

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

**Application No :** 18/00520/FULL1

**Ward:**  
**Bromley Town**

**Address :** 196 - 198 High Street Bromley BR1 1HE

**OS Grid Ref:** E: 540167 N: 169329

**Applicant :** Sable Partners I LLP

**Objections : YES**

**Description of Development:**

Reuse and conversion of the existing building to provide restaurant (Use Class A3/A4) at ground floor, office (Use Class B1) at first floor, long-term document storage (Use Class B8) at basement level and 3 no. residential apartments (Use Class C3) above, plus demolition of existing single-storey and erection of new two-storey extension building to rear and retention of existing stable block to provide gym and fitness studio (Use Class D2), with ancillary cycle parking and landscaping.

**Key designations:**

Conservation Area: Bromley Town Centre  
Areas of Archeological Significance  
Biggin Hill Safeguarding Area  
Bromley Town Centre Area  
London City Airport Safeguarding  
Smoke Control SCA 3

**Proposal**

Planning permission is sought for the reuse and conversion of the existing building to provide restaurant (Use Class A3/A4) at ground floor, office (Use Class B1) at first floor, long-term document storage (Use Class B8) at basement level and 3 no. residential apartments (Use Class C3) above, plus demolition of existing single-storey and erection of new two-storey extension building to rear and retention of existing stable block to provide gym and fitness studio (Use Class D2), with ancillary cycle parking and landscaping.

The proposed development comprises the following breakdown:

- Pub/restaurant (A3/A4 Use Class) to part ground floor using the street frontage entrance with a proposed GIA of 331sqm.
- Office accommodation (B1 Use Class) to the first floor of the main front building with a proposed GIA of 120sqm.
- Residential flats (C3 Use Class) at second floor and converted third floor of the main front building with a proposed total GIA of 182sqm with an external amenity area of 70sqm.

- Gym / fitness studio (D2 Use Class) to the stable block and a two storey infill extension at the rear, with a proposed GIA of 495sqm;
- Long term document storage (B8 use class) in the basement with a proposed GIA of 169sqm.

The application was supported by the following documents:

- Design and Access Statement
- Transport Statement
- Noise Assessment
- Energy and Sustainability Statement
- Heritage Appraisal
- Air Quality Assessment
- Preliminary Ecological Appraisal

### **Location and Key Constraints**

The site is situated on Bromley Town Centre on the eastern side of the High Street with The Partridge public house to the south and the British Heart Foundation shop (Class A1) to the north. Beyond the site are primarily retail units with the empty Bell Hotel opposite.

The immediate area is characterised by 3 and 4 storey buildings and the High Street is a busy through route on the north side of the town centre. There is a mixture of retail and café/restaurant/pub uses on the ground floor of nearby units in this secondary frontage with floorspace on the upper floors, the use of which is not always clear. On the upper floors of The Partridge, there is a staff flat. On the adjacent upper floors there is a flat at No 196 High St. There are residential units in the properties to the rear of the site fronting Church Road.

The frontage building and the stables at the rear of the site are both identified on the 1868 OS map. The existing frontage building comprises 3 storeys with a parapet and pitched roof behind with a render finish to the front. At the rear is a modern extension across the rear of the site, plus extensive ventilation equipment, until it meets the 2 storey brick built former stable building that occupies the rear of the site. Internally the frontage building has a basement and 3 floors above. There is a part basement across the whole site. The ground floor was most recently occupied by the Mascots Sports Bar as a Class A4 (drinking establishment) use. The whole building is currently vacant.

The Partridge public house, immediately adjacent, is a Listed Building and the property at 204-206 High Street is locally listed. The site lies within the Bromley Town Centre Conservation Area.

There are no trees within the site boundary or adjacent properties.

The site has a PTAL rating of 6a (where 1 is the lowest and 6b is the highest)

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and no representations were received.

### **Comments from Consultees**

APCA:

The proposed first floor extension for gym use would be visually harmful to the setting and profile of the Listed Building and stable block group in views from Church Road visually incongruous in design and materials. The rear alteration to the main building is of an inappropriate design harmful to the historic integrity of the building which is, otherwise, well preserved. There is concern at the lack of information as to the location and provision of ventilation plant which needs to be part of the application.

Officer response: Additional information has subsequently been received to address where the location of plant will be situated.

