

SECTION '2' – Applications meriting special consideration

Application No : 17/04945/FULL1

Ward:
Bromley Town

Address : 124 - 126 High Street Bromley BR1 1DW **Objections: Yes**

OS Grid Ref: E: 540217 N: 169154

Applicant : Bromley JV LP

Description of Development:

Retention of the basement, ground and part of first floor for (A1) retail use and change of use of part of first floor (A1), second floor retail use (A1) and third floor office use (B1) to residential use (C3), including extension of third floor and two new additional floors above to provide 51 residential apartments and a resident's gym (at second floor level), together with alterations to the sub-basement car park to provide residential car/cycle parking and refuse storage. Associated external alterations.

Key designations:

Conservation Area: Bromley Town Centre
Areas of Archaeological Significance
Biggin Hill Safeguarding Area
Bromley Town Centre Area
London City Airport Safeguarding
Primary Shopping Frontage
Smoke Control SCA 5
Smoke Control SCA 51

Proposal

Planning permission is sought for the retention of the ground floor and part of the first floor for Class A1 retail use. In addition permission is sought for the conversion and change of use of the rear part of the existing 1st and the 2nd and 3rd floors to residential units with a residents only gym on the 2nd floor. Additional floors added above the existing building will provide accommodation for more residential units.

A total of 51 units will be created from the upwards extension and conversion with 35 x 1 bed, 15 x 2 bed and 1 x 3 bed units. A total of 115 habitable rooms will be created.

The submitted plans show the retention of the basement, ground and part of the 1st floor for retail use (Class A1). Retail floorspace will occupy the middle and front part of the first floor only.

The application also seeks permission for the change the use of the rear part of the 1st and 2nd floor existing retail use and the 3rd floor existing office use to residential use (Class C3) with an ancillary residents gym on the second floor.

In addition, it is proposed to add 1 additional floor over the existing 3rd floor on the front part of the site facing the High Street with a taller sloping structure to provide an extension to the existing staircase and lift facilities.

The existing 3rd floor will be also be extended in the central and rear part of the site with part single, part 2 storey additions. This additional floorspace at 3rd, 4th and 5th floor levels will be used for residential flats only.

The resultant building will be 5 storeys above street level facing the High Street and 6 storeys facing Church House gardens plus the basement and semi basement levels.

New window openings in the existing building envelope will be provided on the northern elevation for the flats in the front part of the building. In the southern elevation new wall openings will be provided at 2nd floor level for the landscaped terrace adjacent to the gym (giving some natural light to the gym) and for 1st, 2nd and 3rd floor level to provide habitable rooms for the flats.

Existing roof top plant for the retail unit, that is currently adjacent to the flats at Hawksworth House in Tetty Way, will be relocated to the sub-basement.

On the western elevation (facing Tetty Way), the existing windows at 1st and 2nd floor level will be removed and a new facade will be placed approximately 2m inside the existing façade facing west creating an open balcony for each flat. The same alteration is proposed for the 2nd floor elevation facing the High Street.

In order to provide protected and dry access to all of the flats that take access from the internal courtyard, a covered and open sided walkway is provided for flats at 3rd, 4th and 5th levels. This element will not be visible from outside the site. Small landscaped areas are shown along the pedestrian route to provide visual interest and a buffer zone between the walkway and windows to the flats. A glazed lobby is also shown to provide further protection from the element for the escape staircase and some apartment entrances.

Decorative screens are also shown around the edge of the walkway.

In terms of proposed materials, the applicant advises that the extensions will have a brick finish and render band to reflect materials used in the surrounding area. There will be mid grey powder coated windows and doors and balconies will be glazed with metallic handrails and standards.

Pedestrian staircase and lift access to the upper floors will be provided from the existing High Street entrance and a lift and staircase will also be provided from the sub-basement car park to all floors. A new external escape staircase at the rear of the internal courtyard will be constructed from the 4th and 5th floors down to the 3rd floor to provide access to the internal staircase at this point.

Vehicle access will be via Tetty Way using the existing access on the south side of the building. The access to the north will be retained to provide a dedicated access for servicing and delivery to the retained retail use on the ground and part first floor levels.

The sub- basement of the building will be converted to provide car parking for 39 vehicles including 5 disabled spaces for the 5 wheelchair units proposed. A residential binstore is provided and secure parking for 68 cycles is also shown in this area. Two cycle spaces are provided for short stay use. In addition 20 cycle spaces are provided at 2nd floor level - access to these spaces would be via the nearby lift.

The plans show the primary pedestrian access from the car park to the flats adjacent to the cycle store and a lift is provided to all floors from this point. There are additional staircases shown to all levels to provide emergency exit for all parts of the building.

It should be noted that the scheme described above is a revised, and reduced, version to the first plans submitted for this application which sought permission for 66 units and an additional floor of development above that now proposed.

The applicant has submitted the following documents to support the application: Air Quality Assessment, Acoustic Design Statement and Specification of Barrier to Chiller units on the roof of the Churchill Theatre, Affordable Housing and Viability Assessment, Average Daylight Factor and Room Depth Assessment, Construction Method Statement, Design and Access Statement, Energy Statement and Sustainability Statement, Noise Impact Assessment, Plant Noise Impact Assessment, Planning and Heritage Statement and Addendum, Town Centre Retail Statement (2016) and Addendum Town Centre Retail Statement (October 2017) and additional retail submission documents, Statement of Community Involvement, Structural Survey, Townscape Study, Transport Statement and Travel Plan. Each of the documents is briefly summarised below.

- Air Quality Assessment (Applicant Submission)

The report considers that the dust resulting from the construction phase, subject to the implementation of mitigation measures set out in the report, will not be significant in accordance with GLA guidance.

Representative monitoring results from nearby monitoring sites indicate that the annual mean and short term NO₂ and PM₁₀ concentrations are likely to be below the respective objectives at proposed residential receptors.

As air quality neutral assessment concludes that the proposed development will be neutral in terms of building emissions and traffic emissions.

- Acoustic Design Statement

The report dated 2.6.2018 considers the impact of noise from the pedestrianised High Street and the existing chiller units on the roof of the Churchill Theatre on

future residents. The report contains the results of site surveys and measurements to establish the existing noise environment and the expected impact that the additional noise about will have. The report finds there is low to medium risk depending on the location of individual flats and recommends measures to mitigate against heightened noise levels.

- Specification of Barrier to Churchill Theatre Rooftop Chillers (Applicant Submission).

This document dated 15.6.2018 provides detailed information about the proposed locations, dimensions and acoustic sound reduction expectation of an acoustic proposed barrier that will be placed on the top of the Churchill Theatre to protect the residents in the flats facing south from noise generated by chiller units that are located on the roof of the theatre.

- Affordable Housing Statement (Applicant Submission)

The applicant has submitted a viability assessment which assesses the scheme with financial outputs and inputs provided by the applicant's consultant. The assessment is submitted as a tool for negotiation and concludes that the developer's return falls below the typically expected accepted rate of 20%.

- Average Daylight Factor and Room Depth Assessment

This report assesses whether the proposed rooms meet daylight guidance in the BRE 209 Site Layout Planning for Daylight and Sunlight. The standards used are the Average Daylight Factor (ADF) and the Room Depth Criteria (RDC). The report assesses the original scheme and an addendum has not been submitted to assess the revised scheme.

The report shows that 98% of rooms passed the test for the Average Daylight Factor and only 2 rooms fell short of the guidance by 2% for such spaces.

The report then considers the Room Depth Criteria and tests each room to a depth of 6.5m and confirms that 96% of rooms achieve an overall pass rate with 6 rooms failing to meet the required standard.

- Construction Method Statement and Structural Feasibility Report

These 2 documents set out the outline method of construction of the building and consider the capability of the existing building to support new loading from the additional extensions and alterations to the façade to provide window openings. The report concludes that the proposed layout can be achieved with the addition of steel grillages and localised

- Design and Access Statement (Applicant Submission)

This statement sets out the applicant's assessment of the site and surrounding area and the rationale for the proposal. The statement confirms the amount of development proposed, parking strategy, refuse and sustainability strategy. The

statement discusses the approach to access and transport and the scale, massing, materiality and appearance of the development plus energy, waste, drainage and acoustic implications of the development

- Energy and Sustainability Statement (Applicant Submission)

This report assesses the requirements of Policy 5.2 and 5.7 of the London Plan in terms of meeting energy efficiency targets in terms of carbon dioxide emissions and renewable energy. The report uses the energy hierarchy in the Mayor's Energy Strategy. The energy performance targets for the new build dwellings consist of providing zero carbon emissions buildings in line with Policy 5.2 of the London Plan.

Policy 5.7 of the London Plan requires new major developments to achieve a reduction in carbon dioxide emissions of 20% from the incorporation of onsite renewable energy generation. The report advises that this target can be met by the provision of photovoltaic panels on the 5th roof space of the central new build units.

The report concludes that the combined conversion and new build scheme falls short of the London Plan requirements by 28 tonnes CO₂ per annum which attracts a carbon offset payment of £27,000.

- Planning and Heritage Statement and Addendum plus details of an additional marketing campaign (Applicant Submission)

This statement seeks to describe the site and surrounding area and sets out the applicant's case in support of the proposal explaining how it addresses the previous reasons for refusal and development plan policy requirements. There is also a Heritage Impact Assessment included in this document

The Addendum (July 2018) sets out details of the revised scheme submitted on 12.7.2018.

The justification for the loss of office floorspace on the 3rd floor is set out in the Planning Statement and updated in the Addendum.

The Statement refers to a letter from Linay's setting out details of previous marketing of the office unit on the third floor. This commenced in Jan 2016 and continued until June 2016. The agent contacted local companies and individuals from their database who they felt could be interested in the offices and advertised on websites that they subscribe to. Very limited response was received from potential office occupiers and no formal proposals have come forward.

The applicant had not carried out any further marketing post the submission of this application and refers to a updated letter from Linay's who confirm that the level of enquiries for town centre office accommodation in Bromley has dramatically reduced. Also that there is more modern office accommodation on the market and Linay's advise that there is no other option but to seek an alternative use for the offices, the most obvious being conversion to residential.

