

tep Committee Date	26.01.2023	
Address	Land outside 27 to 35 Church Road Anerley London	
Application Number	22/00033/FULL1	Officer - Robin Evans
Ward	Crystal Palace	
Proposal	Erection of a 3 storey building comprising 2x commercial (Class E) ground floor units and 4x residential (Use Class C3) self-contained units above, with associated bike and bin stores.	
Applicant	Agent	
	Mr Sam Harper	
c/o Firstplan Broadwall House 21 Broadwall London SE1 9PL	Firstplan Broadwall House 21 Broadwall London SE1 9PL	
Reason for referral to committee	Call-In	Councillor call in Yes

RECOMMENDATION	Application Permitted
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<p>KEY DESIGNATIONS</p> <p>Conservation Area: Crystal Palace Park Article 4 Direction Biggin Hill Safeguarding Area London City Airport Safeguarding Renewal Area Smoke Control SCA 6 Town Centre Boundaries</p>

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	n/a	n/a

Proposed	Class E commercial	60
	Class C3	283
	Sui generis cinema	19

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	4				
Affordable (shared ownership)					
Affordable (social rent)					
Total	4				

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	n/a	n/a	n/a
Disabled car spaces	n/a	n/a	n/a
Cycle	14	6	-8

Electric car charging points	n/a
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Representation summary	Neighbour letters sent 11.01.2022 Newspaper advert published 12.01.2022 Site notice displayed 14.01.2022 Neighbour letters sent (amended plans) 10.10.2022
Total number of responses	34
Number in support	2
Number of objections	32

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not conflict with the principle and location of development, commercial and shopping policy,
- The development would not impact detrimentally on the character of the area and heritage assets,
- The development would not have a significantly harmful impact on the amenities of neighbouring residents

- The development would not have harmful highway impacts,
- The development would not have significantly harmful other impacts,

2. LOCATION

- 2.1.1 The application site is a parcel of land known as “land outside No. 27-35 Church Road, Anerley”, abutting the Everyman Cinema on the western side of Church Road, Anerley, south of the junction with Milestone Road. The site is a rectangular shape and abutted on two sides by the main cinema auditorium and lobby buildings, on one side by a vacant former car sales showroom (due to be redeveloped for residential). Other land shown to be owned/controlled by the Applicant, within the blue edged site plan, is the cinema itself and a strip of land behind the cinema accessed via an entrance from Milestone Road and backing onto Patterson Road. The land slopes downwards from the highway towards the rear such that the street level/frontage of the building is higher than the rear. Church Road is a one way highway leading south with a bus stop positioned almost in front of the site and within a PTAL 6a rated area.
- 2.1.2 The cinema is set within the middle of a terraced parade of buildings. The area is characterised by a mixture of commercial and residential uses; with a variety of commercial uses at ground floor level generally with residential properties over. According to Appendix 10.9 of the Bromley Local Plan the site lies within the “Secondary Shopping Frontage” in the District Centre of Crystal Palace. There is a range of building styles and scales; and most buildings are three storey period properties. The site lies at the southern end of the Crystal Place Park Conservation Area.
- 2.1.3 The Conservation Area designation and the SPG (2002) focusses mainly on the Conservation Area is on the preservation and enhancement of the Park itself and the residential and commercial properties immediately adjacent to the Park boundary that fall within the conservation area; acknowledging that the Park itself and the site of the former Crystal Palace are key to the character of the area. The main part of the Conservation Area is centred around the Park; noting the historic value of the park and the associated buildings; mainly Victorian villas which were contemporary to the Park at the time, and some parades of shops around its edges and some that are positioned slightly further away such as in Church Road. In these areas and in relation to commercial properties the most relevant parts of the CA SPG refer to changes of use, new shop fronts and advertisements.
- 2.1.4 The cinema is an historically and visually important 1920s cinema building; with some Art Deco features, located in the Crystal Palace Park Conservation Area. Following a number of other uses; including bingo hall and an unauthorised church, it has returned to its former use as a cinema. The building comprises a large main and historic brick auditorium (5-6 storeys) orientated perpendicular to the highway and with its exposed side flank wall expressed externally with attractive flat pilasters. The other main part of the building is a 3-4 storey frontage building comprising the entrance hall and hospitality/toilet areas. According to site observations there appears to have once been an extension to the western elevation in the position of the currently proposed building although its origins and history are not clear and other refurbishments/renovations. Historic

photography/article indicates that there may have once been a small row of shops in the application site, directly in front of the auditorium and to the south/right of the entrance foyer (Figure 2 below – source “The Triangle SE19, Life in a London Village 26.04.2018”. <https://thetrianglese19.blogspot.com/2018/04/the-cinema-25-church-road.html?m=1>).

2.1.5 The cinema building site is listed as an Asset of Community Value. Once an asset is listed the owner is required to inform the local planning authority if they wish to dispose of it. Community groups are allowed 6 weeks to decide if they wish to make a bid to purchase the asset. If so, then there is a 6 month moratorium period during which the owner cannot sell the asset. However, it is important to note that the owner is not obliged to sell the asset to the community group.

2.1.6 Figure 1. Site Location Plan



2.1.7 Photograph 1. Existing cinema entrance/foyer.



2.1.8 Photograph 2. Existing cinema main auditorium.



2.1.9 Photograph 3. Church Road looking south west towards application site.



2.1.10 Photograph 4. Church Road looking north east towards application site.



2.1.11 Figure 2. Historic photograph.



The huge brick exterior of the auditorium was once hidden behind a small row of shops to the right of the entrance foyer. It would be nice to see something along those lines rebuilt.

