

Committee Date	24.09.2020	
Address	Cranbrook Court 50 Thesiger Road Penge London SE20 7NW	
Application Number	19/05216/FULL1	Officer - Robin Evans
Ward	Penge And Cator	
Proposal	Refurbishment and upwards extension of Cranbrook Court to provide 33 units of temporary accommodation for the homeless (Sui Generis) and 12 units of residential accommodation (Use Class C3)	
Applicant	Agent Mr Gregg Rust	Mr Ben Kelly
c/o agent		
Reason for referral to committee	Exceeds Delegated Authority for AD (Planning)	Councillor call in No

RECOMMENDATION	Planning Granted subject to a Section 106 Agreement
-----------------------	--

SUMMARY

KEY DESIGNATIONS

- **Biggin Hill Safeguarding Area**
- **London City Airport Safeguarding**
- **Open Space Deficiency**
- **Smoke Control SCA 25**
- **Smoke Control SCA 1**

Land use Details

	Use Class or Use description	Floor space (GIA SQM)
Existing - Temporary Accommodation (28 units)	Sui Generis Temporary Accommodation	1137.40 (GIA)
Proposed – Temporary Accommodation (33 Units) Private market flats (12 Units)	Sui Generis Temporary Accommodation Class C3 Dwellinghouses	1506.97 (GIA) 696.89 (GIA) Total 2203.86 (GIA)

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	9	8	-1
Disabled car spaces	0	1	+1
Cycle	0	74	+74

Electric car charging points	56% active /44% passive
-------------------------------------	-------------------------

Representation summary	Neighbour letters were sent 3/2/2020 A Site Notice was displayed on 13/3/2020 A press advert was published on 12/2/2020
Total number of responses	5
Number in support	5

Number of objections	0
----------------------	---

Section 106 Heads of Term	Amount	Agreed in Principle
Viability Review Mechanism (Late Stage)	n/a	Agreed
Temporary Accommodation nomination rights	100%	Agreed
Carbon offset	£9,534	Agreed
Health	£2,304	Agreed
Education	£11,778	Agreed
S106 monitoring fee	£500 per Head of Terms	Agreed
Total	£23,616	

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would contribute towards the Council's temporary accommodation (TA) providing a notable benefit for the provision of TA,
- The proposal would not detract from the character and appearance of the area,
- The proposal would provide an appropriate living environment, a mixture of unit sizes and tenures; contributing mixed and balanced communities,

2. LOCATION

- 2.1 The site measures approximately 1, 782sq.m in area and is located on the southern side of Thesiger Road at the junction with Parish Lane (A213) and Green Lane. The site comprises a two storey building, known as Cranbrook Court providing temporary accommodation for the homeless people (A total of 28 units). There are 9 existing off-street parking spaces, of which 7 of the spaces are located to the rear of the building and 2 spaces are located at the entrance of a shared vehicular access with Sutherland Court Care Home, off Thesiger Road.
- 2.2 The site is mainly surrounded by 2 to 3 storey buildings with modest building footprints. Opposite the site, there are two rows of two storey terraced properties. To the east of the site is a block of three storey flats. To the west of the site, is a part single and part two storey building with a turret occupied as a place of worship (Christ Central Church). Gaskell Court is a four storey residential building located adjacent to Christ Central Church. Sutherland Court Care Home is a three storey building located to the south of the site.
- 2.3 The application property is not a locally listed building or located within a conservation area. However, the site is located in between two conservation areas of which, Alexandra Cottages Conservation Area is located 130 metres north from the site and Aldersmead Road Conservation Area is located 134 metres south from the site.
- 2.4 The public transport accessibility of the site (PTAL) is rated at 3 to 4 (on a scale site between 0 and 6B where 0 is worst and 6B is best) indicating that new development would moderately reliant upon private transport such as the private car/bicycle. Penge High Street is located approximately 336 metres west from the application site

where the PTAL rating is 5 indicating that new development would be less reliant upon private transport such as the private car/bicycle.



Fig 1 Existing site location plan.



Photo 1 Cranbrook Court at the junction of Thesiger Road and Parish Lane (looking southeast along Parish Lane).



Photo 2 Cranbrook Court (looking southwest along Thesiger Road towards the junction with Parish Lane).

3. PROPOSAL

- 3.1 Planning permission is sought for refurbishment and upwards extension of Cranbrook Court to provide 33 units of Temporary Accommodation (TA) for the homeless (Sui Generis Use). This would be an increase of 5 additional TA units from the existing 28 TA units, and include 12 new private market units of residential accommodation (Use Class C3).