In addition the applicant advises that while the Inspector (for the appeal against the Council's refusal of planning permission for application ref 16/03132) concluded that sufficient marketing to demonstrate that the loss of office floorspace had not been provided, he went on to state that 'I share the view that the benefits of the appeal scheme would be sufficient to outweigh the conflict with EMP3. Particularly as there is no local shortage in office floorspace.'

Notwithstanding the above, and at the further request of the Council, the applicant placed the office floorspace on the market on 26.7.2018. A report setting out the outcome of the marketing exercise was submitted on 9.10.2018 and advises that 2 new enquiries were received, neither of which have proceeded.

It remains the strong view of the applicant that the loss of retail and office floorspace has been robustly justified and evidenced.

- Structural Feasibility Study (Applicants submission)

The report considers the capacity of the building in structural terms and its ability concludes that the calculations indicate that the existing reinforced concrete framed structure will be capable of sustaining the loading of the proposed 3 storey lightweight extension. Mini piling will be possible at sub basement level if additional support columns are required

- Town Centre Retail Statement (2016) and Addendum Town Centre Retail Statement (October 2017) and additional retail submission documents.

The applicant has submitted the Town Centre Statement (2016) that was submitted with the previous application for conversion and extension of this building (ref 16/03132).

The report advised that the applicant bought the site in 2015 and in January 2016 marketed the first and second floor for retail use. The responses showed that interest was generated in the ground floor and basement levels for retail use but there was no interest shown in the second floor for retail use. In addition the report advises that there is no demand from operators to lease the unit as a whole and the only to retain the building is to downsize the retail space to meet modern standards.

The report concludes that the loss of the second floor for retail purposes will not have an impact on the overall integrity of this large retail unit and its attractiveness to future users. This will maintain the retail character of the primary shopping frontage in line with UDP policies S1 and S10. If the unit is not downsized, the whole unit could be vacant for the foreseeable future and this would have a significant impact on the primary shopping frontage, which would be contrary to both policies.

The supplementary document advises as follows:

- It is too early to conclude whether the retail space will be occupied by one or multiple tenants.
- This requires certainty as to the use of the upper floors.
- Most large retailers are opening stores in new development where all of their needs can be met from the outset. The applicants consultant is not aware of any department stores being delivered through the reconfiguration or refurbishment of existing units
- There has been significant interest from retailers for other BHS stores but not from traditional retailers such as John Lewis, Debenhams and House of Fraser Other occupiers have taken BHS stores where the size meets their needs such as Wilkinson, Sports Direct, TK Maxx, Next, B&M Primark and Poundland.

If the store is subdivided other retailers such as JD Sports, Cotswold Outdoors, Peacocks and Superdrug may be interested in taking relevant space.

A Town Centre Retail Statement Addendum has been submitted and includes a letter from the applicant setting out reasons for reducing the size of the retail floor plate (from the previous application - ref 16/03132) and advises that no formal or informal offers from retailers or gym operators were received for the full first floor floorspace.

A further letter dated 27.5.2018 from the applicant and an email from JLL dated 25.5.18 advise that there is only a limited market for first floor retail use and there may be more demand from a gym operator. A letter from Linays dated 15.9.2017 further advises that there is more likelihood of being able to let the reduced first floor footplate rather than the whole first floor.

- Statement of Community Involvement (Applicant Submission)

The applicant advises that a letter was circulated prior to the first application for the site and no responses were received.

A second letter was circulated prior to this application advising the changes that had been made to the scheme that was refused planning permission and at the time of submitting the application no responses had been received.

- Townscape Study

This document relates to the original, larger proposal for the site and identifies the architectural and spatial features within the locality and singles out those elements that detract from the quality of the environmental appearance and comments on the influence that the proposals will have on it. The report concludes that there will be limited impact from street level in the pedestrianised part of the High Street and from Tetty Way. The longer distance views see the development in the context of the taller Churchill Theatre and taking account of the extensive existing trees (that will remain) and the topography, the conclusion is that there will be limited impact from distant viewpoints.

- Transport Statement (Applicant Submission)

This statement sets out the policy requirements in respect of transport and highway impact, identifies the baseline conditions in respect of public transport, accessibility and traffic surveys and then assesses the impact of the proposal. The report covers access, parking standards, traffic generation and measures to promote sustainable transport modes. The assessment concludes that the site is well connected providing easy access to public transport and local facilities. Car and cycle parking will be provided in accordance with Bromley standards and a residential travel plan will be secured.

It should be noted that the TA submitted with this application is the same as that submitted with the 2016 application. The planning Statement updates the provision for car parking spaces, electric vehicle charging points and cycle parking.

- Travel Plan Statement

The Travel Plan sets out measures to provide a more sustainable travel choice for future occupants of the residential accommodation proposed. The document sets out accessibility by foot, cycle, bus, rail and the presence of car club spaces in the area. The measures that the report recommends to meet the objectives of the plan include a travel information pack for all new residents, provision of cycle parking spaces, identification of a car club operating in the town centre and promotion of a car sharing website.

Location

This L-shaped site is located on the west side of the High Street within the pedestrianised area of the High Street. On this frontage there are shops and the Bromley Central Library above to the south and shops to the north. To the rear the Churchill Theatre lies to the south and to the north lies adjacent to residential units at Hawksworth House and to the rear of nos. 128, 130 and WH Smith.

The building provides retail (Class A1) use on the ground, 1st and 2nd floor with access from the High Street. Via a separate frontage door, access is provided to third floor offices. To the rear there is access to a basement and sub-basement that provides storage, parking, delivery and servicing via Tetty Way.

The existing building is a similar height to adjacent buildings on either side at the front and the rear.

The site lies within the Bromley Town Centre Conservation Area and is designated Primary Shopping Frontage in the Bromley Unitary Development Plan. It is also within an Area of Archaeological Significance.

Consultations

Comments from Local Residents

Nearby properties were notified and 43 representations objecting to the original proposal, including representations from the Bromley Civic Society, and have been received. Following amendments to the proposal residents were re-consulted and 6 representations have been received to this revised scheme. The comments received are summarised below:

- The proposal compounds and increases the environmental harm caused by the existing building.
- The increase in height is not proportionate to the existing building and is not harmonious to the library tower. The upper floors should not extend beyond the tower element of the library.
- From the ground the additional 3 storeys on the frontage will obscure the views of the library tower.
- Bulk and mass and design is out of character with the conservation area and detracts from attractive buildings opposite the site.
- Lack of affordable housing
- South facing residential units facing the Churchill Theatre will suffer noise from the air handling units on the roof. More units will be affected than included in the previous scheme that was refused.
- Design of extensions has no architectural merit and doesn't relate to the character of the existing building
- Noise for residents facing Tetty Way from proposed cooling plant at lower ground level and service vehicle movements.
- Impact of noise from walkways on existing residents at Hawksworth House.
- Impact of plant noise on properties in the High Street
- Disruption from activities relating to construction process in Tetty Way .
- Rear elevation will overpower the Church House Gardens part of the conservation area.
- Loss of privacy to units in Hawksworth House including balconies
- Additional floors will exceed the existing height of flats at Hawksworth House resulting in loss of late afternoon light.
- Noise from basement plant room, servicing undertaken from Tetty Way will mean windows will need to be kept closed.
- Increased noise levels for flats opposite that overlook the High Street and loss of privacy for existing living room windows from proposed habitable room windows.
- Impact on parking from additional residential units.
- Need to provide high quality thermal insulation for prefabricated units
- Insufficient reasons given for reducing retail floorspace on the 1st floor.
- Reduction in retail floorspace in this important town centre building is not acceptable and use of other floors to add retail floorspace should be encouraged. A department store should be retained to add variety of shop types and to attract shoppers to the town centre.
- Lack of marketing to support loss of retail and office use and lack of information about possible renovation of office units.

- The residential units are not being built where they should be and there is no demand for low quality expensive flats.
- Lack of retail window frontage on ground floor is not a deterrent to successful retail use
- Object to supermarket - incorrect location in the middle of the High Street, there are too many supermarkets in the town centre and lack of nearby parking.

The Advisory Panel for Conservation Areas object to the original proposal on the grounds of overdevelopment ref BE1, BE11. Poor design detracting from the CA

Comments from Consultees

- Highways and Transport

The development site is located on Bromley High Street with a high PTAL rate of 6a; PTAL scores range from 1 to 6b, where 6b is the highest score and 1 is the lowest.

Development Proposals

The development proposals comprise a two storey roof top extension with a change of use from office to residential on the upper floors. The proposals include 6,097 square metres of retail floorspace at basement, ground and first floor levels with 51 residential flats located on floors 1 to 6.

Access

The existing vehicular access to the site from Tetty Way would be utilised as part of the proposals. This access will serve the residents car park as well as providing access to the service yard.

The primary pedestrian access to the retail units will be provided from High Street with additional access to the stores from the west. Access to the residential units will be provided from High Street at the ground floor level and from Tetty Way via the car park at the sub-basement level.

A cycle store is to be located at the sub-basement level and access will from Tetty Way.

Parking

A total of 39 car parking spaces will serve the residential units. In accordance with the London Plan, 20% (8 spaces) will be provided with electric charging points with an additional 8 spaces of passive provision for future use.

Servicing and Deliveries

A dedicated loading bay will be provided at the basement level to serve the proposed retail units. A refuse store will be provided at the sub-basement level with refuse transported to street level by site management to be collected from Tetty Way to coincide with collection.

The development proposals provide car parking at a level that is sufficient to accommodate likely demand for parking. Therefore the development would not result in an increase in demand for on street parking in the vicinity of the site.

If minded to approve please include the following with any permission:

CONDITION

H03 (Car Parking)

H18 (Refuse)

H22 (Cycle)

H29 (Construction Management Plan)

H33 (the agreement to include restrictions on eligibility of future occupiers of the units to apply to the Council for Residents Parking Permit).

Also the applicant should also provide the following:

- Offer the first residents 2 years annual membership of a Car Club.
- Contribution of £2000 towards Parking / Traffic within the area. This is for traffic management to be reviewed after the scheme is in place for two years; the money will be returned to the applicant if no action is taken.

Construction Management Plan - I refer to the above application regarding the details submitted in order to discharge CMP condition.