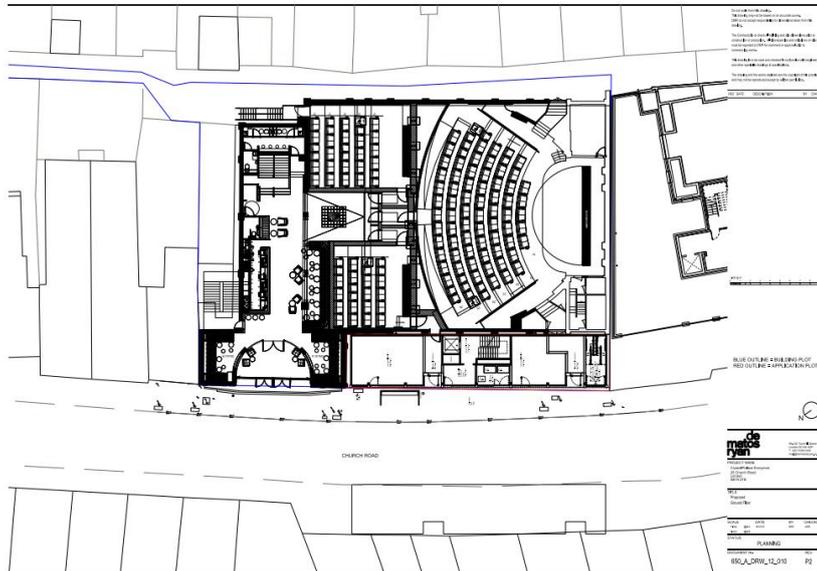
Source "The Triangle SE19, Life in a London Village 26.04.2018".
<https://thetrianglese19.blogspot.com/2018/04/the-cinema-25-church-road.html?m=1>

3. PROPOSAL

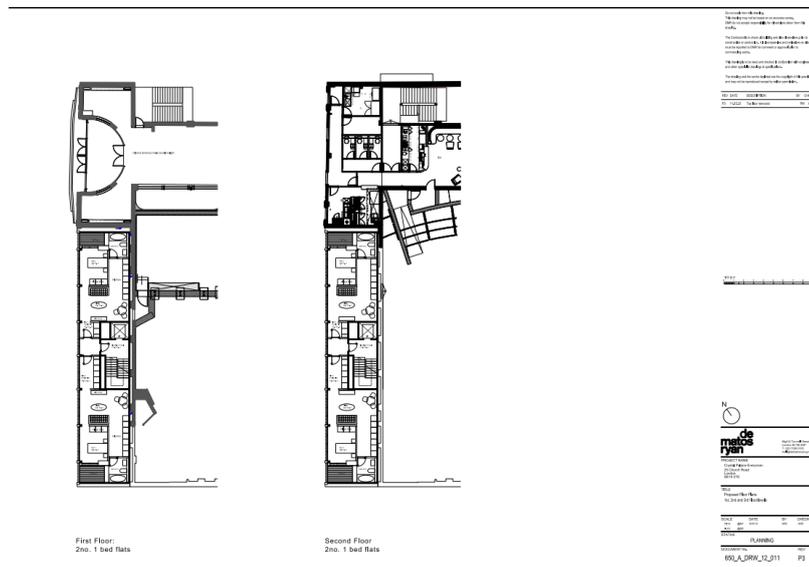
- 3.1 Planning permission is sought for erection of a 3 storey building comprising 2x commercial (Class E) ground floor units and 4x residential (Use Class C3) self-contained units above, with associated bike and bin stores. The application has been amended during the course of the planning application including removal of

the previously proposed fourth storey and has involved relevant re-notification with consultees and third parties.

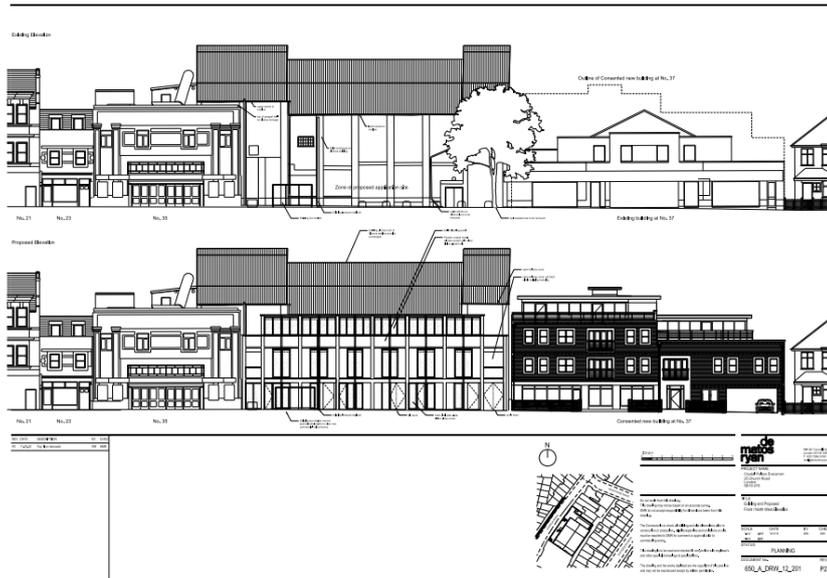
3.2 Figure 3. Proposed ground floor plan.



