

Committee Date	04/02/2020	
Address	The Mitre 164 Croydon Road Penge London SE20 7YZ	
Application Number	19/05259/FULL1	Officer - Susanna Stevenson
Ward	Crystal Palace	
Proposal	Third floor extension above existing roof, four storey rear extension with basement and roof terrace and conversion of first and second floors to form 9 residential flats (2 no. one bedroom, 7 no. two bedroom) with retention of public house (Use Class A4) on ground and basement levels. Landscaping to include access ramp and stairs to the front of the building.	
Applicant	Agent	
Mr Jody Lyster	Mr Richard Loren	
6 Hardy Passage London N22 5NZ	Garden Studio 8A Muswell Hill London N10 3TD	
Reason for referral to committee	Controversial	Councillor call in No

RECOMMENDATION	REFUSE
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 32</p>
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Land use Details

	Use Class or Use description	Floor space (GIA SQM)
Existing	A4 with C3 above	A4 – 240 SQM C3 - 1 x 2 bedroom flat 1 x 4 bedroom flat
Proposed	A4 with C3 above	A4 – 240 SQM C3 - 7 x 2 bedroom flats (GIA 61–78sqm) 2 x 1 bedroom flats (GIA 51.1-55.4sqm)

Residential Use – See Affordable housing section for full breakdown including habitable rooms

	Number of bedrooms per unit				
	1	2	3	4 Plus	Total
Market	2	7			9
Affordable (shared ownership)					
Affordable (social rent)					
Total	2	7			9

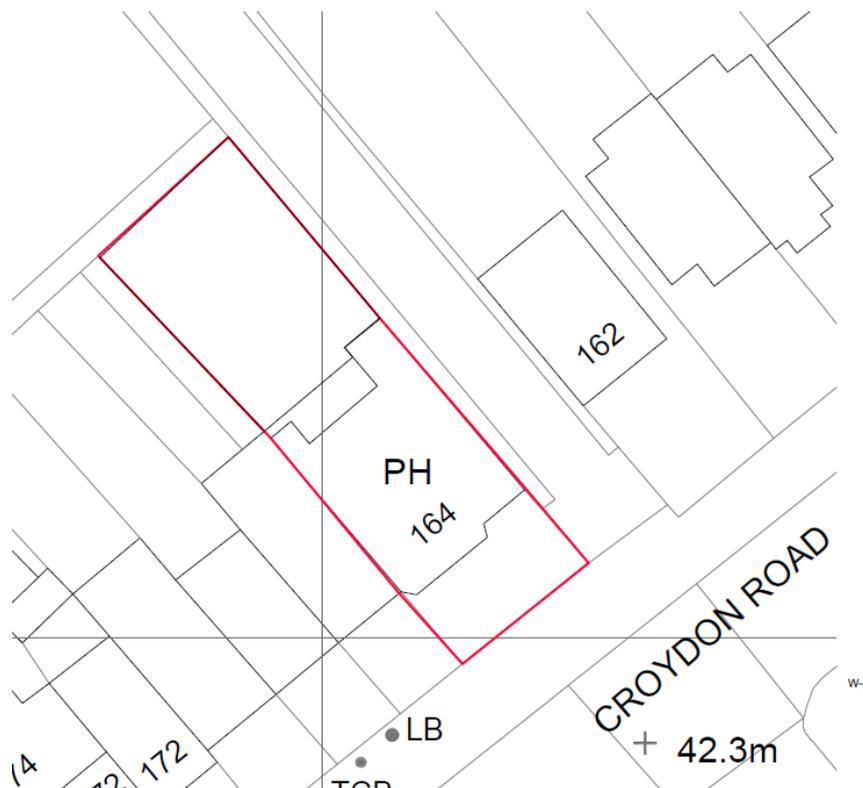
Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	0	0	0
Disabled car spaces	0	0	0
Cycle	0	23	+23

Representation summary	Site notice Press Advertisement (19/2/20 expiry) Letters to neighbouring residents
Total number of responses	17
Number in support	16
Number of objections	1

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The application site has a Public Transport Accessibility Level (PTAL) of 3 which is medium on a scale ranging from 6b (best) to 0 (worst)
- The surrounding area has been identified as being under parking stress, and the proposal would make no provision for parking associated with the development
- Limited information has been provided regarding the impact that the conditions to secure the residential amenity of prospective occupiers in proximity to the public house would have on the future operation/viability of the public house.
- While the proposal would make a moderate contribution to housing supply, in view of the quantum of development and lack of parking, it is not considered that this would outweigh the issues identified above.

