

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

Application No : 19/03114/FULL1

Ward:
Shortlands

Address : 20 Shortlands Road, Shortlands,
Bromley BR2 0JD

Objections: Yes

OS Grid Ref: E: 539182 N: 169140

Applicant : Mr S Bragoli

Description of Development:

Change of use to House in Multiple Occupation (Use Class - Sui Generis) with shared rear garden, car parking, cycle store and bin store.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 9
Smoke Control SCA 21

Proposal

Planning permission is sought for the change of use to House in Multiple Occupation (Use Class - Sui Generis) with shared rear garden, car parking, cycle store and bin store.

There are no changes to the external elevations of the building and no extensions are proposed.

The Design and access Statement details that the HMO will be let by a management company to young professionals with 9 bedrooms. The applicant has also proposed to limit the number of occupants to single occupancy per room limiting the HMO use to 9 individual residents.

A parking area for six vehicles is indicated within the front curtilage with an additional side garage space accessed from an existing vehicle access crossover from Shortlands Road. A second existing crossover will be blocked up to enable the proposed parking layout.

The application was supported by the following documents:

- Planning, Design and Access Statement

Location and Key Constraints

The site is located on the north west side of Shortlands Road approximately 1km from Bromley town centre and 250m from Shortlands railway station.

The building was formerly used as a 7 bedroom care home with a staff flat at second floor. The building is currently being used as a six bedroom HMO. The property use and history is expanded below in the planning history.

The building is a large Victorian villa similar in style and character to neighbouring properties north east and south west. The wider area has a number flatted blocks in relative proximity to the site.

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

Comments from Local Residents and Groups

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

Objections

- Substantial houses have been preserved in Shortlands Road and provide needed family accommodation. HMO's aimed at transient population which will harm character of the area.
- Property was marketed as overpriced.
- Should be refused as previous application.
- Retention of specialist housing is relevant not irrelevant.
- Comments on legal status of 'professional' and 'non professional' terms used.
- Comments relating to an unsupported argument that the site has lapsed into a C3 residential use and therefore cannot be used legally as a C4 HMO use.
- The site should still be considered as a care home C2.
- Concerns raised regarding level of noise and disturbance by future HMO occupiers.
- Will be harmful to the character of the area.
- Dense HMO is not required.
- No of potential residents is too much.
- Concerns that facilities are not adequate for the accommodation proposed.
- Nature of the development is different to quiet suburban surrounding area, consisting of family homes and flats which tend to be occupied by retired people.
- Insufficient parking spaces, turning areas, disabled provision.
- Parking provision is far too great.
- Loss of existing landscaping detracts from streetscene view.
- Bin stores too small for the proposal.
- The proposal is a change of use of the property in nil use to a HMO.
- Although care home ceased, property still benefits from permitted use as an elderly care home.

- Intensification of the site and nature of proposed HMO proposal likely to give rise to additional noise and disturbance to neighbouring residents.
- Layout unsatisfactory for a 9 room HMO.

Local Groups

- The Shortlands Resident Association has also commented in respect of the above issues already highlighted.

Please note the above is a summary of objections received and full text is available on the Council's website.

Comments from Consultees

Environmental Health Housing Officer:

All of the rooms, given their sizes, meet the Council's HMO Standards for bedsit-type accommodation (17m² for a double and 10m² for a single). With three sets of kitchen facilities provided the property would be suitable for 15 persons in nine households, as the standards require one set of facilities for every five persons. So although the room sizes would allow more than this number of persons to occupy the property the kitchen facilities would be the limiting factor.

Highways:

No objection to this application from a highway perspective, there is adequate parking.

Policy Context

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

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

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

The National Planning Policy Framework was published on 19th February 2019. The development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (January 2019). The NPPF does not change the legal status of the development plan.