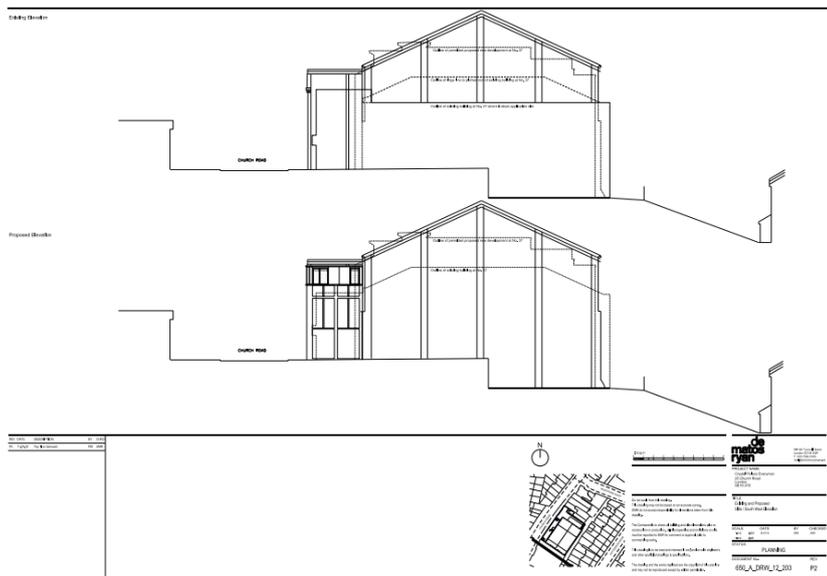
3.3 Figure 4. Proposed first floor and second floor plans.



3.4 Figure 5. Existing and proposed northwest front elevations.



3.5 Figure 6. Existing and proposed southwest side elevations.



4. RELEVANT PLANNING HISTORY

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

14/04557/FULL2 – Change of use from Bingo Hall Class D2 to mixed Class D1 (church) and Class D2 (Assembly and Leisure) use was refused and the corresponding appeal dismissed.

18/01541/FULL1 – External alterations including replacement windows and doors, installation of door to auditorium side elevation, installation of stairs and door to rear elevation was approved.

18/01593/ADV – 1x high level hand painted sign, 1x internally illuminated (static) cinema marquee sign, 4x internally illuminated (static) marquee signs, 4x wall mounted internally illuminated (static) poster boxes, 1x internally illuminated projecting hanging sign was granted advertisement consent.

4.2 Other relevant planning history

Century House, 37 Church Road

19/00202/FULL1 – Demolition of existing A1 use ex car showroom, erection of 4 storey building with underground car parking for 9 cars to form 8no 2 bedroom flats and 1no 3 bedroom flat with amenity spaces and refuse and cycle storage and new Commercial unit for A1, A2 or A3 use was approved on 07.04.2021, expiring in 2024, and it is therefore an extant permission which could be implemented and is a material consideration in assessing other planning applications.

5. CONSULTATION SUMMARY

A) Statutory

5.1.1 Highway Department: The application site lies in an area with a PTAL 6a rating (on a scale where 0 has the poorest access and 6b has the best access to public transport services) indicating that the application site and the proposed development would be less dependent upon private transport such as the car or bicycle than on public transport. The A212 Church Road is a single carriageway one way road travelling in a north to south direction. There is bus stop and a (bus) cage partially outside the frontage of the development and parking (Pay and Display) bays on the opposite side. The development comprises the erection of a 3-storey building comprising 2x commercial (Class E) units at ground floor and 4x residential (Use Class C3) self-contained units above, with associated bike and bin stores. The development will provide no car parking; and a secure 6 space cycle store on the ground floor for residents. A refuse storage area is also provided at ground floor level, and it is proposed that an area of kerb on Church Road will be lowered to help refuse collectors wheel bins to waiting refuse vehicles. Access to the residential units, the new shops and these storage areas will all be taken from Church Road. An existing fire escape route from the cinema will be pass through the development at ground floor and exit onto Church Road. The removal of the bus shelter must be with agreement of TfL and the Traffic Team; and the Applicant is required to pay for the cost of the relocation. No objection in principle subject to recommended conditions/informatives.

5.1.2 Thames Water: No objection subject to recommended conditions/informatives.

B) Local Groups

5.2.1 APCA: Historic records such as photos show an attractive small parade of shops in matching Art Deco style. The proposal would not reflect this small scale and appearance. The economic viability/needs of the cinema should be balanced with the need to enhance the streetscape and historic authenticity. Overdevelopment of the site and out of keeping with the host building and Conservation Area.