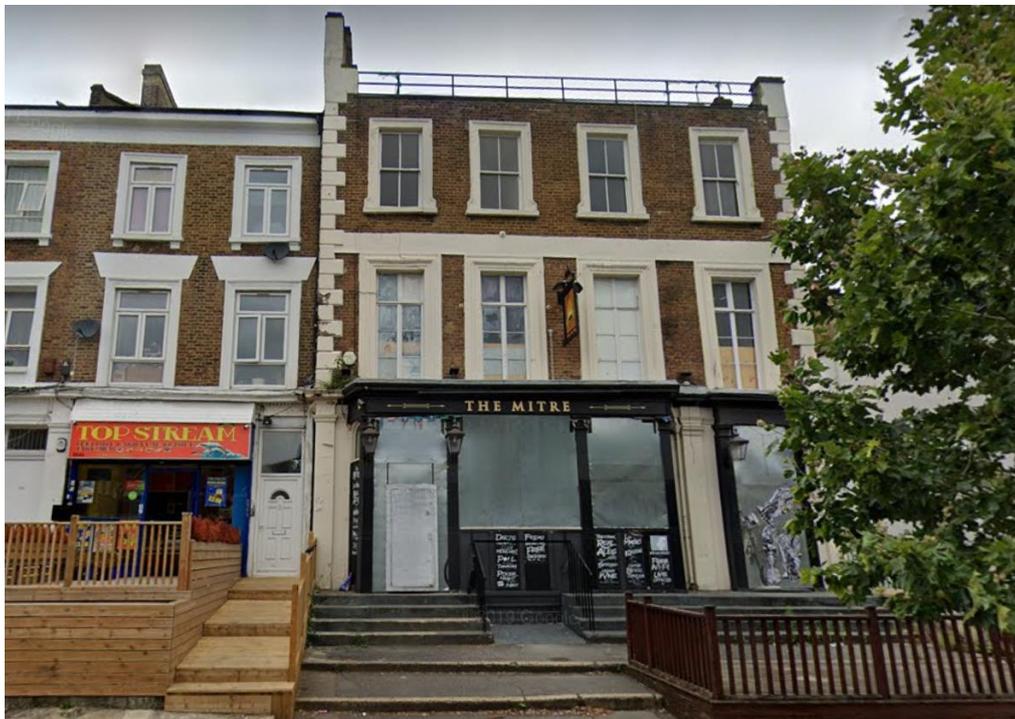
2. LOCATION



Site location plan

- 2.1 The application site lies on the north western side of Croydon Road and comprises a three storey end-of-terrace Victorian building. The use of the building is as a public house at ground floor/cellar level with residential accommodation above. The public house is currently vacant and the applicant has stated that the building has been occupied by squatters.

- 2.2 The site lies within an area with a PTAL of 3 and fronts the A213 Croydon Road. It does not lie within a Conservation Area and the host building is not listed.
- 2.3 The site is bounded to the north east by a wide access leading to a public recreation ground. To the south west the site adjoins the neighbouring three storey terraced building. To the rear of the site is a yard area, beyond which is a large area of amenity space serving a 1950/1960s three storey block of flats fronting Weighton Road.
- 2.4 The terrace within which the application building is sited is set at higher level than the adjacent pavement and road. The opposite end terrace property is higher than the host property and the mid terraced properties are narrower than each of the end of terrace properties.



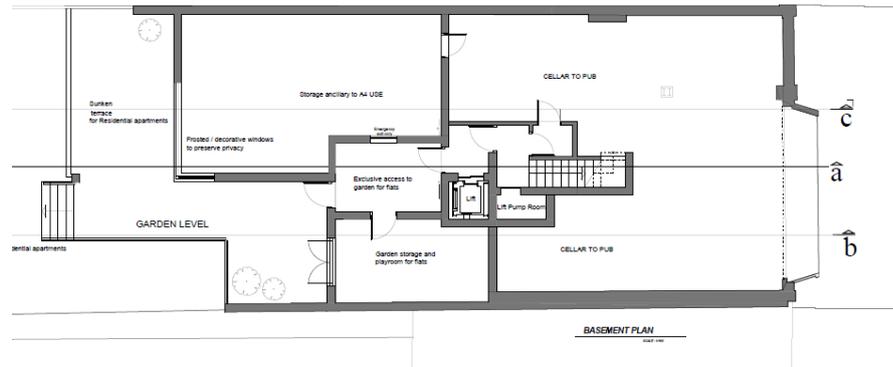
Application site

3. PROPOSAL



Proposed front and rear elevation

3.1 It is proposed to extend the host property upwards as well as to the rear, along with the enlargement of the existing basement. The front hardstanding would be landscaped and would incorporate refuse storage and separate pedestrian accesses for the public house situated within the ground/basement floors of the resultant building and the residential flats on the upper floors. It would include a ramped access for the residential entrance. At the rear there would be a communal amenity space for the flats, accessed at basement level at which level there would also be separate cellars for the public house and a garden store/playroom associated with the flats.



Proposed basement plan

3.2 At the rear of the building it is proposed to erect a four storey rear extension which would have an L-shaped footprint, with a depth of 5.7m at ground floor adjacent to the boundary (approx. 4.8m projection beyond neighbouring property), increasing to 11.5m at a distance of 4.9m from the boundary). The extension would replace existing single storey structures.