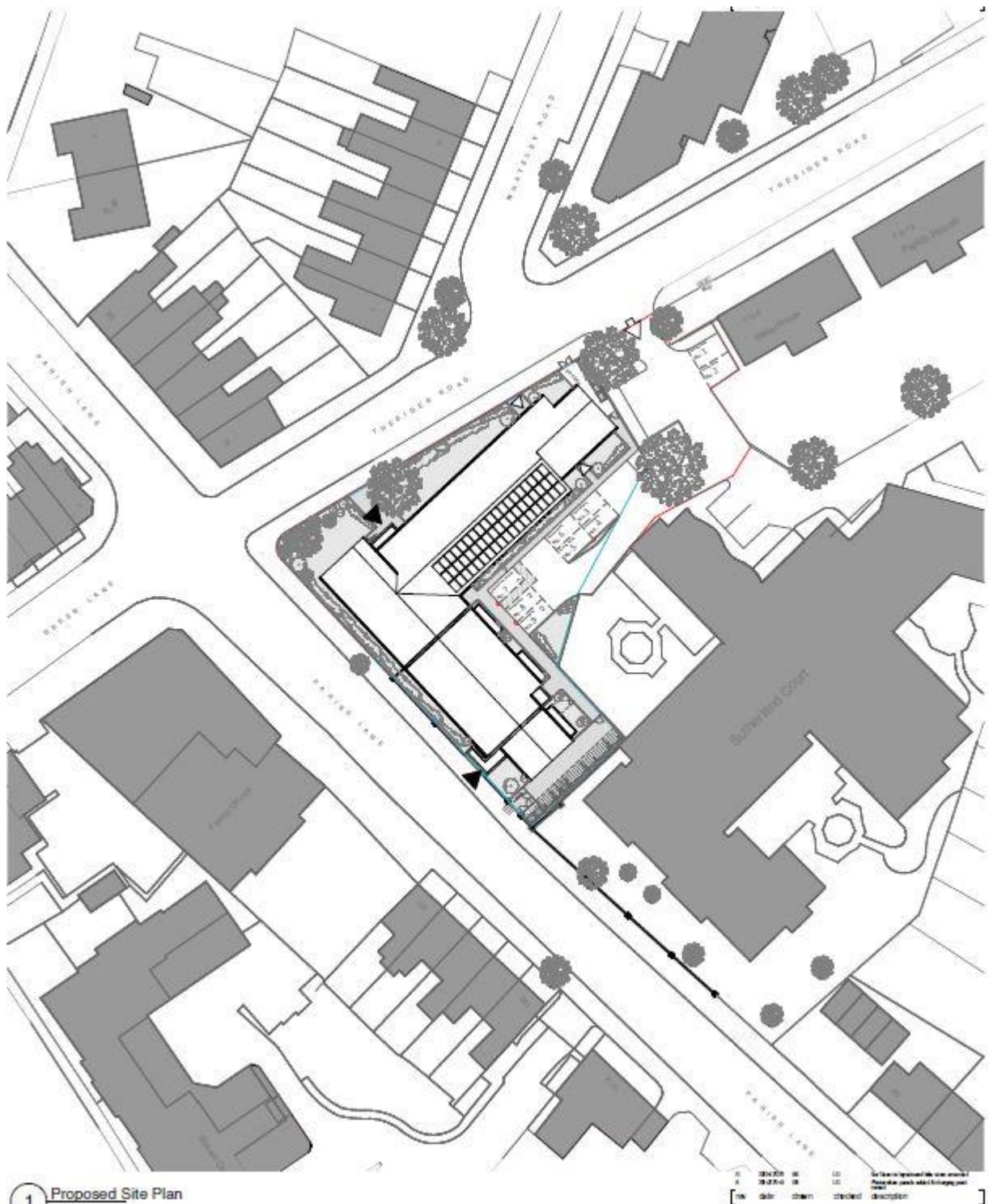


Fig 2 Proposed site layout plan.

4. RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 85/02022/LBB – Covered link between sheltered flats and residential homes at Cranbrook Court and Sutherland House was granted planning permission on 7 October 1985.

- 4.3 11/02193/ELUD – Use of premises as residential institution (Class C2) was granted an existing lawful development certificate on 13 September 2011.
- 4.3 11/02195/PLUD – use of premises as residential institution (Class C2) was withdrawn on 6 September 2011 and did not receive a formal decision.
- 4.4 12/00842/FULL2 – change of use from residential institution (Class C2) to temporary accommodation for the homeless was granted planning permission on 21 June 2012.
- 4.5. 18/01013/FULL1 – Refurbishment and extension of Cranbrook Court to provide a total of 33 units of temporary accommodation for the homeless (*Sui Generis*) and an additional 19 private market units (Use Class C3), including a new landscaping scheme, car parking layout and cycle storage was refused by the Council for the following reasons:
1. *The proposed building, by reason of its excessive scale and massing, would appear as an oppressive and over-dominant building, out of keeping and out of scale when compared with the adjacent properties at the prominent junction between Thesiger Road, Parish lane and Green Lane and its surrounding area, contrary to Policies 7.4 and 7.6 of the London Plan (2016), Policies BE1 and H7 of the Unitary Development Plan (2006) and Policies 4 and 37 of the draft Local Plan (2016).*
 2. *The proposed accommodation, by reason of its over-concentration of non-family units, excessive density and failure to demonstrate that an acceptable level of private outlook and private outdoor spaces and adequate internal living spaces can be provided for the future occupiers would represent an overdevelopment, and would fail to demonstrate that a good standard of internal and external living environment can be provided for the future occupiers, and would fail to achieve a mixed and balanced community, contrary to Policies, 3.3, 3.5 and 3.9 of the London Plan (2016), Policies H7 and BE1 of the Council's Unitary Development Plan (2006), the London Mayor's Housing SPD (2016) and Policies 4 of the draft Local Plan (2016).*
 3. *The proposed development would fail to provide adequate cycle storage spaces for the temporary accommodation, contrary to Policy 6.9 of the London Plan (2016), Policy T7 of the Council's Unitary Development Plan (2006) and Policy 31 of the draft Local Plan (2016).*
- 4.5.1 In the subsequent appeal the Inspector reached the following conclusions on the Council's three reasons for refusal:
1. noted the area is characterised by flatted developments of generally three storeys with pitched roofs; generally modest in scale or include design features to break up their massing, although there are four storey blocks nearby and the church on the opposite corner has a prominent tower/turret. The character of the wider area is of mainly two storey residential terraced housing. The proposed block (with a combination of a four storey appearance and a lack of relief on to Parish Lane) would result in a size and scale to the proposed building which would be inappropriately large and dominant in the surrounding context and would be harmful to the character and appearance of the area.