5.2.2 Crystal Palace Community Association

- The refurbishment and reopening of the Everyman Cinema are commended and hope that it continues to be an asset to the area in the future,
- The need for commercial enterprise and land value is noted,
- However, the scale and masses of the of the building, forward extension beyond the building line of the pavement over its total four storey height is excessive and overbearing above the street level causing an oppressive feeling within the street for pedestrians, residents and businesses (particularly those opposite), and contrary to the alignment of the approved neighbouring building Century House

C) Adjoining Occupiers

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

Objections

General

- Applicant has not consulted/engaged local community,
- The revised 3 storey scheme does not overcome previous objections,
- The Council has not consulted residents in neighbouring roads e.g. Patterson Road and St Aubyn's Road,
- Requires consultation and input from Croydon Borough Council,
- Requires a proactive and collaborative re-design to avoid lengthy appeal process,
- Application lacks detail/information,
- Proposal is only for profit,

Business/commercial

- Would harm the vitality and viability of commercial premises in Church Road and renewal of the area,
- Proposed commercial units would be small, poorly laid out and with little natural light and unlikely to be commercially attractive/viable,

Housing matters – standard of accommodation

- Poor natural light for future occupants,
- Overlooking from street/buses into new units,
- Would not contribute significantly towards housing stock,
- Would not contribute towards affordable housing,

Design and landscaping

- Prevailing street level height is 3 storeys,
- Excessive height and width, would not be subservient or proportionate to the existing building which should remain the prominent/dominant built form,
- Proposed flat roof height and design is incomparable with existing set back pitched roof,
- Efficient use of land does not allow unrestricted development/height,
- Proposed optimisation of the site has gone beyond its capacity,
- Overdevelopment of an overdeveloped area,
- Inappropriate number of flats and shops,

- Heavy handed unbalanced and utilitarian design would obscure, dominate and would be out of keeping with the simple attractive Art Deco design cinema,
- Would harm the positive appearance of the recently refurbished and renovated cinema building and the hard work by community and landowner,
- Dominant and imposing design, out of keeping with traditional/quaint neighbouring properties,
- Materials/design would be bland and unsympathetic to the existing building,
- Harmful to the Conservation Area,
- Loss of an attractive ash tree in the street scene,
- Loss of tree would not be replaced by any new planting/landscaping,
- examples of tall buildings e.g. Century House 37-41 Church Road mentioned are not comparable and do not set a precedent,
- would be higher than Century House and would not be set back from the highway/footpath,
- combined effect of Century House redevelopment and this proposal would be cumulatively harmful,

Heritage

- Harmful to the Conservation Area,
- Does not preserve or enhance the Conservation Area,
- Conservation advice from Bromley BC and Croydon BC is required,

Neighbouring amenity

- Floor-to-ceiling windows and balconies would overlook neighbouring properties (in St Aubyn's Road opposite) harmful to private privacy amenity,
- Flat roofed areas should not become balconies and balconies should have privacy screening,
- Sunlight/daylight assessment focusses on neighbouring/opposite residential properties and does not include commercial properties opposite in Croydon Borough,
- Overshadowing to neighbouring properties in surrounding roads and directly opposite, including shop frontages; which have no other windows, and outside seating areas and rely upon the open and light surroundings, contrary to BRE guidelines,
- although commercial properties (e.g. those opposite) do not have a requirement for daylight and sunlight, they can acquire a legal right of light and this can seek relevant changes to the design or otherwise incur a challenge against Right to Light at the expense of the Applicant,
- Harmful light spill due to fully glazed elevations,
- Increased traffic/congestion causing noise and air pollution,
- Construction process causing noise and air pollution,
- Risk of asbestos harm to neighbours,

Highways and parking

- Church Road is a Strategic Road Network and major highway and the application has not engaged with relevant stakeholders e.g. TfL and Croydon Borough Council,
- Lack of on-site parking causes overspill of parking into surrounding roads exacerbating existing congestion,
- Obstruction to the bus stop harming access to public transport and public transport users to the local shops and services,

- Loss of town centre on-street parking bays,
- construction period/traffic/plant such as cranes would obstruct the highway and cause congestion,
- requires traffic calming e.g. speed tables to manage traffic/speed and assist pedestrians, and CCTV monitoring, through a s278 Highway Works agreement,

Sustainability

- Loss of tree should be offset by carbon offsetting,

Other e.g. drainage

- Additional surface water runoff and flooding,
- Unclear measures to ensure ground stability/structural condition,

Support

General

- no objection in principle to re-developing the unused space, making efficient use of land and improving the vitality of the area,

Design and landscaping

- would replace the former building line before previous buildings were demolished,
- would reflect the mixture of building heights in this part of Church Road,
- upper floor should be stepped back to reduce prominence,
- neutral and sympathetic materials should be used,

6. POLICIES AND GUIDANCE

National Policy Framework 2019

NPPG

The London Plan

GG2 Making the best use of land

D1 1 Safety, security and resilience to emergency,

D3 Optimising site capacity through the design-led approach

D4 Delivering good design

D5 Inclusive design

D7 Accessible housing

D8 Public realm

D12 Fire safety

D14 Noise

H1 Increasing housing supply

H2 Small sites,

H4 Delivering affordable housing

H5 Threshold approach to applications

H6 Affordable housing tenure

S2 Health and social care facilities

S3 Education and childcare facilities

S5 Sports and recreation facilities

HC1 Heritage conservation and growth

G1 Green infrastructure
G4 Open space
G5 Urban greening
G6 Biodiversity and access to nature
G7 Trees and woodlands
G9 Geodiversity
SI 1 Improving air quality
SI 2 Minimising greenhouse gas emissions
SI 3 Energy infrastructure
SI 12 Flood risk management
SI 13 Sustainable drainage
SI 4 Managing heat risk
SI 5 Water infrastructure
SI 13 Sustainable drainage
T1 Strategic approach to transport
T2 Healthy Streets
T3 Transport capacity, connectivity and safeguarding
T4 Assessing and mitigating transport impacts
T5 Cycling
T6 Car parking
T6.1 Residential parking
T9 Funding transport infrastructure through planning
DF1 Delivery of the Plan and Planning Obligations

