrary to Policies T3 and T18 of the Unitary Development Plan.

The application was subsequently Appealed to the Planning Inspectorate and dismissed on 28/6/16.

In summary the Inspector concluded that the proposed scheme would fail to provide satisfactory living conditions for the occupiers of three of the eight flats, due to poor outlook and/or inadequate floor-space. Furthermore, the absence of any dedicated off-street parking serves was seen to highlight the over-intensive nature of the proposed conversion scheme that would have a materially adverse impact on the free flow of traffic and general road conditions.

Conclusions

The primary issues in the assessment of this planning application are:

- The principle of the proposed development

- The design and appearance of the scheme and the impact of these alterations on the character and appearance of the area and locality
- Impact on the amenity of neighbouring properties
- The quality of living conditions for future occupiers
- Highways and traffic Issues
- Sustainability and energy

Principle of Development

Policy H12 - 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.

Draft Policy 6.7 of the Local Plan - Public Houses states that the loss of public houses will be resisted by the Council except where 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 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.

In this case the proposed scheme results in the total loss of the pub facility with the whole of the existing building being converted to residential use. It is noted that in the 2008 application for a new build development no objection was raised by the Council regarding the principle of development. The Appeal Inspector commented on this fact and offered no further deliberation in this regard.

Given the thrust of new legislation since 2008 to protect 'assets of community value' under the Localism Act, it is noted that no such protection exists for the pub. Within the immediate area of Penge there are also numerous other pubs within 500m of the site.

Therefore given the acceptability of the use for residential with regard to Policy H12 and Draft Policy 6.7, the principle of the residential units through the change of use of the whole site is considered acceptable subject to the scheme's compliance with all other relevant development plan documents and policies.

Density

Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Chapter 7 of the plan, and with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL).

The site has a PTAL rating of 4 and is within an urban setting. In accordance with Table 3.2, the recommended density range for the site would be 55-145 dwellings per hectare. The proposed development would have a density of 244 dwellings per hectare.

Therefore, the proposed development of the site would be well above the ranges suggested. This is mainly due to the whole of the total site area forming the building footprint. However, a numerical calculation of density is only one aspect in assessing the acceptability of a residential development. Policy 3.4 is clear that in optimising housing potential, developments should take account of local context and character, design principles and public transport capacity. In this case the amount of development provided on site is acceptable in principle due to the particular site constraints.

Design, Siting and Layout

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Policies 3.4 and 3.5 of the London Plan reflect the same principles. Policy 3.4 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 H7 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 BE1 of the UDP requires new extensions to complement the scale, form, layout and materials of adjacent buildings and areas, and seeks to protect the amenities of neighbouring properties.

The main alterations to the building entail a rear located first floor extension, the addition of windows and false windows in the existing rear elevation and interventions in the front elevation to provide three car parking spaces and light wells at ground level.

The merits of the retention and conversion of the existing building are considered preferential in design terms to retain the existing pub building as a non-designated heritage asset as opposed to its demolition and replacement. Therefore some flexibility, given the sites constraints with no external space, must be applied to bring the long term vacant building back into a sustainable use.

The first floor extension is in a relatively recessed location in terms of its massing relationship to the rest of the site and town house properties to the west. As such the addition of the extension is considered to be in keeping with the character and appearance of the existing building.

The interventions to the front elevation within the existing public house street façade to provide three car parking spaces have been positioned to relate to the contextual architecture of the buildings street elevation being sited between pillars and pilasters in order to retain much of the frontage. While this will alter the appearance of the building, the level of intervention will retain the overall non designated historic interest and heritage value of the building as a public house. This is welcomed subject to the submission by condition of a greater level of detailed plans to achieve this.

The addition of the window apertures within the rear elevation are proportional in design and style to windows on the other elevations of the building on all levels with false window reveals adding to the conformity unity of the elevation. While the addition of the windows will change the overall appearance of the mural depicted on the rear elevation, the style and form of the windows is considered acceptable. The alteration of the mural is regrettable but is not considered a sufficient reason to withhold planning permission on this basis. The lightwells are considered acceptable in design terms.

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 existing and proposed sections of the building is as below.

UNIT NO.	No bedrooms	Occupancy	Floor area m ²	London Plan Requirements m ²	
1	3	5	117	93	√
2	2	3	68.1	61	√
3	1	2	50.6	50	√
4	1	2	57.8	50	√
5	3	5	96.2	93	√

The nationally described space standard requires various sizes of internal areas in relation to the number of persons and bedrooms provided in each unit. On this

basis, the floorspace provision for all of the units is compliant with the required standards and is considered acceptable.