- The Council's Drainage Officer advises that there is no increase in footprint and, as such, has no comments on the proposal.
- The Councils' Property Adviser states that:

As requested I have consulted with our legal and technical staff to ensure that the Council would not have any objections as landlord to the installation of the acoustic screen. I can confirm that the Council would be amenable to the type of installation proposed.

I have not had a detailed technical assessment made of the proposed installation, as the proposal is not sufficiently developed to warrant it this point in time, but have obtained informal advice from our surveyors, which is positive.

I have also been advised that it would be unlikely that the Council will allow a third party to carry out works on one of our buildings and would want to organise the work itself recovering full costs from the owner/developer of 124-126 High Street.

- Environmental Health Officer

1. Air Quality - agree with the conclusion that "With the implementation of the recommended construction mitigation measures, there is no reason for this application to be refused on the ground of air quality. " I also agree that the Report demonstrates that the development will be Air Quality Neutral.

2a. Noise - Original comments

The Airo report ref DLW/7101/A considers the existing noise climate in the context of the ProPG: Planning and Noise. The existing noise is mainly pedestrian activity and noise from the chillers on the Churchill Theatre. Although the report considers Stages 1 & 2 of the ProPG which lead to an Acoustic Design Statement this is not a clearly identified section of the report. Section 4.2 (particularly page 9) gives details of double glazing and trickle ventilator requirements (some being slightly enhanced performance) with which I concur. Section 4.4 (particularly page 12, paras 1&2) proposes liaising with Churchill Theatre in order to extend the noise barriers around the rooftop chillers. As the outcome of this liaison is unknown, as is the feasibility of extending the noise barriers any proposed benefit cannot be guaranteed. Furthermore, as the barriers are on land which does not form part of the application site any work could not be the subject of a Planning Condition. I would therefore recommend that either a decision be deferred until the outcome of discussions with the Churchill Theatre are known or the Application be refused.

2b. Noise - Revised comments following submission of a revised report and specification of chiller barriers

I have looked at the revised Airo recommendations for a barrier around the chiller units and agree with the findings. I would therefore support the works through a Sec 106 Agreement and am confident that this will improve the noise climate at the façade of many of the proposed flats.

A. An acoustic barrier to the rooftop chillers on the Churchill Theatre shall be installed in accordance with the recommendations of the Acoustic Design Statement (Airo, ref DLW/7101/B. 12 Jun 2018) and the Specification of Barrier (Airo ref 7101, 15 Jun 2018); 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 the barrier has been installed in accordance with the approved scheme.

B. The use shall not commence until written approval has been granted by the Local Planning Authority, and thereafter the approved barrier 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.

- Secure by Design

I am concerned that the proposed development has a number of areas which I feel would need to be addressed with consultation between a design out crime officer and the architect, primarily stair cores are shared between residential and commercial floors, the development is very permeable with numerous exit routes and stair cores, cycle and waste storage security and mail strategy, and the associated security problems which they present.

I believe that it is imperative that a large scale residential premises such as this, in the heart of Bromley Town Centre and the associated criminality should be built according to the principles and measures of Secured By Design. I have visited the

front and rear of this property and I would like to also raise the following points for early consideration;

1. The impact of 66 private residents using the basement car park (Accessed by Tetty Way off Church Road) given the daily amount of commercial vehicular traffic already using this narrow (Service) road.

2. The anti-social behaviour with Churchill Theatre Gardens - Youths in large groups are known to use Tetty way to access the park to smoke drugs. Night time economy users are known to use Tetty Way as an emergency urinal. This 'undersireable' footfall will now potentially collide with residential footfall with potential for additional crime types and reports.

I would therefore seek to have a 'Secured by Design' condition attached to any permission that may be granted in connection with this application and that the wording is such that the development will follow the principles of Secured by Design

- The Council's Conservation Officer advises as follows:

Comments on the first plans submitted:

the proposed extension would be overly dominant and top-heavy with regard to the existing building and would be a visually incongruous addition to this part of the CA. Whilst of less concern, the proposal would also tend to dominate some views from within Church House Gardens and I would not accept the existing Churchill Theatre as a precedent for this scale of development. In terms of external finish, a render system is proposed which seems to have a variety of colours but the provision of balconies on the

High Street frontage would be uncharacteristic of the area. The proposal would therefore be contrary to BE11 and with regard to the NPPF I fail to see a public benefit that would outweigh the harm to the CA as per para 134.

Comments on revised plans

I welcome the further revisions which set the stairwell further back to an extent that the impact on High Street would be acceptable. The commitment to matching the existing brickwork and banding is also welcomed. In terms of the "decorative screening" proposed for the internal walkways, I find it to be quite harsh and industrial looking, whilst this may be deliberate as some sort of industrial aesthetic, it may be advisable to consider softer options.

- Thames Water

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to

discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Planning Considerations

In determining planning applications, the starting point is the development plan and any other material considerations that are relevant. The adopted development plan in this case includes the Bromley Unitary Development Plan (UDP) (2006) and the London Plan (March 2015). Relevant policies and guidance in the form of the National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG) as well as other guidance and relevant legislation, must also be taken into account.

1. The application falls to be determined in accordance with the following Unitary Development Plan policies:

- H1 Housing Supply
- H2 Affordable Housing
- H7 Housing Density and Design
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T5 Access for People with Restricted Mobility
- T6 Pedestrians
- T7 Cyclists
- T9 and T10 Public Transport
- T15 Traffic Management
- T18 Road Safety
- BE1 Design of New Development
- BE4 Public Realm
- BE17 High Buildings
- BE18 The Skyline
- NE2 and NE3 Development and Nature Conservation Sites
- NE7 Development and Trees
- NE12 Landscape Quality and Character
- G2 Metropolitan Open Land
- G7 South East London Green Chain
- L6 Playing Fields
- ER7 Contaminated Land
- IMP1 Planning Obligations

The following Supplementary Planning Documents (SPD) produced by the Council are relevant:

- Affordable Housing SPD
- Planning Obligations SPD
- SPG1 Good Design Principles
- SPG2 Residential Design Guidance

Bromley's Submission Draft Local Plan:

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances as set out in the NPPF paragraph 216.

The Plan was subject to Examination in December 2017 and the Inspectors report has been received. The Council has commenced consultation on the Draft Local Plan Main Modifications which closed on 10.8.2018.

Current draft Policies relevant to this application include:

Policy 1 Housing Supply
Policy 2 Affordable Housing
Policy 4 Housing Design
Policy 21 Opportunities for Community Facilities
Policy 27 Education
Policy 28 Educational Facilities
Policy 29 Education Site Allocations
Policy 30 Parking
Policy 31 Relieving Congestion
Policy 32 Road Safety
Policy 33 Access to services for all
Policy 34 Highway Infrastructure Provision
Policy 37 General Design of Development
Policy 38 Statutory Listed Buildings
Policy 40 Other Non-Designated Heritage Assets
Policy 42 Development adjacent to Conservation Areas
Policy 49 Green Belt
Policy 50 Metropolitan Open Land
Policy 55 Urban Open Space
Policy 58 Outdoor Sport, Recreation and Play
Policy 70 Wildlife Features
Policy 72 Protected Species
Policy 73 Development and Trees
Policy 75 Hedgerows and Developments
Policy 97 Change of Use of Upper Floors
Policy 113 Waste Management in New Development
Policy 115 Reducing Flood Risk
Policy 116 Sustainable Urban Drainage Systems
Policy 118 Contaminated Land
Policy 119 Noise Pollution

Policy 120 Air Quality
Policy 121 Ventilation and Odour Control
Policy 122 Light Pollution
Policy 123 Sustainable design and construction
Policy 124 Carbon reduction, decentralised energy networks and renewable energy
Policy 125 Delivery and implementation of the Local Plan

2. In strategic terms the most relevant London Plan 2015 policies include:

Policy 1.1 Delivering the strategic vision and objectives for London
Policy 2.6 Outer London: vision and strategy
Policy 2.7 Outer London: economy
Policy 2.8 Outer London: transport
Policy 2.18 Green Infrastructure: The Multi-Functional Network of Green and Open Spaces
Policy 3.1 Ensuring equal life chances for all
Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 3.6 Children and young people's play and informal recreation facilities
Policy 3.8 Housing choice
Policy 3.9 Mixed and balanced communities
Policy 3.10 Definition of affordable housing
Policy 3.11 Affordable housing targets
Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
Policy 3.13 Affordable housing thresholds
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.5 Decentralised energy networks
Policy 5.6 Decentralised energy in development proposals
Policy 5.7 Renewable energy
Policy 5.8 Innovative energy technologies
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 5.12 Flood risk management
Policy 5.13 Sustainable drainage
Policy 5.14 Water quality and wastewater Infrastructure
Policy 5.15 Water use and supplies
Policy 5.16 Waste self-sufficiency
Policy 5.17 Waste capacity
Policy 5.18 Construction, excavation and demolition waste
Policy 5.21 Contaminated land
Policy 6.3 Assessing effects of development on transport capacity
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.13 Parking
Policy 7.1 Building London's neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.14 Improving air quality
Policy 7.15 Reducing noise and enhancing soundscapes
Policy 7.17 Metropolitan Open Land
Policy 7.19 Biodiversity and access to nature
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

The relevant London Plan SPG's are:

Providing for Children and Young People's Play and Informal Recreation (2012)
Accessible London: Achieving an Inclusive Environment (2014)
Sustainable Design and Construction (2014)
Housing (2016)
Energy Strategy
Draft SPG: Affordable Housing and Viability (2016)
Mayors Affordable Housing and Viability Supplementary Guidance SPG 2017

Please note that the Draft London Plan has been issued for consultation. The policies will be subject to examination and the weight attached to the draft policies increases as the Local Plan process advances as set out in the NPPF paragraph 216.