Mayor Supplementary Guidance

Accessible London: Achieving an Inclusive Environment (2014)
Sustainable Design and Construction (2014)
Shaping Neighbourhoods: Character and Context (2014)
Housing (March 2016)
Control of Dust and Emissions During Construction and Demolition (2014)
Housing (2016)

Bromley Local Plan 2019

1 Housing Supply
4 Housing Design
10 Conversion of Non-Residential Buildings to Residential
13 Renewal Areas
14 Development Affecting Renewal Areas
15 Crystal Palace, Penge and Anerley Renewal Area
20 Community Facilities
21 Opportunities for Community Facilities
30 Parking
32 Road Safety
33 Access for All
37 General Design of Development
41 Conservation Areas
43 Trees in Conservation Areas
73 Development and Trees

77 Landscape Quality and Character
94 District Centres
95 Local Centres
96 Neighbourhood Centres
113 Waste Management in New Development
115 Reducing Flood Risk
116 Sustainable Urban Drainage Systems
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

Bromley Supplementary Guidance

Supplementary Planning Guidance 1: General Design Principles
Supplementary Planning Guidance 2: Residential Design Guidance
Crystal Palace Park Conservation Area SPG

7. ASSESSMENT

7.1 Procedural matters

7.1.1 Notwithstanding representations received the planning application has been published/notified in accordance with the planning regulations and the Council's adopted statement of community involvement including writing directly to properties that are identified as physically adjoining the application site (and those located opposite), by placing an advert in the local newspaper and by placing adverts/notices on or close to the application site. Other properties would not necessarily receive a letter directly, however, would be advised by the other means described. Anyone is entitled to comment on a planning application whether or not they received a direct notification. The adjoining Croydon Borough Council has been notified of this planning application close to its boundary.

7.2 Principle and location of development – [Acceptable](#)

7.2.1 Housing is a priority use for all London Boroughs. London Plan Policies H1, H2, H10, D3, D4 and D7 generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

7.2.2 Paragraph 64 of the NPPF also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.

7.2.3 Policy 4 of the Local Plan advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types

and sizes, or provides house types to address a local shortage; the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.

- 7.2.4 The current position in respect of Bromley's Five Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 2 November 2021. The current position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units, or 3.99 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply.
- 7.2.5 London Plan Policy H1 sets Bromley's housing target at 774 homes per annum. In order to deliver this target, boroughs are encouraged to optimise the potential for housing delivery on all suitable and available brownfield sites. This approach is consistent with Policy 1 of the Bromley Local Plan, particularly with regard to the types of locations where new housing delivery should be focused.
- 7.2.6 Policy H2 requires Boroughs to pro-actively support well-designed new homes on small sites (below 0.25 hectares in size). Policy D3 requires all development to make the best use of land by following a design led approach.
- 7.2.7 Paragraph 11 of The NPPF sets out 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.
- 7.2.8 According to paragraph 11(d) 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'. 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.
- 7.2.9 This proposal would provide 4 new residential units, which would represent a minor contribution to the supply of housing within the Borough. Notwithstanding this, the

application lies within the Conservation Area which is a designated heritage asset and therefore an area or asset of particular importance the presumption in favour of sustainable development would not apply as directed in paragraph 11. d) i. 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.

- 7.2.10 This proposal would utilise a currently vacant and undeveloped area of non-residential land (rather than a building) into a residential use and the principle of Local Plan Policy 10 would apply. According to planning records and site observations, including Streetview photography, the area has been vacant/redundant at least since June 2008, albeit used for some of that time for displaying advertisement billboards. The proposal would provide a new partial commercial use and partial residential use and in either case this would be a positive use of the vacant/redundant space in relation to Policy 10.
- 7.2.11 The site lies within the “Secondary Shopping Frontage” in the District Centre of Crystal Palace. Notwithstanding this, the application site currently comprises a vacant undeveloped area of land and although it abuts the side of the existing cinema auditorium this is a blank flank wall which does not currently actively contribute towards the shopping frontage. As such the proposal would not result in the loss of an existing retail unit or detract from the function or vitality of a retail unit. Moreover, the proposal would provide two new commercial units and this would contribute towards and promote the retail function of the Secondary Shopping Frontage within the District Centre and it would provide a more active frontage within the street scene thereby also improving the vitality of the shopping area and street scene environment.

7.3 Housing matters – Acceptable

7.3.1 Optimising site capacity through design

- 7.3.1.1 Policy D3 of the London Plan relates to ‘Optimising site capacity through the design-led approach’ and states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. Form and layout should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape. The quality and character shall respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.
- 7.3.1.2 Policy D4 of the London Plan outlines the various methods of scrutiny that assessments of design should be based on depending on the level/amount of the development proposed for a site.
- 7.3.1.3 The application site lies within a sustainably located urban area where more densely built-up development of a greater number of smaller units is generally more acceptable in terms of the context of the built environment than might be

suitable in a more spacious suburban or rural location. Furthermore, the application site is a narrow parcel of land and is constrained by its position in a niche in the building footprint of the cinema and in this respect the proposal would fully utilise the available space and optimise the use of that land with ground floor commercial units contributing towards the retail frontage and more generally towards the street scene and street environment with the remaining upper floor space fulfilled by residential development. In this regard, although the building fully occupy the land it would not appear excessive or overdeveloped in floor area or height and it would respond well to the ground area available and the heights of the corresponding neighbouring building(s). Indeed, in this particular context it may be preferable to fully utilise and make efficient use of this space than to leave some undeveloped space which might otherwise become disused, abandoned and poorly maintained and thereby detract from the space rather than contribute positively towards it.