Proposed flank elevation facing park access

- 3.3 The extension would incorporate projecting balconies, with the balconies close to the party boundary being enclosed to each side.
- 3.4 An additional storey is proposed to be provided at roof level.
- 3.5 Elevational alterations are proposed to the outside north eastern flank elevation facing towards the public park access.
- 3.6 The materials used for the external surfaces of the extension would comprise yellow stock bricks to match the existing façade at the front, with light yellow stock bricks to the side/rear extension. The flat roof would match the existing roof.
- 3.7 Internal accommodation would provide 9 flats: 2 no. one bedroom/2 person, 6 no. two bedroom/3 person and 1 no. two bedroom/4 person units.
- 3.8 There is a rear garden of approx. 180 sqm which would be accessible to all residents and private balconies would serve all but two of the flats (Flats 2 and 6).
- 3.9 The application was supported by the following documents:
 - Parking provision analysis
 - Parking survey/parking space review
 - Design and Access Statement
- 3.10 In addition, during the course of the application additional information has been provided, along with a supporting statement from the applicant relating to the parking stress/highways issues and in relation to housing need. The application was amended through the submission of revised drawings amending the outside flank elevation as well as the ground floor/basement public house and residential amenity space provision. The applicant has proposed a number of provisions in relation to mitigation of the impacts of the public house upon the intensified residential use, and these are referred to in greater detail later in this report.

- 3.11 The applicant has also provided as background/in support a letter from the SoS for Housing, Communities and Local Government addressed to the Mayor, relating to the Intend to Publish London Plan. The applicant also refers to parking requirements in the ItP London Plan. Correspondence further refers to the London Economic Plan, information relating to car ownership and age groups, stating that the units are intended to serve young people and couples.

4. RELEVANT PLANNING HISTORY

4.1 15/00225/FULL1

In 2015 planning permission was granted for the installation of external staircase to rear of building.

- 4.2 19/03623/FULL1 – An application for a similar proposal to the current scheme was withdrawn.

5. CONSULTATION SUMMARY

A) Statutory

Highways - Objection

The site has a PTAL of 3 (medium) and there is a pelican crossing with zig-zag marking outside the premises. No car parking would be provided. This is contrary to the residential parking standards of the Bromley Local Plan. Car ownership within the Crystal Palace Ward is 0.57 spaces per household which would translate to 5 car parking spaces. The submitted parking survey shows 88% and 83% occupancy overnight. It is generally considered that an area is subject to parking stress at a threshold of 80%. On this basis it is considered that on-street local parking is under stress and cannot accommodate a likely increase in demand resulting from the proposals. The number of units should be reduced.

Drainage (lead local flood authority) - No objection

A pre-commencement drainage condition is recommended should permission be granted.

B) Local Groups

Bromley CAMRA – proposal is likely to lead to the loss of a viable pub, contrary to Policy 23 of the BLP and HC7 of the new London Plan. There will be conflict between the pub and residential use. The upper residential use would constrain the pub's operations. Sound insulation required to protect residents above would increase noise levels within the pub. Pub would lose its rear garden and access to the rear garden would be through the basement of the pub. Lack of information on kitchen facilities and the layout of the pub. No staff accommodation would be provided. There is no suggestion that the Mitre was previously unviable as a pub. If permission is granted, the Council should impose conditions preventing the occupation of any of the residential units before the opening of

the pub and ensuring at least one of the units is allocated for the pub manager and/or staff.

C) Adjoining Occupiers

A number of letters of support have been received, with comments summarised as follows:

- Development will improve streetscape and repurpose a dilapidated building
- Will provide additional accommodation for local residents and young couples
- Will bring pub back into use
- Pub will be used by local groups and contribute to community
- Building recently occupied by squatters
- Owners held a local community workshop
- Excellent design would marry Victorian architecture with modern living requirements

6. POLICIES AND GUIDANCE

6.1 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.

6.2 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.

6.3 The development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.

6.4 The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application.

6.5 The draft new London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This is the version of the London Plan which the Mayor intends to publish, having considered the report and recommendations of the panel of Inspectors. Where recommendations have not been accepted, the Mayor has set out a statement of reasons to explain why this is.

6.6 The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan

6.7 Ahead of publication of the final plan, the SoS can direct the Mayor to make changes to the plan. This affects the weight given to the draft plan. At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations.