3. National Policy

The National Planning Policy Framework 2018 (NPPF) is relevant, particularly the paragraphs listed below

Paras 7-14: Achieving sustainable development
Para 34 and 54-57: Developer contributions and Planning obligations
Paras 39-46: Pre-application engagement
Paras 38-55: Decision Making
Paras 54-57: Planning conditions and obligations
Paras 59-77: Delivering a wide choice of high quality homes
Paras 91-95: Promoting healthy and safe communities
Paras 102-111: Promoting sustainable transport
Paras 117-123: Making effective use of land
Paras 124-132: Requiring Good Design
Paras 148-165: Meeting the challenge of climate change & flooding
Paras 170-183: Conserving and enhancing the natural environment
Paras 212-217 Annex 1: Implementation

4. National Planning Practice Guidance (NPPG) is also relevant

Planning History

The site has been the subject of numerous previous relevant applications as follows:

DC/75/1270: Four storey block comprising retail store and offices with basement stockroom and sub-basement car parking area. Approved 24.6.1975.

DC/76/1816: 3 storey rear extension to building under construction. Approved 8.4.1976

DC/77/2232: Further rear extension

DC/16/03132: Retention of basement, ground and first floor retail use (Class A1) and change of use of second floor retail use (Class A1) and third floor office use (Class B1) to residential (Class C3), including extension to third floor and construction of fourth floor extension to provide a total of 42 residential units, together with alterations to the sub-basement car park to provide 37 car parking spaces and associated external alterations including provision of additional plant.

This application was refused for the following reasons by notice dated 2.3.17.

1 The development, by reason of the poor standard of residential accommodation proposed for future occupiers in terms of daylight, aspect, outlook and prospect and noise intrusion, is unacceptable and contrary to Policies BE1 and H12 of the UDP and Policies 3.5 and 7.15 of the London Plan 2016 and the Mayors Housing Supplementary Planning Guidance (2016).

2 The proposal would result in the loss of the third floor office use and insufficient marketing has taken place to demonstrate that there is no local shortage of office floorspace or evidence of long term vacancy, therefore resulting in an unacceptable loss of commercial use in this location, thereby the proposal is contrary to Policies EMP3 and H12 of the Unitary Development Plan and Policies 2.15 and 4.2 of the London Plan (2015).

The subsequent appeal was dismissed by letter dated 29.11.2017.

DC/17/05250/FULL1: Installation of cooling plant in basement ventilated by new louvre in rear wall. Approved 2.3.2018

DC/18/03867/FULL2: Change of use of part first floor from Use Class A1 (retail) to Use Class D2 (gym). Application pending.

Conclusions

It is considered that the main planning issues relating to the proposed scheme are as follows:

- Principle of Development
- Affordable Housing

- Scale, Siting, Massing and Appearance and Impact on Heritage Assets
- Standard of Accommodation and Amenity Space
- Impact on Neighbour Amenity
- Highways and Traffic Matters (including Cycle Parking and Refuse)
- Other technical matters

Principle of Development

Many of the neighbour notification responses object to the use of the ground floor for a Lidl supermarket. It should be noted that planning permission is not required for the use of the retail floorspace and associated basement servicing area for a supermarket as this falls within the authorised Class A1 retail use.

Planning permission is sought to change the use of parts of the building from office to residential use and retail to residential use. Each element is considered below in terms its acceptability in principle.

- Change of Use from retail to residential

The application proposes the change of use of retail to residential use and, as such, the following policies are relevant:

Policy S1 which states that in primary frontages...the Council will only permit changes of uses from retail (Class A1) to other uses where the proposal would :

- (i) not harm the retail character of the shopping frontage;
- (ii) generate significant pedestrian visits during shopping hours;
- (iii) complement the shopping function of the town centre;
- (iv) not create a concentration of similar uses; and
- (v) have no adverse impact on residential amenity.

Policy S10 which states that in retail frontages the Council will not normally permit uses that do not offer a service frontage to visitors unless:

- (i) there has been long term vacancy and a lack of demand for a retail or service use can be proven; and
- (ii) the proposed use is in premises where it would not undermine the retail viability of the centre.

The UDP policies support changes of use of retail units in Primary Shopping Frontages under specific circumstances. The applicant advises that the closure of the BHS store will leave a vacant building in the centre of the primary frontage which is not desirable. The priority for the applicant is to attract a new retailer for the site. They seek to demonstrate that there is no demand for a retail unit of the size of BHS and as such, the 2nd floor will remain vacant due to its remote access from the High Street and therefore the only option is to convert this floor to residential use.

The Retail Impact Assessment describes current trends for stores that are smaller than the application site with little or no interest in larger units, apart from much

larger units in new retail development. In relation to the 2nd floor, BHS failed to attract footfall to this level and it was largely occupied by an ancillary restaurant due its layout and poor access arrangement to this floor. The report concludes that the only way to attract a viable new retail tenant is to reduce the size of the retail unit.

In terms of Policy S1 it is considered that:

- (i) the change of use will not harm the retail character of the shopping frontage - it is not proposed to change the use of the ground or first floor from retail use and the ground floor frontage will remain intact as it is now. Access to the upper floors will be via the existing access to Provident House and will not require the reduction in the extent of the shopping frontage.
- (ii) the proposal will not generate significant pedestrian visits during shopping hours - the proposed 42 flats will not generate sufficient movement to be detrimental to the primary frontage area.
- (iii) the proposed use would complement the shopping function by bringing residents into the town centre which will add activity to this part of the High Street
- (iv) the proposed use would not create a concentration of similar uses
- (v) the proposed development would not have an impact on residential amenity of existing residential properties in the area.

In terms of Policy S10 it is considered that:

(i) and (ii) whilst the retail element of the premises has not had long term vacancy, the upper floor of the former BHS store has been underused for some time and the floorspace has contributed little. In terms of finding a new tenant for the ground, first and second floor, the applicant advises that the larger department stores are looking for premises much larger than BHS (John Lewis, House of Fraser and M&S) and tenancies are for these new stores in new built developments. Examples of new department stores opening in Metropolitan Centres such as Bromley are limited to new development in centres such as Croydon and Shepherds Bush.

The applicant advises that there has been demand for BHS stores by smaller retailers such as Next, TK Maxx and Sports Direct who require less floorspace.

In terms of demand for the BHS store, the Retail Impact Assessment advises that discussions have taken place with tenants already in Bromley and other tenants in a gap analysis done by the applicants retail consultant and there has not been any interest in the store as a whole up to April 2016. A marketing exercise started in January 2016 to ascertain interest on the basis of a sub-divided store and this yielded interest from a number of occupiers looking for units up to 3700 sqm over the ground and basement with separate interest on the first floor. They have yet to clarify interest in the 2nd floor and advise that this is too large to let in conjunction with the 1st floor and too distant from street level for an independent occupier. The advice concludes that market testing has proved that there is no tenant demand for the premises in their current form and no retail or leisure demand for the 2nd floor in any form.

Based on the information provided by the applicant, it is considered that there is little demand for a retail or service use at 2nd floor level. The loss of this retail space would not undermine the retail viability of the centre as there appear to be other users that are prepared to take floorspace within the smaller store as a subdivided store. It has been confirmed that a LIDL store will be provided on the ground floor in the near future.

On this basis, it is considered that the proposal meets the requirements of Policies S1 and S10 of the UDP.

- Change of use from offices to residential

The application proposes the change of use of vacant offices to residential use and, as such, the following policies are relevant:

Policy EMP 3 states that 'the conversion or redevelopment of offices for other uses will be permitted only where:

- (i) it can be demonstrated that there is no local shortage of office floorspace and there is evidence of long term vacancy despite marketing of the premises; and
- (ii) there is no likely loss of employment resulting from the proposal.'

Draft Local Plan Policy 97 advises that 'proposals for the conversion of upper floors of shops or commercial premises in Town Centres to residential, community, office or leisure will be permitted provided that:

- a. any physical alteration does not adversely affect the character or appearance of the property,
- b. residential or office use is compatible with adjacent/adjoining uses,
- c. there is no adverse effect on nearby environmental or residential amenity,
- d. a satisfactory living environment and standard of accommodation is provided, and
- e. adequate access and car parking can be provided.

Where the proposals involve loss of office floorspace, it will need to be demonstrated that it would not be feasible and/or viable to refurbish, renew or modernise the offices in order to meet current requirements of occupiers, including through marketing evidence and an independently validated viability assessment.

Supporting text provides additional detail in relation to the contribution of bringing upper floors into use:

- The Council acknowledges, in accordance with the NPPF, that whilst good retailing is essential to the vitality and viability of Town Centres, a diversity of uses, and access to them, is required to sustain such activity in the high street.
- The Council seeks, therefore, to encourage a high level of activity above the ground floor levels in both the primary and secondary shopping frontages or other locations within the Town Centres, where appropriate. In accordance with this principle, the Council will encourage owners to bring unused or

under-utilised upper floors of existing buildings in the Town Centres, into productive residential, community or office use.

- Such occupation should deter vandalism, ensure that properties are maintained, enhanced or preserved (this being especially valuable for buildings in the Conservation Areas), and should make a positive contribution to the quality, economy and vitality of the area, both during the day and in the evening or outside business hours.
- In the Town Centres of Bromley and Orpington, the use of the upper floors for office purposes will generally be permitted in the primary and secondary shopping frontages, in order to maximise the commercial potential of such buildings. Upper floors will provide significant opportunities for the establishment of such businesses.
- The use of upper floors for residential accommodation will generally be encouraged within the Town Centres. The Council recognises the many benefits associated with encouraging residential uses at upper floor levels within the Town Centres.'

The current proposal will result in the loss of the third floor office use. When the previous application (16/03132) for the conversion and extension of the building was considered, Members refused the application on the following ground:

The proposal would result in the loss of the third floor office use and insufficient marketing has taken place to demonstrate that there is no local shortage of office floorspace or evidence of long term vacancy, therefore resulting in an unacceptable loss of commercial use in this location, thereby the proposal is contrary to Policies EMP3 and H12 of the Unitary Development Plan and Policies 2.15 and 4.2 of the London Plan (2015).

