

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

**Application No :** 18/02791/FULL1

**Ward:**  
Penge And Cator

**Address :** 182 Maple Road, Penge, London  
SE20 8JB

**OS Grid Ref:** E: 535383 N: 170250

**Applicant :** Mr Benny Hoffman

**Objections:** YES

**Description of Development:**

Demolition of existing ground floor rear extension and construction of part one/two storey rear extension and dormer together with conversion of existing upper floors to create two x 2 bed flats and 1 studio flat. Replacement shop front to ground floor commercial use. Refuse and recycling provision. Construction of rear boundary wall.

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 32

**Update**

This application was deferred without prejudice by Members of the Plans Sub Committee 3 held on the 23rd August 2018, in order to seek to seek the submission of further details of a ventilation system, cycling parking and refuge arrangements.

The applicant has sent through revised plans showing:

- **Cycle Storage:** This has now been provided for residents of all flats at ground floor level to enable ease of access. The previously proposed internal cycle storage at first and second floor level is also retained to and that residents have a choice of where to store their cycles.
- **Refuse Storage:** This is now provided within the rear courtyard area for each flat. The ventilated internal refuse and recycling stores are also retained at first and second floor level. The refuse store for the café is retained within the rear courtyard. This is indicated to reflect the existing arrangement between the café owner and landlord, to prevent rubbish being left on the street adjacent to the café entrance as referred to by Members.

- Ventilation: The applicant has advised that the majority of food prepared within the café is cold, however, some hot sandwiches and breakfasts are available. The plans have been amended to show an internal flue for the café in order to provide reassurance that the café will continue to be appropriately ventilated.

Taking into account the additional information submitted the issues raised by Members previously, appear to have been adequately addressed to enable planning permission to be granted.

The contents of the original report are repeated below.

## **Proposal**

Planning permission is sought for the demolition of the existing ground floor rear extension and construction of a part one/two storey rear extension and dormer together with conversion of the existing upper floors to create two x 2 bed flats and 1 studio flat.

A replacement shop front is proposed to the ground floor commercial use creating a narrower commercial shop front and separate residential entrance. Refuse and recycling provision in the rear garden area and construction of a rear boundary wall is also sought.

This is a revised resubmission application with alterations and justifications to address the Council's previous reasons for refusal as detailed below.

The ground floor rear extension would measure approximately 11.7m from the rear of the existing main rear elevation with the first floor being 5.2m depth. Both levels stretch across the full width of the plot. A small internal courtyard will remain at ground floor with a secondary rear courtyard adjacent to the rear boundary of the site adjoining the rear access way. Materials are indicated as matching facing brickwork and a tile hung dormer to match the existing roof.

The roofscape dormer is indicated at 2.8m width and is set in from roof parapets by approximately 200mm and 1.9m respectively and indicated to adjoin to the ridge of the existing roof.

The application was supported by the following documents:

- Planning and Design Statement

## **Location and Key Constraints**

The site is located on the east side of Maple Road and comprises a four storey terraced building with a commercial ground floor currently used as a café (Use Class A3). The site is also located within the secondary shopping frontage of Penge District Centre.

The site is not in a conservation area nor is the building listed. The site is however located adjacent to Penge High Street Conservation Area.

### **Comments from Local Residents and Groups**

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

#### Objections

- Concerns raised by majority of objectors regarding the loss of part of the shop frontage and front courtyard area to provide residential access in respect of conflicts of use and future viability of the café.
- Bluebelle café is an anchor tenant and should be supported. Café is a haven for artists and other local community groups and is a cultural hub.
- Over development and impact on existing local shops.
- Maple Road needs decent commercial enterprises to succeed, not erosion of what makes Penge, Penge.
- Proposal would damage street appeal at this location. Negative effect on streetscape.
- Maple Road businesses need more support, not less in improving the commercial streetscape.
- Cafe is relatively small and to reduce it's size any further may make it uneconomic as a business.
- Concerns that replacement shopfront will be smaller and less attractive.
- Maple Road needs to be supported to maintain its retail and commercial identity, not ruined by overdevelopment.
- A decrease in the physical access for older and disabled residents.
- Maple Road is turning into flats. The road continues to lose its character. Preference to see residential access to rear.