6.8 The application falls to be determined in accordance with the following policies:-

6.9 **National Policy Framework 2019**

6.10 **NPPG**

6.11 **The London Plan**

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.12 Road Network Capacity.
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- 7.19 Biodiversity and Access to Nature

- 7.21 Trees and Woodlands
- 8.3 Community Infrastructure Levy

6.12 Draft London Plan

- H1 Increasing Housing Supply
- H2 Small sites
- H5 Threshold Approach to application
- H10 Housing Size Mix
- D1 London's form and characteristics
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D13 Agent of change
- D14 Noise
- S4 Play and informal recreation
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI1 Improving air quality
- SI4 Managing heat risk
- SI5 Water infrastructure
- SI7 Reducing waste and supporting the circular economy
- SI12 Flood risk management
- SI13 Sustainable drainage
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential Parking

6.12 Bromley Local Plan 2019

- 1 Housing supply
- 4 Housing design
- 8 Side Space
- 23 Public Houses
- 30 Parking
- 32 Road Safety
- 33 Access for All
- 34 Highway Infrastructure Provision
- 37 General design of development
- 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

6.13 **Supplementary Planning Guidance**

Mayor Supplementary Guidance

Supplementary Planning Guidance 1: General Design Principles

Supplementary Planning Guidance 2: Residential Design Guidance

Technical housing standards - Nationally Described Space Standard (March 2015)

7. ASSESSMENT

7.1 Principle of development – Acceptable

7.1.1 The NPPF (2019) sets out in paragraph 11 a presumption in favour of sustainable development.

7.1.2 A planning appeal decision was issued on 26th June 2019 that has implications for the assessment of planning applications involving the provision of housing. The appeal at Land to the rear of the former Dylon International Premises, Station Approach Lower Sydenham SE26 5BQ was allowed. The Inspector concluded that the Local Planning Authority cannot support the submission that it can demonstrate a five year housing land supply having given his view on the deliverability of some Local Plan allocations and large outline planning permissions. According to paragraph 11d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'.

7.1.3 In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.1.4 This application includes the provision of nine residential units in place of the existing 2 flats above the public house. This would represent a minor contribution to the supply of housing within the Borough. This aspect of the proposal will be considered in the overall planning balance set out in the conclusion of the report having regard to the presumption in favour of sustainable development.

7.1.5 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.

- 7.1.6 Policies including 3.3 of The London Plan 2016, 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.
- 7.1.7 Policy 23 of the Bromley Local Plan relates to public houses and states that the loss of a public house will be resisted unless key criteria can be met, including there being alternative public house provision locality and it being possible to demonstrate lack of viability for the existing premises. In this case the applicant has emphasised that the public house will be retained, and the description of development tallies with this. However it will fall to be considered whether the increased residential intensity of the upper and extended floors would be capable of being implemented without impacting on the continued operation of the public house.
- 7.1.8 It is considered that the extension of the host building and the provision of additional residential units would be acceptable in principle, subject to consideration of the highways and environmental health impacts of the proposal, the standard of accommodation, impact on neighbouring amenity and the visual amenities of the area.

7.2 Density - Unacceptable

- 7.2.1 Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Chapter 7 of the plan and with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL).
- 7.2.2 The site has a moderate PTAL rating of 3 (No. 158 to the north east lies within a PTAL 4 grid) and is within an urban setting. In accordance with Table 3.2, the recommended density range for the site would be 55-145 dwellings per hectare.
- 7.2.3 The proposed development based on a site area of approx. 420m² (0.042ha), would have a density of 214 dwellings per hectare. This exceeds the density range (units per hectare) for the PTAL rating of the site of 3.
- 7.2.4 A numerical calculation of density is only one aspect in assessing the acceptability of a residential development and Policy 3.4 is clear that in optimising housing potential, developments should take account of local context and character, design principles and public transport capacity/parking which are assessed below. Failure to take account of local character and public transport capacity/parking in tandem with a density exceeding the density ranges provided within the London Plan may be indicated of a site being developed at excessive density, notwithstanding an assessment of acceptable design (layout, scale, height and massing).

7.3 Design (Layout, scale, height and massing) - Acceptable

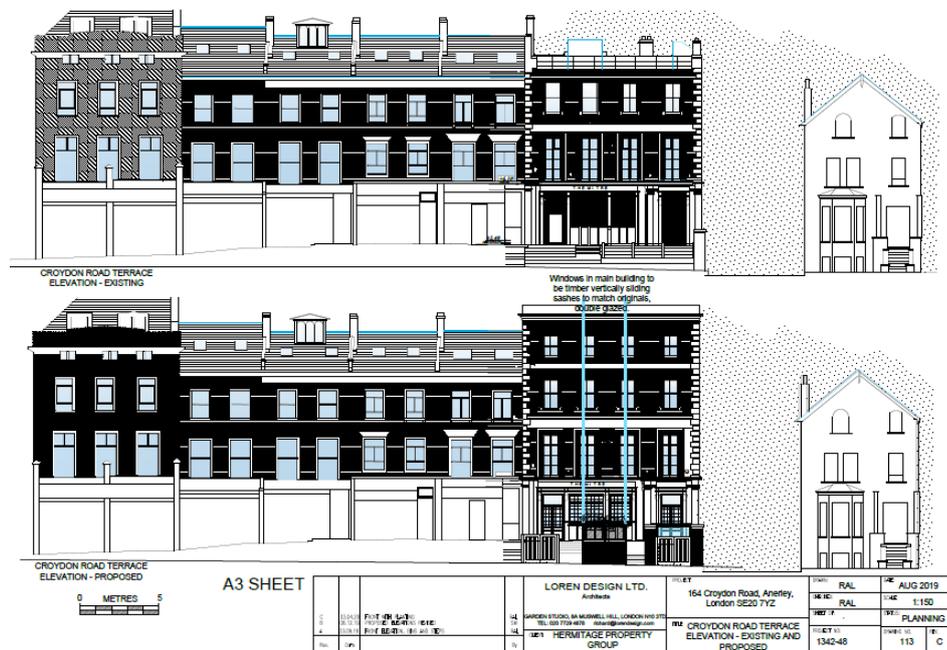
- 7.3.1 Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 7.3.2 Paragraph 124 of the NPPF (2019) states that the creation of high 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.
- 7.3.3 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.
- 7.3.4 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.3.5 Policies 3.4 and 3.5 of the London Plan reflect the same principles. Policy 3.4 of the London Plan 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.
- 7.3.6 The public realm is also an important aspect of any development as it ensures that the development is integrated into and enhances the existing character and use of the area. All residential and commercial development is required by policy to contribute towards good design which extends to the consideration of the public realm (London Plan Policy 7.5).
- 7.3.7 Policies 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass;

contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; is informed by the surrounding historic environment.

- 7.3.8 Policy 7.6 of the London Plan states that buildings and structures should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm; comprise details and materials that complement, not necessarily replicate, the local architectural character; not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.
- 7.3.9 Policy 7.8 of the London Plan states that development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate. Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 7.3.10 Policy 4 of the Bromley Local Plan details that all new housing developments will need to achieve a high standard of design and layout whilst enhancing the quality of local places respecting local character, spatial standards, physical context and density. To summarise the Council will expect all of the following requirements to be demonstrated: The site layout, buildings and space around buildings be designed to a high quality, recognising as well as complimenting the qualities of the surrounding areas; compliance to minimum internal space standards for dwellings; provision of sufficient external, private amenity space; provision of play space, provision of parking integrated within the overall design of the development; density that has regard to the London Plan density matrix whilst respecting local character; layout giving priority to pedestrians and cyclists over vehicles; safety and security measures included in the design and layout of buildings; be accessible and adaptable dwellings.
- 7.3.11 Policy 8 of the Bromley Local Plan details that when considering applications for new residential development, including extensions, the Council will normally require for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the building or where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space.
- 7.3.12 Policy 37 of the Bromley Local Plan details that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. To summarise - developments will be expected to meet all of the following criteria where they are relevant; be imaginative and attractive to look at, of a good architectural quality and should complement the scale, proportion, form, layout and materials of adjacent buildings and areas; positively contribute to the existing street scene and/or landscape and respect important views, heritage

assets, skylines, landmarks or landscape features; create attractive settings; allow for adequate daylight and sunlight to penetrate in and between buildings; respect the amenity of occupiers of neighbouring buildings and those of future occupants; be of a sustainable design and construction; accessible to all; secure; include; suitable waste and refuse facilities and respect non designated heritage assets.

7.3.13 The site needs to be considered within its urban context in relation to its location within a terrace of ground floor commercial properties with residential above. The terrace's appearance at present is somewhat unbalanced as a consequence of the height of the other end of terrace property at No. 174 Croydon Road. The proposal would 'bookend' the existing corresponding end-of-terrace property and when viewed from the front would have an attractive appearance, utilising design features that would complement the host building and the terrace as a whole. The bulk and scale of the resultant building would not appear disproportionate in the context of the street elevation.



7.3.14 The property as enlarged would appear appreciably larger than the adjacent detached villa at 162 Croydon Road, but it is important to note that these buildings are separated by the approx. 6.6m width of the park access.

7.3.15 The flank elevation onto this access would be substantially deep but has been designed with period detailing to the front proportion on the building, to contrast with the more contemporary window detailing in the rear projecting element, which serves to provide a visual transition. Furthermore, while the proposal would result in greater bulk and height of rear projection parallel with the flank boundary with the park, this is not considered in view of the separation between buildings and the rear projection at the opposite end of the terrace, at No. 174, to result in a cramped or incongruous appearance. Overall, the bulk and scale of the scheme is generally considered acceptable.