London Plan Policies

3.3 Increasing Housing Supply

- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of affordable housing
- 3.14 Existing Housing
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- 8.3 Community Infrastructure Levy

Bromley Local Plan

- 1 Housing supply
- 4 Housing design
- 8 Side Space
- 9 Residential Conversions
- 11 Specialist & Older Peoples Accommodation
- 30 Parking
- 32 Road Safety
- 33 Access for All
- 34 Highway Infrastructure Provision
- 37 General design of development
- 112 Planning for Sustainable Waste management
- 113 Waste Management in New Development
- 115 Reducing flood risk
- 116 Sustainable Urban Drainage Systems (SUDS)
- 117 Water and Wastewater Infrastructure Capacity
- 118 Contaminated Land
- 119 Noise Pollution

- 120 Air Quality
- 122 Light Pollution
- 123 Sustainable Design and Construction
- 124 Carbon dioxide reduction, Decentralise Energy networks and Renewable Energy

Supplementary Planning Guidance

Housing: Supplementary Planning Guidance. (March 2016)
Technical housing standards - Nationally Described Space Standard (March 2015)
SPG1 General Design Principles
SPG2 Residential Design Guidance
Standards for Houses in Multiple Occupation (HMO)

Planning History

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

77/2875: Change of use from residential to old peoples home. Approved 6/12/1977.

Condition 2 stated:

This permission shall enure solely for the benefit of the Abbeyfield Beckenham Society Ltd.

Reason: To enable the Council to reconsider the situation in the event of a change of ownership.

78/2281: Change of use from residential to elderly persons home. Approved 18/10/1978.

Condition 2 stated:

This permission shall enure solely for the benefit of the Abbeyfield Beckenham Society Ltd, the Housing Corporation or any housing association registered under Section 13 of the Housing Act 1974.

Reason: To comply with the terms of the application and the Council's parking requirements.

96/02301/FUL: Single storey rear extension. Approved 27.11.1996.

18/02037/FULL1: Change of use and conversion of existing care home (Use Class C2) to 9 bedroom HMO (Use Class Sui Generis). Shared rear garden, car parking, cycle store and bin storage. Refused 04.07.2018

The reasons for refusal related to:

- The proposed development resulting in the permanent loss of a specialist housing site without full and proper marketing of the site to confirm the unsuitability and financial non-viability of the site or premises for those uses which could continue to be used for specialist housing with or without adaptation, for purposes appropriate to its location.
- The proposed development being harmful to the character and appearance of the surrounding area by introducing a dense development of HMO units which are not identified as being of priority for the area and does not relate well to the established pattern of development in the locality and would undermine how the area functions in terms of the movement of people and vehicles as well as the identity of the immediate locality and sense of place.
- The proposed development failing to provide a satisfactory layout and facilities of good quality accommodation for future occupiers.
- The proposed development by reason of its intensification of use, proximity to neighbouring property and likely increased levels of noise and disturbance being seriously detrimental to the residential amenities which the occupiers of neighbouring properties might reasonably expect to enjoy.

Considerations

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

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

Resubmission

The application is a resubmission of a previously refused application as detailed above. Since the time of that application new evidence has been found by the applicant relating to historical planning permissions relating to the site in 1977 and 1978. These have been detailed above in the planning history. The consequence of this for the applicant is to make the current resubmission to allow them to re-present their case to the LPA for its considerations of the new evidence in light of previous refusal reasons which require re consideration.

Principle

The NPPF (2019) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

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

The first reason for refusal in the application 18/02037/FULL1 related to the permanent loss of a specialist housing site as care home to the elderly. It was considered at the time of the application without evidence to the contrary, that this was the last formal use of the property.

The original use of the premises was a C3 dwellinghouse, however in 1977 and 1978, permission was granted to change the use to a now categorised C2 use for an old persons home, personal to Abbeyfield Beckenham, or any registered housing association. Abbeyfield continued to run the home until 2016, when another housing association took it over for a year. The current owner acquired the property for use as a small HMO (C4) under the impression that it had reverted to a C3 use when the housing association sold, and that they could therefore utilise Permitted Development to change to a C4 use. It was not, in practice ever used again as a C3 use, going straight to C4 from the previous care home use.

In respect of the actual use it would appear that the difference between personal and temporary permissions is pertinent in this case. The nature of the personal permission is that it attaches to the "person", in this case the housing association, rather than to the land, as would be the case in a temporary permission. The personal permission it is considered signals a new chapter in the planning history. If there is not a reversionary condition in that permission, as in this case then, when it ends as a result of there being no one able to exercise that use, the resultant use would be a nil use of the land, as it has moved on from the original use.

