

Committee Date	28/05/20	
Address	Public Conveniences In Arpley Square High Street Penge London	
Application Number	19/04276/FULL1	Officer - Catherine Lockton
Ward	Penge And Cator	
Proposal	Change of use and two storey extension to create a part one/three storey building comprising retail unit at ground floor level and 2 x 1 bedroom flats on the first and second floors (Use Class C3)	
Applicant	Agent	
Tadworth Hotels Ltd C/O Caridon Developments Ltd	Mr Tom Tanner Caridon Developments Ltd Caridon House 1 Laud Street Croydon CR0 1ST	
Reason for referral to committee	Significant objections	Councillor call in No

RECOMMENDATION	PERMISSION BE GRANTED
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Primary Shopping Frontage Smoke Control SCA 32 Adjacent to Conservation Area</p>
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Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Public Convenience	79sqm
Proposed	A1 Retail	79sqm

Residential Use – See Affordable housing section for full breakdown including habitable rooms					
	Number of bedrooms per unit				
	1	2	3	4 Plus	Total / Payment in lieu
Market	2	0	0	0	2
Affordable (shared ownership)	0	0	0	0	0
Affordable (social rent)	0	0	0	0	0
Total	2	0	0	0	2

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	0	0

Electric car charging points	0
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Representation summary	<i>Adjoining neighbours and those that has provided representations on the previous application at the site (ref: 19/01710/FULL1) were consulted by letter on 23.10.2019 and on 03.02.2020 (following receipt of Revised Plans). A Press Advert was also published on 06.11.2019.</i>
Total number of responses	7
Number in support	0
Number of objections	7

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would bring a vacant building back into use to provide a mixed use development with an additional retail unit and two new residential dwellings within a District Town Centre setting.
- The development would provide accommodation of a good standard of amenity for prospective occupants.
- The development would not result in a significant loss of amenity to local residents.
- The development would not result in significant highways impacts.
- The development would not result in a detrimental impact on the character of the area within which it lies.

2 LOCATION

2.1 The application site is located to the rear of No. 128 High Street Penge and comprises a former public conveniences building. It is accessible on foot through Arpley Square from the high street and by car from the rear from Burham Close.



Location Plan



- 2.2 The rear of the building lies next to a service yard that also appears to be used as customer/staff parking for nearby shops including delivery vehicles for Iceland supermarket which is situated within the Blenheim Centre. The Blenheim Centre and attached multistorey car park lie to the south-west of the application site.



Rear Elevation (view from service yard at rear)

- 2.3 To the front of the site, on High Street Penge, are rows of two and three storey buildings with commercial use at ground floor; many have residential above.



Front Elevation (view from Penge High Street)

- 2.4 The site is located within Penge Town Centre is classified as a District Centre and the front of the site is part of the designated Primary shopping frontage.
- 2.5 The site is immediately adjacent to the Penge High Street Conservation Area which covers the area to the north and west of the site including the pedestrian

access which creates Arpley Square.