- 7.3.16 It is noted that there is no gap to the flank boundary with the park access. However, owing to the width of that access and the grassed buffer strips to either side of the access as well as the overall separation to the nearest building, it is not considered that the proposal would result in a cramped appearance or unrelated terracing.
- 7.3.17 In terms of the general design approach, Paragraph 7.21 of the London Plan states that architecture should contribute to the creation of a cohesive built environment that enhances the experience of living, working or visiting in the city. This is often best achieved by ensuring new buildings reference, but not necessarily replicate, the scale, mass and detail of the predominant built form surrounding them, and by using the highest quality materials. Contemporary architecture is encouraged, but it should be respectful and sympathetic to the other architectural styles that have preceded it in the locality.
- 7.3.18 The design of the development draws upon period detailing in the front elevation and the front part of the outside side elevation, with the remainder of the development having a contemporary appearance. The design approach mixes period and contemporary detailing, and has sought in the part of the development most immediately associated with the existing building to take local reference of materials within its finished façade.
- 7.3.19 To the street level the proposal restores and emphasises the shopfront associated with the retained public house, with enhanced landscaping to the front of the entrance. This is welcomed and is considered to represent an improvement over the existing site frontage, contributing to the visual amenities of the street scene.
- 7.3.20 On balance, the design approach of the period/contemporary design along with the commercial frontage proposed responds positively to local context and is considered to be an appropriate design response to the mixed character of neighbouring sites and appears as a balanced addition to the streetscene/terrace.

7.4 Neighbourhood Amenity - Acceptable

- 7.4.1 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.
- 7.4.2 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.
- 7.4.3 The main impact of the proposal in terms of neighbouring amenity would relate to the adjoining property at No. 166 Croydon Road. That property was subject of an extension and internal modifications granted planning permission in 2012 under reference 12/01236/FULL1. The internal floor plans indicate that the windows in

that building adjacent to the boundary serve a stairwell at first, second and third floor levels and a commercial lobby at ground floor level. The other rear facing windows, set further from the party boundary, serve a shop extension at basement and ground floor level, kitchens at first and second floor level and a bedroom at third floor level.

- 7.4.4 The proposed extension would be substantially deep and tall. However, the rear elevation has a stepped design, with the part of the extension adjacent to the boundary having a less significant rearward projection of approx. 3m. Taking this into account alongside the apparent internal layout of the adjacent residential properties in the upper floors of the adjoining property, it is not considered that the proposal would result in a significant impact on outlook.
- 7.4.5 The proposed extension would lie to the north of the rear elevation of No. 166 and as such would have a limited impact in terms of loss of light and overshadowing. No.162 lies to the north east of the application site, and while the depth of the extension to the rear of the host building would have potential to impact on daylight and sunlight to the rear of that property, there is generous separation of more than 6m to the neighbouring site. Furthermore, the intervening space comprises a tree lined access to the park at the back of the properties, and therefore the visual impact and impact in terms of daylight and overshadowing would be mitigated by the trees adjacent to No. 162.

7.5 Unit mix - Acceptable

- 7.5.1 The proposal incorporates a range of unit sizes, from 1 bedroom/2 person flats to one 2 bedroom/4 person split level flat. The majority (six) of the flats would comprise 2 bedroom/3 person units.
- 7.5.2 This mix of units is considered acceptable taking into account the conversion element of the development proposals and the site's location in an urban area within which flatted development of a range of unit sizes is characteristic.

7.6 Standard of outlook and amenity for future occupiers - Acceptable

- 7.6.1 In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.
- 7.6.2 Policy 4 of the Local Plan sets out the requirements for new residential development to ensure a good standard of amenity for future occupiers. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing

SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Technical Housing Standards.

- 7.6.3 The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.
- 7.6.4 The Design and Access statement confirms that 6 of the flats with living accommodation at the rear are fully accessible by wheelchair. The application indicates the provision of a front access ramp and internal lift access.
- 7.6.5 The nationally described space standards require various GIA in relation to the number of persons, floors and bedrooms mix. The indicated provisions have been reviewed on this basis and the floorspace size for almost all of the units is compliant with the required standards and is considered acceptable. It is noted that the GIA of Flat 6 which is a 2b/4p two storey flat would be 78sqm where the space standards indicate a minimum of 79sqm.
- 7.6.6 The shape and room size in the proposed units is generally considered satisfactory for the units where none of the rooms would have a particularly convoluted shape which would limit their specific use. A good level of outlook is achieved within these units and on balance they are considered to provide a suitable level of accommodation.
- 7.6.7 In terms of amenity space this would be provided by way of a communal garden at the rear and private terraces for most of the flats. Exceptions to the provision of private amenity space are units 2 and 6. Unit 6 is a two bedroom/4 person flat and Unit 2 is a two bedroom/3 person flat. On balance and taking into account the site's location adjacent to a park and including a sizeable communal garden, this is considered acceptable.

7.7 Transport - Unacceptable

- 7.7.1 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.
- 7.7.2 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.