2. noted that the common ground that that the Nationally Described Housing Standard would not apply to the TA; there are no minimum room sizes for the TA and there are no planning policies requiring the provision of outdoor space. The outlook would be relatively open and would be acceptable. In this context there is no substantive evidence demonstrating the proposed rooms and units would not be adequately sized for the day to day living requirements of occupants of the TA. Combined living rooms/kitchens are not uncommon in self-contained residential development and there is no evidence that this form of living would present significantly harmful risks to future occupiers. Notwithstanding the lack of lift or step free environment the ground floor units could be made accessible for wheelchair users; providing a suitable mix of units. The private units would also be sufficiently well sized and with adequate outlook, 5 of the units would have private amenity space and/or they would be served by a shared outdoor amenity space and/or would have a larger internal floor area thereby providing a suitable arrangement for the private units. The proposal would provide a mix of unit sizes and tenures contributing towards creating mixed and balanced communities and notwithstanding the smaller units, single aspect and higher number of single person units would not overdevelop the site.
3. noted the requirement for 45 cycle parking spaces for the TA and 27 cycle parking spaces for the private accommodation (totalling 72 spaces), and that the bicycle store shown to accommodate 48 bicycles (shared/unallocated) would result in a shortfall of 24 cycle spaces for the development overall. Given the limited ground space to provide additional cycle parking and that it could harm the appearance of the development and the living conditions of the occupants and that this could not be managed by condition. The proposed development would not provide satisfactory sustainable transport options with particular regard to cycle parking.

4.5.2

The Inspector reached the following conclusions in terms of other matters:

- considered that the financial contributions would provide mitigation and not a benefit. Therefore, the lack of harm in these respects would be a neutral factor.
- noted the nomination agreement between the Council and the owner of the TA for the Council to fill the premises,
- noted that all of the existing TA units re-furbished and the new TA units furnished to a high standard; concluding that this would provide a notable benefit,
- concluded that the additional market housing would provide social, economic and environmental benefits,
- noted that the development would provide positive impacts for biodiversity and drainage.

4.6

The vehicular access to the site is shared with the adjoining care home, known as Sutherland Court and the following planning records are relevant:

- 4.7 10/01069/FULL1 – Erection of a part one/ three storey block comprising extra care housing with communal facilities (41 one bedroom and 9 two bedroom flats) with 18 car parking spaces was granted planning permission on 3 August 2010.
- 4.8 10/01069/AMD – A non-material amendment for the following changes to the previous permission 10/01069/FULL1 was granted on 13 June 2011:
- omission of 1 ground floor door to west elevation,
 - reduction of glazing to sectional elevation B,
 - additional windows to ground, first and second floors on the south east elevation,
 - amendments to doors and windows in single storey north east elevation,
 - additional windows at ground and first floors to the north west elevation,
 - amendments to the site layout with regard to car parking, pedestrian access and bin store,
 - minor revisions to siting of building,

5. CONSULTATION SUMMARY

A) Statutory

5.1 Highways – No objection

- The application site lies within an area with a medium PTAL rating of 4 (on a scale where 0 has the worst access and 6b, where 6b has the best access to public transport services) indicating that new development in this area would be less reliant upon private transport such as the private car or bicycle. Vehicular access is from Thesiger Road via an existing arrangement which is shared with the neighbouring properties (Waller House and Sutherland Court). The access would lead to a car parking area which is acceptable in principle.
- Drawing No. 16029 PL2 101revB indicates 9 car parking spaces which is satisfactory; however the spaces should be allocated to private units. Furthermore the applicant should be aware that no car parking space(s) should be rented or sold apart from the occupiers of Cranbrook Court.
- The proposal includes 2 electric vehicle charging points; serving 4 parking spaces (in excess of 20% provision) and passive provision for a further 2 charging points. The proposal provides an increased level of cycle parking 70 long-stay and 2 short-stay/visitor spaces which is acceptable. The proposal does not indicate a refuse store. The design and construction of the enclosure doors and frames should be of sufficient strength to minimise the possibility of impact damage by the container. The enclosures must be located within 18 metres of the nearest accessible point for the refuse vehicle and should be provided with a path not less than 1.4 metres wide, free of steps, kerbs and ramps with an appropriate hardwearing surface, with a gradient not steeper than 5% (1 in 20). The Waste Management Team should be consulted. No objection subject to the recommended conditions.

5.2 Thames Water – No objection

No objection subject to recommended conditions/informatives.

B) Local Groups

5.3 None received

C) Adjoining Occupiers

5.4 Land Use (addressed in Section 7.3)

- The site/development already accommodates varying demographics of vulnerable people suffering from varying health conditions,
- Cranbrook Court should be converted to elderly accommodation which would better suit/complement existing nearby elderly accommodation,

5.5 Residential Amenities (addressed in Section 7.8)

- The current occupation leads to refuse/fly-tipping issues, police involvement,
- The proposal would overshadow neighbouring properties and their gardens, block their views and detract from their outlook (particularly in Sutherland Court),
- The proposal would harm neighbouring privacy,
- The proposal would cause further overdevelopment and overcrowding and further behavioural issues and crime harmful to neighbouring amenities including towards nearby elderly accommodation (Sutherland Court),
- The proposal would not provide garden/amenity space for families within the development,
- The proposal would adversely affect the neighbouring residents in Extra Care accommodation; many of which have health conditions, including mental health and anxiety exacerbated by new development/challenging neighbour conditions,

5.6 Transport (addressed in Section 7.9)

- The proposal would increase traffic congestion (along a busy bus route and exacerbated hindered by school drop-off and pick-up) and parking congestion exacerbating inconsiderate parking which obstructs the pavement and restricting emergency vehicle access particularly to Sutherland Court Extra Care accommodation, and dangerous driving within the Cranbrook Court carpark,

5.7 Other (addressed in Section 8.2)

- The proposal would place additional strain on resources, infrastructure and utilities services in this area and should be placed elsewhere to balance the pressure,

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

6. POLICIES AND GUIDANCE

6.1 National Policy Framework 2019

6.2 NPPG

6.3 The London Plan

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.7 Large residential developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable housing thresholds
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public Realm
- 7.6 Architecture
- 7.13 Safety, security and resilience to emergency
- 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
- 8.2 Planning obligations

6.4 Draft London Plan

- 6.4.1 The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application. Paragraph 48 of the

NPPF states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.