By letter dated 29.11.2017, the Inspector considered the loss of the office floorspace and his comments are summarised below. A copy of the full decision is attached as an appendix. :

- The Council did not provide evidence outlining whether there is a local shortage of office floorspace and advised that its employment land study...was out of date.
- I (the Inspector) can rely on the letters from Linays Commercial as an indication that there is not currently a local shortage of office floor space.
- The Council's Officers originally relied on marketing details presented when forming their recommendation to the planning committee. Further details were not requested. However, the Council ultimately refused the planning application as it considers the marketing inadequate. The appellant has not provided any additional marketing details with the appeal.
- It is clear to me (the Inspector) that marketing must be carried out and be robust, as it is required to test the demand for the office floor space. In question. I consider this to be particularly necessary in this instance given the town centre location of the appeal site and the quantum of office floor space that could be lost if the appeal was upheld.
- Overall the details of the marketing campaign presented to me are significantly lacking and therefore I cannot be satisfied that the scope and extent of the campaign was robust. As such, the requirements of Policy

EMP3 have not been met as the appellant has not provided evidence of long term vacancy despite marketing.

- In coming to the view above, I acknowledge that the loss of the office floor space would not directly result in the loss of jobs because the office is currently empty. Furthermore, given the apparent decrease in demand for office floor space relative to the existing supply, the appeal scheme may not have a notable adverse impact on the local economy. However, robust marketing is necessary to confirm this and I cannot be certain this has been the case from the information before me.
- The appellants have also suggested that it would be unviable to retain the office accommodation as it would not complement the other uses being explored for the rest of the building. However, I was presented with nothing of substance to suggest this would be the case.
- I therefore conclude that in the absence of details demonstrating that a robust marketing campaign has been undertaken, the appellant has failed to establish that any long term vacancy has been the result of a lack of demand. As such, there may be a reasonable prospect that the office floor space could be occupied. Consequently, there would be a conflict with Policy EMP3 of the UDP. Policy EMP3 is consistent with Paragraph 22 of the Framework and therefore the conflict can be afforded significant weight.
- I share the Council's view that the benefits of the appeal scheme would be sufficient to outweigh the conflict with Policy EMP3. Particularly as there is no local shortage in office floor space.

For this application, the applicant initially resubmitted the marketing information that accompanied the 2016 application plus an Addendum to the Planning Statement which places a great deal of weight on the comments by the Inspector set out above and, in particular, the last bullet point above and reiterates that, on this basis, no further marketing is required.

Notwithstanding the above, officers have continued to request further evidence of marketing of the office floorspace. On 19.7.2018 the agent advised that the owner had agreed to market the site and further correspondence advises that the marketing commenced on 26.7.18 with Linays Commercial. A letter from Linays sets out details of the campaign and confirms that only 2 office use enquiries were received; one from the NHS who were looking for more floorspace that was being offered and one from a firm of solicitors requiring less floorspace than being offered. The letter goes on to state:

I consider that we have fully and actively marketed the accommodation and I should perhaps add that the level of office enquiries within the Bromley central area and for that matter the immediate suburbs and surrounding areas is currently at poor level with more than adequate office space available in the town when compared to the level of demand. There have been very few office enquiries received other than for very small suites or individual rooms, which of course cannot be accommodated within this building.

In respect of the viability of the continued use of the 3rd floor for offices referred to in Draft Local Plan Policy 97, the agent, by letter dated 9.10.2018, advises that:

'We wrote to you on 15 August 2018 advising that it would not be viable for the applicant to undertake refurbishment works. An affordable housing viability assessment was submitted with the application, which has since been independently validated by the Council's appointed consultant. The assessment shows that the viability of the scheme is marginal. In our view, this also demonstrates that it would not be viable for the applicant to refurbish, renew or modernise the office space as this would make the application scheme unviable.

The attached marketing evidence, along with the affordable housing viability assessment submitted with the application is therefore considered to satisfy the requirements of Draft Policy 97.'

In assessing the current submission, the Draft Local Plan Policy 97 carries more weight since the previous appeal decision and provides guidance on requirements for change of use of upper floors in town centres. In addition the comments of the Planning Inspector are relevant.

Policy 97 sets out criteria in terms of the acceptability of a proposal to change the use of upper floors in terms of standard of accommodation and impact on local residents, the local highway network and parking, the local streetscene and character of the area and the compatibility of the proposed use with adjacent/ adjoining uses. These matters are dealt with elsewhere in this report and the report concludes the revised scheme has addressed previous concerns in terms of standard of residential accommodation for future occupiers in terms of noise, outlook and prospect and daylight and aspect.

The policy goes on to consider the possibility of the existing office use being refurbished, renewed or modernised to bring it back into use to meet the current requirements of occupiers. This should be demonstrated through marketing evidence and an independently validated viability assessment.

The applicant has submitted evidence of a recent marketing campaign that revealed only 2 enquiries and neither of these parties proceeded. In addition the agent has referred to the viability assessment to consider the viability of providing S106 contributions. While the assessment does not directly refer to the viability of upgrading and modernising the fabric of the offices, it does look at viability in a wider context and an independent assessment of the report concurs that the current residential only proposal results in a scheme that is only marginally viable. A reduction in the number of residential units is likely to have a further negative impact on viability.

It is now considered that the applicant has undertaken a marketing campaign to no avail and submitted evidence of marginal viability. This suggests that the cost of refurbishing or modernising the office floorspace is not a viable option that could realistically be pursued.

In summary, it should be noted that the office floorspace has been vacant since 2013, which is 3 years prior to the closure of BHS. There are no occupiers for which to refurbish or modernise the floorspace. The whole building has now been vacant since 2016 and at present the only interest in the whole building is for the

use of the ground floor and basement for Class A1 retail use. In November 2017, the Inspector recognised that marketing had not been undertaken to comply with Policy EMP3 but he acknowledged that the benefits of the appeal scheme (notwithstanding the poor quality of proposed accommodation) would be sufficient to outweigh conflicts with Policy EMP3. As previously stated the rest of this report considers the changes to improve the standard of accommodation and finds these acceptable.

On this basis it is recommended that the proposal meets the requirements of Policies EMP3 of the UDP and 97 of the Draft Local Plan and is acceptable.

- Affordable housing

Policy H2 of the UDP seeks the provision of affordable housing for schemes of 10 units or more. The policy requires the provision of 35% habitable rooms to be provided for affordable housing. Policy H3 sets out circumstances when a payment in lieu of site provision of affordable housing may be acceptable. London Plan Policy 3.12 recognises that viability is a factor in determining the level of affordable housing provision.

The applicant advises that the proposed scheme is unable to meet the policy requirement in the UDP and has submitted an affordable housing and viability assessment which assesses the level of contribution to affordable housing that the scheme can deliver. This document has been independently checked by a consultant appointed by the Council.

The report finds that there will be a deficit below the accepted developer's profit level and, as such, the scheme cannot support the inclusion of on-site affordable housing.

The applicants submission did not include an allowance for health and education contributions and should these be incorporated into the viability assessment this would further erode the developer profit and increase the non-viability of the scheme.

Scale, Siting, Massing and Appearance and Impact on Heritage Assets

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.

UDP Policies BE1 and H7 and London Plan Policies 3.5, 7.4 and 7.6 set out specific policy requirements relating to the standard of residential development that is expected in the borough. In addition Policy BE11 sets out standards expected for development in a conservation area. These policies refer to the design of new development, the standard that the development is expected to meet and the impact on the amenities of future occupants of the development and occupants of nearby properties.

For the part of the development facing the High Street, the existing building forms part of a group of buildings which range in height from 3-5 storeys and are characteristic of this part of the High Street and the Conservation Area.

The present scheme is a revised scheme submitted during the assessment of the application.

To the High Street, the height of the building was reduced to provide the addition of one storey above the existing 3rd floor. A taller structure is proposed adjacent to the Churchill Theatre which encloses a stair case to give access to the taller, central part of the development. The extension will be visible from the High Street but it will relate favourably to the scale of the existing building and will not compete with it in a negative way. In terms of appearance the applicant has agreed to use materials to reflect the existing building and moves away from the tiled finish originally proposed. In addition the 4th floor 'blot on' balconies have been removed leaving a clean line to the east elevation.

When viewed from beyond the west elevation, the rear of the building will be increased with a 2 storey element adjacent to Hawksworth House, a 3 storey element in the centre of the site and a 2 storey element adjacent to the Churchill Theatre. The upper storeys are set back from the rear elevation and from the side elevations and the resultant building will look subservient to the original building. In addition the appearance of the rear elevation will be broken up with new, additional window apertures which will add considerable interest to the appearance of this rather domineering facade.

The 2 upper floors added to the southern elevation will replicate the appearance of the existing 3rd floor and will be visible from taller buildings beyond the site, for example, Ringers Road and the proposed Churchill Quarter development which is the subject of a current planning application. However the separation distance will be significant and it is considered that from the point of view of scale, massing and appearance the extension is acceptable.

The northern elevation will be wholly screened from external view but has been designed to minimise its scale and appearance from neighbouring properties. The

extension will be set back from the boundary with the provision of the walkways and the small landscaped areas along them. The proposed screens along the walkway will break up the repetitive appearance of the façade while also providing some additional privacy for neighbours and a sense of enclosure for users of the walkways. A condition requiring details of the appearance of the screens is recommended.

The Councils Conservation Officer raised concerns about the first plans submitted in November 2017, in terms of its overdominance, visual incongruity, scale, inappropriate choice of external materials, high street balconies and dominance in views from Church Gardens and advised that the proposal would be contrary to BE11 and with regard to the NPPF that there would not be any public benefit that would outweigh the harm to the Conservation Area.

On the revised scheme, now the subject of consideration, he welcomes the further revisions which set the stairwell further back to an extent that the impact on High Street would be acceptable. The commitment to matching the existing brickwork and banding is also welcomed. In terms of the "decorative screening" proposed for the internal walkways, the Conservation Officer states that it may be possible to consider softer options.

In terms of the impact on the streetscene and character of the conservation area, this more modest extension of the building will not compete with the host building or be out of keeping with the rest of this part of the High Street or be overdominant in the views from Church Gardens and, as such, is acceptable.

Standard of Accommodation and Amenity Space

As previously mentioned planning permission was refused for the development of this site in 2017. One of the grounds of refusal is as follows:

The development, by reason of the poor standard of residential accommodation proposed for future occupiers in terms of daylight, aspect, outlook and prospect and noise intrusion, is unacceptable and contrary to Policies BE1 and H12 of the UDP and Policies 3.5 and 7.15 of the London Plan 2016 and the Mayors Housing Supplementary Planning Guidance (2016).

The relevant individual parts of this section of the report will consider the concerns raised by the Inspector and will comment on whether or not the proposed scheme overcomes these reasons for refusal.