- 7.7.3 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.
- 7.7.4 The proposal would provide no car parking spaces. It would however provide 23 no. cycle parking spaces within the site.
- 7.7.5 Technical highways objections have been raised regarding the lack of car parking provision to serve the needs of the development. It was recommended that to address this, the number of units proposed should be reduced, to result in a commensurate reduction in the parking demand associated with the development.
- 7.7.6 While the application is supported by a parking stress survey, it is noted that the submitted survey indicates that the locality is under some parking stress at present. In this context, the provision of 9 units of residential accommodation within the application site in a moderate PTAL area (PTAL of 3) is considered likely to increase the stress upon parking spaces in the locality.
- 7.7.7 The applicant has provided additional information in response to the highways objections. It refers to the parking survey following the Lambeth Methodology which identified a 12/17% availability overnight of parking spaces within 200m of the development site. The application follows a previously withdrawn proposal which included a housing mix with a number of 3 bedroom units, with the size of units reduced in order to have a commensurate reduction in parking demand associated with the development. (The withdrawn scheme also comprised a 9 unit development – there has been no reduction in the number of units proposed).
- 7.7.8 The applicant also states that while the site has a PTAL rate of 3, land within 50m of the site is rated with a PTAL of 4. The information refers to the applicant's assessment of transport accessibility, citing the nearby bus routes (including a Night Bus) and the distance to Anerley and Birkbeck railway stations (750m and 880m distant respectively). The information also refers to the proximity to a Tesco Express store and an Aldi supermarket.
- 7.7.9 It is appreciated that the site's characteristics limits the potential to provide on-site parking (including any disabled parking) and this is considered to represent a constraint that would limit the extent to which the site can provide a development of the density/number of units proposed.
- 7.7.10 While the applicant has made an assessment of the site's public transport accessibility, there is no doubt that the site has been identified as having a PTAL rating of 3, using the TfL mapping tool. The assessment of a site's Public Transport Accessibility is made in the context of the connectivity of a site in relation to public transport routes, taking into account factors including walking speed, distance, reliability of the transport mode.
- 7.7.11 It is not for the Council to dispute that the TfL calculation has been made in the context of the correct available information. The PTAL report for the site refers to

Anerley and Birkbeck railway stations, the walking time/distance to these facilities, and chimes with the applicant's own information. While for the purposes of the application it would be to the advantage of the developer for the site to have a higher PTAL rating, this is not the case with this specific application site. Going on the PTAL assessment and available information, while the site is located in an urban area, the PTAL rating for the site is only moderate. This has an impact on the assessment of parking demand and need associated with the development, since the higher the rating, the better the public transport accessibility, and the less likely that car ownership and use will require the provision of on-site or on-street parking.

7.7.12 While the application and submitted consultant's report interprets that the 12/17% overnight on-street availability within 200m means that there is sufficient on-street capacity to avoid there being unacceptable parking stress, the Highways Officer specifically notes that it is widely considered that an area is subject to parking stress at a threshold of 80%. The statistics provided are not disputed by either party, but the interpretation of how this relates to an assessment of parking need/stress fundamentally diverge.

7.7.13 It falls to consider whether the application in all other respects is considered acceptable, and whether if so, on balance the provision of additional housing would outweigh the concerns regarding the density of development/number of units in conjunction with the lack of any parking provision.

7.8 Environmental Health - noise /air quality – Unacceptable

7.8.1 Policy 119 of the Bromley Local Plan relates to noise pollution and states that new noise sensitive development should be located away from existing noise emitting uses unless it can be demonstrated that satisfactory living and working standards can be achieved and that there will be no adverse impact on the continued operation of the existing use.

7.8.2 Due to the location of the additional residential units in close proximity to the public house below, the extent to which the proposed residential flats would be vulnerable to noise and disturbance associated with the commercial uses of the neighbouring units within the street should be taken into consideration.

7.8.3 Detailed comments have been received from a technical Environmental Health perspective. These are available on file. On the basis of the application as originally submitted there was some doubt regarding the appropriateness/efficacy of a pre-commencement noise impact assessment and subsequent mitigation/insulation condition in view of the lack of clarity regarding whether there would be an impact, its severity and whether mitigation measures would be capable of addressing impact.

7.8.4 It is noted that the existing building accommodates 2 large flats on the existing upper floors of the building above an existing Public House. The proposal, through enlarging the building and re-configuring internal space, would result in an additional 7 units, with a more intense residential use than currently exists.