Conservation Officer:

The existing building is within the Bromley Town Centre Conservation Area and was rebuilt in 1876 for wine merchant George Pamphilon as head office and sampling rooms. His name can be seen above the arch and grape motifs on the frontage. I understand from local historians that the brick cellars in the basement may be older than this. The building has been empty for some time and its reuse would be a positive public benefit.

The main proposals that could impact the CA are the new roof with dormers to the main building and the addition of a second storey on the rear projection. In terms of the rear extension I welcome the retention of stable to the rear as this is now a reasonably rare building type in Bromley. The extension would be subservient to the host building and although APCA raise concerns about the setting of the listed Partridge building and views of the rear elevations of the High Street, I do not feel that the extension would overwhelm either views. The contemporary style glazed roof lanterns and brick facades would create some visual interest also. The main building roof would be rebuilt with dormers, but overall this would not overly impinge upon the general roofscape of the area.

Overall, the proposal would preserve the character and appearance of the CA and the setting of the adjacent listed building.

Environmental Health Pollution Officer:

Recommendation that permission be granted subject to compliance conditions relating to noise mitigation and noise monitoring.

Drainage Engineer:

We are pleased to see the incorporation of green roofs on top the roof. Further details of surface water management via sustainable urban drainage systems recommended to be sought by planning condition.

Highways:

The site is located in PTAL rate of 6 on a scale of 0 - 6b, where 6b is the most accessible. No parking would be provided which is very regrettable. There are 3 loading bays immediately in front of the building. Also the development is part of Bromley Town centre's Controlled Parking Zone (CPZ).

The applicant should be aware that in order to reduce the pressure on the existing parking demand in the area, future occupiers of the development should not be eligible to apply for parking permits. Seven cycle parking bays indicated. This is acceptable. A bin store is indicated.

### **Policy Context**

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

## London Plan Policies

- 2.6 Outer London: vision and strategy
- 3.1 Ensuring equal life chances for all
- 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
- 5.1 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
- 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

## Unitary Development Plan

- BE1 Design of New Development
- BE8 Statutory Listed Buildings
- BE11 Conservation Areas
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- H12 Conversion of Non Residential Buildings to Residential Use
- S2 Secondary Frontages

- S6 Retail and Leisure Development
- S9 Food and Drink premises
- S10 Non Retail Uses in Shopping Areas
- ER9 Ventilation
- T3 Parking
- T6 Pedestrians
- T7 Cyclists
- T16 Traffic Management and Sensitive Environments
- T17 Servicing of Premises.
- T18 Road Safety

### Emerging Local Plan

- 1 Housing supply
- 4 Housing design
- 8 Side Space
- 23 Public Houses
- 30 Parking
- 32 Road Safety
- 33 Access for All
- 34 Highway Infrastructure Provision
- 37 General design of development
- 38 Statutory Listed Buildings
- 41 Conservation Areas
- 77 Landscape Quality and Character
- 92 Metropolitan & Major Town Centres
- 97 Change in Use of Upper Floors
- 98 Restaurants, Pubs and Hot food Takeaways.
- 112 Planning for Sustainable Waste management
- 113 Waste Management in New Development
- 115 Reducing flood risk
- 116 Sustainable Urban Drainage Systems (SUDS)
- 117 Water and Wastewater Infrastructure Capacity
- 118 Contaminated Land
- 119 Noise Pollution
- 120 Air Quality
- 121 Ventilation and Odour Control
- 122 Light Pollution
- 123 Sustainable Design and Construction
- 124 Carbon dioxide reduction, Decentralise Energy networks and Renewable Energy

### Bromley Town Centre Area Action Plan

- BTC 2 Residential Development
- BTC 3 Promoting Housing Choice
- BTC 4 New Retail Facilities
- BTC 8 Sustainable Design and Construction
- BTC11 Drainage
- BTC14 Recycling

BTC16 Noise  
BTC17 Design Quality  
BTC25 Parking

### Supplementary Planning Guidance

Housing: Supplementary Planning Guidance. (March 2016)  
Technical housing standards - Nationally Described Space Standard (March 2015)  
SPG1 General Design Principles  
SPG2 Residential Design Guidance  
Bromley Town Centre Conservation Area SPG

### **Planning History**

There are a number of historical planning applications in recent decades relating to shop front designs, ventilation equipment, variation of hours and live music activities on the site.