Briefly, the 2017 scheme proposed the conversion of the existing building plus extensions to form a 4th floor of flats. The proposal included the conversion of the second floor into 18 residential units. The reasons for refusal above primarily relate to the flats on this 2nd floor and the poor relationship between them and the adjoining units at the Churchill Theatre and the WH Smith rear extension.

It should be noted that the number of proposed flats on this 2nd floor has been significantly reduced with 12 flats facing Churchill Gardens and 4 flats facing the High Street. No flats are proposed on the second floor facing the Churchill Gardens

or the WH Smith building. The central area of the second floor will be occupied by a residents only gym.

Part 2 of the London Plan Housing SPG (March 2016) sets out detailed guidance for achieving a high quality design for all new development that will ensure that the needs of all Londoners are met at different stages of life. The standards that development must meet relate to unit size and layout, private and communal open space, designing out crime, circulation within the building and within individual units, wheelchair units, car parking, cycle parking, refuse and recycling facilities, privacy and dual aspect units. Other London Plan policies also provide guidance on noise, daylight and sunlight, floor to ceiling heights, air quality, climate change and mitigation, water supply, flooding and ecology.

- Density

In terms of density, the London Plan Density Matrix is the most up to date policy advice for calculating the level of density in a development. For centrally located sites with a PTAL 6a rating, the overall density range is 650-1100 habitable rooms/215-405 units per hectare. For mixed use development the SPG advises that it may be appropriate to reduce the size of the site by an amount equivalent to the proportion of floorspace allocated for non-residential uses in order to seek an accurate density calculation. It should be noted that density is not the only factor when considering the acceptability of a proposed development and massing, scale and other particular characteristics of the scheme should also be taken into account.

In this instance the applicant advises that the site area is 0.226 hectares. The proportion of commercial to residential proposed is 50:50 respectively. On this basis the density calculation could be based on a site area of 0.14 ha. The number of habitable rooms proposed is 115 and there will be 51 units. The resultant density of the development would be 821 habitable rooms/364 units per hectare which is within the matrix guidance.

- Mix and tenure of units

New developments should provide a range of housing choices in terms of mix of housing sizes and types. The development proposes the provision of units with a mix of sizes namely 35 x 1 bed, 15 x 2 bed and 1 x 3 bed units and it is considered that this mix is acceptable in this town centre location.

- Space Standards for flats

In terms of space standards all units are required to meet nationally described space standards and London Plan standards in Policy 3.5 are based on the national standards. All of the units meet the minimum size for each flat type proposed.

- Accessible housing

All new housing will be required to meet the standards set out in Policy 3.8 which seeks 90% of all new housing to meet Building Regulations 2010 M4(2) and 10% to achieve Building Regulations 2010 M4(3)(2)(a) for wheelchair accessible dwellings. This recently introduced standard has replaced the Lifetimes Homes and the GLA Wheelchair standards.

The floor plans show that 5 units will be provided out of a total of 51 units. This does meet the 10% threshold for wheelchair accessible unit. The allocated units 1 and 2 bedroom flats in the central section of the 3rd floor and 1 flat facing the High Street all of which have level access to a DDA compliant lift. There is also a secondary lift in close proximity. A total of 5 disabled car parking spaces are shown in the sub-basement. The units are all over the minimum size standard to enable the units to meet Part M and a condition requiring the provision of 5 units is recommended.

- Private amenity space and children's play space

In terms of private amenity space, the Mayors Housing SPG seeks the provision of 5sqm for 1-2 person dwellings and an additional 1sqm for each subsequent person. The balcony depth for all balconies should be 1.5m. For larger 2 bed units (4 persons) 7 sqm should be provided and for 3 bed units (6 persons) the requirement is 9 sqm.

Three of the units do not have direct access to a private balcony and these are the 4th floor units facing the High Street. The submitted plans show that Juliette balconies will be provided. The first plans submitted showed balconies overlooking the High Street but these were removed as their visual appearance significantly detracted from the appearance of this very prominent elevation. The plans show the provision of Juliette balconies which will allow fully opening doors to the habitable rooms.

One unit has less than the minimum requirements for overall space but the great majority exceed the minimum space. Most of the balconies are less than 1.5m in depth due to the site constraints relating to the conversion of this building. It will be possible to provide privacy screening to protect the privacy of new residents from each other and the privacy of the occupants of the nearest units in Hawksworth House.

In terms of playspace, the SPG seeks on-site provision for development which will generate occupancy by 10 or more children. The development comprises 15x2 bed flats and 1x3 bed flats all of which are capable of accommodating children, even taking account of the town centre location of the site. There is no play space provision on the site. With the exception of 3 flats facing the High Street, each unit has a balcony. However the site is in very close proximity to Churchill House Gardens and Martins Recreation Ground which provide facilities for children's play.

- Dual Aspect

The SPG seeks to minimise the number of single aspect units and advise that single aspect units that are north facing, or exposed to noise levels above which adverse effects on health or quality of life occur or which contain 3 bedrooms or more should be avoided.

The SPG refers to the benefits of dual aspect in terms of better daylight, a greater chance of direct sunlight, natural cross ventilation and a greater capacity to avoid overheating without relying on mechanical intervention, mitigating pollution, offering a choice of views, access to a quiet side of the building, greater flexibility in the use of rooms. The SPG goes on to state that north facing single aspect dwellings should be avoided wherever possible.

The SPG does recognise that where the outlook and orientation are favourable and care is taken to mitigate against overheating without mechanical ventilation, single aspect units may be possible.

Of the proposed 51 flats, 21 are single aspect units and there are no north facing single aspect units.

While there are still a considerable number of single aspect units, the removal of all north facing single aspect units is welcomed. Of the 21 single aspect units, 15 are facing west overlooking the Churchill Gardens with 6 units facing east overlooking the High Street. As a result of this orientation, it is considered that the outlook and prospect for these flats, and the remainder of the flats in this development, does not raise significant concerns and is acceptable. It should be noted that the particular flats that were the subject of the previous refusal in terms of outlook and prospect have been omitted from the current scheme.

- Daylight and Sunlight for future residents

This report assesses whether the proposed rooms meet daylight guidance in the BRE 209 Site Layout Planning for Daylight and Sunlight. The standards used are the Average Daylight Factor (ADF) and the Room Depth Criteria (RDC). The report assesses the first submitted scheme and an addendum has not been submitted to assess the reduced scheme as the calculations for the remaining flats is still applicable.

In terms of daylight and sunlight, the applicant has submitted studies which consider the compliance of the development with BRE guidelines in terms of daylight and sunlight to habitable rooms. The London Plan encourages local authorities not to apply daylight and sunlight standards rigidly without carefully considering the location and context and standards experienced by comparable housing typologies in London.

The application site is in a Metropolitan town centre in outer London. There has been significant development approved in the town centre, some under construction and some still with planning permission but not commenced.

Looking at the original report for the remaining flats, 98% of rooms passed the test for the Average Daylight Factor and only 2 rooms fall short of the guidance by 2% for such spaces.

The report then considers the Room Depth Criteria and tests each room to a depth of 6.5m and confirms that 96% of rooms achieve an overall pass rate with 6 rooms failing to meet the required standard. However it should be noted that the 5 of the 6 rooms that fail this test are not now included in the revised proposal and only 1 bedroom fails the test.

The applicant comments on these results as follows (summarised):

- The BRE guidance is not mandatory, should be used flexibly and in some cases, such as the application site, the higher degree of obstruction may be unavoidable.
- There are constraints in dense urban locations, such as Bromley, which result in rooms often falling short of guidance figures.
- The number of units that do not fulfil the criteria is reasonable when considered in the context of the town centre location of the building and that the scheme is for refurbishment.

It is considered that proposed scheme has addressed the unacceptable level of non-compliance with daylight criteria raised against the previous application. By re-orientating the position and layout of the proposed units and removing previously poorly served units, it is considered that the proposed development overcomes the reason for refusal in terms of the impact of loss of daylight on future residents.

Impact on Neighbour Amenity

The relevant UDP policy relating to the impact of development on the amenity of the residents of adjoining residential properties is Policy BE1: Design of New Development. In addition to the site coverage, height and massing, which have been discussed previously in this report, it is necessary to assess the impact of overlooking that may result in the loss of privacy, and the potential loss of daylight and sunlight to fully understand the impact of the proposed development on the amenity of occupants of adjoining residential properties. In addition the policy seeks to protect existing and future residents from noise generated by the development proposal.

- Loss of daylight and sunlight

The properties that could be primarily affected by the loss of daylight and sunlight are in Hawksworth House and, in particular, the rear west facing bedroom windows of these flats. The closest part of the development adjacent to this sensitive boundary will be a new staircase at 3rd floor level, which replaces an existing structure here. It is considered that this will not have a significantly adverse impact on daylight to these east facing windows. The bulk of the proposed development is set back a significant distance from this northern boundary and, again, it is considered that this will not have a significant impact on the rear elevation of Hawksworth House.

On the west elevation, facing Tetty Way, the balconies for the first 5 floors are set against the existing building so will not be adversely affected by the new upper floors adjacent. For the 6th floor, the new upper floors will be more evident but the new upper floors are set back from the rear and side elevations to give clearance between the new building and this existing flat. There will be some impact on the sunlight to the balcony in the early part of the day but the west facing orientation will ensure that the users of this balcony will still enjoy its use without overshadowing.

- Loss of privacy

In considering this aspect of the development, the most sensitive receptors to overlooking are existing residents and the closest are located in flats that are opposite the site. Letters of objection on this matter have been received from some of these residents.

For residents overlooking the High Street, the concern is direct overlooking into their living room windows. Whilst it will be possible for residents of the new flats to overlook flats opposite, the configuration of the front elevation has been designed to try and minimise this impact. The proposed windows facing east that are at 1st floor level will be in retail use as existing. The 2nd floor level windows for the 3 proposed flats will be set back from their existing position on the front façade by approximately 1m to provide balconies for the new flats. The view from the habitable room windows will be obscured by the front barrier of the balcony. At 3rd floor level, the proposed windows for the 3 flats are in the position of the existing windows that provided light to the previous office use and these are set back from the frontage elevation. At 4th floor level windows for 3 further flats in the same position as the 3rd floor flats are provided. Balconies are provided for the flats on the 3rd floor but not the 4th floor.