#### Local Groups

Penge Forum / Penge Town Centre Team:

- Questionable if reduced size and proportions sufficient to form a viable unit. Preference to see another solution to facilitate the scheme.
- Insertion of the residential door into the frontage causes an unsatisfactory mixed use and reduces the outdoor space available to the café.
- Concerns regarding proposed refuse arrangements.
- Lack of details for air extraction unit.

### **Comments from Consultees**

Environmental Health Pollution Officer:

No objections.

Drainage Engineer:

A public foul sewer crosses the area where the new works are proposed, in addition this area of new works is at high risk from surface water flooding which can cause water displacement. The applicant is required to demonstrate the proposed works do not cause flooding to the neighbouring properties.

Highways:

No car parking is offered. However a night time stress parking carried out within vicinity of the area at 15th and 16th of June 2011. The survey had established parking demand for the highway within a walking distance of approximately 200m. The survey indicated that there were on-street parking spaces available for additional demand during the hours of maximum residential parking demand.

In order to reduce pressure on the existing parking demand in the area, future residents of the development should not be eligible to apply for parking permits.

A covered and secure cycle storage facility must be provided to encourage cycling as a sustainable transport alternative. The storage area must be satisfactory to store one cycle per unit.

No objection in principle.

### **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.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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:

- 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
- 4.8 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
- 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
- 6.12 Road Network Capacity.
- 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.
- 7.16 Green Belt
- 7.19 Biodiversity and Access to Nature
- 7.21 Trees and Woodlands

### 8.3 Community Infrastructure Levy

#### Unitary Development Plan:

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- BE13 Development Adjacent to a Conservation Area
- BE19 Shopfronts
- ER7 Contaminated Land
- H1 Housing Supply
- H7 Housing Density and Design
- H8 Residential extensions
- H9 Side Space
- H11 Residential Conversions
- NE7 Development and Trees
- S2 Secondary Frontages
- S9 Food and Drink Premises
- S10 Non-Retail Uses in Shopping Areas
- S11 Residential Accommodation
- T3 Parking
- T5 Access for People with Restricted Mobility
- T6 Pedestrians
- T7 Cyclists
- T16 Traffic Management and Sensitive Environments
- T17 Servicing of Premises
- T18 Road Safety

#### Emerging Bromley Local Plan:

- 1 Housing supply
- 4 Housing design
- 6 Residential Extensions
- 8 Side Space
- 10 Conversion of non Residential Buildings to Residential
- 30 Parking
- 32 Road Safety
- 33 Access for All
- 34 Highway Infrastructure Provision
- 37 General design of development
- 42 Development Adjacent to a Conservation Area
- 73 Development and Trees
- 77 Landscape Quality and Character
- 94 District Centres
- 97 Change of Use of Upper Floors
- 98 Restaurants, Pubs & Hot Food Takeaways
- 99 Residential Accommodation
- 101 Shopfronts and Security Shutters
- 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
- 122 Light Pollution
- 123 Sustainable Design and Construction

Supplementary Planning Guidance:

Supplementary Planning Guidance 1: General Design Principles  
Supplementary Planning Guidance 2: Residential Design Guidance  
Housing: Supplementary Planning Guidance. (March 2016)  
Technical housing standards - Nationally Described Space Standard (March 2015)

**Planning History**

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

01/00432/FULL2: Change of use of ground floor from retail shop (Class A1) to cafe (Class A3) with extractor ducting to rear elevation (Retrospective application). Approved 28.03.2001

17/02382/FULL1 Demolition of ground floor rear extension and construction of part one/two storey rear extension and rear dormer roof extension together with conversion of existing upper floors to create 2 two bedroom flats and 1 studio flat. Replacement shop front to ground floor commercial use. Refuse and recycling provision. Construction of rear boundary wall. Refused 13.07.2017

- The refusal reasons related to effects on the retail viability and vitality of the existing ground floor premises due the loss of a percentage of commercial floor space and conflicting uses of the front curtilage area resulting in an undesirable impact on the adequate provision of services within the centre.
- The proposed shopfront was deemed detrimental to the appearance of the building and parade of shops.
- The proposed dormer extension by reason of its scale, massing, design and close proximity to roofscape boundaries, was deemed out of character with the consistent rhythm of the prevailing pattern of roofscapes within the immediate terrace and represented a visually intrusive addition, harmful to the character and appearance of the area, as well as having a serious and adverse effect on the visual amenities enjoyed by occupants of neighbouring property.