The main relevant planning history relating to the application site currently is summarised as follows:

92/00973/FUL: Single storey rear extension ventilation ducting alterations to shopfront new gates at rear and change of use of ground floor from retail to restaurant. Approved 25.06.1992

93/02422/FUL change of use of ground floor and basement from retail To public house single storey rear extension to Include conservatory alterations to shopfront and installation of extraction ducting at rear. Approved 09.12.1993

DC/93/02423: Change of use of 1st and 2nd floors from offices to residential ancillary to public house on ground floor and basement. Refused 09.12.1993

98/03214/FUL: The Pamphilon public house 196-198 high street. Elevational alterations to side/rear building to include roof lights and exit point for barbeque flue. Approved 20.01.1999

01/02798/FULL1: Single storey rear extension and alterations to front elevation. Approved 19.12.2001

03/00288/FULL1: Single storey and second floor rear extensions and alterations to front elevation (Revision to permission 01/02798). Approved 21/5/03

04/04223/VAR: Variation of condition 6 of permission 93/2422 to change hours of opening to 11am to 2am Monday to Saturday and 12pm to 12.30am Sundays. Allowed on appeal

### **Considerations**

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

- Principle
- Design
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability
- Other (drainage/flooding/noise/pollution)
- CIL

### Principle

Paragraph 70 of the NPPF advises that planning policies and decisions should plan positively for the provision and use of community facilities (such as public houses) to enhance the sustainability of communities and residential environments and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet day-to-day needs.

The London Plan identifies Bromley Town Centre (BTC) as a Metropolitan Centre, which is described as having a greater than borough-wide catchment, containing at least 100,000 of retail, leisure and service floorspace and very good accessibility. It is assigned a 'High Growth' strategic guidance, described as being likely to experience strategically significant levels of growth with strong demand and/or large scale retail, leisure or office development in the pipeline. It is also assigned Office Guideline 'B', meaning that some office provision could be promoted as part of wider residential or residential and retail/leisure mixed use development.

BTC is identified as an 'NT2' night time economy cluster, a centre which contains a strategic cluster of night time economic activity of regional/sub-regional significance. Policy 4.6 states that, in preparing Local Plans, boroughs should identify, manage and coordinate strategic night time economic activity clusters to address need, provide public transport, policing and environmental services and minimise impact on other land uses (taking account of cumulative effects of night time uses and saturation levels)

Policy 4.7 Retail and Town Centre Development advises that the scale of proposed retail, commercial, culture and leisure development should be related to the size, role and function of a town centre and its catchment.

Policy 4.8 states that Local Plans should take a proactive approach to planning for retailing and related facilities and services and develop policies to prevent the loss of retail and related facilities that provide essential convenience and specialist shopping or valued local community assets, including public houses, justified by robust evidence.

The Mayor's Town Centres Supplementary Planning Guidance (2014) states that boroughs should promote a viable and diverse mix of retailing, understand the need for modern, fit-for-purpose retail floorspace and develop policies to accommodate projected retail demand through mixed use redevelopment within primary or viable secondary frontages. The SPG encourages boroughs to manage

the night time economy reconciling benefits and the concerns of local residents, recognise and support the positive contribution that restaurants, cafes and other leisure uses can make to the town centre. The SPG advises that a proactive approach to office development should be adopted, where increased economic potential can be clearly identified, focusing demand on the most viable and competitive business locations.

Policy S9 of the UDP advises that the Council will only permit proposals for additional Class A3 or A4 uses where the proposal would have no adverse impact on residential amenity; not cause undue traffic congestion or be detrimental to the safety of other road users and pedestrians; and not result in an over concentration of food and drink establishments.

Policy S6 states that proposals for retail or leisure development on sites within town centres, district centres, local centres or neighbourhood centres and parades will be permitted provided that the scale of the proposal will be appropriate to the size of the centre within which it is to be located, and it will not harm the viability or vitality of other nearby centres, either by itself or in conjunction with other proposals.

Policy S10 of the UDP states that the Council will not normally permit uses in retail frontages that do not offer a service to visitors unless: there has been long term vacancy and a lack of demand for a retail or service use can be proven; and the proposed use is in premises where it would not undermine the retail viability of the centre.

Policy H12 of the UDP states that 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.

Policy BTC1 of the Bromley Town Centre Area Action Plan advises that proposals for development in BTC outside of opportunity sites will be considered against the cumulative impacts of development taking into account the opportunity sites. P

Policy BTC2 states that proposals for residential development in BTC should accord with the London Plan Density Matrix and take into account the site characteristics and surrounding character.