The separation between the windows of the new units in the front elevation to the flats opposite (above M&S) is approximately 20.5m taking account of the set back position of the windows. The 3rd floor level balconies are set back from the front façade and the resultant minimum separation distance to the flats opposite is approximately 22m.

The building is set in a town location site and attempts have been made to configure the building in such a way as to minimise the amount of overlooking that will occur. To further protect the amenity of existing residents it is recommended that the proposed balcony barriers are provided in materials that are opaque so that from seated positions on the balcony and within the flats, existing residents are protected from overlooking.

With regard to residents at Hawksworth House, the existing building is set back from the adjacent rear elevation and part of the building works will be in the same position as an existing structure on site at 3rd floor level. This will ensure that rear bedroom windows will not be overlooked from residents of the closest flats. The proposed balconies facing Tetty Way that are alongside existing balconies of residents of Hawksworth House can be provided with opaque side protection

barriers to protect privacy here. With regard to the use of the walkways, there are external barriers proposed around the outer walkway barriers to break up direct overlooking to the rear of Hawksworth House. In addition the walkways are set back some distance from the rear elevation of the flats adjoining.

Taking account of the proposed layout and measures proposed to minimise the impact of overlooking on nearby residents it is considered that the development will not result in such significant overlooking as to warrant a reason for refusal.

- Noise

The Planning Inspector, in his decision letter, considers the impact of the development on 3 aspects of the then scheme, namely the chiller units on the roof of the Churchill Theatre, the overnight activities relating to the packing up of equipment and noise from the proposed 4th floor plant room.

Revised data was submitted at the planning appeal in respect of noise impact on the balconies facing south and, due to the town centre location of the site, the Inspector applied the upper limit of guidelines for protection for outdoor amenity space. He found that the proposed acoustic screen would be sufficient to ensure that the upper guideline of 55dB would not be exceeded. In addition the applicant offered mitigation in the form of air conditioning and the Inspector found this would ensure that residents would not have to rely on opening windows for daytime or overnight ventilation and this would protect them from the noise sources associated with the local operational activities relating to the theatre.

An Acoustic Design Report dated 2.6.2018 has been submitted with the current application which considers the impact of noise from the pedestrianised High Street and the existing chiller units on the rooftop of the Churchill Theatre on future residents. The report finds there is low to medium risk depending on the location of individual flats and recommends measures to mitigate against heightened noise levels. An additional report entitled Specification of Barrier to Churchill Theatre Rooftop Chiller Units dated 15.6.2018 sets out the dimensions, location and acoustic reduction details for the specification of the proposed barrier.

These mitigation measures are as follows:

- For the flats facing south towards the Churchill Theatre, the provision of an acoustic screen on the roof of the Churchill Theatre to extend the existing screen that partially covers the chiller units is proposed. The results show reductions in noise levels at 2nd, 3rd and 4th floor levels
- In addition, the proposed flats facing south will be stepped back from the façade of the building and acoustically treated ventilators and modest window enhancements to some bedrooms are proposed.
- Air conditioning is to be provided to units on the southern elevations to provide cooling without recourse to opening windows.
- The report finds that the proposed barrier to the chiller units will result in acceptable noise levels to balconies.

For the future residents facing the High Street, the report has assessed potential noise levels and advises that the windows to these flats will be set back from the front edge of the building and new balconies will be provided between the new window position and the front edge of the building. This will provide a barrier effect and the walls around the balconies will help reduce noise into the flats. No further mitigation measures are proposed.

The Council's Environmental Health Officer has assessed both reports and agrees with their findings and is confident that the mitigation works will improve the noise climate at the façade of the proposed flats. He recommends a condition to secure the installation of the barrier in accordance with the submitted specification. A condition is also recommended to secure details of the design of the proposed window treatment and acoustically treated window ventilators is recommended.

In addition the Council's Property Services Advisor has been consulted and advises that the Council would not have any objections as landlord to the installation of the acoustic screen and they are amenable to the type of installation proposed. They further advise that it would be unlikely that the Council will allow a third party to carry out works on one of its buildings and would want to organise the work itself recovering full costs from the owner/development. A condition requiring full details of the design and location of the screen is recommended so that the final position and design of the screens is fully assessed and found to be acceptable in planning terms and for installation on Council premises. This shall be submitted and approved prior to the commencement of development. A further condition is recommended requiring the screen to be erected prior to the first occupation of any of the flats in the south facing elevation.

The current scheme shows the relocation of plant from the upper floors, as shown in the previous application, to the sub-basement level in a location facing Tetty Way. A planning application reference 17/05250 has considered the impact of this revised location and permission was granted for this aspect of the development of the site on 2.3.2018.

Objections have been received from nearby residents regarding increased noise levels from the use of the proposed walkways and from additional residents using the High Street. In terms of the impact from the use of the walkways, the most sensitive receptors will be the bedroom windows of the flats in Hawksworth House. The walkways are used to provide pedestrian access to flats on the 3rd, 4th and 5th floor levels and this will introduce a level of activity in this area where there is none at present.

However it is considered that the level of activity generated by future residents will not be so great as to cause a significant, adverse impact on existing residents. The existing bedroom windows are set back from the closest part of the rear boundary and this set back will provide some protection from additional noise. In addition the walkways are laid out to prevent them being used for communal amenity activity. Given the likely intermittent and relatively low levels of footfall on the walkways throughout the day, it is considered that there will not be a significantly adverse impact on existing residents from this noise source.

It is not considered that there will be an adverse impact on the levels of noise activity from the additional residents so as to have a significant impact on the amenity of other residents living above retail units in the part of the High Street.

Taking account of the submissions made with the current application, it is considered that the proposed development will not have a significantly adverse impact on the amenity of future or existing residents, subject to the development being carried out in accordance with submitted acoustic related information and details of additional acoustic related information secured by recommended conditions.

Highways and Traffic Matters (including Cycle Parking and Refuse)

In policy terms, the relevant UDP policies are T2 (transport effects) and T18 (road safety). The London Plan policy 6.13 seeks provision for car parking and charging electric vehicles and policy 6.9 seeks suitable provision for cyclists. These policies seek to ensure that the projected level of traffic generation will not have an adverse impact on the surrounding road network, that the level of proposed car parking is sufficient to minimise any impact on nearby streets from off-site parking, that the provision of cycle parking is sufficient to meet the London Plan and that the layout of the vehicle access provides safe access to and from the site.

A Transport Assessment was submitted with the original application (for 66 units) which found that, based on census information relating to car ownership of 0.69 spaces per unit in the ward, it is likely that there will be 23 car movements in the AM peak and 20 in the PM peak. The Highways Officer advises that this is negligible and would be offset by a reduction in traffic generation from previous retail and office use. Given the highly accessible location of the building (PTAL 6a, where 1 is the lowest accessibility) it is considered that the development would not have any impact on the operation of the local transport network. As the number of units has reduced to 51 it is considered that the above data and conclusions remain relevant

In terms of car parking, the UDP seeks 1 car parking space per unit for flats. For 51 units the development should provide 51 spaces. The development provides 39 spaces, including 5 disabled spaces. As advised above the applicant advises that the car ownership for this ward amounts to 0.69 spaces per dwelling. This equates to 29 spaces required for the 42 units proposed. The development proposes 39 spaces which would exceed this requirement. The figures above equate to 0.76 spaces per unit. It should be noted that other development in the town centre at St Mark's Square and the Old Town Hall provide 0.5 spaces per market unit and the provision on this site would exceed that level of provision.

The London Plan seeks 1 in 5 spaces (both active and passive) to be provided with ECVP. The applicant advises that there will be 20% provision of spaces (8 passive and 8 active) with electric vehicle charging points (EVCP).

The London Plan seeks 1 cycle parking space per 1 bed unit and 2 spaces for all other units. The applicant is providing a minimum of 64 secure spaces in the sub-basement area, which meets the London Plan requirements.

Should planning permission be granted for this scheme, the Highways Officer has recommended conditions relating to car parking, cycle parking, refuse collection facilities, a Construction Management Plan and restriction of car parking permits for future residents.

A draft Travel Plan has also been submitted to consider measures to minimise the use of car borne travel.

In addition the Highways Officer seeks the following through the signing of a S106 agreement:

- Twelve months free membership to a car club scheme in the town centre
- £2,000 towards parking/traffic measures in the area.

On this basis it is considered that the proposed development will meet UDP and London Plan policy requirements in terms of traffic generation, car and cycle parking, refuse provision and EVCP and, as such, is acceptable on highways and traffic grounds.

Landscaping

Policies BE1 of the Unitary Development Plan sets out policy guidance for the provision of landscaping and encourages landscape elements to enhance the setting of new development.

The development does not involve the loss of any trees.

The proposed development offers little opportunity for public landscaping other than in the walkways with the provision of small landscaped areas in front of many of the units. This has the purpose of providing some defensible space between the pedestrian pathway of movement and the private face with the facades which have some habitable rooms facing the walkway. The remainder of the landscaping will rely on the way that residents use their balcony areas.

In summary, the density of development of this town centre scheme is reflected in the limited opportunities for soft landscaping but interest is provided within the residential courtyard at the rear with some small landscaped spaces that will be provided.

Other Technical Matters

- Planning Obligations

Policy IMP1 (Planning Obligations) and the Council's Planning Obligations SPD states that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance.

As previously mentioned the proposed submission was accompanied by the Financial Viability Assessment which was independently assessed by an external consultant who found the development is unable to support affordable housing provision, health and education contributions. Notwithstanding this, the proposed measures above have been offered by the applicant.

- Twelve months free membership to a car club scheme in the town centre
- £2,000 towards parking/traffic measures in the area - this is for traffic management to be reviewed after the scheme is in place for two years; the money will be returned to the applicant if no action is taken.
- Carbon Offset contribution of £27,000.

These will need to be secured by a legal agreement and the applicant has indicated that they will submit a draft Unilateral Undertaking to this effect.

- Sustainability and Energy

The applicant has submitted an Energy Statement which sets out measures to meet London Plan policies 5.2: Minimising carbon dioxide emissions and Policy 7.7: Renewable energy.