7.3.2 Unit mix

7.3.2.1 New development is expected to provide mixed and balanced communities. The Bromley Local Plan 2019 does not set a prescriptive unit size breakdown and individual sites are assessed on a case by case basis in consultation with the Council's Housing Department. The 2014 SHMA highlights that the highest level of need across tenures within the Borough up to 2031 is for one bedroom units (53%) followed by 2 bedroom (21%) and 3 bedroom (20%) units. Larger development proposals (i.e. of 5+ units) should provide for a mix of units sizes and considered on a case by case basis.

7.3.2.2 The application proposes 4x 1-bedroom 2-person units and this would accord with the general requirement for a greater number of smaller units in the Borough and this would also align with optimising the capacity of the site within this more sustainably located and more densely built-up urban area as compared with a more spacious suburban or rural area.

7.3.4 Standard of residential accommodation – Acceptable

7.3.4.1 Policy D6 of the London Plan relates to 'Housing quality and standards', and states that housing development should be of high quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners. The policy also prescribes internal space within new dwellings and external spaces standards that are in line with the National Technical Housing Standards.

7.3.4.2 Policy D7 of the London Plan - Accessible Housing, states that to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings' and; all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations

applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

- 7.3.4.3 Policy 4 of the Bromley Local Plan sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Technical Housing Standards.
- 7.3.4.4 According to the submitted application drawings two of the 1 bedroom 2 person (1b2p) units would measure approximately 43sqm GIA and remaining two 1 bedroom 2 person (1b2p) units would measure approximately 48sqm GIA, excluding the external terraces, and this would fall short of the minimum 50sqm required by the Nationally Described Space Standard for these types of unit, and bedrooms measuring approximately 10sqm marginally short of the 11.5sqm standard for each double or twin bedroom although they would provide internal storage space. Notwithstanding this, the floor areas and the layout would not appear cramped or overcrowded and it is noted, as mentioned, that the residential units would be constructed with some separation from the flank wall of the cinema auditorium, and this would therefore reduce some of the space that might otherwise be provided internally. The proposed flats would provide a separate/dedicated W/C facility which can be accessed from a reception room albeit though the kitchen without the need for occupants or visitors to travel through a private space such as the bedroom. The proposed residential units would be single aspect which is not ideal however they would have an external amenity space on this side also providing some additional light into the bedrooms and indeed they would be west facing which would provide a reasonable degree of natural light as compared with single aspect units facing north for example which would receive less natural light. The Council's Environmental Health Department recommends some additional means of mechanical ventilation in addition to external windows, given the proximity to the busy street and air quality and this could be managed by planning condition. The amenity space would vary in size however would provide some private external space. It is also noted that the application site is close to the Crystal Palace Park with good access to high quality public leisure and recreation spaces.
- 7.3.4.5 There may be some noise arising from the ground floor commercial units to the residential units above and from residential units to one another and from the traffic and general activity in the street, however this is not an unusual relationship and as the proposed building would be a new construction it could incorporate suitable internal sound insulation. There may be some noise and vibration effects arising from the cinema to the new residential properties however the proposal appears to be a free standing construction away from the structure and fabric of the cinema and again the proposed dwellings could incorporate relevant sound and vibration insulation to suppress those effects. There is no objection from the Council's

Environmental Health Department in this respect, subject to relevant mitigation measures and this could be managed by planning condition.

7.3.5 Design and landscaping – Acceptable

- 7.3.5.1 Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 7.3.5.2 NPPF paragraph 126 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.3.5.3 NPPF paragraph 130 requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.3.5.4 Policy 73 of the Bromley Local Plan states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.
- 7.3.5.5 Policy 77 of the Bromley Local Plan states that development proposals will seek to safeguard the quality and character of the local landscape and seek the appropriate restoration and enhancement of the local landscape through the use of planning obligations and conditions.
- 7.3.5.6 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.3.5.7 The proposal would occupy a niche in the existing building footprint in an existing area which is not particularly attractive and does not contribute towards the street scene and the local area. As mentioned, although the proposal would fill this space it would appear to be an appropriate use, scale and form of building to be provided in the space.