- 6.4.2 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 was version of the London Plan which the Mayor intended to publish, having considered the report and recommendations of the panel of Inspectors.
- 6.4.3 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.
- 6.4.4 After considering the 'Intend to Publish' Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor identifying directed changes to a number of policies in the draft plan. The SoS considered these changes were necessary to address concerns regarding inconsistencies with national policy. The Mayor cannot publish the New London Plan until the directed changes have been incorporated, or until alternative changes to address identified concerns have been agreed with the SoS. This could affect the weight given to the draft plan with regard to the directed policies.
- 6.4.5 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. However, where no modifications have been directed the draft London Plan policies are capable of having significant weight (as seen in a recent SoS call-in decision in the Royal Borough of Kensington and Chelsea). Where specific draft London Plan policies have been given particular weight in the determination of this application, this is discussed in this report.
- GG1 Building strong and inclusive communities
 - GG2 Making the best use of land
 - SD1 Opportunity Areas
 - D3 Optimising site capacity through the design-led approach
 - D4 Delivering good design
 - D5 Inclusive Design
 - D6 Housing quality and standards
 - D7 Accessible housing
 - D8 Public realm
 - D11 Safety, security and resilience to emergency
 - D14 Noise
 - H1 Increasing housing supply
 - H2 Small sites
 - H4 Delivering affordable housing
 - H5 Threshold approach to applications
 - H12 Housing size mix
 - G6 Biodiversity and access to nature

- G7 Trees and woodlands
- SI 1 Improving Air Quality
- SI 2 Minimising greenhouse gases
- SI 3 Energy infrastructure
- SI5 Water infrastructure
- SI13 Sustainable drainage
- T1 Strategic approach to transport
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking

6.5 Mayor Supplementary Guidance

- Homes for Londoners (2017)
- Housing (March 2016)
- Accessible London: Achieving an Inclusive Environment (2014)
- Sustainable Design and Construction (2014)
- Shaping Neighbourhoods: Character and Context (2014)
- Providing for Children and Young People's Play and Informal Recreation (2012)

6.6 Bromley Local Plan 2019

- 1 Housing Supply
- 2 Affordable Housing
- 4 Housing Design
- 30 Parking
- 32 Road Safety
- 33 Access for all
- 37 General Design of Development
- 70 Wildlife Features
- 72 Protected Species
- 73 Development and Trees
- 74 Conservation and Management of Trees and Woodlands
- 77 Landscape Quality and Character
- 78 Green Corridors
- 79 Biodiversity and Access to Nature
- 113 Waste Management in New Development
- 115 Reducing Flood Risk
- 116 Sustainable Urban Drainage Systems
- 117 Water and Wastewater Infrastructure Capacity
- 118 Contaminated Land
- 119 Noise Pollution
- 120 Air Quality

- 122 Light Pollution
- 123 Sustainable Design and Construction
- 124 Carbon reduction, decentralised energy networks and renewable energy
- 125 Delivery and Implementation of the Local Plan

6.7 Bromley Supplementary Guidance

- Affordable Housing (2008) and subsequent addendums
- Planning Obligations (2010) and subsequent addendums
- SPG1 General Design Principles
- SPG 2 Residential Design Guidance

7. ASSESSMENT

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

- Resubmission
- Principle of Development/Land use
- Housing Issues and Affordable Housing
- Design and landscaping
- Standard of Amenity for future occupiers
- Environmental Health – Air Quality and Contamination
- Residential Amenities
- Transport and Highways
- Flooding and Drainage
- Biodiversity and Ecology
- Energy and Sustainability

7.2 Resubmission

7.2.1 As mentioned above, the current proposal follows the previously refused and dismissed application 18/01013/FULL1 and differs from the previous scheme in the following main ways:

- Reduction in private market units from 19 to 12,
- Removal of fourth storey (third floor) and replacement with a pitched roof,
- Reduction in parking spaces from 14 to 9,
- Increase in cycle parking from 48 shared/unallocated spaces, to 72 resident spaces (52 TA spaces, 20 private housing spaces) and 1 visitor cycle space for each,

7.3 Principle of development/Land use – Acceptable

7.3.1 The application site lies within a built-up urban area where there is no objection in principle to new development. Furthermore there was no objection from the Council or the Appeal Inspector to the principle of the development taking place at

the site and for the use of the site for a mixture of Sui Generis TA and Class C3 private market dwellings; subject to the matters raised in their respective decisions.