3 PROPOSAL

- 3.1 Planning permission is sought for the change of use and two storey extension to create a part one/three storey building comprising retail unit at ground floor level and 2 x 1 bedroom flats on the first and second floors (Use Class C3).
- 3.2 The proposed development would include the change of use of the existing ground floor of the building from the vacant public conveniences to retail shop with cycle store and bin store and the construction of a two storey extension above the existing footprint of the building to create a part one/three storey building.
- 3.3 Revised plans were received on 30.01.20 to indicate changes to the design of the proposed development and internal layout changes. Further revised plans were received on 17.02.20 to indicate an existing first floor window within the rear of No. 126-128 High Street on the West elevation as proposed (drawing 429-IM/006 REV R11) which had been omitted from the drawings received 30.01.20; and to show the high level windows within the bedrooms of the flats at first and second floor within the north elevation of the proposed development on the First Floor as proposed and Second floor as proposed (drawing 429-IM/003 REV R11).
- 3.4 The proposed extension to create the three storey element to the building would measure 9.5m by 7.2m and would align with the eastern, southern and western walls of the existing structure leaving an area 7.2m by 2.3m to the northern side at single storey. The three storey building would have a hipped roof with a ridge height of 10.25m from ground level. The single storey element of the building would have a flat sedum roof of approximately 3.7m in height.
- 3.5 The ground floor of the building would be converted into a retail unit with an ancillary shower room to the rear, a bin store to the rear accessed externally only and a communal entrance staircase to the flats above. The communal entrance door to the flats would be located within the southern side elevation of the building. A cycle store accessed externally only is proposed within the existing small single storey front projection.
- 3.6 The first and second floors of the proposed development would provide two 1-bedroom flats with each flat occupying a floor and accessible by a communal stairwell within the south-western corner of the building. Each flat would be self-contained with its own internal entrance door and would include a bedroom, bathroom and combined kitchen/living area.
- 3.7 The ground floor front (east) elevation of the building would contain two large aluminium framed windows with stallrisers either side of a glazed front entrance door. A rendered fascia would sit above the top of these windows and doors. Within the ground floor southern side of the building there would be another large aluminium framed window to serve the proposed retail unit and the entrance door to the flats above. A door would also be located within the

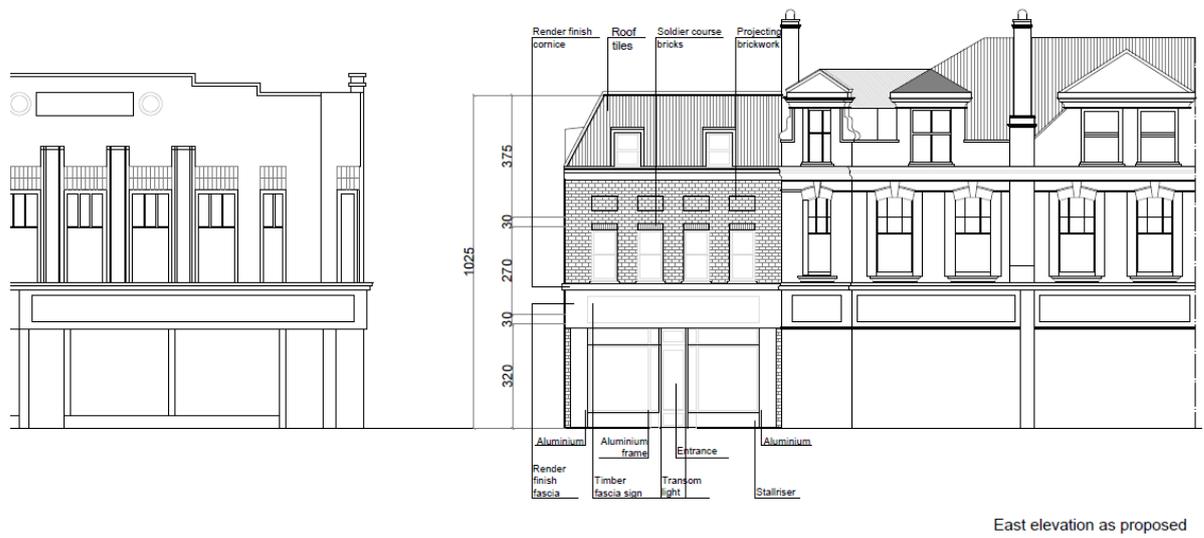
southern side of the existing single storey front projection which would serve the proposed cycle store. Four windows are proposed within the ground floor rear (west) elevation to serve the stairway and shower room to the rear of the retail unit. One window to serve the retail unit and a door to serve a bin store are proposed within the ground floor northern side elevation.

3.8 The first floor of the building would include four front windows, three windows and a recessed brickwork false window within the south side elevation, four rear windows and a wide high level window within the northern side elevation.

3.9 The second floor of the building would include two front dormer windows, two south side dormer windows, four rear dormer windows and a wide high level window within the northern side roof slope.