Policy BTC5 states that the Council seeks to retain existing office uses and maximise opportunities for new employment generating activity in BTC.

The Draft Local Plan seeks to provide a diverse offer of main town centre uses, while supporting the continued improvement of centres.

Draft Policy 23 states that the loss of public houses will be resisted except where there is an alternative public house within 500 m of the site and where it can be demonstrated that the business is no longer financially viable as a public house, including evidence of active marketing.

Draft Policy 92 states that the Council will require development within BTC to contribute positively to its status as an Opportunity Area and Metropolitan Centre.

Draft Policy 97 of the emerging Local Plan states that the conversion of upper floors of shops or commercial premises to residential, community, office accommodation, or leisure will be permitted, provided that any physical alteration does not adversely affect the character or appearance of the property, residential or office use is compatible with adjacent/adjoining uses, there is no adverse effect on nearby environmental or residential amenity, a satisfactory living environment and standard of accommodation is provided, and adequate access and car parking can be provided.

Supporting text para 6.2.24 advises that the Council will seek to encourage a high level of activity above ground floor levels in secondary frontages where appropriate, including encouraging owners to bring unused or under-utilised upper floors into productive residential, community or office use. Paras 6.2.26 states that the use of upper floors in the BTC secondary frontage for office purposes will generally be permitted to maximise commercial potential of such buildings, whilst para 6.2.27 elaborates that residential use will also generally be encouraged in upper floors within town centres.

Draft Policy 98 states that the Council will permit proposals for new Class A3 or A4 uses provided that they would not detract from the centre's vitality and viability, result in an over concentration of food and drink establishments or create undue traffic congestion and that there is no harm or loss of amenity to nearby residents through noise, disturbance, smells, fumes, litter or unneighbourly opening hours.

The proposal involves the conversion of part of a ground floor Class A4 use and upper floor ancillary floorspace for a new smaller Class A3 and A4 use at ground floor, Class B8 in the basement, B1a and C3 uses above and a Class D2 use to the rear. Current business and town centres policies (including UDP Policies S9 and S10 and BTCAAP Policies BTC1, 2 and 5) and Draft Local Plan Policies 92, 97 and 98 all apply.

The intention to bring under-utilised ancillary space above and to the rear of the ground floor premises for a variety of main town centre uses with a residential component is consistent with these policies. The proposed change of use of the ground floor premises would result in a loss of 789 sqm of Class A4 floorspace but would retain 447 sqm in a refurbished unit. It is noted that this unit is proposed to be flexible Class A3/A4 floorspace which, should a restaurant or café business occupy the space, would result in the Class A4 use being lost entirely. Draft Local Plan Policy 23 is potentially applicable in this instance, however it must be acknowledged that the capacity for the site to be used for Class A4 purposes would remain. The reduction in size of the A3/A4 unit and introduction of other uses to the site would appear to be a viable option given the long term vacancy of the site. The proposal would also retain an active commercial use on the ground floor and improve the vitality of BTC's secondary frontage.

On balance, subject to further consideration of design, access and servicing arrangements and compliance with all other relevant development plan documents and policies the proposal is consistent in principle with current and proposed business and town centres policies.

## Design

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.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

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.

The public realm is also an important aspect of any development as it ensures that the development is integrated into and enhances the existing character and use of the area. All residential and commercial development is required by policy to contribute towards good design which extends to the consideration of the public realm (London Plan Policy 7.5).

Policy BE1 and 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 BE11 details that in order to preserve or enhance the character or appearance of conservation areas, a proposal for new development and alteration or extension to a building within a conservation area will be expected to respect or complement the layout, scale, form and materials of existing buildings and spaces; respect and incorporate in the design existing landscape or other features that contribute to the character, appearance or historic value of the area and ensure that the level of activity, traffic, parking services or noise generated by the proposal will not detract from the character or appearance of the area.

Policy H9 of the UDP requires that new residential development for a proposal of two or more storeys in height a minimum of 1m side space from the side boundary is maintained and where higher standards of separation already exist within residential areas. Proposals will be expected to provide a more generous side space.