- 7.3.2 The 2019 appeal decision at this site was issued on the 26th June 2019 and that has implications for the assessment of planning applications involving the provision of housing in the Borough. The Inspector concluded that the Local Planning Authority cannot support the submission that it can demonstrate a five year housing land supply (5YHLS) having given his view on the deliverability of some Local Plan allocations and large outline planning permissions. A draft/update 5YHLS is being prepared at the time of writing this report and is due to be published confirming the 5YHLS position is that there is a significant undersupply.
- 7.3.3 The NPPF (2019) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 7.3.4 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.
- 7.3.5 In this particular case there are no areas under protection or assets of particular importance and therefore paragraph 11 d) i. does not apply. The proposal is therefore assessed in relation to paragraph 11 d) ii.
- 7.3.6 This application would provide 5 additional sui generis TA units and 12 new C3 residential units at the site and this would provide a modest contribution but no less valuable contribution to the supply of specialist and private 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.

7.4 Housing Issues and Affordable Housing – Acceptable

7.4.1 Unit mix

7.4.1.1 The mixture and tenure of units shown in Table 1 above is represented below for ease of reference.

Temporary Accommodation unit size	Studio	1 bed	2 bed	3 bed	Total
Existing	13 (46.4%)	6 (21.4%)	7 (25%)	2 (7.1%)	28 (100%)
12/00842/FULL2 approved	12 (46%)	6 (23%)	6 (23%)	2 (8%)	26 (100%) (including 2 ground floor disabled units comprising: Unit 5 studio and Unit 4 2-bedroom = 8% of total).
Proposed	9 (27.3%)	12 (36.4%)	10 (30.3%)	2 (6%)	33 (100%) (disabled units for homeless removed)
Private unit size	Studio	1 bed	2 bed	3 bed	Total
Existing	n/a	n/a	n/a	n/a	n/a
Proposed	0 (0%)	9 (75%)	3 (25%)	0 (0%)	12 (100%) (including 1 wheelchair accessible unit = 8% of total).

Table 1. Existing and proposed schedule of accommodation.

7.4.1.2 As mentioned above the Appeal Inspector did not object to the mixture or sizes of the units in the previous appeal scheme. The current proposal would provide the same number of TA units as in the appeal scheme and the sizes of those units would be proportionately similar. The current proposal would reduce the number of private residential units by 7; and this would providing a more balanced mixture in terms of the tenure of units throughout the development overall. It would provide proportionately more of the smaller 1 bedroom units compared with the appeal scheme. Nonetheless it would not be significantly different in terms of the mixture of unit sizes considered by the Inspector.

7.4.2 Accessible Housing

7.4.2.1 As mentioned, there would be no wheelchair accessible units provided in the TA, as in the appeal scheme to which the Appeal Inspector did not object. The current proposal would provide one step free/wheelchair accessible unit on the ground floor of the private accommodation, compared with two units in the appeal scheme. However given the reduction in the number of units and the number of ground floor units available this would be broadly proportionate to the provisions in the appeal scheme to which the Inspector did not object.

7.4.3 Affordable housing and viability

7.4.3.1 The Council's Housing Management Department notes that Cranbrook Court (owned by Orchard & Shipman) is leased to the Council as temporary accommodation for homeless people, with 100% nomination rights from the Council's housing lists and has no objection.

- 7.4.3.2 The application includes a financial viability assessment to establish whether the financial viability of the scheme would allow affordable housing to be provided on-site or whether a financial contribution could be paid to the Council to provide affordable housing off-site elsewhere in the Borough. The report concludes that given its nature and tenure the proposed development would generate a deficit when benchmarked against the site value, and given this shortfall in financial return it could not sustain the provision of affordable housing. This supporting viability assessment has been reviewed by the Council and by the Council's independent external consultant. Taking the Applicant's report into account and based on their own calculation the Council's review concurs that the proposal would generate a deficit when benchmarked against the site value and given this shortfall the proposal could not support the provision of affordable housing on-site or through a payment in lieu to the Council for provision of affordable housing elsewhere and therefore the absence of affordable housing (or a payment in lieu) would not be unreasonable in this instance.
- 7.4.2.3 Notwithstanding the viability assessment undertaken at the present time the housing market or circumstances could change during the period of a development, which could affect the scheme's viability and lead to a different conclusion of the viability for providing affordable housing. As such it would be prudent to require a market review during the course of the development to ensure that the viability of the development remains accurate and correct to the market situation at that time and this could be managed by legal agreement. This approach is supported by the Mayor's Affordable Housing And Viability SPG (2017) and a market review of a scheme's viability can encourage a developer to fully build out a planning permission.

7.5 Design and landscaping – Acceptable

7.5.1 Density

- 7.5.1.1 The application site lies within an urban area, approximately 300 metres from Penge District Centre, characterised by a mixture of terraced houses, mansion blocks, and some flatted development (and some other land uses) between two and four storeys in height. Given that the PTAL rating of the site is rated between 3 to 4, the appropriate density range of this site is between 200 to 700 habitable rooms per hectare (hr/ha).
- 7.5.1.3 The proposed residential density is 403 habitable rooms per hectare and this is within the threshold set out in the London Plan (based on the PTAL rating confirming accessibility to public transport). As such, the proposal would not represent an over-intensive development in numerical terms. Furthermore, as discussed in further detail below, the proposal would also provide an adequate outlook and privacy for the future occupant in both parts of the development and would provide a satisfactory living environment for the future occupants.
- 7.5.1.4 Matters of scale and design are also discussed in further detail below, however an initial analysis of the density nonetheless demonstrates that the site would relatively comfortably accommodate a development of this size and scale, and

within an area with buildings of a similar size, scale and height, it would not excessive in size in this respect.

7.5.2 Layout, scale and massing

- 7.5.2.1 The site is located on the southern side of Thesiger Road at a prominent junction with Parish Lane and Green Lane. The existing building is two storeys in height and is designed with a pitched roof measuring 8.6 metres to the ridge line. The Appeal Inspector noted the nature development in the area and the height and appearance of the buildings; namely that the flatted development in the area is generally three storeys with pitched roofs; generally modest in scale or include design features to break up their massing.