3.10 The proposed extension would be finished with brick walls and tiles to the roof. The proposed ground floor shopfront would include a rendered fascia.





Proposed Front Elevation



3-D Sketch image – Front Elevation Proposed



View from the parking

3-D Sketch image – Rear Elevation Proposed

4 RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 Under ref: 19/01710/FULL1, planning permission was sought for a first and second floor extension to form a three storey building and change of use from public conveniences to an 8 bedroom House in Multiple Occupation (HMO) (sui generis). This application was withdrawn by the Applicant prior to determination.

5 CONSULTATION SUMMARY

A) Statutory

Highways – No objection

- The site is located within a PTAL rate of 4 (on a scale of 0-6b where 6b is most accessible).
- No vehicular access is indicated on the submitted plans. However, it seems the only access is from Blenheim Road/Burham Close via a service road leading to the site.
- No car parking indicated; this may be acceptable. However, the applicant has carried out stress surveys on 03rd and 04th April 2019. The survey concludes that there remains some parking capacity within a 200m walk of the vicinity of the site.

- Cycle parking – London Plan should be adhered to; therefore 2 spaces should be provided.
- Refuse storage – none is indicated. Swept path analysis for a refuse vehicle entering the exiting the site is illustrated, showing that it's tight but achievable.
- If minded to approve please include the following conditions with any permission; refuse storage, cycle parking, construction management plan, restriction on parking permits, car club membership.

B) Local Groups

No comments received.

C) Adjoining Occupiers

Unsuitable location for a residence (addressed in para 7.1.11 and 7.3.12)

- At the McDonalds epicentre of anti-social behaviour.
- Very high noise levels all day and all night from delivery lorries, vans, bikes and McDonalds customers.
- Vehicle pollution from both sides of the flat.
- Concerns about the quality of accommodation considering the location.
- Safety concerns for occupants of the new flats due to location next to a 24hr McDonalds.

Loss of amenity to neighbours (addressed in paragraphs 7.4.2-7.4.12)

- Invasive to those in the building directly next to it making them feel walled in.
- Loss of view.
- Blocking light to neighbouring flats due to height of building.
- Invasion of privacy.
- The development would affect the entrance to the flats at 126-128 High Street.
- Further noise and disruption to neighbouring residents.
- Overlooking to the flats and balconies at 126-128 High Street.
- There should be no unlawful modifications to neighbouring property.
- Potential use of sedum flat roof as a balcony would cause loss of privacy.
- Concern that any building work would provide to potential criminal activity to outside area of flats 1-3 126-128 High Street.
- Does not provide any direct benefit for local residents.

Overdevelopment of the site (addressed in para. 7.2.12 and 7.2.17)

- Overdevelopment of site.

Impact on recent improvements to the square (addressed in para. 7.2.16)

- The large raised bed and bench recently installed by the Council butts up against the South elevation of the building and needs to be taken into account.

- The proposal does not enhance the High Street and counteracts the time, effort and money Bromley Council has injected over the last couple of years.

Parking issues (addressed in para 7.5.5)

- No parking facilities will create more problems in the car park/delivery areas for Blenheim shopping centre and area behind.
- Already high parking pressure to surrounding roads from shoppers and workers using the High Street.

Use of ground floor as retail unit (addressed in para. 7.1.9)

- More food outlets would be inappropriate due to antisocial hours, noise volumes, smells, rubbish, risk of rats, further disruption from online/app food orders.
- Impact on value of neighbouring flats if used as a food outlet.

Design of property (addressed in para. 7.2.113-7.2.14)

- Design of property not in keeping with the period nature of the street.
- External façade including windows, doors and materials is not fitting.

Increase refuse in the area (addressed in para. 7.5.10)

- No official waste collection for residents on the High Street and no recycling amenities for the flats which will result in increased chances of rat and mice infestation.