In this case the loss of specialist housing could not now be considered a reason for refusal because in policy terms there has been no loss of specialist housing as a

result of the natural expiry of the personal permission when the property came into the ownership of the current owner, who is not a housing association and therefore cannot comply with the terms of the 1977 / 78 permissions, leading to a nil use.

Therefore as a nil use the merits of the current application require considerations of the impacts of the change of use from a nil use to a HMO which are considered further below.

Design, Character and Appearance

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 124 of the NPPF (2019) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2019) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

Policies 3.4 and 3.5 of the London Plan reflect the same principles. Policy 3.4 specifies that Boroughs should take into account local context and character, the design principles (in Chapter 7 of the Plan) and public transport capacity; development should also optimise housing output for different types of location within the relevant density range. This reflects paragraph 127 of the National Planning Policy Framework, which requires development to respond to local character and context and optimise the potential of sites.

Policy 3.8 of the London Plan details that Londoners should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments.

Policy 1 of the Local Plan details that housing supply can be achieved through the conversion of suitable properties and the provision of suitable non self-contained units.

The Emerging London Plan at Paragraphs 4.2.5 is also relevant but it is recognised with lesser weight in the planning balance and refers to incremental intensification of existing residential areas within PTALs 3-6 and within 800m of a Tube station, rail station or town centre boundary which are expected to play an important role in meeting the housing targets for small sites, particularly in outer London. This can take a number of forms including new build, infill development, conversions, demolition and redevelopment or extension of existing buildings, where this results in net additional housing provision. Within these areas, there is a need for the character of some neighbourhoods to evolve to accommodate additional housing. Therefore, the emphasis of decision-making should change from preserving what is there at the moment towards encouraging and facilitating the delivery of well-designed additional housing to meet London's needs.

The above adopted policy changes and emerging directions are key to the consideration of this application since the previous case was considered in July 2018 before national and local housing policy changes.

There are no alterations to the building to facilitate the proposed use. An area of hardstanding is provided to the front curtilage only. In this respect it is considered that the existing physical character and appearance of the building is maintained and importantly also maintains the current relationship in terms of the buildings setting within the application site and wider area.

However, in terms of the character and appearance consideration of the proposed use of the site needs also to be assessed in this case.

The site comprises a large detached dwelling set within a substantial plot on Shortlands Road, one of a group of similarly designed and scaled properties which mainly appear to be currently used as individual residential units. That said there are a number of purpose built flat blocks within close proximity of the site that also define the context of the site.

It is acknowledged that the change of use to a HMO will increase the intensity of use of the site arising from general activity and movements to and from the property given the potential for there to be up to a 9 room HMO due to the layout and sizes of the rooms.

However, in consideration of this factor is the actual number of residents that may reside at the property. The applicant in this revised application, during its assessment has indicated they are prepared to accept a planning condition that would limit the 9 rooms in the property to 9 residents, effectively single occupancy.

Therefore, although the nature of use activity is considered to be potentially greater than that of an older persons care home or a C3 large family residential use, through general comings and goings and vehicle movements and also potentially a greater use of the private amenity space to the rear, the limitations in terms of persons that can be imposed by a suitable planning condition, will on balance alleviate this impact to a level that would afford some change to the character and context of the locality but not detrimentally.

The revised NPPF adopted in January 2019 is clear that character goes beyond the physical appearance and aesthetics of an area, but also encompasses how a development contributes towards local identity.

Given the Local Plan Policy 1 and emerging policy directions to increase housing supply in locations that are highly sustainable and close to transport hubs as in this case, the need for this housing type in such locations and the conversion of the property from a nil use to a HMO in the manner proposed would not now be viewed to run contrary to the established pattern of development in the locality and would not be considered to undermine how the area functions in terms of the movement of people and vehicles, as well as the identity of the immediate locality and sense of place.

Standard of HMO residential accommodation

Policy 9 of the Bromley Local Plan details that a proposal for the conversion of a single dwelling into two or more self-contained residential units or non-self-contained accommodation will be permitted provided that the amenities of occupiers of neighbouring dwellings will not be harmed by loss of privacy, daylight or sunlight or by noise and disturbance; the resulting accommodation will provide a high quality living environment for the intended occupiers; on and off street parking resulting from the development will not cause unsafe or inconvenient highway conditions; the character and appearance of the area is not adversely affected; there will not be a detrimental impact on housing choice in the locality and where accommodation at ground floor level is proposed, preference is given for family housing units with direct access to a garden, and safe and secure access is provided to each dwelling.