In this case the scale and bulk of the extension to the rear of the site for use as a gym would be viewed against the backdrop of the existing rear area from Church Road and the four storey shopping parade that fronts the High Street incorporating rear and flank views to the Listed Partridge pub building. In the context of the wider area, and the scale of buildings close to its boundaries to the rear and other commercial buildings at the rear of the parade, the general character of this area is one of commercial scaled properties with a variety of uses and which include residential accommodation to upper floors. The built form is of relatively continuous form with few breaks or separation between the buildings.

The Council's Conservation Officer has reviewed the application and commented that the retention of the stable building is welcomed, that the main rear extension would be subservient to the host building and that the main building roof would be rebuilt with dormers, but overall this would not overly impinge upon the general roofscape of the area. The contemporary style glazed roof lanterns and brick facades were also considered to create some visual interest and the extension would not overwhelm views of adjacent listed buildings. Therefore the design, scale, height and mass of the proposed rear building extension and main roof dormers and roof alterations are considered to be in keeping with the buildings surrounding the boundaries of the site and would not appear out of keeping in this context and would preserve the character and appearance of the conservation area and the setting of the adjacent listed building.

Policy H9 normally requires a 1m side space. The following reasoning noting that it is important to prevent a cramped appearance and unrelated terracing from occurring. However in a location such as this where the predominant built form is terraced such a form assists in retaining the distinctive character of the area which would be consistent with Policies BE1 and H7. In this regard the proposed rear building extension would fall within the exception in the policy allowed with the use of the word normally. Whilst part of the building would be set off the back of the

existing building it would adjoin an existing building with no side space and be seen against the back drop of the existing commercial terrace and would thereby have little significant impact on the character or appearance of the wider area.

The main pedestrian access to the development will be to the front High Street for the basement B8 use, residential C3 use and mixed A3/A4 use at ground level. The D1 gym use will be accessed from the rear area from Church road via the existing access to the stable building using the stable building for reception. While the intensity of use of the rear access will increase, this is considered the preferred option for access via Church Road for this type of use and will help increase footfall activity in this area.

In terms of potential plant/ventilation equipment for the mixed A3/A4 use to be located on the ground floor, an area for such purposes has been detailed on the proposed plans. This area would not be visible to the public realm at street level. However, to control the design of this element and to avoid repetition of the current situation, a condition is recommended for further details in this regard.

#### Standard of residential accommodation

Policy H7 of the UDP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Housing Standards.

The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.

Policy 3.5 of the London Plan and the Housing SPG (2016) Standard 24 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 Technical housing standards - nationally described housing standard (2015).

The floor space size of each of the flats is 70m<sup>2</sup> for the top floor two bedroom four person unit, 42m<sup>2</sup> for the one person one bedroom unit and 64m<sup>2</sup> for the two bedroom three person unit on the second floor respectively over single levels. The nationally described space standard requires various sizes of a GIA depending on the number of bedroom and persons intended. The sizes of the flats have been reviewed and 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. The top floor flat does lose some floor space to lower ceiling heights, however more than 75% of the floor area is of a suitable head height. Also given the constraints to conversion of the existing building due its location the layout represent a high quality functional layout for future occupiers.

In terms of amenity space an outdoor area has been provided at the existing roof level adjacent to the replacement two storey rear building. This area is 70m<sup>2</sup> and is available for communal use by all three flats. Given the town centre location and considering the likely intended tenancy for non-family occupancy this provision for the upper floor flats is considered acceptable in this case.

A separate external area is provided for recreational use for the first floor B1 office area adjacent to the residential outdoor space. This area is screened and separated with privacy screens to maintain seclusion for future residential occupiers. Both areas will not be visible from the public realm.

### Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

No objection has been raised from the Council's Highways Officer due the close proximity of public transport networks and likelihood that future occupiers due to the tenure are unlikely to be car owners. To reduce pressure on parking demand in the town centre restrictions are recommended on the availability of parking permits to future residents which can be sought by planning condition.

### Neighbouring amenity

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 mainly be to the rear of the building for the flats that generally overlook public areas and rear areas as currently exists at the site from the current uses.

A Noise assessment has been submitted detailing the proposed acoustic mitigation of unneighbourly uses from the commercial properties adjacent to the site. Elements to be addressed relate to the proposed lower commercial ground floor uses comprising B1 uses at first floor and the ground floor A3/A4 use in the adjacent pub building The Partridge pub is also a live music venue with a late music license on Fridays and Saturdays until 12 midnight.