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 **The London Plan**

- 2.15 Town centres
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector and related facilities and services
- 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 net 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
- 6.10 Walking
- 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
- 8.2 Planning obligations
- 8.3 Community infrastructure levy

6.11 Draft London Plan

- SD6 Town centres and high streets
- SD7 Town centres: development principles and Development Plan Documents
- H1 Increasing Housing Supply
- H2 Small sites
- 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
- S4 Play and informal recreation
- E9 Retail, markets and hot food takeaways
- G5 Urban greening
- 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
- T6.3 Retail parking
- T6.5 Non-residential disabled persons parking
- T7 Deliveries, servicing and construction

6.12 Bromley Local Plan 2019

- 1 Housing Supply
- 4 Housing Design

13	Renewal Areas
14	Development Affecting Renewal Areas
15	Crystal Palace, Penge & Anerley Renewal Area
30	Parking
32	Road Safety
33	Access for All
37	General Design of Development
42	Development Adjacent To a Conservation Area
94	District Centres
101	Shopfronts and Security Shutters
113	Waste Management in New Development
116	Sustainable Urban Drainage Systems
117	Water and Wastewater Infrastructure Capacity
119	Noise pollution
120	Air quality
122	Light pollution
123	Sustainable Design and Construction

6.13 Bromley Supplementary Guidance

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

7 ASSESSMENT

7.1 Principle – Acceptable

7.1.1 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.

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 two new dwellings, which 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 The proposal seeks to redevelop the existing vacant single storey public conveniences building within Arpley Square, to the rear of No. 128 High Street Penge, by constructing a two storey extension on top of the building to create a part one/three storey building and conversion into retail at ground floor and two one-bedroom flats on the first and second floors.
- 7.1.6 The site is located within Penge High Street, designated within the London Plan and Bromley Local Plan as a District Centre. Whilst the building is set back from the main high street, the front is visible through the pedestrian walkway to Arpley Square, and the front elevation is designated as a primary frontage.
- 7.1.7 The existing ground floor of the building is proposed to be converted from the vacant public toilets into one retail unit. The retail unit would include an active frontage facing the High Street and would also include a large glazed window within the side elevation facing the walkway between Arpley Square and the service yard at the rear.
- 7.1.8 The provision of an A1 retail unit in this location would support the provision of services within the high street and would accord with the relevant policies of the Development Plan.
- 7.1.9 Concerns have been raised locally about its use as a food/drink outlet; however, a condition could be imposed on any approval to prevent any future change of use without full planning permission in order to ensure any such change is fully assessed in accordance with relevant planning policies and all other material considerations.
- 7.1.10 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 acknowledge the potential for additional housing provision within town centres.

7.1.11 The application site lies within the Penge Town Centre boundary and as such is considered a sustainable location for mixed use development including residential. There are also many examples of properties within the High Street with commercial at ground floor and residential above.

7.1.12 The development would provide an appropriate retail use at ground floor with active frontage, with the residential units located within the extension at first and second floor. As such, the principle of residential development within this location may be considered acceptable. However, consideration must also be given as to design implications, the standard of accommodation provided, impact on the highway and provision of appropriate cycle parking and refuse/recycling facilities, and impact on neighbouring amenity.

7.2 Design and Scale – Acceptable

7.2.1 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.

7.2.2 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.

7.2.3 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.

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

7.2.5 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. London Plan Policy 3.5 which refers to the quality and design of housing developments requires the design of all new housing developments to enhance the quality of local places.