- 7.3.5.8 The proposal would continue the building line of the existing cinema entrance block and would approximately align with the existing frontage of Century House, although it is noted that the approved replacement building at Century House 19/00202/FULL1 would be set back level with the wall of the existing cinema auditorium wall. Nonetheless the current proposal would not have a significant depth and therefore although it would be forward of the approved replacement building it would appear consistent with the building line of the cinema to the north and generally consistent with the prevailing building line to the south. The amended proposal would be reduced in height, with one less storey, than in the initial submission and as such the overall the building siting, height, scale and massing would be more sympathetic to the adjoining adjacent Art Deco style Cinema and the approved Century House scheme.
- 7.3.5.9 The proposal would inevitably have a more modern appearance than the cinema and this would not be unacceptable in principle, indeed it would avoid a potentially otherwise uncomfortable imitation or pastiche, and this is not an uncommon approach in the redevelopment of heritage buildings. Furthermore, the two storey element directly adjoining the cinema entrance block would be of a lower height and mass; providing a transition into the section between the cinema and the taller three storey element of the proposal thereby reducing the prominence and dominance and modern design of the building in a more sympathetic way. The existing side flank wall of the auditorium has a vertical emphasis through the projecting brick pilasters, and there is also some vertical emphasis in the pilaster columns at the edges of the entrance block front façade. Although the proposed infill building would cover those existing features of the auditorium it would nonetheless have a vertical emphasis through the architectural and stylistic features and in the glazing bars and cladding and would therefore also tie in with these features in the main entrance block façade thereby maintaining a common design feature across the whole front elevation and street scene. Notwithstanding the references in the application details to 'brick and tile' and 'solid cladding panels' in this prominent and sensitive location greater detail would be required and could be provided through planning condition which could include CGI images. Furthermore, given the set back of the approved Century House scheme the southern flank wall would be more exposed than it would currently appear and this would require careful material treatment and in particular a high quality of brick material and construction across all levels.
- 7.3.5.10 As mentioned, the application site is vacant and is not a particularly attractive space. There is a large mature tree at the southern boundary with Century House which is prominent in the street scene and offers some public visual amenity. However, it is self-seeded, unkempt and is growing into existing buildings. The submitted Arboricultural Impact Assessment (AIA) identifies a number of defects and the Council agrees with the Applicant's conclusion that it is Category C tree, the tree is of low value, it does not present a constraint to development, and there is no objection to its removal. The proposed building would infill the application site and would not offer opportunity for replacement planting within the application site. The provision of wall based, or roof mounted planting (on the terraces) may detract from the architecture of the existing and proposed buildings. The planting of additional street trees may be considered although again there is limited space for this and should not obstruct the highway, including the public footway, or highway

visibility. In this particular case the proposal would provide a more positive use of this otherwise disused and unkempt space and in context to the site constraints it is not considered that replacement planting is warranted.

7.4 Heritage Assets – Acceptable

- 7.4.1** The NPPF Section 16 sets out the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.
- 7.4.2** NPPF paragraphs 202-203 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.4.3** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 7.4.4** Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 7.4.5** The cinema dates from the 1920s and was originally known as the Rialto. As noted in the previous permissions 18/01541/FULL1 and 18/01593/ADV and from recent on-site observations the cinema is now run by the Everyman cinema company and it has incorporated an Art Deco design (which may be in homage to its original design) and this is an attractive and successful design approach which the Council's Conservation Officer notes is a prominent and positive feature contributing greatly towards the character of the area and the heritage of the Conservation Area and is considered to be a non-designated heritage asset Under the definition given in the NPPG (paras 039 and 040). The re-use of the building as a cinema after many years of uncertain and unauthorised Use(es) also appears to be successful and it is well integrated into the locality.
- 7.4.6** The revised scheme for the proposed three storey development would not exceed the height of the main auditorium eaves and would be of an appropriate subservient scale and form to the main auditorium building and to the entrance block and would not overpower or dominate those existing buildings. Indeed, the relatively discreet styling and appearance of the proposed building would allow the main entrance block to the cinema to remain the most prominent and dominant

element in this part of the street scene. It would be physically and visually separated from the entrance block and from Century House by lower height segments, and it would have its own modern although complimentary design and, on this basis, it would not compete with either the scale and mass or the design of those neighbouring buildings, within the Conservation Area. It is noted that the proposed Century House scheme would have a flat roofed design with some Juliet balconies and upper floor terrace however it has some visual relief breaking up the façade and it has a more conventional scale and fenestration design which is more sympathetic to the surrounding buildings. The proposal would provide the opportunity to improve the appearance of the largely blank brick walled elevation of the existing auditorium and introduce a more responsive elevation to the street scene. As such the proposal would be an improvement over the initially proposed four storey scheme, it would not harm the non-designated heritage asset, and no objection is raised by the Council's Conservation Officer.

7.5 Neighbouring amenity – Acceptable

7.5.1 Policies 4, 6 and 37 of the Bromley Local Plan seek 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.

7.5.2 Some of the nearest neighbouring properties opposite are in St Aubyn's Road (within London Borough of Croydon) and back onto Church Road and that some of those properties have single storey additions which form the shop units fronting on to Church Road, and that some of those shop units have upper floor additions over the shops. The proposed building would be constructed within the existing niche in the building footprint; it would not project out beyond these existing extremities, and it would not project above the height of the adjacent parapet wall of the cinema façade or the eaves the auditorium. Although the proposal would be visible from some of the nearest neighbouring residential properties such as those opposite it would be separated from them by approximately 24m and it would have the busy highway of Church Road in between. It would be positioned to the south east of those properties however given its depth and height in comparison to the existing building and main auditorium it would retain a reasonable degree separation and spacing between them. For these reasons the proposal would not have a significantly harmful additional impact on the amenities of neighbouring residential properties by reason of overshadowing or visual intrusion through overbearing effect, or overlooking.

7.5.3 There is no objection to this proposal from the London Borough of Croydon.

7.6 Highways and Transport – Acceptable

7.6.1 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.