Fig 3. Proposed Ground Floor Plan.

7.5.2.2 In contrast to the previous appeal scheme; which had a four storey flat roofed appearance, the current proposal would effectively place an additional third storey (second floor) and pitched roof on top of the existing two storey pitched roofed building. It would therefore have a three storey appearance rather than a four storey appearance which is in keeping with the three storey flatted development in

the area including at Waller House to the north east and Sutherland Court to the southeast. The north west elevation to Thesiger Road would be consistent with the design and materials of the existing building and it would also resemble the overall appearance of Waller House to the north west. The southwest elevation to Parish Lane would have two sections; the northern section closest to the junction would resemble the design and materials of the existing building including an asymmetrical roof design, and the section closest to Sutherland Court would have a standard pitched roof and materials that would resemble Sutherland Court.

- 7.5.2.3 As such the proposed development would have one less storey than the appeal scheme. Whereas the appeal scheme's flat roofed fourth storey was set in from the edges of the side elevations and the front and rear, the current scheme would have a pitched roof extending over the full extent of the third floor i.e. it would not be set in from the edges. However it would not have an excessive height and it would have a standard dual pitch and as such it would not appear excessive in size, top heavy or overbearing. It would appear in keeping with the scale and design of the existing building and those immediately adjacent to it at Waller House and Sutherland Court; given that they are already three storey buildings with traditional dual pitched roofs.
- 7.5.2.4 The proposed Thesiger Road elevation would have a consistent/uniform appearance; matching that of the existing building, however the proposed new upper floor would have a darker shade brick providing some visual relief. Similarly the proposed Parish Lane elevation would carry the same design and material palette through to the TA part of the elevation; again for a consistent appearance across the TA element of the building. However the southern section of that elevation; the private accommodation closest to Sutherland Court, would have a different appearance and its design and materials could resemble those used in some of the neighbouring elevations of Sutherland Court. As such this would both provide some visual interest across the Parish Lane elevation and it would allow the building to harmonise with the adjoining neighbouring building.



Fig 4. Proposed north west elevation facing Thesiger Road.



1 Proposed Elevation - NW
1:200

Fig 5. Proposed south west elevation facing Parish Lane.

7.5.2.5 For these reasons the current proposal would not be overly large and dominant and the combination of its sympathetic design to the existing building and its visual relief would not detract from the character and appearance of the site and its setting in this part of the local area and this would overcome the previous concerns regarding the size, scale and massing of the development.

7.5.3 Trees and landscaping

7.5.3.1 Notwithstanding the existing mature trees at the site, the proposal would not increase the building footprint of the building and although it would be increased in height it would not encroach significantly towards those trees. The floor plans show the trees as being retained. The Council's Tree Officer concludes that the proposal would not pose a threat to the existing trees and the landscaping provisions have incorporated the mature tree features. The Tree Officer raises no objection and does not require any further information or mitigation in this instance.

7.6 Standard of Amenity for future occupiers – Acceptable

7.6.1 Internal living environment

7.6.1.1 The Council and the Appeal Inspector noted that neither government legislation nor planning policies set a minimum internal floor area for temporary accommodation. The proposed accommodation is for residential purpose and the period of stay can be varied ranging between days and months until more permanent accommodation can be located. As a guide, the minimum internal floor area requirement outlined in the Technical Housing Standards – Nationally Described Space Standard including the existing and proposed internal floor space is tabled below:

7.6.1.2 The proposed floor plan indicates that the size of the accommodation would be significantly reduced when compared with the existing floor space overall; in particular, the floor area for the studio and 1 bed units. However, on the basis that

the proposed temporary accommodation would fall within the Sui Generis Use Class the proposal would not be contrary to the Nationally Described Space Standard in terms of internal floor area, and indeed the Appeal Inspector did not object to this matter in the previous appeal.

- 7.6.1.3 The Nationally Described Space Standard does set out the internal floor space requirements for the private market accommodation and the following table shows that this element of the proposal would comply with the Technical Housing Standards; as follows:

	Proposed (sqm)	Technical housing standards –nationally described spaces(sqm)
1 bed/ 1 person	39.5 to 42.0	*37/39
2 bed/3 and 4 person	64.7 to 68.3	61 for 3 person 61 for 4 person

*37 with a shower room or 39 with a full bathroom.

Table 4. Internal floor space standards for private market accommodation.

- 7.6.1.4 The 1 bedroom units are shown with a single bed and are therefore stated as being 1 bedroom 1 person units (1b1p). The Appeal Inspector also noted this arrangement in the appeal scheme and accepted that they were 1b1p units but concluded that a single occupier could have a double bed if they wished and was satisfied that the sizes of these units were adequate. On this principle the proposed 1 bedroom 1 person units would comply with the Technical Space Standard even if, as the Inspector concluded, those units would actually be capable of accommodating a double bed.

- 7.6.1.5 Some of the units in the current scheme would continue to be single aspect only. However the appeal Inspector noted that this was not an unusual layout and in combination with the otherwise suitable layout and outlook of the units did not raise an objection in this respect and the current scheme would continue to follow this approach.

7.6.2 External amenity space – **Acceptable**

- 7.6.2.1 The Appeal Inspector also noted that there is no requirement for the provision of outdoor amenity space for the temporary accommodation and as such their assessment related to the private accommodation only.