- 7.2.6 In addition, Policy 7.4 requires developments to have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Policy 7.6 of the London Plan also relates to architecture and how buildings should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and comprise details and materials that complement, not necessarily replicate, the local architectural character.
- 7.2.7 Policy 4 of the Bromley Local Plan seeks to ensure that all new housing developments achieve a high standard of design and layout whilst enhancing the quality the quality of Local Places, and Policy 37 of the Bromley Local Plan requires a high standard of design in all new development, and states that the scale and form of new residential development should be in keeping with the surrounding area.
- 7.2.8 Any redevelopment of the site would also need to take account of the location adjacent to the Penge High Street Conservation Area. In particular, Policy 42 of the Bromley Local Plan states that a development proposal adjacent to a conservation area will be expected to preserve or enhance its setting and not detract from views into or out of the area.
- 7.2.9 The proposed development would not result in any increase in the footprint of the existing building; however, it would involve an increase in height to create two additional floors. A small single storey section would be maintained to the rear of No. 126-128 High Street.
- 7.2.10 The increase in the bulk and scale of the building would significantly alter the relationship between the application building and the neighbouring properties at No. 126-128 and No. 130 High Street.
- 7.2.11 The application building is located to the side and part of the rear of No. 126-128 High Street with minimal space existing between the front of the application building and the rear of this neighbouring property. This existing relationship would not alter at ground floor. However, whilst a separation of approximately 2.5m would be provided between the front wall/roof of the first and second floors of the proposed development, from the High Street it would be appear as if there is limited visual separation between the buildings.
- 7.2.12 Notwithstanding this, the application building would set back from the front of these properties by around 14m which would help mitigate its impact. The separation to No. 130 High Street would also be maintained. Furthermore, the height of the building would be similar to that of No. 130 and lower than that of No. 126-128 and as such, on balance, it is not considered to be overly dominant in terms of its relationship to these neighbouring buildings or the wider Conservation Area to which it lies adjacent.

- 7.2.13 The proportions of the building in terms of the delineation of the storeys and the size and location of the proposed windows would relate well to these neighbouring properties. The use of a hipped roof and dormer windows within the second floor roof level would also echo the design of nearby properties within the High Street.
- 7.2.14 The ground floor retail unit would include a stallriser, glazed frontage and a large fascia level comparable to other properties within the High Street. The use of brick for the remainder of the ground floor and first floor level with decorative features such as soldier course bricks above the proposed windows and a rendered cornice and a tiled roof would also relate well to the existing materials of the application building, as well as the immediate neighbours at No. 126-128 High Street to the front and the Multistorey Car Park behind.
- 7.2.15 The single storey section would incorporate a sedum flat roof which is welcomed both in terms of its visual appearance as well as encouraging biodiversity.
- 7.2.16 Concerns raised with regards to recent improvements in Arpley Square outside of the boundaries of the application site are noted, but are material planning considerations in the determination of this application.
- 7.2.17 Having regard to all the above, the design and scale of the proposed development is, on balance, considered to respect and compliment both the surrounding development and wider area within which it lies.

7.3 Standard of Residential Accommodation – Acceptable

- 7.3.1 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.
- 7.3.2 Policies 4 and 10 of the Bromley Local Plan states that a good quality of living accommodation, residential amenity and compliance with relevant building regulations should be achieved. Policy 4 also refers to the requirements of Policy 3.5 of the London Plan and the London Plan Housing Supplementary Guidance.
- 7.3.3 Policy 3.5 of the London Plan and the Housing SPG (2016) states that the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should

comply with the Technical housing standards – nationally described housing standard (2015).

- 7.3.4 The Mayor's Housing SPG also 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.
- 7.3.5 The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.
- 7.3.6 The minimum space standard for a one storey 1bed/2person dwelling is 50sqm as outlined within The National Technical Housing Standards (2015) and Table 3.3 of the London Plan. Both the proposed units would have a GIA of 52sqm and as such would meet this minimum standard.
- 7.3.7 The National Technical Housing Standards states that a double or twin room should have a floor area of at least 11.5sqm and be least 2.75m wide. The bedrooms within the proposed flats would also meet these minimum standards.
- 7.3.8 The National Technical Housing Standards also states that the minimum floor to ceiling height should be 2.3m for at least 75% of the Gross Internal Area. The section drawings provided indicate that the proposal would comply with this standard.
- 7.3.9 The proposed flats would be dual aspect and the habitable rooms would all contain at least one window. Whilst it is acknowledged that the window serving the bedroom for each flat would be high level, in order to prevent overlooking to the neighbouring properties, the window would still provide natural light to the room and the main living space would contain windows providing both appropriate outlook and light to these rooms. Accordingly, on balance, the standard of residential accommodation provided internally is considered to be acceptable.
- 7.3.10 No private amenity space is provided. The lack of private amenity space would not comply with the relevant policies of the Bromley Local Plan and London Plan. However, given the location of the flats, balconies and roof terraces would not be considered appropriate in this instance and the constraints of the site would not prevent the inclusion of any garden space.