17/03536/FULL1: Demolition of ground floor rear extension and construction of part one/two storey rear extension and rear dormer roof extension together with conversion of existing upper floors to create 2 two bedroom flats and 1 studio flat.

Replacement shop front to ground floor commercial use. Refuse and recycling provision. Construction of rear boundary wall. Refused 18.09.2017.

- The refusal reasons related to effects on the retail viability and vitality of the existing ground floor café premises (Use Class A3) due to the loss of a reasonable proportion and functionality of the ground floor premises floor area and conflicting uses of the front curtilage area resulting in an undesirable impact on the adequate provision of services within the centre.
- The proposed shopfront by reason of its design and proportions would be detrimental to the appearance of this building and parade of shops.

## **Considerations**

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

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

### Resubmission

The application is a resubmission of a previously refused application. The revisions include a revised internal layout and redesigned shopfront for the retained commercial unit on the ground floor to address the proportion and functionality of the ground floor premises floor area and conflicting uses of the front curtilage area. The revised shopfront design has also been altered for similar reasoning.

### Principle

The NPPF (2018) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in

the London Plan generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

Policies including 3.3 of The London Plan 2016, H1 of the UDP 2006 and Draft Policy 1 have the same objectives. The London Plan's minimum target for Bromley is to deliver 641 new homes per year until 2025.

Policy H11 states that a proposal for the conversion of a single dwelling unit into two or more self-contained residential units or into self-contained accommodation will be permitted provided that the amenities of occupiers of neighbouring dwellings will not be harmed by loss of privacy, daylight or sunlight or by noise and disturbance; the resulting accommodation will provide a satisfactory living environment for the intended occupiers; on street or off street parking resulting from the development will not cause unsafe or inconvenient highway conditions nor affect the character or appearance of the area; and the proposal will not lead to the shortage of medium or small sized family dwellings in the area.

Paragraph 11.25 under Policy S11 also details that changes of use of upper floors to residential will be welcomed as it can contribute to the stock of affordable accommodation and the presence of residents can help as a deterrent to crime.

Draft Policy 97 states that proposals within the Town Centre areas for the conversion of upper floors of shops or commercial premises to residential 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.

In this case the host property is occupied over the upper floor above the commercial ground floor use with a single residential flat at present. A further self-contained flat is located behind the current commercial use at ground level. On this basis the principle of the further conversion of the upper floor unit and reworking of the ground floor unit appears acceptable in principle subject to compliance with other policies as assessed below.

### 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.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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.

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 H8 states that the scale, form and materials of construction should respect or complement those of the host dwelling and be compatible with development in the surrounding area, space or gaps between buildings should be respected or maintained where these contribute to the character of the area and dormer windows should be of a size and design appropriate to the roofscape and sited away from prominent roof pitches, unless dormers are a feature of the area.

Rear Extensions:

The part one/ two storey rear extension would have an extensive depth covering majority of the rear remaining rear curtilage for the full width of the rear elevation

with flat roofs. Flat roofs are generally resisted unless they are well set back and unobtrusive. It is noted that a similar scheme was approved in 2009 at No180 Maple Road. The scheme remains under construction (albeit at a standstill) and therefore remains extant. Given the similarities in mass, scale and design to the current application and given the position of the rear elevation and the nature of the use to the rear of this terrace of buildings the overall design of the extension is unlikely to result in harm to the character of the area on the lower levels of the existing building.

The dormer extension to the rear roof has been reduced in size to address a previous reason for refusal. The dormer will build up from the rear wall for a little over half the width of the existing rear roofslope with a set in from No184 of approximately 200mm and 1.9m from No180. The dormer design on balance mitigates the resultant additional bulk and loss of roofscape visible to the public realm at upper level.

The reconstruction of the rear boundary wall is acceptable.

#### Shopfront and Access Issues.

This site is part of the secondary shopping frontage on Maple Road within Penge District Centre.

Policy S10 Non Retail Uses in Shopping Areas of the UDP states that in retail frontages the Council will not normally permit uses 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 S11 Residential Accommodation of the UDP, states that the Council will only permit the change of use of ground floor premises in shopping areas to residential uses where the proposed use would not undermine the retail vitality and viability of the centre; the proposal would result in accommodation suitable for residential use; and there has been long term vacancy and no demand for a commercial or community use.

Policy BE13 Development Adjacent to a Conservation Area details that development proposals adjacent to a conservation area will be expected to preserve or enhance its setting.