However, new homes should not only have adequately sized rooms but should also have convenient and efficient room layouts which are functional and fit for purpose. In the previous scheme due to the number of units proposed and poor layout an unsatisfactory standard and size of accommodation was proposed.

The current scheme has revised the layout arrangement and reduced the number flats to create a suitable unit mix at this location which is also now considered suitable in terms of the unit sizes for the range of flats.

The revised building layout also provides a good standard of living space with none of the rooms having a convoluted shape which would limit their specific use for a number of furniture arrangements.

Adequate natural ventilation to the proposed flats for the ability of any future occupier to safely ventilate the units can be secured by a condition for details of windows with a view to obtaining satisfactory details of a means of safely ventilating the flats with openable casements.

External amenity space is provided at roof level with a large communal space and two large private areas accessed via a central stairwell. Given that a similar solution was allowed in the 2008 scheme the current proposal is considered acceptable in this regard.

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.

The proposed development is considered acceptable in terms of its impact upon the amenities of neighbouring occupants. The outlook of windows will remain to the front, and flank which utilise existing windows that generally overlook public areas as currently exists at the site. New apertures to the rear of the building will overlook the station car parking area.

Highways and Traffic Issues.

Car parking and cycle parking

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 and has commented that three car parking spaces are offered by the developer. Therefore,

on this basis of provision and as the transport accessibility is moderate, a reduction in the parking requirement may be justified as the site is considered accessible to public transport links.

However, to offset the limited impact that the development may have, it has been suggested that annual membership of a car club are provided, cycle parking is provided and a contribution of £2000 towards Parking / Traffic schemes within the area is made by the applicant.

In this case, Members will be aware that the application is for a Minor scheme and therefore planning obligations are not applicable to schemes of this size. Suitable car club membership can be sought by condition.

Cycle parking is required to be 1 space per studio/1 bedroom flats and 2 spaces for all other dwellings. The applicant has provided details of an integral location in the building for cycle storage for the units accessed directly from the footway. This is considered acceptable and can be conditioned to remain in perpetuity.

Refuse

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of an integral location for refuse storage for the units in from the footway on Station Road. The location point and provision is considered acceptable within close proximity of the highway and can be conditioned to remain so in perpetuity.

Sustainability and Energy

Policy 5.4 Retrofitting, of the London Plan 2015 states that boroughs should identify opportunities for reducing carbon dioxide emissions from the existing building stock by identifying potential synergies between new developments and existing buildings through the retrofitting of energy efficiency measures.

No information has been supplied in this regard. However, this is not mandatory for this type of small development.

Summary

Consequently the revised development resubmission would have a high quality design and would not have an unacceptable impact on the amenity of neighbouring occupiers, subject to suitable conditions nor impact detrimentally on the character of the area. It is considered that the standard of the accommodation that will be created will be good and the revised unit mix appropriate for this location. 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.

On balance the positive impacts of the development are considered of sufficient weight to approve the application with regard to the presumption in favour of sustainable development to increase housing supply.

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 all external materials, including roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be carried out in accordance with the approved details.**

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

- 4 Notwithstanding the details hereby approved, no development shall commence until detailed plans at a scale of 1:20 showing the modified ground floor public house façade have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

Reason: In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy BE1 of the Unitary Development Plan.

- 5 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.

- 6** Before the development hereby permitted is occupied arrangements shall be agreed in writing with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in the vicinity of the site at any time.

Reason: In order 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 and to comply with Policy T3 of the Unitary Development Plan and Policy 6.13 of the London Plan.

- 7** No part of the development hereby approved shall be occupied until such time as a parking management scheme for the three integral car parking spaces has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the management plans from first occupation and permanently retained thereafter

Reason: In order to ensure satisfactory vehicle management that may otherwise lead to parking inconvenient to other road users and to be detrimental to amenities and prejudicial to road safety and to comply with Policy T3 of the Unitary Development Plan and Policy 6.13 of the London Plan.

- 8** The application site is located within an Air Quality Management Area declared for NO_x: In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NO_x emission rate of <40mg/kWh

Reason: To minimise the effect of the development on local air quality within an Air Quality Management Area in accordance with Policy 7.14 of the London Plan.

- 9** The existing painted mural on the rear elevation of the building shall be maintained in perpetuity.

Reason: In order to maintain the non-designated historic interest of the building and to comply with Policy 7.8 of the London Plan, Draft

Policy 40 of the Emerging Local Plan and paragraph 135 of the National Planning Policy Framework.

- 10 The arrangements for storage of refuse (which shall include provision for the storage and collection of recyclable materials) and the means of integral 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 residential and visual amenity aspects.

- 11 The arrangements for cycle storage and the means of integral 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.

- 12 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.

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 regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at 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