Furthermore, it is noted that a number of recreation grounds/parks lie within walking distance of the site. Therefore, in this instance, the lack of private amenity space is not considered to be so significantly harmful in terms of the overall standard of accommodation being provided for the residential units as to warrant a refusal of planning permission on this basis.

7.3.11 To the rear of the proposed flats there is an existing service yard/parking area. The flats would also be located in close proximity to a 24hour McDonalds restaurant. Concerns have been raised locally with regards to the impact of the existing noise, disturbance and pollution created by these existing uses on the prospective occupiers of the flats.

7.3.12 It is acknowledged that residential units in such an urban location would be impacted to a degree by the mix of uses in the locality. However, residential units located on the upper floors of High Street locations is not unusual and there are also a number of other existing residential units located on the upper floors of the buildings fronting High Street Penge. Furthermore, the Council's Environmental Health Officer has not raised objections to the proposal other than the requirement for a condition to be placed on any approval regarding Air Quality Management given the sites location in accordance with Policy 7.14 of the London Plan.

7.4 Residential Amenity – Acceptable

7.4.1 Policy 37 of the Bromley Local Plan 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.

7.4.2 The application site is located to the south-west side and rear of No. 126-128 High Street. To the south-eastern side lies No. 130 High Street Penge and to the rear lies a service yard and Multistorey car park beyond.

7.4.3 Given the siting of the proposed development, the main considerations in terms of the impact on neighbouring residential amenity would be the impact on the residential flats located within the first and second floors of No. 126-128 High Street Penge.

7.4.4 Concerns have been raised by some of the occupiers of these neighbouring flats with regards to the impact of the proposed development on their light, outlook and privacy.

7.4.5 The proposed increase in the height of the building as a result of the two storey extension would be visible from the rear of the flats within No. 126-128 High Street. However, the additional floors have been off set so that sit to the southern side and do not sit directly behind these rear windows. Furthermore, these existing flats would still benefit from unobscured outlook to the rear and northern side.

- 7.4.6 In terms of any loss of light, the application site sits to the south of No. 126-128 High Street. However, the three storey element would not extend any higher than this neighbouring property and would be sited away from the rear of these dwellings. Furthermore, the applicant has submitted a Day Light Analysis to indicate that there would be limited overshadowing. Accordingly, whilst there may be some loss of light to the rear of this property, it is not considered to be so significant as to warrant a refusal of planning permission on this basis.
- 7.4.7 The proposed development would include one first floor and one second floor/roof level window within the northern elevation. These windows would provide oblique views towards the rear of No. 126-128. However, they have been set a high level in order to further reduce any opportunities for significant overlooking or loss of privacy the occupiers of this neighbouring property.
- 7.4.8 The windows proposed within the front of the building at first and second floor level would be located away from the rear of No. 126-128 and given that there are no flank windows within this neighbouring property it considered that there would not be any undue loss of privacy occurring from the proposed development.
- 7.4.9 Concerns have also been raised with regards to the potential use of the sedum flat roof as a balcony/terrace and thus resultant overlooking and loss of privacy. The flat roof is not indicated to be used as any form of terrace and there would be no access from the proposed flats. However, a condition could be placed on any approval to prevent any future use.
- 7.4.10 The proposed change of use of the existing toilet block to retail and introduction of two residential units would result in an increase in the number of people entering, exiting and using the building. However, given that the location of the property on a busy High Street with mixed uses including both commercial and residential, the resultant increase in activity is not considered to be so significant as to result in harm to the amenities of the neighbouring properties.
- 7.4.11 Concerns have also been raised by the occupiers of the neighbouring property with regards to the impact of the construction works on the safety and security of these flats. However, these concerns are noted they would not be material planning considerations in the determination of this application.
- 7.4.12 Having regard to all the above, it is considered that, on balance, no significant loss of amenity with particular regard to light, outlook, prospect, privacy and noise and disturbance would arise from the proposed development.