Policy BE19 Shopfronts details that when considering applications for shopfronts the Council will require that the proposal to be well-related to its context whether this is the host building, parade or wider street scene as a whole and various other design criteria.

These policy requirements are reiterated in the Draft Local Plan Policies 10, 99 and 101.

The new shopfront will replace the existing recessed shopfront with a main offset door entrance to the left side of No182 as viewed from the streetscene and middle

sliding doors for a full open frontage when weather permits. A right side residential entrance for the proposed upper level residential flats is also indicated. The materials of the replacement framing of the shop front have now been indicated in this revised scheme as an "aluminium shopfront incorporating sliding door to create inside/outside feel".

The proposed residential entrance hallway on the ground floor has been altered in this revised scheme allowing for a larger retained commercial area of 40m<sup>2</sup> increasing from 33m<sup>2</sup> as currently laid out for the café. The forward section of the unit will be narrower to facilitate the front entrance but widens out to the rear for the kitchen area and toilet. A previously indicated bin store in the front curtilage has been removed from this area in this resubmission.

It is noted that currently tables and chairs are available inside and outside for customer use occupying the full width of the ground floor commercial area. At the time of the Officer site visit on this application it was also noted, as in the last application, that the premises appeared to operating as a vibrant and successful business as part of the Penge District Centre.

A letter has been supplied in the submission documents from the business owner of the café that states that the revised layout is satisfactory to the business requirements of the café and support is indicated for this application.

Although some external conflicts of use in the forecourt area would remain, on balance it is now considered that the current proposed layout of the premises and in the entrance/forecourt area will not now undermine the retail vitality and viability of the existing A3 premises that would warrant refusal of the application on this basis.

The replacement shop front will replace a non original installation. The applicant has opined in the resubmission specific emphasis that the shop front is non original and shop fronts in the vicinity display considerable diversity. It shall also be noted that the premises are opposite the boundary of a conservation area where development proposals are expected to preserve or enhance the setting.

The revised design has altered window proportions to more reflect the proportions of the host property. Glazing bars are also used to break up the window into smaller compartments and an enlarged fascia is created in order to reflect the scale and appearance of the building.

It is accepted that there is a mix of shop front types in the locality and on balance the revised shop front design is considered to be in keeping with the proportion, scale and detailing of the host building and acceptable within the context in the wider streetscene.

#### Standard of residential accommodation

In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross

Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

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 Government's National Technical 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.

The floor space of the proposed flats is 75m<sup>2</sup>, 39m<sup>2</sup> and 75m<sup>2</sup> respectively. The nationally described space standard requires a GIA of 39m<sup>2</sup> (single level 1 bed 1 person flat) and 70m<sup>2</sup> (double level 2 bed 2 person flat) respectively in relation to the number of persons and bedrooms provided in each unit in this building. On this basis, the floorspace GIA provision for all of the units is compliant with the required standards.

The shape, room size and layout of the proposed flats are considered satisfactory. None of the rooms would have a particularly convoluted layout which would limit their use. All habitable rooms would have satisfactory levels of light and outlook.

In terms of amenity space sufficient external space is provided for the ground floor flat. None is provided for the upper level flats. However, considering the likely intended tenancy for non-family occupancy and the constraints of conversion of the existing building, the non provision for the upper floor flats is considered acceptable in this case.

### 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 transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on

transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

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.

The Council's Highway Officer has reviewed the application and raised no objections to the zero provision of parking that is provided for the additional flats. On this basis the non-provision for the additional flats is not considered to have a significant impact on the surrounding road network.

#### *Cycle parking*

Cycle parking is required to be 1 space per studio/1 bedroom flats and 2 spaces for all other dwellings. The applicant has not provided details of a location for cycle storage within the rear curtilage of the site. A planning condition is recommended as necessary in this regard for further details to provide for detailed bicycle storage numbers and to secure a suitable lockable area in perpetuity.

#### *Refuse*

All new developments shall have adequate facilities for refuse and recycling. The applicant has not provided details of refuse storage area for the upper level flats which has been removed from the front curtilage in the resubmission. A planning condition is recommended as necessary in this regard for further details.