- 7.8.5 In response to the concerns expressed from an EH perspective regarding the impact of the public house's use upon the residential amenities of prospective occupants, the applicant provided additional information/assurances and amended the scope of the public house's future operation/facilities.
- 7.8.6 The applicant is willing to accept a pre-commencement condition requiring the undertaking of an acoustic assessment. The amended proposal no longer includes the provision of external front and rear seating associated with the public house. The A4 part of the basement would be wholly used as cellarage/storage rather than as part of the public bar. The applicant has agreed that a condition restricting the use to prohibit live entertainers/musical amps and equipment/playing of music/dancing/live events could be applied, and further suggested that the hours of use could be limited to 12.00 – 21.00 Mondays to Saturdays only (no opening on Sundays). No provision of smoking areas associated with the public house would be made.
- 7.8.7 On the basis of these amendments/provisions, the EH officer accepts that the effect of these changes is to overcome many of the noise issues raised by Environmental Health, subject to a pre-commencement condition relating to the noise impacts and sound insulation between the retained A4 use and the residential flats above.
- 7.8.8 The Environmental Health comments justify the pre-commencement condition on the basis that where a micro-pub is popular, it can be difficult to address even spoken noise, as patrons use raised voices to make themselves heard. The condition will require a pre-commencement noise assessment and proposed sound insulation and isolation scheme to address and overcome this, notwithstanding the additional prohibition of additional noise associated with music, live events, amplification and hours of operation through compliance conditions.
- 7.8.9 The Environmental Health officer also queries the impact that the degree of restrictions necessary to limit impact on residential properties would have on the operation of the A4 unit, acknowledging that this falls outside of the remit of Environmental Health.
- 7.8.10 In response to the EH comments the applicant has stated that a closing time of 11pm would be preferable. However, the Environmental Health comments referred to the applicant's own amendment/offering which was provided in order to reach a position where a pre-commencement condition may be appropriate rather than requiring the in-application submission of the noise assessment/detailed mitigations.
- 7.8.11 The scope of the limitations on the use of the A4 public house is extensive and the implications of these prohibitions upon the viability of the continued use of the unit (including the preclusion of Sunday opening and closure 9pm Monday to Saturday), may be significant. It is noted that concern has been expressed regarding the impact of the increased residential use of the site on the public house.
- 7.8.12 On balance, while the EHO may be satisfied that a pre-commencement condition in tandem with conditions restricting the operation of the public house may protect the amenities of neighbouring residents, the officer also raised the suggestion that

these restrictive conditions may impact on the viability of the public house, and it is important to note that the comments were provided on the basis of the applicant's offering of a 9pm closure.

7.8.13 There is on balance some uncertainty in the absence of a Noise Assessment and mitigation strategy that the more common closing hours of 11pm (as latterly suggested as preferable by the applicant) would be capable of operating comfortably alongside the residential dwellings proposed. However if Members were minded to grant planning permission it would be possible to impose a planning condition restricting the hours of operation to the 9pm closing referred to originally by the applicant and taken into account by the Environmental Health Officer.

7.8.14 Nevertheless, should permission was granted by the Local Planning Authority subject to conditions including restricted hours of operation, the LPA could potentially be in the position of rendering the long term operation of the public house unviable. It may therefore be inappropriate in the absence of an appropriate technical assessment/report at this stage to conclude that the normal operation of a public house and the proposed intense residential development would be mutually compatible.

7.8.15 The application site lies within an Air Quality Management Area and it was recommended that a pre-commencement condition be imposed to require the submission and approval of an Air Quality Assessment, Air Quality Neutral Assessment, Air Quality Dust Risk Assessment and that a wider Construction Management Plan should include a Dust Management Plan.

7.9 Drainage and flooding - Acceptable

7.9.1 The drainage officer has recommended the use of a pre-commencement condition relating to surface water drainage.

7.10 Sustainability - Acceptable

7.10.1 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.

7.10.2 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.

7.10.3 The Design and Access Statement states that the proposal has been designed to the requirements outlined within the Lifetime Homes and Code for Sustainable

Homes. Bromley 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 and if planning permission is granted an informative is recommended to ensure that the development strives to achieve these objectives.

7.11 CIL

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

8. CONCLUSION

- 8.1 It is noted that a number of representations were received which expressed support for the proposals, referring particularly to the re-use of the public house, the design of the development and the provision of housing for young couples and locals. The public house's potential as a community facility was welcomed by a number of local residents.
- 8.2 However, while the overall appearance of the development is, on balance, considered acceptable despite the height and depth of the rearward extension, it is considered that the number of units proposed in relation to the site's location would result in a development of excessive intensity, contributing to parking stress within the locality.
- 8.3 The applicant has made a number of revisions/amendments to the application as well as providing further detail regarding the proposed use of the public house in an attempt to address Environmental Health concerns regarding the impact of the public house use on the flatted development which would be significantly more intensive than the current residential use within the upper floors.
- 8.4 It is considered that in the absence of a noise impact assessment providing comfort regarding the impacts of the use in conjunction with the intensive residential development and confirming that mitigation measures would be capable of being undertaken such that would some freedom of operation and more relaxed opening hours than those recently proposed (closing at 9pm), the proposal would potentially threaten the long term viability of the unit as an A4 public house.
- 8.5 The proposal would make a modest contribution to housing supply, representing an increase in the number of units at the site of 7 additional units. On balance, taking into account all relevant material planning considerations and the concerns identified above, it is not considered that this contribution to housing supply would outweigh the potential adverse impacts associated with the proposals.

RECOMMENDATION: REFUSE PLANNING PERMISSION

- 1. The application site lies within a medium PTAL location and no car parking is provided. Insufficient information has been received to conclude that the intensity of the residential development without parking provision would not result in additional on-street parking demand in an area within which there is already parking stress. As such the proposal may result in unacceptable**

increased on-street parking demand contrary to Policies 30 and 32 of the Bromley Local Plan and Policies 6.12 and 6.13 of the London Plan.

Any other planning grounds considered necessary by the Assistant Director of Planning.