7.5 Highways – Acceptable

- 7.5.1 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.

- 7.5.2 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.
- 7.5.3 Policy 30 of the Bromley Local Plan states that the Council will normally require off-street parking spaces to be provided in new residential development in accordance with Table 1.
- 7.5.4 The development is proposed to be car free. A car parking stress survey was provided as part of the submitted documents to demonstrate the impact of this on the surrounding area.
- 7.5.5 The Council's Highways Officer has advised that they raise no objection to the principle of a car free development in this location given the submitted data. However, they have recommended conditions be placed on any approval of planning permission in relation to the restriction on eligibility of future Residents Parking Permits and free car club membership for two years.
- 7.5.6 The Council's Highways Officer has also recommended a condition requiring the submission of a Construction Management Plan prior to the commencement of works to ensure that the construction works do not unduly impact the surrounding road network.
- 7.5.7 In accordance with London Plan and Bromley Local Plan Policies, all new developments should also have adequate facilities for refuse and recycling storage and for cycle storage.
- 7.5.8 The London Plan requires three cycle spaces (one for the proposed retail shop and one each for the two flats) and any storage should be lockable and secure.
- 7.5.9 An area for cycle parking has been indicated on the submitted drawings on the ground floor of the building at the front, to be accessed externally and shared by the retail and residential units. Whilst the area would be covered and lockable it is not clear how many spaces would be provided and whether each space would be secured. However, this matter could be dealt with by way of a condition on any approval to ensure adequate provision.
- 7.5.10 The proposed ground floor plan also indicates a bin store at the rear at ground floor accessed externally. No details of the size and number of bins for both refuse and recycling have been provided. However, again this could also be dealt with by way of a condition on any approval as the Council to ensure adequate provision.

7.6 Sustainability – Acceptable

- 7.6.1 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.
- 7.6.2 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.
- 7.6.3 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.
- 7.6.4 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.
- 7.6.5 An informative is recommended to ensure that the development strives to achieve these objectives.

7.7 CIL

- 7.7.1 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 Having had regard to the above, it is considered that the proposal would bring a vacant building back into use to provide a mixed use development with an additional retail unit and two new residential dwellings within a District Town Centre setting.
- 8.2 The development would provide accommodation of a good standard of amenity for prospective occupants and would not result in a significant loss of amenity to local residents, significant highways impacts or a detrimental impact on the character of the area within which it lies.
- 8.3 Additionally, the provision of two new dwellings would make a minor contribution towards meeting the Council's housing targets, which also weighs in its favour.
- 8.4 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.

8.5 Conditions are recommended in relation to external materials, Construction and Environmental Management Plan, refuse/recycling storage, cycle parking, restrictions of Residents Car Parking Permits, Free Car Club membership to residents, Air Quality Management, Part M4(2) compliance and prevention of flat roof as a balcony/terrace.

RECOMMENDATION: Application Permitted

Subject to the following conditions:

- 1. Standard time limit of 3 years**
- 2. Standard compliance with approved plans**
- 3. Construction and Environmental Management Plan**
- 4. Refuse/recycling storage**
- 5. Cycle parking**
- 6. Free Car Club membership for two years**
- 7. Restrictions on Residents Car Parking Permits**
- 8. Materials in accordance with approved plans**
- 9. No use of flat roof as a balcony/terrace**
- 10. Part M4(2) compliance**
- 11. Air Quality Management**

Any other planning condition(s) considered necessary by the Assistant Director of Planning

Informatives

1 Part M4 of the Building Regulations.

2 Control of Pollution Act 1974 and/or the Environmental Protection Act 1990 and Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2017.

3 Be Lean; Be clean; and Be green.

4 Street Naming and Numbering

5 CIL