#### 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 application site is bounded to the south-west by No180 Maple Road which is a terraced building with a similar part one two storey rear extension under construction (albeit halted at the time of writing). Further south west is large three storey rear building used as the Salvation Army Citadel. In terms of the impact on the occupiers of these buildings there appear to be no windows to the rear of the site at ground floor level (given the new construction) serving habitable rooms so it is unlikely that the proposed ground floor extension would have a significant impact. At first floor level, the proposed extension would abut the common boundary of No180 and would be set lower than the second floor windows at

No180 adjoining the extension under construction. It is therefore considered that it would not have a significant impact on the outlook from the rear of the adjacent site at No180. In addition, no first floor flank windows are proposed so the privacy would not be compromised.

To the north-east of the site is a corner plot end terraced building comprising of a ground floor commercial unit and residential above. At ground floor windows on the rear of this building have been blocked up and are located away from the boundary. As such the proposed ground floor extension would be unlikely to have a significant impact on the amenities of the occupiers of this part of the building. At first floor level windows at No.184 would also be situated above the extension and therefore not have any significant impact on the occupiers of this part of the building.

To the rear of the site is an access path and more residential buildings. At ground floor level it is not considered that the proposed extension would have a significant impact on the privacy of the occupiers of the dwellings to the rear at No.2 Blenheim Road, as there is a boundary wall between the application site and the access path which provides suitable screening between the two sites. At first floor level at No.2 Blenheim Road there is a small window which faces onto the application site. In terms of overlooking from the application site into this window, there would be a reasonable separation of approximately 11m between the rear of the proposed first floor extension and No.2 Blenheim Road. Furthermore, there would be no access onto the external flat roof. It is therefore considered that there is no harmful loss of privacy to adjoining property.

### 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.

### Extraction/Ventilation issues

The ventilation/extraction method for cooking fumes for the ground floor café would need to be revised as a result of the scheme. A planning condition is suggested with any permission to request for details in this regard prior to commencement of works.

## CIL

The Mayor of London's CIL is a material consideration. CIL is not 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. The revised commercial unit will not undermine the retail vitality and viability of the town centre. It is considered that the development would not be detrimental to the character and appearance of the 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. 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 files set out in the Planning History section above, excluding exempt information.

**As amended by documents received on 24.07.2018 19.09.2018**

## **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 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

**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 (i) Details of the means of enclosure for the area for storage of refuse and recyclable materials as indicated on Drawing 16-0228-02L received**

**19/9/2018 shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works.**

**(ii) 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 (a) Details of the means of enclosure for the area for bicycle parking as indicated on Drawing 16-0228-02L received 19/9/2018 shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works.**

**(b) The arrangements as approved under part (a) 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 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 (i) Prior to the construction of above ground works arrangements shall be agreed in writing with the Local Planning Authority 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.**

**(ii) The measures agreed under (i) shall be implemented in full prior to first occupation of the development hereby approved and retained in perpetuity.**

**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**

**7 The development hereby permitted 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 comply with Policy 5.13 of the London Plan.**

**8 (i) Prior to the use of the of the refurbished café hereby approved (excluding demolition), details of a scheme showing the specification and performance of the kitchen extract system as indicated on Drawing 16-0228-02L received 19/9/2018 shall be submitted to and approved in writing**

by the Local Planning Authority. The scheme shall include carbon filters and shall show the arrangements for replacing the air extracted.

(ii) The kitchen extract system shall be installed in full accordance with the details approved under Part (i); and on completion a verification report shall be submitted to the Local Planning Authority for written approval. The Report should include photographs and measurements where necessary and shall be produced by a suitably qualified person to confirm that extract system has been installed in accordance with the approved scheme.

(iii) The use hereby approved shall not commence until written approval has been granted under Part (ii) of this condition. Thereafter the approved scheme shall be permanently maintained in an efficient working manner and no changes to the installed system shall be made without the prior approval in writing by the Local Planning Authority.

Reason: To ensure that satisfactory arrangements can be secured in the interest of protecting residential amenity for adjacent properties and to comply with Policy BE1 and S9 of the Unitary Development Plan

- 9 The use of the flat roofs on the rear building hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy BE1 and H7 of the Unitary Development Plan.

- 10 The application site is located within an Air Quality Management Area declared for NO<sub>x</sub>: In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NO<sub>x</sub> emission rate of <40mg/kWh.

Reason: To minimise the effect of the development on local air quality within an Air Quality Management Area in line in accordance with Policy 7.14 of the London 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** Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.