- 7.6.2.2 The current proposal would provide private outdoor amenity space to 3 of the four private ground floor units (compared with three of the four private ground floor units and two of the upper floor private units in the appeal scheme). These ground floor amenity spaces would continue to have a limited depth; similar to those in the appeal scheme, however the Inspector noted that the occupants would also have use of the communal amenity space in the appeal scheme and on this basis did not object to the proportions of those private amenity spaces and as such there would be no objection to this element of the current scheme.

7.6.2.3 The remaining nine private units would have access to the shared communal space measuring approximately 27sqm (compared with the remaining fourteen units which shared the 40sqm communal space in the appeal scheme). In addition to this, all of the proposed private units would exceed the relevant minimum space standard; (three by at least 1m, four by at least 2m, three by at least 3m and two by over 5m), and this would contribute towards the provision of the communal external amenity space albeit in the absence of private external amenity space for those particular units. This accords with the Inspectors analysis and conclusions in this element of the appeal scheme.

7.7 Environmental Health – Air Quality and Noise – **Acceptable**

- 7.7.1 The application site lies within an Air Quality Management Area where new development is required to demonstrate that it would have a neutral/positive effect on air quality. The submitted air quality assessment scoped out the need for an air quality neutral assessment rather than demonstrating whether it would have a neutral effect; not strictly the correct approach, the Council's Environmental Health Department advises that this could be managed by planning condition.
- 7.7.2 As mentioned in the Council's previous report details of proposed glazing and ventilation to the standard recommended in the CSG Acoustics Noise Assessment (ref CSGA C1615 Rev 0), soundproofing works, Construction Logistics Management Plan should be secured by planning conditions.
- 7.7.3 The Applicant can also be advised to contact the Council's Pollution Team prior to commencement of any work and to comply with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 by planning informative.

7.8 Residential Amenities – **Acceptable**

- 7.8.1 As mentioned above the proposed building would be reduced in height and building mass and although it would have a pitched roof it would resemble the form and mass of the existing building and the pitched roof would limit the building form as compared with the previously proposed four storey building. Furthermore the southernmost section of the building; closest to the nearest neighbouring building Sutherland Court, would not be expanded in building footprint as in the appeal scheme. Moreover the third storey would be based on the existing building footprint. Overall the building mass would not have a significantly more harmful impact on the amenities of neighbouring occupants by reason of overshadowing or overbearing effect, than the existing development or indeed the previous appeal scheme.
- 7.8.2 The proposal would continue to provide an outlook facing in the same direction as the existing building and the previous appeal scheme and as such it would not have a significantly greater impact on the privacy amenities of neighbouring properties by reason of overlooking than the current arrangement or the previous appeal scheme.

7.8.3 In other respects the proposal would have a similar overall layout and function in terms of parking areas, cycle storage areas and circulation spaces and the use of these elements would not have a significantly greater impact on the amenities of neighbouring occupants in this respect.

7.9 Transport and Highways – Acceptable

- 7.9.1 The application site lies within an area with a medium PTAL rating of 3-4 (on a scale where 0 has the worst access and 6b, where 6b has the best access to public transport services) indicating that new development in this area would be less reliant upon private transport such as the private car or bicycle. The vehicular access is from Thesiger Road via an existing arrangement which is shared with the neighbouring properties (Waller House and Sutherland Court) which would continue to be a suitable arrangement for the proposed development.
- 7.9.2 This access leads to a car parking area, and in the context of the PTAL rating and the access to public transport, would provide a suitable amount and layout of parking spaces for the proposed private market units and they should be allocated to those units only; as shown in the submitted drawings. The applicant should be aware that no car parking space(s) should be rented or sold apart from the occupiers of Cranbrook Court. The proposal includes 3 electric vehicle charging points; serving 5 of the 9 parking spaces (56%, exceeding the required 20% provision) and passive provision for a further 2 charging points to serve the remaining 4 of the 9 parking spaces (44%).
- 7.9.3 The current proposal would provide 72 residents cycle spaces and 2 visitor cycle spaces, which would be acceptable.
- 7.9.4 Refuse stores would be positioned close to the highway access on Thesiger Road and close to the cycle store; each would be within 18m of the highway and the Council's refuse collection vehicle (RCV) and appear to have a path not less than 1.4 metres wide, free of steps, kerbs and ramps with an appropriate hardwearing surface, with a gradient not steeper than 5% (1 in 20) to enable access and egress to the vehicle. The design and construction of the enclosure doors and frames should be of sufficient strength to minimise the possibility of impact damage by the container.
- 7.9.5 For these reasons there would be no objection from the Council's Highway Department on highway or parking grounds subject to recommended conditions.

7.10 Flooding and Drainage – Acceptable

- 7.10.1 This report indicates that the site is location within Flood Zone 1 (low risk), surrounded by low to high surface water flood risk and not at risk from reservoir flooding. The proposal would use the existing drainage system to deal with surface water. The site has and the proposal would continue to provide some soft landscaped amenity space and incidental landscaped areas which would assist in slowing surface water run-off. The current proposal would have a pitched roof and would no longer provide the flat roofed Green Roof of the previous appeal

scheme. Nonetheless there is no objection from the Council's Drainage Engineer nor from Thames Water, subject to recommended conditions/informatives.

7.11 Biodiversity and Ecology – Acceptable

7.11.1 Notwithstanding the trees and vegetation on the site there is limited potential habitat for wildlife and biodiversity. Furthermore, the current proposal would be unlikely to have a significantly more harmful impact on ecology and nature conservation than the previous appeal scheme. Therefore, on balance it is considered acceptable.