The London Plan Policy 5.2 target for minimising carbon dioxide emissions for residential buildings is zero carbon and for non-domestic buildings it is as per the building regulations. The calculation for the site is set out in the Energy and Sustainability Statement and demonstrates that the scheme can achieve a 36% reduction on site. However this represents a shortfall of the zero carbon target required for residential development as set out in Policy 5.2. As such, the applicant is required to make a financial contribution of £27,000 to offset this deficiency which should be ring fenced to secure delivery of carbon savings elsewhere. The ability of the proposed scheme to make this payment is discussed in the section relating to Planning Obligations above.

In terms of renewable energy, the applicant advises that a minimum of 165 sqm of photovoltaic panels will provide over 20% of reduction in carbon dioxide emissions required by Policy 5.7 of the London Plan.

Conditions securing the provision of PV panels on the roof of the development are recommended

- Drainage and Sustainable Urban Drainage Systems

The site lies within Flood Zone 1. The applicant advises that a new internal waste drainage system will be installed within the building to connect to the existing main sewers. There will be no overall additional surface water run-off that needs to be catered for by the existing drainage system. The building is not in a high risk flood zone and the proposals will not increase risk of flooding on site or elsewhere. On this basis the applicant has not submitted a Flood Risk Assessment.

The Council's Drainage Officer has no comments on the proposals and Thames Water have not raised any objection on surface water or sewerage capacity resulting from the proposal.

As such it is considered that the provision outlined by the applicant is acceptable in this respect.

- Secured by Design

The proposal should incorporate Secured by Design principles (as required by UDP Policy BE1 (vii)) to take account of crime prevention and community safety.

The Metropolitan Police Design Advisor advises that there are operational management concerns about aspects of the development that will need to be resolved in order to achieve the standard required for a SBD Certificate and a condition requiring submission of a scheme that will meet the SBD criteria is recommended.

- Mayoral Community Infrastructure Levy

The development will be liable for the payment of the Mayoral CIL.

- Environmental Impact Assessment

The development does not meet the criteria for the requirement of EIA screening under the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2017.

Conclusion

The proposal seeks the part change of use of this vacant retail unit within Bromley Town Centre from retail use to residential use. The ground floor and part of the first floor will remain in retail use with the rear first floor proposed for residential use. The 2nd floor retail space would change to residential and a residents gym and the vacant offices on the 3rd floor would change to residential flats. The proposed 4th and 5th floor extensions would residential units. A total of 51 units is proposed.

It is considered that the principle of the changes of use of existing floorspace acceptable taking account of the comments from the Planning Inspector relating to the previous appeal, new submissions regarding the loss of office and retail floorspace and evidence of additional marketing.

In terms of the standard of accommodation, it is considered units now providing living space that meet daylight and sunlight standards and a considerable improvement in outlook and prospect. Further measures to improve protection for residents from external noise sources have been offered and found to be acceptable.

Unit size and tenure mix and the standard of accommodation is found to be acceptable. The number of wheelchair units is not sufficient and officers will verbally update members regarding this matter. From a highways point of view

there is sufficient parking for cars and bicycles which is welcomed in this town centre location.

The development is not able to provide planning obligations in accordance with the UDP and the London Plan and an independently assessment of the submitted FVA corroborates this position.

The changes that have been made to the scale, massing and appearance of the building will result in a building that preserves and enhances the character and appearance of the conservation area and will ensure that the building continues to contribute to the vitality of the town centre with the introduction of 51 units of residential accommodation in this long vacant building.

Background papers referred to during the production of this report comprise all correspondence on file ref: 17/04945/FULL, excluding exempt information.

RECOMMENDATION: PERMISSION BE GRANTED (SUBJECT TO PRIOR COMPLETION OF A SECTION 106 AGREEMENT relating to car club membership, carbon offset contribution and transport contribution)

Subject to the following conditions:

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

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

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

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

- 3 The development shall be carried out in accordance with the Air Quality Assessment prepared by Miller Goodall (Report no.1001879 and measures to improve the air quality shall be implemented in accordance with the details of the report prior to first occupation of any of the units.**

Reason: To minimise the effect of the development on local air quality in line with NPPF p124 and Policy 7.14 of the London Plan.

- 4 (i) A detailed scheme for acoustic barrier to screen the rooftop chillers on the Churchill Theatre based on the recommendations of the Acoustic Design Statement (Airo, ref DLW/7101/B. 12 Jun 2018) and the Specification of Barrier (Airo ref 7101, 15 Jun 2018) shall be submitted to and approved by the Local Planning Authority prior to the commencement of development
(ii) The screen shall be installed in accordance with the approved details prior to the first occupation of any of the residential units on the south facing side of the building.**

(iii) On completion of the works, 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 the barrier has been installed in accordance with the approved scheme.

(iv) The use shall not commence until written approval has been granted by the Local Planning Authority, and thereafter the approved barrier 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 protect the amenities of future residents from unacceptable external noise sources and to comply with Policy BE1 of the Unitary Development Plan.

- 5 Details of the design of the proposed acoustic window treatment and acoustically treated window ventilators for the development shall be submitted to and approved by the Local Planning Authority prior to the installation of any windows into the new development and permanently retained thereafter.

Reason: To protect the amenities of future residents from unacceptable external noise sources and to comply with Policy BE1 of the Unitary Development Plan.

- 6 At any time the combined plant and machinery specific noise level, from all fixed plant at this site, in terms of dB(A) shall be 10 decibels below the relevant background noise level L90 at any noise sensitive location. For the purposes of this condition the rating and background levels shall be calculated fully in accordance with the methodology 85 4142:2014. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

Reason: To safeguard the amenities of residents and other noise sensitives receptors and to accord with Policy BE1 of the Unitary Development Plan.

- 7 Details of the means of privacy screening for the proposed balconies shall be submitted to and approved by the local planning authority and approved treatment shall be installed prior to the first occupation of any of the units and permanently retained.

Reason: To minimise the opportunity of overlooking from the balconies and to protect the amenity of existing nearby residents and to comply with Policy BE1.

- 8 Details of the design and materials and exact location of the decorative screens along the external face of the rear walkways shall be submitted to and approved by the local planning authority and prior installed prior to the first occupation of any of the units.

Reason: To minimise the opportunity of overlooking from the users of the walkways and to protect the amenity of existing nearby residents and to comply with Policy BE1.

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

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

- 10 **Details and sample boards of all external materials to be used for the development, including roof cladding, wall facing materials and cladding, windows and door frames, window glass, decorative features, rainwater goods shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be carried out in accordance with the approved details.**

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

- 11 **Units H6, H7, H8, H9 and H10 identified on Plan 5826 L105 PZ2 shall be built in accordance with the criteria set out in Building Regulations M4(3)(2a) 'accessible and adaptable dwellings' and shall be permanently retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to accord with Policy 3.8 of the London Plan and in the interest of a suitable provision of accessible and adaptable dwellings.

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

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

- 13 **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.

- 14 Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site 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 and Appendix 11.7 of the UDP and to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

- 15 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 (identifying efficiency and sustainability measures to be undertaken during construction of the development); 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 TS, T6, T7, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties and ensure that construction works do not have an adverse impact on the transport network.

- 16 Before the development hereby permitted is first 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

- 17 No structure, plant, equipment or machinery shall be placed erected or installed on or above the roof or on external walls without the prior approval in writing by the Local Planning Authority.**

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

- 18 Details of electric vehicle charging points for 8 spaces (active) and 8 (passive) shall be submitted to and approved in writing by the Local Planning Authority and the charging points shall be installed in accordance with the approved details prior to the first occupation of any of**

the residential units hereby permitted and shall be permanently retained thereafter.

Reason: To comply the Policy 6.13 of the London Plan and in the interest of promoting more sustainable means of car travel.

- 19 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.**

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

- 20 Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided in accordance with approved plans and the bicycle parking/storage facilities shall be permanently retained thereafter.**

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

- 21 Details of the proposed cycle racks shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the first use of any of the units and permanently retained thereafter.**

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

- 22 A detailed report setting out measures to control and minimise the transfer of noise and vibration relating to the proposed residents gym at second floor level shall be submitted and approved prior to commencement of the proposed works to convert and extend the building. The works shall be carried out prior to first occupation of any of the residential units and shall be permanently retained thereafter.**

Reason: To comply with Policy BE1 of the Unitary Development Plan and to minimise disruption for residents from the activities associated with the proposed use.

- 23 The proposed development shall be constructed in accordance with the details set out in the Sustainability and Energy Statement by Greengage dated July 2018 in terms of the improvements to carbon dioxide emissions and renewable energy measures and the measures shall be incorporated into the final design of the building. The measures set out in the approved Statement shall installed prior to the first occupation of any of the residential units and be retained thereafter in operational working order.**

Reason: In order to seek to achieve compliance with the Mayor of London's Energy Strategy and to comply with Policy 5.2 and 5.7 of the London Plan 2015

24 (i) The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific needs of the application site and development. No above ground construction shall take place until details of such measures have been submitted to and approved in writing by the Local Planning Authority.

(ii) The approved measures shall be implemented before the development is occupied and the security measures to be implemented in compliance with this condition shall achieve the Secured by Design accreditation awarded by the Metropolitan Police.

Reason: In the interest of security and crime prevention and to accord with Policies H7 and BE1 of the Unitary Development Plan.

25 Details of all external lighting for the proposed development shall be submitted and approved by the Local Planning Authority and the approved lighting shall be installed prior to the first occupation of any of the units

Reasons: To ensure safe use of the proposed walkways and protect the amenities of residents of nearby residential properties.

You are further informed that :

1 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 in Part2, 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 this site and/or take action to recover the debt.

Further information about the Levy can be found on the attached information note and the Bromley website www.bromley.gov.uk/CIL.

2 You should consult Street Naming and Numbering/Address Management at the Civic Centre on 020 8313 4742, email address.management@bromley.gov.uk regarding Street Naming and Numbering.

3 Thames Water recommend the following informative be attached to any planning permission: There is a Thames Water main crossing the

development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

- 4 There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover

- 5 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921

Appendix: Appeal Decision for 16/03132 dated 29.11.2017