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

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

7.6.4 The application site lies in an area with a PTAL 6a rating (on a scale where 0 has the poorest access and 6b has the best access to public transport services) indicating that the application site and the proposed development would be less dependent upon private transport such as the car or bicycle than on public transport. The A212 Church Road is a single carriageway one way road travelling in a north to south direction. There is bus stop and a (bus) cage partially outside the frontage of the development and parking (Pay and Display) bays on the opposite side. The development comprises the erection of a 3-storey building comprising 2x commercial (Class E) units at ground floor and 4x residential (Use Class C3) self-contained units above, with associated bike and bin stores. The development will provide no car parking; and a secure 6 space cycle store on the ground floor for residents. Given the site location and access to public transport and cycling provisions, and on-street parking restrictions managing parking, in this particular case there is no objection to a car free development. A refuse storage area is also provided at ground floor level, and it is proposed that an area of kerb on Church Road will be lowered to help refuse collectors wheel bins to waiting refuse vehicles. Access to the residential units, the new shops and these storage areas will all be taken from Church Road. An existing fire escape route from the cinema will be pass through the development at ground floor and exit onto Church Road. The removal of the bus shelter must be with agreement of TfL and the Highway Traffic Team; and the Applicant is required to pay for the cost of the relocation, and the Applicant can be reminded of this by planning condition and/or informative. There is no objection in principle from the Council's Highway Department subject to recommended conditions/informatives.

7.7 Climate change, sustainable construction and energy saving – Acceptable

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

7.7.2 The London Plan encourages the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy SI2 Minimising greenhouse gas 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, Be Green: use renewable energy and Be Seen: monitor those renewable energy measures.

- 7.7.3 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.
- 7.7.4 Although the proposal is not for Major development and is not obliged to provide energy efficiency or sustainable construction/technologies, as the proposal would comprehensively redevelop the site renewable energy generating technology such as ground or air source heat pumps and solar panels could be provided and energy efficiency measures in the building fabric and construction methods and this would not be discouraged and the Applicant could be reminded of this by planning informative.

7.8 Drainage and flooding – Acceptable

- 7.8.1 The submitted drainage details conclude that the existing discharge point to surface water public sewer is situated behind the cinema, however the Applicant is also required to contact Thames Water to determine and locate the exact connection into the surface water public sewer system. The proposed use of blue roofs to store and restrict surface water run-off generated by the new development to 1l/s for all events including the 1 in 100 year plus 40% climate change would be suitable in principle. There is no objection from the Council's Drainage Engineer subject to recommended drainage conditions.

8.1 CIL

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

9. Planning Balance and Conclusion

- 9.1 The NPPF (2019) sets out in paragraph 11 a presumption in favour of sustainable development. According to paragraph 11(d) 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'. In terms of decision making, where a plan is out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole. However, in this case there are policies in this Framework that protect areas or assets of particular importance such as the Conservation Area and as such the presumption in favour of sustainable development in NPPF paragraph 11 d) does not apply. Nonetheless the merits of the proposal are balanced and weighed as follows.
- 9.2 The proposed development would provide commercial space and 4 residential dwellings in a vacant/disused space; not currently providing a positive contribution to the Secondary Shopping Frontage within the District Centre of Crystal Palace,

contributing to the primary function of the shopping frontage and represent a contribution to the supply of housing within the Borough. This is considered a benefit of the scheme.

- 9.3 The proposed scale and mass of the proposal is considered to be an appropriate response to the application site and its surroundings and the need to optimise the development potential of all available brownfield sites, particularly in sustainably located areas such as this. The proposed design would be of a high quality and constructed in suitable materials. The proposal would not detract from the character and appearance of the area including designated heritage asset of the Conservation Area and the non-designated heritage asset of the cinema building. The proposal would not have an unacceptable impact on the neighbouring residential amenities in terms of daylight/sunlight conditions, privacy and outlook.
- 9.6 The proposal would have adverse highway or transport issues.
- 9.7 There are also no other adverse impacts of the scheme that are considered to significantly and demonstrably outweigh the economic, social and environmental benefits of the scheme when considering the objectives of the NPPF as a whole. The balance test is therefore tilted towards granting planning permission and the scheme is considered acceptable overall.
- 9.8 Subject to compliance with the recommendations in the technical reports and implementation of the recommended works undertaken where necessary, it is considered that the application should be approved, subject to planning conditions.

10. RECOMMENDATION:

PERMISSION SUBJECT TO PLANNING CONDITIONS

SUMMARY OF CONDITIONS AND INFORMATIVES

Standard conditions

Statutory time limit
Drawings/documents in accordance

Pre-commencement

Existing ground levels and proposed slab levels
Construction Environmental Management Plan – inc. Dust Management Plan and Noise Impact Plan
Fixed Plant noise impact assessment
Drainage scheme storage tank structural design
Detailed Flood Risk and Drainage measures
Piling Method Statement

Above Ground

Refuse storage
Cycle parking
Service and Delivery Plan (construction process)
External materials details physical samples

Pre-Occupation

Acoustic glazing specification, ventilation and overheating strategy
Residents parking permits
Wheelchair Accessible/Adaptable Units

No details required (compliance)

Non-Road Mobile Machinery
Gas boilers compliant with emission rate
Hard surface for wash-down for construction vehicles
Removal of PD right for upper floor extension

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

Informatives

Mayoral CIL

Dust Monitoring

Thames Water locate point of connection to Thames Water infrastructure

Thames Water guide to working near or diverting pipes

Thames Water Groundwater Risk Management Permit

Thames Water public sewer connection permit

Thames Water pressure/flow rate

Environmental Health code of practice for construction sites

Unsuspected contamination

Party Wall etc Act

Repositioning of any street furniture e.g. bus stop, lamp posts, cycle racks

London Ambulance Service (LAS) Defibrillator Accreditation Scheme

Street naming and numbering