7.12 Energy and Sustainability – Acceptable

7.12.1 The proposal would incorporate a mixture of energy efficiency measures, low and zero carbon technologies, and renewable energy technologies (including electric Combi Boilers for Space heating, solar photovoltaic roof panels and mechanical ventilation and heat recovery) reducing carbon dioxide emissions onsite to at least 35% beyond Building Regulations. The proposal concludes that the remaining reduction in carbon dioxide emissions (to provide a fully zero carbon development) could not be viably achieved on the site and instead the development offers a payment in lieu of the full on-site carbon dioxide reduction; paid to the Council to be used for sustainability projects elsewhere.

7.12.2 The Council concurs that the proposal has considered and provided a suitable number and variety energy efficiency and renewable energy measures; and although these measures could achieve up to 35% of the required carbon reduction the remaining carbon reduction could be managed through a payment in lieu to the Council to offset the shortfall in on-site provision. The external technologies such as the solar PV panels are shown on the submitted drawings and are acceptable in appearance and as such the energy measures can be secured by planning condition.

7.13 Other points (not listed above)

7.13.1 Secure by Design – Acceptable

7.13.1.1 The Metropolitan Police Crime Prevention Design Advisor notes that the application lies within 300m of Penge High Street; recorded as a high crime area. The adoption of the Secure by Design standards and accreditation under the scheme would help to reduce the opportunity for crime, create a safer, more secure and sustainable environment. With some modification, and with the guidance of Secured by Design Officers and the Homes 2019 guidance document, the Police Design Advisor considers that the development could meet the security requirements of Secured by Design and that this could be managed by planning condition; in particular:

- Measures to address the permeability of the site and ease of access to rear secluded areas,
- Defensive space, clearly defined areas to all ground floor dwellings, to provide an area to act as a privacy or buffer zone,

- A compartmentalised internal layout to restrict free movement throughout the whole building to reduce opportunities for crime and anti-social behaviour within the building,
- Consideration for secure post-delivery, and a visitor strategy to promote security within the block,
- Security for the cycle and refuse store, with security door sets for to reduce criminal opportunity, prevent rough sleeping, criminal damage, and arson,

7.13.2 Building fabric – Acceptable

7.13.2.1 The Council's Building Control Department note that previous works carried out within the building are now likely to be immune from Building Control Enforcement action by the Council. There is no objection to the current proposal and if planning permission is granted and if the developer chooses to use the Council's Building Control then further discussion could be undertaken at that point.

8. OTHER MATTERS

8.1 S106 Heads of Terms

- 8.1.1 BLP Policy 125 and the Council's Planning Obligations SPD state that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance.
- 8.1.2 The Council has identified the following Draft Heads of Term for this application:
- Carbon off-setting payment in-lieu: £9,534**
Health contribution: £2,304
Education contribution: £11,778
Temporary accommodation nomination right 100%
Viability Review Mechanism (Late Stage)
Legal Agreement Monitoring

8.2 Community Infrastructure Levy

- 8.2.1 The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.
- 8.2.2 As such, and notwithstanding third party comments the proposal would contribute towards supporting local infrastructure and services.

9. CONCLUSION

- 9.1 The principle of the proposed use and extensions to the existing building are established and nonetheless it would not detract from the overall established character and nature of the built up urban/residential area.
- 9.2 The proposal would provide an appropriate mixture of temporary accommodation and private market housing units. It has demonstrated that it would not viably be able

to offer on-site affordable housing or a payment in lieu for off-site provision elsewhere.

- 9.3 The proposed building size, scale and layout along with the external works including parking and landscaping provisions would be appropriate to the site and its setting in this area and would not detract from its character and appearance.
- 9.4 The proposal would provide appropriate living conditions and amenity space for the future occupants and it would not detract significantly from the amenities of neighbouring residential properties.
- 9.5 The proposal would provide sufficient and appropriately laid out car parking and bicycle storage for the residents.
- 9.6 The proposal has demonstrated a reasonable attempt to reduce carbon dioxide emission on the site/within the development and that the remaining carbon reduction could be managed through a payment in lieu to offset the outstanding reduction.
- 9.7 For these reasons the current proposal is concluded to have overcome the reasons for the refusal of the previous scheme and dismissal of the appeal and it is recommended that planning permission is granted.

RECOMMENDATION: PERMISSION SUBJECT TO S106 LEGAL AGREEMENT

SUMMARY OF CONDITIONS AND INFORMATIVES

Standard Conditions

1. Time limit of 3 years
2. Approved drawings (numbered)

Pre-Commencement Conditions:

3. Construction Logistics and Environmental Management Plan (PC17)
4. Air Quality Neutral Assessment
5. Air Quality Mitigation Measures or Air Quality Monitoring
6. Glazing and Ventilation (Acoustics Noise Assessment)

Above Ground Works conditions:

7. External materials
8. White render weathering capabilities
9. Landscaping (hard and soft)
10. Solar PV roof panels and energy plant/equipment
11. Mechanical Ventilation and Heat Recovery System
12. Refuse/recycling enclosure (AG11)
13. Cycle storage (AG12)
14. Glazing/insulation from noise (AG16)
15. Highway Drainage (AG24)
16. Secure by Design (AG17)

Prior to first occupation conditions:

17. Satisfactory Parking (OC03)

18. Car Park Management Plan
19. No parking permits for residents
- 20 Electrical Vehicle Charging Points
21. Water Efficiency (Building Regulations Part G)

Compliance conditions:

22. Provision of accessible/adaptable units
23. Natural gas boilers only
24. Non Road Mobile Machinery

Informatives

1. Mayoral CIL.
2. Thames Water ground water risk management permit.
3. Thames Water discharge to a public sewer.
4. Thames Water mains water for construction purposes.
5. Thames Water will aim to provide customers with a minimum pressure.
6. Environmental Health compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008.