Officers have raised concerns regarding the mitigation indicated in the proposal to prevent future complaints from residents regarding noise pollution from the venue. Further information has clarified the methods that will be used to address this issue and subject to suitable planning conditions Officers are satisfied that town centre noise from the night time economy will not directly impact the quality of residential accommodation provided at upper floor level.

### Air Quality

An Air Quality assessment has been submitted that has concluded that the proposed development does not raise any significant or other residual adverse impacts on the health and/or quality of life for existing or proposed sensitive receptors as a result of any anticipated changes to air quality.

No concerns have been raised by the Environmental Health in this regard. It is therefore concluded that the proposed development complies fully with air quality related national, regional and local planning policy and any mitigation can, if considered necessary, be enforced by means of appropriate planning conditions.

### Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

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 and Sustainability Statement has been submitted that details that of renewable Technologies, solar PV panels are considered most appropriate. The proposed strategy will offset 33.70% of the developments predicted regulated carbon emissions. This exceeds the requirements of the London Plan.

A green roof is also indicated over a large portion of the rear buildings flat roof. Further details of this can be obtained by planning condition to ensure a suitable installation that will be maintained.

## CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

## **Conclusion**

Taking into account the issues discussed above it is considered that the development proposed would have a high quality design and would not have an unacceptable impact on the amenity of neighbouring occupiers. It is considered that the development would not be detrimental to the character and appearance of the conservation area. The standard of the 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.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 18/00520/FULL1 and any other applications on the site set out in the Planning History section above, excluding exempt information.

## **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: To comply with 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 UDP and in the interests of visual and residential amenity.**

- 3 Details (including samples) 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 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 arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved arrangements 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.**

- 5 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 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.**

- 6 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.**

- 7 The development permitted by this planning permission shall not commence until a surface water drainage scheme, details of general drainage works 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 Policy 5.13 of the London Plan.**

- 8 Detailed plans of the appearance of and the equipment comprising a ventilation system which shall include measures to alleviate fumes and odours (and incorporating activated carbon filters where necessary) shall be submitted to the Local Planning Authority for approval; after the system has been approved in writing by the Authority, it shall be implemented in accordance with the approved details before the use hereby permitted first commences and shall thereafter be permanently retained in an efficient working manner.

**Reason:** In order to comply with Policies S9, BE1 and BE11 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 9 Detailed drawings indicating the means of screening roof mounted plant and equipment 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 and BE11 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 10 Detailed drawings indicating the design, installation and gradients of the photo voltaic cells as laid out in accordance with plan no. 1231.01.14(O) hereby approved shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced.

**Reason:** In order to comply with Policy BE1 and BE11 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 11 a) Prior to the commencement of works to the residential element of the development, details of a proposed scheme of noise mitigation shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The submitted sound insulation shall demonstrate how the structure of the building is to be acoustically enhanced to protect future residents from external noise intrusion, sound transfer between the commercial and residential parts of the development and noise transfer associated with the existing, adjoining A3 premises, in accordance with the outline mitigation proposals detailed in the submitted "Noise Assessment" prepared by Mayer Brown Limited (report ref. OLLBromley(N).(9) ver. 1.2) dated January 2018.

b) The approved scheme of noise mitigation shall be implemented and validation noise monitoring undertaken to demonstrate the effectiveness of the works. Prior to the validation noise monitoring, a method statement shall be submitted to and approved in writing by the LPA. The validation noise monitoring shall be undertaken in accordance with the approved method statement. The results of the validation noise monitoring shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any residential flat. The approved and validated works shall be permanently retained thereafter.

**Reason:** In the interest of the residential amenities of the dwellings and to accord with Policy 7.15 of the London Plan.

**12 (a) The development shall be constructed with a biodiversity living roof laid out in accordance with plan no. 1231.01.14(O) hereby approved and maintained thereafter.**

**(b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.**

**(c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.**

**Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan.**

**13 The application site is located within an Air Quality Management Area declared for NOx: In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NOx 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.**

**14 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 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.**

**15 No part of the development hereby permitted shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority of arrangements for establishment of a car club to serve the development. The approved arrangements for the car club shall be in operation before first occupation of any part of the development and shall be permanently retained thereafter.**

**16 The whole of the residential amenity space and screening as shown on drawing no. 1231.01014(O) hereby approved shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.**

**Reason: In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with Policy BE1 and H7 of the Unitary Development Plan.**

**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 Street Naming and 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** The applicant is advised that the development shall strive to achieve 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 of Policy 5.2 of the London Plan.