Although the property is considered to have a nil use the above Policy is considered relevant in this case. The Council also has adopted guidelines for HMO standards.

The Council's Housing Officer has reviewed the application and advised that the facilities provided as detailed above for future occupants comply with the Council's adopted guidelines for HMO's.

Therefore the facilities in the proposed building are now considered compliant and overcome the previous reason for refusal. On this basis the layout and facilities are considered to be acceptable.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

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

Car parking

The property is well served by public transport in the vicinity and sufficient parking will be provided on site for use by residents. The Council's Highways Officer has not raised any objections in this regard. It is therefore considered that there will be minimal impact on parking in the vicinity.

Cycle parking

The applicant has provided details of a location for cycle storage. The location details are considered acceptable. However, further information regarding a containment structure and capacity are recommended to be sought by planning condition.

Refuse

All new developments shall have adequate facilities for refuse and recycling. It is noted that concerns have been expressed in representations received by the LPA in this regard. The applicant has now provided details of a refuse storage location for the HMO facility in the submitted plans. The location is considered acceptable subject to further details of a containment structure and capacity being sought by planning condition.

Neighbouring amenity

Policy 37 of the Bromley Local Plan seeks to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.

Policy 4 of the Bromley Local Plan also seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

In the previously refused scheme, in terms of neighbouring residential amenity the change of use to a HMO was considered to significantly increase the intensity of use of the site arising from general activity and movements to and from the property associated with such a use. In the current scheme it has been indicated by the applicant as detailed above in terms of the impact on character and context that the number of residents can be limited to 9 individuals.

The effect of this is considered to mostly address the impacts in terms of potential noise and disturbance that may impact the residential amenity enjoyed by neighbouring property. Given the lesser numbers of occupiers, which may not be too different to large multi-generational single family living in such a large house, on balance, the amenities of adjoining residential properties would not now be adversely affected by the development of the property into a HMO to warrant refusal of the planning application on this basis.

Sustainability

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

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.

Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

Local Plan Policy 123 states that all applications for development should demonstrate how the principles of sustainable design and construction have been taken into account.

An informative is recommended with any approval to ensure that the development strives to achieve these objectives.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application and the applicant has completed the relevant form.

Conclusion

Taking into account the above it is considered that the proposed change of use to a 9 room and 9 person House of Multiple Occupation (HMO) would on balance not be detrimental to the character of the area and amenities of the surrounding residential properties. The HMO is also considered to provide satisfactory living conditions for the future occupants.

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

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

Reason: To comply with Section 91 of the 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 37 of the Bromley Local Plan and in the interests of visual and residential amenity.

- 3 (a) The use hereby permitted shall be carried on only by Mr S Bragoli of Stoneridge Shortlands Ltd.**

(b) When the premises cease to be occupied/owned by Mr S Bragoli of Stoneridge Shortlands Ltd the use hereby permitted shall cease (and all materials and equipment brought on to the premises in connection with the use shall be removed).

Reason: In granting this permission the local planning authority has had regard to the special circumstances of the case and wishes to have the opportunity of exercising control over any subsequent use or change of user in the interest of the amenities of the area in the event of Mr S Bragoli of Stoneridge Shortlands Ltd vacating the premises and in light of any material considerations existing at the time in accordance with relevant Policies in the London Plan and Bromley Local Plan.

4 (a) 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 prior to construction of any above ground works

(b) The arrangements as approved under part (a) shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects

5 (a) Details of arrangements for bicycle parking (including covered storage facilities where appropriate) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works

(b) The arrangements as approved under part (a) shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

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

6 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 details as set out in this planning permission and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

Reason: In order to comply with Policy 30 of the Bromley Local Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

7 The permitted House of Multiple Occupation Use of the property shall provide accommodation for no more than 9 persons based on single occupancy residing in 9 different rooms at any one time.

Reason: In the interest of the residential character of the area and neighbouring residential amenities and the amenity of the area in general and in order to comply with Policy 37 of the Bromley Local Plan.